



LAWS

OF THE

Commonwealth of Massachusetts,

PASSED AT THE SEVERAL

SESSIONS OF THE GENERAL COURT,

BEGINNING MAY 31st, 1815, AND ENDING ON THE 24th FEBRUARY, 1818.

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WESTERN STATES
ATTORNEYS

L A W S

OF THE

COMMONWEALTH OF MASSACHUSETTS,

PASSED BY THE GENERAL COURT,

AT THE SESSION COMMENCING ON THE 31st DAY OF MAY, AND

ENDING ON THE 15th DAY OF JUNE, 1815.

CHAP. I.

An Act in addition to an act, entitled "An act respecting lost Goods and stray Beasts."

SEC. 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 who shall find and take up any horse or horse kind, as a stray, and shall have procured the same to be appraised, agreeably to the provisions of the act, entitled an act respecting lost goods and stray beasts, in case the same shall be appraised at a sum not exceeding twenty dollars, shall, at the expiration of two months after such appraisal, proceed to sell the same at public vendue, having given four days previous notice of the time and place of sale, and shall pay over the money for which such horse may be sold, to the Treasurer of the town in which he lives, after deducting therefrom the expenses of taking up, posting and appraising such horse as provided for in the act, to which this is in addition, with one dollar for his fee in selling such horse.

May sell at
public vendue.

SEC. 2. *Be it further enacted,* That the owner of

TAXES, IN NEWBURYPORT. *June 13, 1815.*

such horse, so taken up and sold, shall be entitled to receive the money so deposited with the town Treasurer; *Provided* he shall apply for the same within the space of one year after the same shall have been paid to the Treasurer aforesaid; and in case the owner of such horse, shall neglect to apply for such money for the term of one year, the same shall be appropriated as is provided by the act to which this is in addition.

[Approved by the Governor June 13, 1815.]

CHAP. II.

An Act to amend an act, entitled “An act for regulating the collection of Taxes in the town of Newburyport, and providing for the appointment of Constables in the said town.”

SEC. 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 shall be eligible to the office of Treasurer and Collector in the town of Newburyport, who, at the time of such election, shall have more than two years tax lists in his hands unsettled.

SEC. 2. *Be it further enacted,* That it shall be the duty of any Treasurer and Collector of said town, who may not be re-elected to said office, and he is hereby authorised and empowered to complete the collection of all taxes which may have been committed to him, and which may remain uncollected at the expiration of his term of office, unless the said town, by their vote, shall transfer such tax lists and duty to his successor in said office, as is provided in an act for regulating the collection of taxes in the town of Newburyport, and providing for the appointment of Constables in the said town.

[Approved by the Governor, June 13, 1815.]

Proviso.

Duty of Col-
lector.

CHAP. III.

An Act to establish the Oxford Cotton Manufacturing Company.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Charles Cleveland, Jacob Rich, Joseph Stone, William P. Rider, Sylvanus Co-Persons incor-
ated.burn, Jonathan Rice, Benjamin Eddy, Samuel Waters, 2d, Israel Stone, Jr Thaddeus Hall, Sylvester McIntyre, Elijah Waters, Jerah Stone, William Hall, and Elijah Rich, 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 Oxford Cotton Manufacturing Company, for the purpose of manufacturing cotton yarn and cloth, in the town of Oxford, in the county of Worcester : 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.

SEC. 2. *Be it further enacted,* That the said Corporation may lawfully hold and possess such real estate, not exceeding the value of thirty 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. May hold real
and personal
estate.

[Approved by the Governor June 13, 1815.]

CHAP. IV.

An Act to empower Eliphalet Perkins, and his associates, to build a Bridge over Kennebank River.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Eliphalet Perkins, and Persons incor-
porated.

PERSONS SET OFF, IN W. SP'D. *June 13, 1815.*

such others as have or may hereafter associate with him and them, be, and they are hereby permitted to build a Bridge over Kennebunk River, between the towns of Wells and Arundel, in the county of York, at or near a place called the narrows, a little below the lower falls on said River : *Provided*, That said Bridge shall be free, and no toll be demanded of any passenger for passing the same.

Proviso.

Shall be kept
in good repair.

SEC. 2. *Be it further enacted*, That the said Bridge shall be kept in good, safe and passable repair, and be provided with sufficient railing, on each side, for the safety of passengers ; and there shall always be a draw thirty-four feet wide, for vessels to pass through.

[Approved by the Governor, June 13, 1815.]

CHAP. V.

An Act to set off Simon Walkley and John Moore from the second Parish, and annex them to the first 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 Simon Walkley and John Moore, with their families, polls and estates, be, and they are hereby set off from the second parish and annexed to the first parish in West Springfield : *Provided nevertheless*, That the said Walkley and Moore shall be holden to pay their proportionable parts of all taxes which are already assessed upon the polls or estates of the inhabitants of the said second parish, in like manner as though this act had not been made.

Persons set off.

Proviso.

[Approved by the Governor, June 13, 1815.]

CHAP. VI.

An Act to authorize the Gloucester Marine Insurance Company to reduce its capital stock.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Gloucester Marine Insurance Company be, and they hereby are authorized to reduce the capital stock of the said Corporation to fifty thousand dollars, and that the division which has been made among the Stockholders therein of the capital stock, exceeding said sum, be, and hereby is authorized and confirmed: *Provided however*, That no contracts whatever, heretofore made by said Corporation, shall be in any manner affected or impaired by said reduction and division; *And provided also*, That said Corporation shall never take any sum upon any one risk, exceeding ten per centum on the amount of the capital so reduced.

May reduce capital stock.

Proviso.

[Approved by the Governor, June 13, 1815.]

CHAP. VII.

An Act authorizing a Lottery for the purpose of rebuilding Springfield Bridge.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the sum of twenty thousand dollars be raised by Lottery, for the purpose of rebuilding the Bridge over Connecticut River, between Springfield, and West Springfield, and that the President, Directors and Company of said Bridge, be, and they hereby are authorized and empowered to appoint 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

Sum to be raised.

May publish scheme.

purposes of said Lottery, and to draw said Lottery, and to transact all other business pertaining thereto.

Managers shall give separate bonds to Proprietors.

SEC. 2. *Be it further enacted*, That the Managers appointed as aforesaid, before they enter on the duties of their said office, shall give separate bonds, with sufficient sureties, to the Proprietors of said Bridge, each one in his proportionable sum of twenty thousand dollars, and each one to be answerable for his own default, and be sworn for the faithful performance of said trust.

Prizes shall be paid in thirty days.

SEC. 3. *Be it further enacted*, That the prizes which may be drawn in said Lottery shall be paid by the Managers in thirty days next after the drawing of each class of said Lottery shall be completed; those prizes not demanded within one year after the publication of the drawing said Lottery, shall not be recoverable; and the Managers shall, from time to time, as the classes shall be drawn, pay to the Treasurer for the time being of said Proprietors, the net proceeds thereof, after deducting the compensation that the said Proprietors shall allow them for their services, which net proceeds shall be faithfully applied for the purpose of rebuilding said Bridge; and the Proprietors of said Bridge shall give bond with sufficient sureties, in such sum as his Excellency the Governor, with advice of Council, shall direct to this Commonwealth; conditioned, that the net proceeds of said Lottery shall be faithfully applied for the purpose of rebuilding said Bridge; and also that the said Bridge shall be erected and completed within the term of three years, from and after the passing of this act.

Proprietors shall give bond to the Commonwealth.

Shall publish scheme.

SEC. 4. *Be it further enacted*, That said Managers shall publish the scheme or schemes of said Lottery in one or more of the public newspapers printed in this Commonwealth, the time and place of drawing the same, and also lists of all prizes which may be drawn therein. They shall also, after the business of said Lottery is completed, lay an account of their doings therein, with the amount of tickets sold in each class, the expense and net 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.

SEC. 5. *Be it further enacted,* That said Managers shall refund all monies by them severally received for tickets, provided any class in said Lottery shall not be drawn within six months next after the time appointed and advertised for that purpose. Shall refund monies.

SEC. 6. *Be it further enacted,* That this act shall continue in force for the term of four years, from and after the passing of the same, and no longer. How long to continue in force.

[Approved by the Governor, June 13, 1815.]

CHAP. VIII.

An Act in addition to an act, entitled “ An act to fix the times and places for holding the Circuit Courts of Common Pleas within and for the several counties in this Commonwealth, and for repealing all laws heretofore passed for that purpose.

SEC. 1 **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Circuit Courts of Common Pleas to be holden within and for the several counties in the Western Circuit, in this Commonwealth, shall be holden at the several times hereafter mentioned: That is to say, within and for the county of Worcester, on the second Monday of March, on the third Monday of June, on the Monday next after the fourth Monday of August, and on the second Monday next after the fourth Monday of November; within and for the county of Hampshire, on the fourth Monday of March, on the third Monday of August, and on the third Monday of November; within and for the county of Berkshire, on the first Monday of January, on the third Monday next after the fourth Monday in March, and on the third Monday of September; within and for the county of Franklin, on the Tuesday of the week next after the fourth Monday of March, on the second Monday of August, and on the second Monday of November; within and for the county of Hampden, on the third Monday of March, on the fourth Monday of Au- Place and times holden.

Proviso.

gust, and on the fourth Monday of November: *Provided nevertheless*, That the day of the week on which any of the said Courts are respectively to be holden as aforesaid, may, in all judicial proceedings, from time to time, be designated and expressed by such day of the week in the month, as will be the day of the month on which any Court is to be holden, pursuant to the foregoing arrangement.

How long to continue in force.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after the first day of October next; and all actions pending at, and all writs, recognizances and processes now made, or which may be made returnable to any of the aforesaid Courts, which, before the operation of this act, should have been holden at any other time or place, than those in this act affixed for holding said Courts, shall be returnable to, entered, made, proceeded on, tried and determined at the Courts next to be holden in each county, after said first day of October next agreeable to the true intent of such writ, process, recognizance, or appeal.

Acts repealed.

SEC. 3. *Be it further enacted*, That all acts and parts of acts, inconsistent with the provisions of this act, shall be, and the same are hereby repealed, from and after the said first day of October next.

[Approved by the Governor, June 14, 1815.]

CHAP. IX.

An Act in addition to the several acts now in force to regulate the Inspection of Beef and Pork, to be exported.

SEC. 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, every barrel or half barrel of Beef or Pork inspected and branded by the Inspector General, or his Deputy, or either of them, shall, on so being inspected, be further branded with the month and year in which the same has been, or may hereafter be so inspected, in legible letters and figures.

Shall be branded with the month and year.

SEC. 2. *Be it further enacted*, That the Inspector General, or his Deputy, or either of them, may, when the month, in which any Beef or Pork shall be inspected, shall consist of more than one syllable, so abbreviate the name of the month, as conveniently to brand the same on the head of each barrel or half barrel, by him or them inspected. Shall abbreviate name of month.

SEC. 3. *Be it further enacted*, That one cent for each barrel or half barrel of Beef or Pork so branded, by virtue of this act, shall be further paid to the Inspector, or Deputy Inspector, who shall so brand the same, in addition to the fees already by law established. Fee of Inspector.

SEC. 4. *Be it further enacted*, That if any Inspector, or Deputy Inspector shall neglect or refuse to brand any Beef or Pork, to be exported agreeably to this act, the person or persons so offending, shall be subject and liable to the same penalties and forfeitures, as are recoverable in the acts to which this act is an addition; *Provided*, That nothing in this act contained shall be holden to extend to any Beef or Pork, which before the passing of this act, may have been duly inspected and branded. Fine and forfeiture. Proviso.

[Approved by the Governor, June 14, 1815.]

CHAP. X.

An Act in addition to an act entitled "An act to transfer the powers and duties of the Courts of Sessions to the Circuit Court of Common Pleas, and for other purposes."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Circuit Court of Common Pleas may, whenever the public good requires it, adjourn from either of the stated terms established by law, for doing session business, to a future day, or time, to do session business only; and one of the Justices of the said Circuit Court, with the two Session Justices of said county, or two Justices of the said Cir. May adjourn Court to a future day.

cuit Court, with one Session Justice, (when both cannot attend,) or the said Circuit Justices, or any two of them, when the Session Justices of any county are interested, or unable to attend, may, at any term of said Court, or at said adjourned day, hear, adjudge. and determine, on all session business that may come before them

SEC. 2. *Be it further enacted,* That the Justices of said Circuit Court, and the said Session Justices, shall receive out of the Treasury of the county, where any Court may be held, for the purpose of doing session business, ten cents for each mile's travel from their respective homes to the place where the said Court may be held, and three dollars for each day's necessary attendance upon the business of said Court, in full compensation for their services.

[Approved by the Governor, June 14, 1815.]

Compensation
for travel and
attendance.

CHAP. XI.

An Act to incorporate certain persons by the name of the Western Cotton Manufactory.

SEC. 1 **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Jeduthan Fuller, Joseph Studly, George Hodges, John Clark, Rufus Fuller, Charles Keith, Elijah Copeland, and Luther Copeland, with such 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 Western Cotton Manufactory, for the purpose of manufacturing cotton goods within the town of Western; 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"

SEC. 2. *Be it further enacted,* That the said Cor-

Persons incor-
porated.

poration 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 manufacturing of cotton goods.

May hold real and personal estate.

[Approved by the Governor, June 14, 1815.]

CHAP. XII.

An Act to incorporate Trinity Church, in the town of Bridgewater.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Zadock Packard, Libeus Edson, John Edson, Benjamin Clark, Henry Munroe, Francis Perkins, Eleazer Carver, Nathaniel Carver, Benjamin Edson, Allen Edson, Theodore Edson, Ephraim Sprague, Daniel Hartwell, Asa Perkins, John W. Keen, Benjamin Edson, jun. Simeon Taylor, Pardon Packard, Jireh Swift, Jonathan Ames, John Gardner, James Alger, 3d, John S. Littlefield, John Curtis, Samuel Littlefield, Charles Littlefield, Seth Keith, Timothy Hayward, Holder Packard, Luther Thomas, Ruel Swift, and Shepard Keith, of Bridgewater, in the county of Plymouth, with their families, polls, and estates, together with such others as have, or may hereafter associate with them, and their successors, be, and they hereby are incorporated and established as a Religious Society of the Protestant Episcopal Church, by the name of Trinity Church, in said town of Bridgewater, with all the powers, privileges, and immunities common to other parishes, or religious societies, and conformable to the constitution and laws of this Commonwealth.

Persons incorporated.

SEC. 2. *Be it further enacted,* That any person, who may desire to become a member of said Episcopal church or society, and shall enter his or her name with the Wardens and Vestry, or Clerk of said society,

Manner of becoming a member.

shall be deemed, taken, and entitled, and they, with their polls and estates, shall be liable in all lawful taxes and assessments, as members of said Episcopal society and parish; and the members of said Episcopal parish shall be, and they, with their polls and 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 Assessor 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 in any taxes or assessments afterwards granted and voted therein; and they with their estates, shall again become 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 who are not entitled to any special exemption.

Proviso.

Time of holding meeting.

SEC. 3. *Be it further enacted*, That the annual meeting of said Episcopal Society or Parish, shall be holden on Easter Monday, in every year, at Trinity Church, in Bridgewater, and at such annual meeting, or at an adjournment thereof, the members of said Parish shall choose by ballot their Wardens, Vestry, Clerk and Treasurer. and any other officer or officers, for the management of the affairs of said Corporation, and levy taxes and assessments, for the support of said Parish; and pass all such bye-laws and rules as shall be deemed necessary for the well governing the said Parish, not incompatible with the laws and constitution of this Commonwealth.

Bye-laws.

SEC. 4. *Be it further enacted*, That the Wardens and Vestry of said Trinity Church, Society, or Parish for the time being, shall be, and are hereby made capable to take and hold, by gift, grant or purchase, any real or personal estate, and to manage and improve the same; and for that purpose shall have a common seal, to be established, altered, and renewed, at their plea-

May hold real and personal estate.

sure ; *Provided*, That the annual income of the real estate holden by them, shall not exceed the sum of five thousand dollars. Proviso.

SEC. 5. *Be it further enacted*, That the Wardens and Vestry of said Church shall be empowered to receive and apply the income of a certain lot of land, situated in Bridgewater, which was given by the late Samuel Edson, for the support of an Orthodox Clergyman of the Protestant Episcopal Church, and which estate is now vested in the Board of Trustees of Donations to the Protestant Episcopal Church : *Provided*, Wardens, &c. to receive and apply income of land. however, that the Corporation hereby established shall improve and occupy the said estate conformably to the will of the donor, and reserving to the said Board of Trustees of Donations any right or rights, which they have to the management of said estate, either by law or contract. Proviso.

SEC. 6. *Be it further enacted*, That all gifts, grants, donations or legacies of money, or other personal estate, which are or shall hereafter be made to said Corporation, to or for the benefit of said Church, Society or Parish, shall be funded, unless otherwise directed by the donor or donors, and the annual interest or income thereof, shall be applied to the support of an Orthodox Clergyman of the Episcopal Church, who shall be approved by the Bishop of this Diocese ; or, if the Episcopate be vacant, by the standing committee of the Protestant Episcopal Church in this Diocese. Support of an Orthodox Clergyman.

SEC. 7. *Be it further enacted*, That the officers of said Society, Parish or Corporation, shall not be entitled to, or receive any compensation, (the Clergyman excepted) for any services, out of any monies arising from the funds of the said Corporation. Officers shall not receive compensation.

SEC. 8. *Be it further enacted*, That the said Corporation or Parish shall be liable to sue or be sued, plead or to be impleaded before the Supreme Judicial Court, at the suit of proper parties, and complaints by Bill in equity, and according to the course of proceedings in Courts of Law, having jurisdiction in matters of trust and donations for pious and charitable purposes ; and the Justices of the said Court shall have authority thereupon to enforce the faithful performances, specially May sue or be sued.

or otherwise, as the case may require, of all trusts and appropriations limited and appointed upon any donation of lands, money, and other estate, real and personal, which shall be lawfully vested in the said Corporation or Parish; and to inquire into 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; and Allen Edson is hereby authorised to fix the time and place for the first meeting of the said Corporation and Parish, of which he shall give due notice to each member thereof.

[Approved by the Governor, June 14, 1815.]

CHAP. XIII.

An Act appointing the places where the Probate Courts for the county of Hampden shall be holden.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Court of Probate for the county of Hampden, shall be held in the following towns, namely—In Springfield nine times in each year; at Westfield twice in each year; and at Monson twice in each year, at such times and places in said towns, as the Judge of Probate for said county shall from time to time appoint.

Time and place for holding Court.

Act repealed.

SEC. 2. *Be it further enacted,* That this act shall be in force from and after the first day of September next; and that, after said day, all laws heretofore passed, appointing the places of holding Probate Courts within the county of Hampden, be, and the same are hereby repealed.

[Approved by the Governor, June 14, 1815.]

CHAP. XIV.

An Act to incorporate the Pastor, Deacons, and Elders of the First Presbyterian Church, in Newburyport.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Pastor, Deacons, and Elders of the First Presbyterian Church, in Newburyport, and their successors in office, be, and they hereby are incorporated and made a body politic and corporate, by the name of the Pastor, Deacons, and Elders of the First Presbyterian Church, in Newburyport. Persons incorporated.

SEC. 2. *Be it further enacted,* That said Pastor, Deacons, and Elders may have and use a common seal, and the same may be altered, and renewed at pleasure; shall be capable of suing or being sued, in any actions, real, personal, and mixed, in any Court proper to try the same; shall and may take and hold in fee simple, or otherwise, by gift, grant, or devise, any estate, real or personal, the aggregate annual income of which shall not exceed two thousand dollars, and may sell and dispose thereof at pleasure. May use seal.

[Approved by the Governor, June 14, 1815.]

CHAP. XV.

An Act to incorporate the Maine Charitable Mechanic Association.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Phillips, Eleazer Wyer, and Samuel Baker, and all those who have, or may hereafter associate with them, be, and they are hereby incorporated, and made a body politic, by the Persons incorporated.

name of The Maine 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 and regulations for any other purposes whatsoever.

May hold real and personal estate.

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

Appropriation of income.

SEC. 3. *Be it further enacted,* That the annual income of said Corporation shall be employed for the purposes 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.

How long to continue in force.

SEC. 4. *Be it further enacted,* That the said Corporation shall be, and continue for, and during the term of twenty years, unless the Legislature shall, within that time, see fit to dissolve the same.

May call first meeting.

SEC. 5. *Be it further enacted,* That John Phillips, Eleazer Wyer, and Samuel Baker, be, and they hereby are authorised and empowered to call the first meeting of said Corporation, by giving notice of the time and place thereof, in one or more of the newspapers printed in the town of Portland, twenty days at least, before the time of such meeting.

[Approved by the Governor, June 14, 1815]

CHAP. XVI.

An Act incorporating John Sylvester John Gardiner, and others, into a Society, for religious purposes.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the the authority of the same, That John Sylvester John Gardiner, David Cobb, Asa Eaton, Samuel Dunn, Thomas L. Winthrop, Joseph Head, Joseph Foster, Charles Williams, James C. Merrill, John Dixwell, Lynde Walter, Charles W. Green, and Shubael Bell, their associates and successors, be, and they hereby are incorporated and made a body politic, by the name of The Massachusetts Episcopal Missionary Society, and Trustees of the Massachusetts Episcopal Prayer Book and Tract Society; and by that name shall be known in law, and shall be capable of suing and being sued, of having, and altering at pleasure, a common seal, of making bye-laws for the choice and election of members and officers, and regulating the affairs and disposing of the funds of said Society, and the property, real and personal, of said Society, to pious, charitable and religious uses, and the same bye-laws to alter and amend at pleasure; *Provided* said bye-laws are not repugnant to the constitution and laws of this Commonwealth.

Persons incor-
porated.

Proviso.

SEC. 2. *Be it further enacted*, That said Corporation shall have power, and shall be capable in law, to purchase, take, hold and receive by grant, devise, bequest or otherwise, any personal or real estate, that has been, or shall be given, granted or conveyed to said Society, Corporation or Trustees, for the purpose of supporting Missionary Preachers or Ministers or teachers of the Protestant Episcopal Churches in America, or for the purpose of distributing bibles, common prayer books, and other religious Tracts among the people of this country; *Provided however*, That the clear yearly income of all such real and personal estate, possessed and held, or to be possessed and held by said Corporation, shall never exceed the sum of ten thousand dol-

May hold real
and personal
estate.

Proviso.

lars ; and *provided also*, That said income shall always be applied by said Corporation to the pious, charitable and religious uses aforesaid.

May call first meeting.

SEC. 3. *Be it further enacted*, That the Reverend John Sylvester John Gardiner, named in this act, be, and he hereby is authorised to call the first meeting of said Corporation, by giving notice of the time and place thereof, in the *Columbian Centinel*, printed in Boston, seven days before the time of such meeting.

[Approved by the Governor, June 14, 1815.]

CHAP. XVII.

An Act to establish the Petersham Cotton Factory.

Persons incorporated.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Asabel Stowell, Levi Houghton, Joseph Gallond, Israel Houghton of Petersham, Nathaniel Loring of Barre, and Samuel B. Bent, of Rutland, all in the county of Worcester, 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 Petersham Cotton Factory, for the purpose of manufacturing cotton yarn and cloth in the town of Petersham, in the county of Worcester ; 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 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."

May hold real and personal estate.

SEC. 2. *Be it further enacted*, That the said Corporation may be lawfully seized and possessed of such real estate, not exceeding the value of fifteen thousand dollars, and such personal estate, not exceeding the value of twenty thousand dollars, as may be necessary and convenient for carrying on the Manufactory aforesaid.

[Approved by the Governor, June 15, 1815.]

CHAP. XVIII.

An Act, in addition to an act, entitled "An act respecting Boats and Lighters employed in transporting Stones, Gravel or Sand, within this Commonwealth.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the marks, by an act, entitled "An act respecting Boats and Lighters, employed in transporting stones, gravel or sand, within this Commonwealth," directed to be made on Boats and Lighters, expressive of the weight such Boats and Lighters are capable of carrying, shall hereafter be inspected once every year, and whenever such mark shall be found to be illegible, the same shall be renewed. Marks shall be renewed.

SEC. 2. *Be it further enacted,* That whenever the Inspector shall be of opinion, that the burden or capacity of any such Boat or Lighter, shall have been diminished or increased by any repairs made on the same, or otherwise, it shall be his duty forthwith to ascertain anew the capacities of such Boats or Lighters, and to mark the same accordingly. Duty of Inspector.

SEC. 3. *Be it further enacted,* That the Selectmen of towns in which Boats or Lighters, used for the aforesaid purposes, are owned, be, and they hereby are empowered, and it shall be their duty to regulate the amount of fees which may be demanded by the Inspector of Boats and Lighters, of the owners thereof, for the performance of the duties imposed upon him by this act, and that to which this is an addition. Selectmen shall regulate amount of fee.

[Approved by the Governor, June 15, 1815.]

CHAP. XIX.

An Act to incorporate the Middleborough Manufacturing Company.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Benjamin Shepard, jr. Thomas Weston, Horatio G. Wood, Nancy Nelson, Sarah W. Shepard, and Alanson Witherbee, with their associates, and such others, 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 Middleborough Manufacturing Company, for the purpose of manufacturing cotton yarn and cloth in the town of Middleborough; 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 incor-
porated.

SEC. 2. *Be it further enacted*, That said Corporation may lawfully hold and possess such real estate as they are now, or may hereafter be seized of, not exceeding fifty thousand dollars, and personal estate not exceeding one hundred thousand dollars, as may be necessary and convenient for carrying on the manufacture of cotton yarn and cloth as aforesaid.

May hold real
and personal
estate.

[Approved by the Governor, June 15, 1815.]

CHAP. XX.

An Act in addition to an act, entitled "An act establishing a Corporation, by the name of the Fifth Massachusetts Turnpike Corporation."

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

Turnpike Corporation be, and they are hereby authorised to alter the road in the town of Athol, so as to leave the present Turnpike road a little south of the Cotton Factory; then westerly by Simeon Fisher, across Miller's river, below its confluence with Tully river; then up said Tully river, till it reunites with the Northfield branch.

SEC. 2. *Be it further enacted,* That said Corporation are hereby authorised to make any such alterations upon either the Northfield or Greenfield branches of said road, as shall facilitate the travel by going round instead of over hills, without much increase or length of way. May make alterations.

SEC. 3. *Be it further enacted,* That whenever any of the afore-aid alterations upon either of the branches of said road shall be made, and the new part thereof completed and accepted, by a Committee to be appointed by the Circuit Court of Common Pleas, in the county in which the alteration shall be made, said Corporation are hereby authorised to discontinue such parts of the present road, as such alteration shall render unnecessary as a Turnpike road. May discontinue a part of present road.

[Approved by the Governor, June 15, 1815.]

CHAP. XXI.

An Act in addition to an act, entitled "An act relating to Loans made to defray expenses incurred by the Commonwealth during the late war, and for other purposes."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That all future transfers of the certificates of stock issued, or to be issued, by virtue of an act of this Commonwealth, entitled "An act relating to loans made to defray the expenses incurred by the Commonwealth during the late war, and for other purposes," shall be so made as to render such certificates payable to the assignee or bearer, any thing in the said Certificates made payable to assignee or bearer.

act, or the regulations of the Governor and Council made in conformity thereto to the contrary notwithstanding.

SEC. 2. *Be it further enacted,* That in all cases in which the Treasurer of this Commonwealth shall have given any note to any Bank within this Commonwealth for money loaned before the passing of the aforesaid act, or before the first day of April last past, for the purposes in the said act expressed, and such note shall have been sold or transferred, the holder of such note, upon application to the Treasurer for that purpose, and surrendering such note to the Treasurer shall be entitled to receive the interest due thereon, which the Bank would have been entitled to receive, if such note had not been sold or transferred; and shall also be entitled to receive a certificate or certificates of stock for the amount of such note, payable to himself or his assigns, bearing the same interest and under the same date as certificates of stock issued by virtue of the act aforesaid; and the transfer or assignments of such certificates shall be so made as to render such certificates payable to the assignee or bearer.

Shall receive interest.

[Approved by the Governor, June 15, 1815.]

CHAP. XXII.

An Act to incorporate the Lee Woollen and Cotton Factory.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Samuel Porter, Willard Barnham, Isaac Ball, Richard Hawk, Joseph Ball and Lemuel Bassett, with such others 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 Lee Woollen and Cotton Factory for the purpose of manufacturing woollen and cotton cloth and yarn, in the town of Lee; 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.

passed the third day of March, in the year of Lord one thousand eight hundred and nine, entitled "An act defining the general powers and duties of Manufacturing Corporations."

SEC. 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 eighty thousand dollars, as may be necessary and convenient for carrying on the manufactory aforesaid. May hold real and personal estate.

[Approved by the Governor, June 15, 1815.]

CHAP. XXIII.

An Act to alter certain terms of the Supreme Judicial Court in the counties of Norfolk and Suffolk.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the term of the Supreme Judicial Court, which by law is now annually to be held at Dedham, within and for the county of Norfolk, on the first Tuesday of March, shall, hereafter, by said Court be held at said Dedham, within and for said county of Norfolk, on the third Tuesday in February annually: And that the term of the Supreme Judicial Court, which, by law, is now annually to be held at Boston, within the county of Suffolk, and for the counties of Suffolk and Nantucket, on the second Tuesday in March, shall, hereafter, by said Court be held at said Boston, in said county of Suffolk, and for the said counties of Suffolk and Nantucket, on the first Tuesday in March, annually. Time and place for holding Court.

[Approved by the Governor, June 15, 1815.]

CHAP. XXIV.

An Act in addition to the several acts for establishing the Housatonuck river, and the Hudson Turnpike Corporations, and for repealing a part of 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 Housatonuck Turnpike Corporation shall be, and hereby are, empowered to demand and receive, full toll, at their half turnpike gate in Lee, under the regulations and provisions which are made in the act or acts, to which this is in addition.

Shall receive full toll.

[Approved by the Governor, June 15, 1815.]

CHAP. XXV.

An Act to incorporate the new Cornhill Corporation. in the town of Boston.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John Bellows, Uriah Cotting, Ebenezer Francis, Nathan Appleton, David Greenough, and Benjamin P. Homer, with their associates, successors, and assigns, shall be, and hereby are constituted a body politic and corporate, by the name of the new Cornhill Corporation, in the town of Boston, for, and during the term of ten years from the passing of this act, 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, to alter and renew the same at pleasure, to make rules and by laws for the regulation and management of their estate and concerns, consistent with the constitution and the laws of this Commonwealth, and generally to do and

Persons incorporated.

execute whatever by law shall appertain to bodies politic.

SEC. 2. *Be it further enacted,* That the said Corporation shall be, and is hereby declared capable to purchase, have, hold and possess, in fee simple, all the estate, stores, houses, buildings, and lots of land, lying and being between Court-street, Hanover-Street, Fanueil Hall Market, and Cornhill, in the town of Boston; *Provided,* The lawful owners or proprietors thereof, legally convey the same to the said Corporation; and the said Corporation shall have power to lay out, and improve the same, as they may think proper, and to grant, sell, and alien, in fee simple, or otherwise, their corporate property or any part thereof, situated within the limits aforesaid, and to have, manage, and improve the same, according to the will and pleasure of said Corporation.

May hold real and personal estate.

Provido.

SEC. 3. *Be it further enacted,* That any two of the persons named in the first section of this act, may call the first meeting of the members of said Corporation, by giving ten days previous notice thereof, in some public newspaper, printed in Boston; and at any meeting, the said Corporation may agree upon the number of shares, not exceeding four hundred, into which the stock and property of said Corporation shall be divided, and upon the form of the 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; they shall also have power to assess upon each share such sums of money from time to time, as may be necessary for making streets, erecting buildings, purchasing lands, and real estate, within the said limits, and generally for the improvement and good management of said estate, agreeably to the true intent and meaning of this act; and to sell and dispose of the same shares for default in the payment of any assessment, in any way and manner they may determine; and shall also have power to regulate the number of officers of said Corporation, and manner of choosing and removing the same, and to define their powers and duties; and at all meetings,

May call first meeting.

Number and amount of shares.

each person shall have a number of votes equal to his number of shares.

Shares liable to be attached.

SEC. 4. *Be it further enacted*, That the share or shares of every individual of said Corporation, shall be liable to be attached on mesne process, and taken and sold on execution, in the same way and manner as directed by an act, entitled "An act directing the mode of attaching on mesne process, and selling by execution, shares of debtors, in incorporated companies;" and the Clerk, or other officer of said Corporation, having custody of the books of said Corporation, shall, upon request, inform any officer, having any process of attachment or execution against any individual of said Corporation, of the number of shares which such individual may have therein.

Real estate to be vested in members.

SEC. 5. *Be it farther enacted*, That, at the expiration of said term of ten years, all real estate then belonging to said Corporation, shall be, and the same is hereby 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 they may then hold.

[Approved by the Governor, June 15, 1815.]

CHAP. XXVI.

An Act to set off Samuel Reed and others, from the town of Bristol, and to annex them to the town of Nobleborough, in the county of Lincoln.

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 Samuel Reed, Joseph Knowlton, Benjamin Day, Nathaniel Thompson, Benjamin Thompson, Thomas McFadden, Washington Knowlton, and Jesse Chapman, with their families and estates, as contained within the following described limits, be, and they are hereby set off from the town of Bristol, and annexed to Nobleborough, in the same county, viz: beginning at the north west corner of

Bristol, at Brown's cove ; thence south thirteen degrees east, seven poles ; thence east by south, six hundred poles, to Muddy pond ; thence south seven degrees east, across said pond, one hundred and thirteen poles, to a stake and stones at the south west corner of Joseph Knowlton's land ; thence south fifty-six degrees east, by the south line of Joseph Knowlton's and Benjamin Thompson's land, two hundred and fifty-eight poles, to Pemaquid lower pond ; thence south, sixty-one degrees east across said pond, one hundred and thirty-nine poles to the narrows ; thence northerly by the channel of the said narrows, to the outlet of Pemaquid upper pond ; thence northerly and easterly by the shore of said pond last mentioned, to the south east corner of the town of Nobleborough : *Provided however,* That Proviso. the several persons before named, and their estates hereby annexed to the town of Nobleborough, shall be holden to pay all their State, county, town and parish taxes, legally assessed and remaining due and unpaid, prior to the date of this act : And the several persons herein before named, with their lands and estates, shall hereafter be considered a part of the said town of Nobleborough, and shall there exercise and enjoy all the rights and privileges as inhabitants of the said town, and shall also be subject to the like duties and requisitions as the other inhabitants of the said town of Nobleborough, as fully and completely, as though they had been originally a part of the same.

[Approved by the Governor, June 15, 1815.]

CHAP. XXVII.

An Act to set off a tract of land from the town of Freetown, and annex the same to the town of Fairhaven.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a certain piece of land on the southeasterly corner of the town of Freetown, Quantity of land set off.

in the county of Bristol, a part of which is owned by Seth Spooner, and the residue by Paul Spooner being that part of the real estate of the late Honorable Walter Spooner, Esq. deceased, which lies in the town of Freetown, be and the same hereby is set off from the said town, and annexed to the town of Fairhaven, and made a part of said town of Fairhaven.

[Approved by the Governor, June 15, 1815.]

Annexed to town of Fairhaven.

CHAP. XXVIII.

An Act authorising the President, Directors and Company of the Portland Bank to reduce the amount of their capital stock.

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 President, Directors and Company of the Portland Bank, shall be two hundred and fifty thousand dollars; the number of shares to be the same as at present established by law : *Provided however,* That no dividend of the capital stock of said Bank, as now existing, shall be made until proof shall have been made to the satisfaction of the Governor and Council, or of Commissioners by them appointed, that there actually exists in said Bank funds belonging to said Corporation sufficient to pay all bills in circulation, and all deposits and other demands existing against the same, beyond the sum then to be divided : *Provided also,* That nothing herein contained shall be construed to affect the liability of the Corporation or the individual Stockholders as established by the original act incorporating said Bank.

Amount of capital stock.

Proviso.

[Approved by the Governor, June 15, 1815.]

CHAP. XXIX.

An Act in addition to an act, entitled “ An act to regulate the sale of Goods at Public Vendue, and to repeal all laws heretofore made for that purpose.”

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That, on application in writing of any person to the Selectmen of any town in this Commonwealth, to be licensed to sell goods or chattles at public vendue, if the Selectmen shall unreasonably neglect or refuse, after such application, to license such person or persons, applying as aforesaid, it shall and may be lawful for such applicant or applicants, first giving ten days notice to the Selectmen, so neglecting, or refusing as aforesaid, to apply to the Court of Sessions for the county where such applicant or applicants reside ; which Court or a major part thereof, are hereby authorised and empowered, on hearing the parties, to license said applicant or applicants, if they shall adjudge the same just and reasonable ; and provided such applicant give bonds to the Selectmen to pay all costs arising by the case being brought before the Court of Sessions.

May apply to
the Court of
Sessions.

[Approved by the Governor, June 15, 1815.]

CHAP. XXX.

An Act to incorporate the Ludlow Glass Manufacturing Company.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That John Sikes, together with such other persons as already have or may hereafter associate with him, their successors and assigns, be, and they are hereby made a Corporation, by the name

Persons incor
porated.

of The Ludlow Manufacturing Company, for the purpose of manufacturing glass bottles, and all other kinds of glass ware, in the town of Ludlow; and for this purpose, shall have all the powers and privileges, and shall also 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."

May hold year
and personal
estate.

SEC. 2. *Be it further enacted*, That said Corporation may lawfully hold and possess 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 convenient for establishing and carrying on the manufacture of glass aforesaid.

[Approved by the Governor, June 15, 1815.]

CHAP. XXXI.

An Act to incorporate sundry persons by the name of the Patent Pin Manufactory.

Persons incor-
porated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Elisha Penniman, Jeremiah Fitch, Moses L. Morse, and Thomas Darling, 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 Patent Pin Manufactory, for the purpose of manufacturing pins with solid heads from the wire at one operation, with the business necessarily connected therewith; 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."

SEC. 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, for the use of said Corporation, and such personal estate, not exceeding fifty thousand dollars, as may be necessary for the purpose aforesaid. May hold real and personal estate.

SEC. 3. *Be it further enacted,* That Elisha Penniman, Jeremiah Fitch, Moses L. Morse and Thomas Darling, or either two of them, are hereby authorised to call the first meeting of said Corporation, by publishing the time and place of holding such meeting in one or more of the newspapers printed in the town of Boston. May call first meeting.

[Approved by the Governor, June 15, 1815.]

CHAP. XXXII.

An Act to set off Joseph Chaplin, from the parish of Linebrook, and annex him to the first parish in Rowley.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Joseph Chaplin, with his family and estate, lying in the town of Rowley, be, and they hereby are set off from the parish of Linebrook, and annexed to the first parish in Rowley; there to do duties and enjoy the privileges of parishoners. Persons set off.

SEC. 2. *Be it further enacted,* That the said Joseph Chaplain shall be holden to carry into full effect the agreement between him and the said parish of Linebrook, (as entered on the parish records) relative to this act. Agreement to be carried into full effect.

[Approved by the Governor, June 15, 1815.]

CHAP. XXXIII.

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

Names alter'd. **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, George Lewis Cushing, a minor, and son of the late George Augustus Cushing, of Boston, in the county of Suffolk, shall be allowed to take the name of George Augustus Cushing; that Elisha Goddard, of the same Boston, merchant, shall be allowed to take the name of Francis Edward Goddard; that Pliny Colburn, of South Reading, in the county of Middlesex, shall be allowed to take the name of Augustus George Pliny Colburn; that Henry Thacher, of Biddeford, in the county of York, son of the Honorable George Thacher, of the same Biddeford, shall be allowed to take the name of Henry Savage Thacher; that Asa Peabody, of Boston aforesaid, Esquire, shall be allowed to take the name of Augustus Peabody:— 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.
[Approved by the Governor, June 15, 1815.]

CHAP. XXXIV.

An Act to incorporate the first Congregational Society in New Sharon.

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

Samuel Bradley, Wingate Bradley, Jonathan Crowell, Fobes Foord, Ebenezer Gove, Solomon Gove, Nathaniel Harding, Nathaniel Harding, jun. James Homes, Josiah Howes, Stephen Howes, James Howes, Ezekiel Lancaster, Francis Mayhew, Nathaniel Parsons, Benjamin Richardson, Francis Swan, Frederick Swan, and John Trask, with their families and estates, together with such others as may hereafter become members of the first Congregational Society in New Sharon, be, and they are hereby incorporated and established as a Society, for religious purposes only, by the name of The first Congregational Society in New Sharon ; and the said Society is hereby invested with all the powers and privileges, and subjected to the same duties and requisitions as other religious societies, according to the constitution and laws of this Commonwealth.

Persons incorporated.

SEC. 2. *Be it further enacted*, That any person living in the said town of New Sharon, who may at any time hereafter desire to become a member of the said first Congregational Society, shall declare his or her desire and intention in writing, and deliver the same to the Minister or Clerk of the said Society, and a copy of the same declaration to the Clerk of the town ; and if such person doth receive and can produce a certificate of admission, signed by the Minister or Clerk of the said Society, such person, with his, (or her) family and estate, from the date of said certificate, shall be considered a member of the said first Congregational Society in New Sharon.

Manner of becoming a member.

SEC. 3. *Be it further enacted*, That when any member of the said first Congregational Society, may see cause to secede therefrom, and to unite with any other religious society in the said town of New Sharon, the same course and process, *mutatis mutandis*, shall be had and done, as is prescribed in the second section of this act : *Provided however*, That in every case of secession from one society and joining to another, every such person shall be holden to pay, his or her proportion or assessment of all parish or society taxes and expenses, assessed and not paid prior to such secession.

Proviso.

SEC. 4. *Be it further enacted,* That any Justice of the Peace for the county of Kennebeck, is hereby empowered upon application therefor, to issue a warrant directed to a freehold inhabitant belonging to the said Society, requiring him to notify and warn a meeting thereof, to meet at such convenient time and place, as shall be appointed in the said warrant, to organize the Society, by the election of its officers.

[Approved by the Governor, June 15, 1815]

CHAP. XXXV.

An Act in addition to an act, entitled "An act establishing a Court of Common Pleas within and for the county of Suffolk, to be styled the Boston Court of Common Pleas."

SEC. 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 Court in the town of Boston, in the county of Suffolk, shall have original and concurrent jurisdiction of all civil actions arising in the county of Suffolk, wherein the debt or damages do not exceed twenty dollars, in the same manner, and with the like powers, as Justices of the Peace have in said county.

SEC. 2. *Be it further enacted,* That all actions, in which the Judge of the Boston Court of Common Pleas shall be a party, shall be originally cognizable by the Supreme Judicial Court, holden within the county of Suffolk, and for the counties of Suffolk and Nantucket; and all writs and precepts, in which said Judge of the Boston Court of Common Pleas shall be a party, shall be returnable into said Supreme Judicial Court, and shall be tested in the same manner as other writs, returnable into said Court.

SEC. 3. *Be it further enacted,* That whenever the Recorder of the Town Court shall be prevented, by sickness or other necessary or unavoidable cause, from attending said Court, in case of the death or absence

of the Judge of the Boston Court of Common Pleas, the said Town Court may be adjourned by proclamation of the Sheriff of the county of Suffolk, or either of his deputies ; and all writs, processes, and other matters, pending in said Town Court, shall be continued to the next term thereof. Court may be adjourned.

SEC. 4. *Be it further enacted.* That from and after the passing of this act, there shall be four terms annually of the Boston Court of Common Pleas, instead of the terms now to be holden by law ; the same to commence on the first Tuesdays of July, October, January and April ; and all writs and processes, made returnable to the same Court, shall be made returnable at the periods aforesaid : And all writs and processes whatever, which are now made returnable to the next September term of said Court, and which would have had day therein, if this act had not been passed, shall be sustained and have day in the next October term thereof. Number of terms annually

[Approved by the Governor, June 15, 1815.]

COMMONWEALTH OF MASSACHUSETTS.

Secretary's Office, August 16th, 1815.

By this, I certify, that the Laws contained in this pamphlet, passed at the Session of the General Court, beginning the 31st of May, and ending the 15th of June, A. D. 1815, have been examined and compared with the originals in this Office, and appear to be correct.

ALDEN BRADFORD,

Secretary of the Commonwealth

LAWS

OF THE

COMMONWEALTH OF MASSACHUSETTS,

PASSED BY THE GENERAL COURT,

AT THE SESSION COMMENCING ON THE 10th DAY OF JANUARY,

AND ENDING ON THE 16th DAY OF FEBRUARY, 1816.

CHAP. XXXVI.

An Act regulating the attendance of the Grand Jury, at the Circuit Court of Common Pleas for the county of Somerset.

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 Circuit Court of Common Pleas, within and for the county of Somerset, shall at any time within five years, from and after the passing of this act, have power to dispense with the attendance of the Grand Jury, at any term of said Court, when in their opinion it may be proper so to do.

Grand Jury, So-
merset.

[Approved by the Governor, January 20, 1816.]

CHAP. XXXVII.

An Act respecting Clerks of Courts.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Supreme Judicial Court, and every other Court of record in this Com-

monwealth, who by law have a Clerk or Recorder, to record the proceedings of such Court, shall have power, and they are hereby respectively authorized, at any term of said Courts, to appoint a Clerk pro tempore, whenever by death, sickness, or inability to attend, the said Courts are deprived of the attendance in Court of the Clerk or Recorder of such Courts respectively :—

Clerks pro tem. *Provided however*, that in all cases, before such Clerk pro tempore, to be appointed as aforesaid, shall enter on the duties of his office, he shall take the same oaths of office which the Clerk or Recorder, for whom he may be substituted, is by law obliged to take, previous to his entering on the duties of his office; *And provided also*, that the office and duty of such Clerks pro tempore, to be appointed as aforesaid, shall cease from and after the disabilities or incapacities of the Clerks or Recorders of said Courts respectively, are removed, or new ones appointed, agreeably to the provisions of law.

[Approved by the Governor, January 20, 1816.]

CHAP. XXXVIII.

An Act requiring certain public Inspectors to make annual returns.

Annual Return. SEC. 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 the duty of the Inspectors hereafter named, to make an annual return into the office of the Secretary of this Commonwealth, of the quantity of articles inspected by them, and their Deputies, in the course of the year, viz :— The Inspector of pot and pearl ashes, the Inspector of nails, the Inspector of butter and lard, the Inspector of hops, the Inspector of beef and pork, and the Inspector of pickled fish.

SEC. 2. *Be it further enacted*, That the items of said returns shall be as follows :—That the Inspector of pot and pearl ashes, shall make a return of the num-

ber of casks of pot and pearl ashes, specifying the number under each brand, and the weight of each specific quality. That the Inspector of beef and pork shall return the whole number of barrels under each of the respective brands used by him. That the Inspector of nails shall make return of the number of casks, and weight of wrought and cut nails, specifying the different quantities of each. That the Inspector of butter and lard shall make a return of the number of casks of different qualities of these articles branded by him, and the weight of the respective kinds. That the Inspector of pickled fish shall make return of the gross quantities of fish inspected by him. That the Inspector of hops shall return the whole number of bags marked by him, of the different qualities, and the weight of each quality respectively.

How Returns
are to be made.

Sec. 3. *Be it further enacted*, That the several Inspectors before named, shall require of their several Deputies to make the returns to them, necessary to carry into effect the provisions of this act. The several Inspectors shall make up the returns before specified, to the first day of May of each year, and send in their returns to the Secretary's office, in the course of the same month.

Their Deputies
to make Re-
turns.

[Approved by the Governor, January 20, 1816.]

CHAP. XXXIX.

An Act in addition to the act establishing a law term of the Supreme Judicial Court within and for the counties of Plymouth and Bristol.

SEC. 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, when any judgment is rendered by any Circuit Court of Common Pleas, holden in and for either of the counties of Plymouth or Bristol, on an issue in law, (unless there is a reservation in the pleadings to waive the same at the Supreme Judicial Court,

How Appeals
are to be made.

and there plead anew,) and either party shall appeal from such judgment, that such appeal shall be to the law term of the Supreme Judicial Court, next to be holden within and for the said counties of Plymouth and Bristol, and such action shall be heard and tried by said Court.

SEC. 2. *Be it further enacted,* That when an appeal is made from the decree of the Judge of Probate, of either of said counties, with regard to the sanity of a testator to the Supreme Judicial Court for said county, and the parties do not agree to have the same decided by the Court, that in every such case the same shall be tried by a jury, under the direction of the Judge, who shall attend said Court, (if but one Judge is present,) and either of the parties who shall be dissatisfied with the direction of the Judge, may have the point or points saved for the consideration and determination of the Justices of said Court, at their next law term, in and for said counties; and the same proceedings shall be had as in other cases tried in said Court by a jury. But if the parties shall agree that the same shall be tried by the Court, then the same shall be transferred to the next law term of said Court, to be holden in and for said counties, in the same way and manner as law questions are by said Court heard and tried.

Jury to decide
as to the sanity
of Testator.

SEC. 3. *Be it further enacted,* That the Justices of said Court, at any law term, in either of said counties, are hereby authorized to receive the report of Referees in any case referred from the Supreme Judicial Court, in either of said counties, to render judgment, and award execution thereon, and also to decide on any other matter which shall be submitted to them, by the parties in any action, render judgment, and award execution thereon.

[Approved by the Governor, January 24, 1816.]

CHAP. XL.

An Act incorporating Trustees of the Saco Free Bridge Fund.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Jeremiah Hill, Israel Lassell, Samuel Pierson, Samuel Hartley, Reuben H. Green, and Jonathan Tucker, be, and are hereby appointed and incorporated as Trustees, by the name of the Trustees of Saco Free Bridge 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, a Clerk to record the doings of said Trustees, and a Treasurer to receive and pay the monies belonging to the fund according to the provisions of this act, who shall give bond to the said Trustees for the faithful performance of his duty.

SEC. 2. *Be it further enacted,* That the number of the Trustees aforesaid shall not be more than seven, nor less than five, which number shall be necessary to constitute a quorum for transacting business—and that whenever one or more of the Trustees aforesaid shall die or resign the duties of his office, the surviving Trustees may fill such vacancy or vacancies.

SEC. 3. *Be it further enacted,* That the said Trustees be, and they are hereby authorized and empowered to sell and convey the lands heretofore granted by this Commonwealth to the proprietors of Saco Free Bridges, 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 Free Bridges over Saco River, which

Powers of Trustees.

shall be under the care and management of said Trustees; and all gifts, grants or donations which have been or may be hereafter made, to and for the same use and purpose shall be under the same care and improvement of the Trustees aforesaid: and the Agent for the sale of Eastern lands is hereby authorized to sign and convey to the Trustees aforesaid the lands granted to the proprietors of Saco Free Bridges by this Commonwealth, by their Resolves dated the second day of March, on thousand eight hundred and ten, and January the twenty-eighth, one thousand eight hundred and fifteen, any condition in said Resolves to the contrary notwithstanding.

Obligations of Trustees.

SEC. 4. *Be it further enacted*, That the Trustees of aforesaid shall be obligated to keep and maintain the Bridges aforesaid in good repair so far as said fund shall be sufficient therefor; and to this end they shall give bond to the Treasurer of the Commonwealth for the time being, and to his successor in said office, in the penal sum of three thousand dollars, for their faithful execution of the trust reposed in them by this act.

Holding first meeting.

SEC. 5. *Be it further enacted*, That Samuel Pierson, Esquire, be, and he is authorized and empowered to fix the time and place for holding the first meeting of the said Trustees, and to notify them thereof.

[Approved by the Governor, January 24, 1816.]

CHAP. XLI.

An Act to establish the town of Kingfield, in the county of Somerset.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same* That the Plantation numbered three, in the first range of townships, on the west side of Kennebeck river, (within the Bingham purchase) as contained within the following described boundaries, be, and hereby is established as a town, by the name of Kingfield, viz. bounded south by New Portland and Freeman; west by the township numbered four, in the

first range ; north by the township numbered three, in the second range, and east by the township numbered two, in the first range, as laid down in a plan, by actual survey, made by Solomon Adams, of Farmington, the measure thereof being six miles and one hundred and fifty-four rods, from east to west, and six miles from north to south ; and the said town of Kingfield is hereby vested with all the powers and privileges, and subjected to all the duties and requisitions of other corporate towns, according to the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That any Justice of the Peace for the county of Somerset, is hereby empowered, upon application therefor, to issue a warrant, directed to a freehold inhabitant of the said town of Kingfield, requiring him to notify and warn the qualified freeholders therein, to meet at such convenient time and place, as shall be appointed in said warrant, for the choice of such town officers, as towns are by law required to choose at their annual town meetings.

Choice of town
officers.

[Approved by the Governor, January 24, 1816.]

CHAP. XLII.

An Act to repeal an act, entitled “ An act setting off Samuel Sparhawk of Cambridge, in the county of Middlesex, from the South Parish in Cambridge, and annexing him and his estate to the first parish 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 an Act passed the twenty-seventh day of February, one thousand seven hundred and ninety-five, entitled “ An act setting off Samuel Sparhawk of Cambridge, in the county of Middlesex, from the South parish in Cambridge, and annexing him and his estate to the first parish in said town,” be, and the same is hereby repealed ; and the

said estate lately in possession of the said Samuel Sparhawk, deceased, be, and hereby is re-annexed to the said town, and parish in Brighton.

[Approved by the Governor, January 27, 1816.]

CHAP. XLIII.

An Act for the regulation of the Fishery, in the town of Malden.

SEC. 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 or catch any Shad or Alewives in any river, stream or pond, within the limits of the town of Malden, in the county of Middlesex, excepting as hereinafter by this act is provided, each person so offending shall forfeit and pay a sum, not exceeding twenty dollars, nor less than ten dollars for each offence, to be recovered in an action of debt, before any Court proper to try the same, in the county of Middlesex, one half thereof to the use of him or them who shall sue for the same, and the other half to the use of the said town of Malden.

Penalty for taking fish.

SEC. 2. *Be it further enacted,* That from and after the passing of of this act, it shall be lawful for any and all the inhabitants of the said town of Malden, to catch Shad and Alewives within the limits of the said town, on every Monday, Wednesday and Friday, from sun-rising on each of the said days, to sun-rising on the next succeeding day in each week, from the first day of March, to the tenth day of June, annually, at such place or places only as shall have been previously determined by the said town.

Time of taking fish.

[Approved by the Governor, January 27, 1816.]

CHAP. XLIV.

An Act to empower George Houdlette to build a Tide Mill, or Mills, on Eastern river, in the town of Dresden.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That George Houdlette be, and he is hereby empowered to build a tide Mill or Mills on Eastern river, in the town of Dresden: Provided the Navigation of the said Eastern river shall not be obstructed by the said Mills: and provided also, that, after the expiration of twenty years it shall be lawful for the Legislature to amend or to repeal this Act.*

[Approved by the Governor, January 30, 1816]

CHAP. XLV.

An Act to establish the town of Moscow in the County of Somerset.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the township numbered one, in the second range, on the East side of Kennebeck river, within the Million acres (commonly called Bingham's patent) be, and the said township is hereby established a town, according to the following described bounds, by the name of Moscow: viz. East* Town Boundaries. *by the township numbered two in the second range aforesaid, North by the South line of the second range, West by Kennebeck river, and South by the town of Bingham. And the inhabitants of the said town of Moscow, are hereby vested with all the powers and privileges, and subjected to the like duties and requisitions of other corporate towns, according to the constitution and laws of this Commonwealth.*

Choice of town
officers.

SEC. 2. *Be it further enacted*, That any Justice of the Peace for the county of Somerset is hereby empowered to issue a warrant, directed to a freehold inhabitant of the said town of Moscow, requiring him to notify and warn the inhabitants thereof to meet at such convenient time and place, as shall be appointed in the said warrant, for the choice of such officers as towns are required by law to choose at their annual town meetings.

[Approved by the Governor, January 30, 1816.]

CHAP. XLVI.

An Act in addition to an act, entitled “An act establishing the North-West River Canal 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 North-West River Canal Corporation be, and they hereby are allowed a further term of two years in addition to the time provided in their Act of Incorporation to make their Canal, any thing in their Act of Incorporation to the contrary notwithstanding.

[Approved by the Governor, January 30, 1816.]

CHAP. XLVII.

An Act to incorporate the Douglas Cotton Manufacturing Company.

Persons incor-
porated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Ezekiel Preston, Richard Olney, Welcome Whipple, and others doing business under the name and firm of the Douglas Cotton Manufacturing Company, and 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 Douglas Cotton Manufacturing Company, for the purpose of manufacturing cotton yarn and cloth in the town of Douglas. in the county of Worcester, and for the purposes aforesaid shall have all the powers and privileges, and 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."

SEC. 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. May hold real and personal estate.

[Approved by the Governor, February 1, 1816.]

CHAP. XLVIII.

An Act to establish the town of Wales in the county of Lincoln.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the plantation called Wales, as contained within the following described boundaries, be, and hereby is established as a town, by the name of Wales, viz. North by the town of Monmouth, East by the town of Litchfield, South by the town of Lisbon, and West by the town of Greene, and a corner of the town of Leeds. And the said town of Wales, is hereby vested with all the powers and privileges, and subject to all the duties and requisitions of other corporate towns, according to the constitution and laws of this Commonwealth. Town boundaries.

SEC. 2. *Be it further enacted*, That any Justice of the Peace for the county of Lincoln is hereby empowered, upon application therefor, to issue a warrant

directed to a freehold inhabitant of said town of Wales, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at such convenient time and place, as shall be appointed in the said warrant, for the choice of such town officers, as towns are by law empowered and required to choose and appoint at their annual town meetings.

[Approved by the Governor, February 1, 1816.]

Choice of town officers.

CHAP. XLIX.

An Act to regulate the Practice of Law in certain cases.

SEC. 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, no person shall engage or be employed as Counsel or Attorney before any Court within this Commonwealth in any action which he shall have determined as Judge or Justice of the Peace; and if any person as aforesaid shall appear as Counsel or Attorney in any action or suit, he shall not be permitted to prosecute, defend, answer to, or manage such action or suit.*

SEC. 2. *Be it further enacted, That no Justice of the Peace within this Commonwealth shall hear or determine any civil action which shall have been commenced by himself or by his order or direction, and every civil action commenced as aforesaid shall abate.*

[Approved by the Governor, February 1, 1816.]

CHAP. L.

An Act to incorporate the first Congregational Society in the town of Union.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Nathaniel Robbins, Rufus Gilmore, Ebenezer Alden, Robert Foster, Amos*

Barrett, John Little, Joseph Vaughn, Elisha Bennet, Moses Morse, Jonathan Carriel Jun. Calvin Morse, John Folger, Abijah Hawes, David Robbins, James Rice, Seth Luce, Jesse Robbins, Herman Hawes, Amariah Mero, Thomas Mitchell, Nathan Daniels, Levi Morse, John P. Robbins, Nathaniel Batchelor, William Dougherty, Fisher Hart, Caleb T. Jacobs, William Hart, David Robbins Jun. Jonathan Carriel, Micajah Gleason, Whiting Hawes, John W. Lindley, Ebenezer W. Adams, Samuel Spear, John Tobey, David Carriel, Jeremiah Mitchell, Thaddeus Shepard, and Noah Kice, with such other inhabitants of the town of Union as do not belong to any other religious society, and such as may hereafter associate with them, with their polls and estates, be, and they hereby are incorporated into a Religious Society, by the name of the First Congregational Society in Union; and the said Society is hereby invested with all the powers and privileges, and subjected to the same duties and requisitions as other Religious Societies are invested and subjected to, according to the Laws and Constitution of this Commonwealth.

SEC. 2. *Be it further enacted*, That if any person living in said town of Union, who may at any time hereafter desire to become a Member of said First Congregational Society, shall declare his or her desire and intention thereof in writing, and deliver the same to the Minister or Clerk of said Society, and a copy of the same to the Minister or Clerk of the Religious Society to which he or she may at that time belong, such person shall from the time of delivering such declaration be considered a Member of said First Congregational Society in Union.

SEC. 3. *Be it further enacted*, That when any member of the said First Congregational Society may think proper to secede therefrom, and to unite with any other Religious Society in the said town of Union, the same course and process, *mutatis mutandis*, shall be had and done as is prescribed in the second section of this Act; *provided, however*, that in every case of secession from one Religious Society and joining another, every such person shall be held to pay his or her pro-

portion or assessment of all Parish or Society Taxes legally voted by the Society prior to his or her secession therefrom in manner above pointed out.

Justice to issue
warrant.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the county of Lincoln, upon application therefor, is hereby authorized to issue his warrant directed to some member of said Congregational Society, requiring him to notify and summon the members thereof, to meet at such convenient time and place as may be appointed in said warrant, to organize the said Society by the election of its officers.

[Approved by the Governor, February 1, 1816.]

CHAP. LI.

An Act in further addition to an act entitled, "An Act to secure to owners their property in Logs, Masts, Spars, and other Timber in certain cases."

Regulations for
disposing prize
logs.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That all Logs, Masts Spars and other Timber, floated in Sheepscot river, in the county of Lincoln, unmarked or on which the marks shall have been so defaced as not to be known, commonly called prize logs, shall be carefully secured by themselves, either at Choate's Falls in Whitefield, or at the head of the Tide, so called in Alna, as may be most convenient, by a Committee of three persons, two of whom shall be appointed by the Selectmen of the town of Alna, and one by the Selectmen of the town of Whitefield, in the month of March annually; and the said Committee shall sell such prize logs, at such time and place, and in such manner as they shall think proper and advantageous.—And the proceeds of such sales, after deducting the necessary expenses of securing and selling the same, shall by said Committee be appropriated to the clearing the river of obstructions, and facilitating the passage of logs and rafts down the same. And the Committee shall exhibit annually in the month of March, at the expiration of their term of

service, to the Selectmen of the town of Alna and Whitefield respectively, an account of the sales and expenditures by them made during the year, and shall pay over all money remaining in their hands (if any) to their successors in that office.

SEC. 2. *Be it further enacted,* That any person or persons, not being the owners of such prize Logs, Masts, Spars or other Timber, who shall take, carry away, sell or mark the same, either before or after they are secured by the before mentioned Committee, contrary to the intent and meaning of this act, shall forfeit and pay for each and every offence, the sum of twenty dollars, to be recovered by an action of debt in any court, proper to try the same, with legal costs, to be prosecuted by the Committee for the time being, or any other person, and to be paid to the Committee aforesaid, and to be by them appropriated as the proceeds of the sales of prize Logs are by this Act ordered to be appropriated.

Penalty for
breach.

SEC. 3. *Be it further enacted,* That the act entitled an act in further addition to the act, entitled an act to secure to owners their property in Logs, Masts, Spars and other Timber in certain cases, passed March the fourth, in the year of our Lord one thousand eight hundred and eight, be, and the same is hereby repealed.

Former Act re-
pealed.

[Approved by the Governor, February 2, 1816.]

CHAP. LII.

An Act to incorporate the town of Greenwood.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the plantation number four, in the county of Oxford, as described within the following bounds, viz—beginning at the north-east corner of the town of Norway; thence running north fourteen degrees west, on the line of the town of Paris two miles and ninety rods to the north-west corner of the town of Paris; thence north thirty degrees west by

Town bounds,
ries.

the town of Woodstock and Hamlin's gore, seven miles and twenty-one rods to a beach-tree on Bethel south line; thence south seventy degrees west on Bethel south line, three miles, two hundred and eighty rods to the line of the town of Albany; thence south twenty degrees east by the line of the town of Albany seven miles two hundred and eighty rods, to a stake; thence south twenty-five degrees east by Norway line, one mile to a stake; thence north sixty-five degrees east by Norway line four hundred and eighty rods, to a stake; thence south twenty-five degrees east by Norway line fifty-five rods to a stake; thence north seventy-six degrees east by the head line of Norway one thousand and four rods to the first mentioned bounds, with the inhabitants thereon, be, and they hereby are incorporated into a town, by the name of Greenwood, and vested with all the powers and privileges, and subject to all the duties and requisitions of other towns according to the Constitution and Laws of this Commonwealth.

SEC. 2. *Be it further enacted,* That any Justice of the Peace for the county of Oxford, is hereby empowered, upon application therefor, to issue his warrant, directed to a freehold inhabitant of the said town of Greenwood, requiring him to notify and warn the inhabitants thereof, 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 required to choose in the months of March or April annually.

Choice of town
officers.

[Approved by the Governor, February 2, 1816.]

CHAP. LIII.

An Act to incorporate the First Universalist Society in Waterville.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Asa Soule, Samuel Downing, Solomon Hallet, David Pattee, Abraham Lander, Joshua Boyington, Elisha Hallet, Ebenezer Moore, Samuel Gower, Moses Healy, Daniel Moor,

Baxter Crowell, Richard M. Dorr, James Shorey, Ichabod Smith, Moody Lander, Abel Wheeler, Abraham Morrell, Josiah Morrell, Edward Esty, Joseph Warren, Thomas M'Farland, David M'Farland, William M'Farland, Thomas Cook, Reuben Shorey, Alexander M'Kecknie, Benjamin Soule, Benjamin Foster, James G. Getchell, William Pullen 2d, Henry Richardson 3d, Joseph H. Hallet, Simeon Tozer, jun. Silas Osgood, Elias Tozer, jun. and Leonard Pullen, with their families and estates, together with such others as may hereafter associate with them, or their successors, be, and they are hereby incorporated into a Religious Society, by the name of The First Universalist Society in Waterville, 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 incor-
porated.

SEC. 2. *Be it further enacted*, That any Justice of the Peace in the county of Kennebeck, be, and he hereby is authorized to issue his warrant, directed to some suitable person, who is a Member of said Universalist Society, requiring him to warn and notify the members thereof, to meet at such time and place in said town of Waterville as shall be directed in said warrant, to choose such officers as Parishes and other Religious Societies in this Commonwealth are by Law authorized to choose in the month of March or April annually.

Justice to issue
warrant.

Choice of offi-
cers.

[Approved by the Governor, February 2, 1816.]

CHAP. LIV.

An Act for the regulation of the Fishery in Woburn.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the Act passed on the sixteenth day of February, in the year of our Lord one thousand seven hundred and eighty-nine, entitled "An act to prevent the destruction of the fish called shad

and alewives, in Mystick river, so called, within the towns of Cambridge, Charlestown and Medford, and for repealing all laws heretofore made for that purpose," shall extend to the town of Woburn, in the county of Middlesex, and to all the streams running from any of the ponds, or other waters there into Mystick pond, or Spy pond, so called, in the same manner to all intents and purposes. that it would have extended, in case the said town of Woburn and the streams aforesaid had been mentioned and contained in the said Act; and that it shall be lawful for any or all the inhabitants of the said town of Woburn to take shad and alewives within the limits of that town, on all such days and times as in and by the Act aforesaid, are allowed for the inhabitants for the towns of Charlestown and Medford, respectively, to take said fish, and on no other.

Extension of fish act.

SEC. 2. *Be it further enacted*, That the owner or occupant of any dam already built, or which may hereafter be built, in or upon any of the streams aforesaid, shall make and maintain a convenient passage way for shad and alewives to pass by, through, or over such dam, and keep the same constantly open and free for said fish to pass up and down therein, from the fifteenth day of April to the fifteenth day of July, annually: and if the owner or occupant of any such dam shall refuse or neglect to make and build such passage way, when thereto requested by a majority of the Committee for the preservation of fish in either of the said towns of Charlestown, Medford or Woburn, or shall neglect or refuse to open the same on the said fifteenth day of April annually, or after the same shall have been so opened, shall shut, or obstruct, or permit or suffer the same to be shut or obstructed within the term aforesaid, he shall forfeit and pay for each and every such neglect or offence the sum of twenty dollars.

Passage for fish kept open.

Penalty.

SEC. 3. *Be it further enacted*, That from and after the passing of this Act, the several Committees for the preservation of fish, to be annually chosen in the said towns of Woburn, Charlestown and Medford, respectively, shall be chosen by ballot, and shall consist of three freeholders, who shall not be interested

Choice of Committees.

in any such dam as aforesaid; and any person who shall be duly chosen a member of either of said Committees, and shall refuse or neglect to qualify himself, by taking the oath required by law, within seven days next after he shall have been duly notified of such choice, shall forfeit and pay the sum of twenty dollars to the use of the town in which he shall have been so chosen, to be recovered by the Treasurer thereof, in an action of debt, before any Court proper to try the same, in the county of Middlesex; and the said town shall proceed to a new choice; and so, *toties quoties*: And it shall be the duty of each and every member of any such Committee to see that the passage ways aforesaid are made convenient for said fish to pass up and down therein, and that they are kept constantly open at and during all the time required by this Act; and to open and clear the same, if any of them shall be found shut or obstructed within the said term; and if the owner or occupant of any such dam, situate as aforesaid, shall neglect or refuse to make and build such passage way, when thereto requested by a majority of either of the said Committees, it shall be lawful for the Committee, making such request, and they are hereby directed to make and build the same; and when it shall be completed by said Committee, the said owner or occupant shall pay to said Committee double the amount of all the expenses incurred or sustained by the said Committee in making and building the same, on demand: And the said Committee shall have a right to sue for and recover the same of such owner or occupant in an action of the case, in any Court proper to try the same, in said county of Middlesex; and each member of either of the Committees aforesaid shall have full power and authority to do any act in either of the said towns of Charlestown, Medford and Woburn, which, before the passing of this Act, might have been lawfully done by a majority of either of said Committees, in the town where such Committee was chosen; and shall be entitled to and enjoy all the privileges and protection, when acting as such in either of said towns, which, before the passing

Powers of committee.

of this Act, a majority of either of the said Committees were entitled to and enjoyed, when acting within the limits of the town in which they were chosen.

SEC. 4. *Be it further enacted,* That it shall be lawful for the inhabitants of the said town of Woburn, at their annual meeting in March or April, to sell, or otherwise dispose of the privilege of taking shad and alewives in the streams aforesaid, so far as the same run wholly within the limits of that town, at such times only as are or may be allowed by law for said inhabitants to fish, and to fix on and determine the place or places where said fish shall be so taken, and appropriate the emoluments arising therefrom to such purpose as the said town shall determine.

SEC. 5. *Be it further enacted,* That if any purchaser or manager of the said fishery in said Woburn shall take or catch any of the said fish at any other place than the place or places which shall have been fixed on and determined by the said town as aforesaid, and if any person other than such purchaser or manager, and those in the employ of such purchaser or manager, when said privilege shall have been disposed of by said town as aforesaid, shall take or catch, or attempt to catch any of the said fish within the said town of Woburn, each and every person, so offending, shall forfeit and pay the sum of twenty dollars to the use of said town; to be recovered by the Treasurer thereof, in an action of debt, in any Court proper to try the same, in the county of Middlesex.

SEC. 6. *Be it further enacted,* That all forfeitures, which may be incurred for any breach of this Act, not herein otherwise appropriated, shall be recovered in an action of debt, in the name of any one or more members of either of the Committees aforesaid before any Court in the county of Middlesex proper to try the same, to the use of the town where the Plaintiff or Plaintiffs, in any such action shall live, at the commencement thereof; and on the trial of any such action, any member of either of the said Committees shall be a competent witness, notwithstanding said action may have been commenced and prosecuted in the name of such member. And each of the towns aforesaid shall be holden to pay the members of their said Committee

Sale of priv-
ileges.

Penalty for a-
buses.

Dispositions of
forfeitures.

for all their services and expenses incurred by them respectively, in executing the duties required of them by this Act.

[Approved by the Governor, February 2, 1816.]

CHAP. LV.

An Act to incorporate the First Baptist Society in Hardwick.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That John Raymond, Elisha Sturtevant, Seth Willis, Enos Newland, Massa Newland, Benjamin Rider, Timothy Hathaway, John Croff, Lemuel Wheeler, David Elwell, Judah Simonds, Judah Marsh, Gamaliel Collins, Asa Sturtevant, John Wetherell, Jeremiah Newland, Daniel Barrows, Aquilla Collins, Jonah Collins, Cary Howard, Jeremiah Campbell, Jeremiah Campbell, jun. Lemuel Gilbert, Aaron Marsh, Zenas Marsh, Cary Howard, jun. and Isaac Barlow, members of the First Baptist Society, with their polls and estates, be, and they are hereby incorporated as a Religious Society, for religious purposes only, by the name of the First Baptist Society in Hardwick, with all the powers and privileges usually exercised and enjoyed by other Religious Societies, according to the Constitution and Laws of this Commonwealth.

SEC. 2. *Be it further enacted,* That any inhabitant, living in either of the towns of Hardwick, in the county of Worcester, and Greenwich and Ware in the county of Hampshire, who may hereafter desire to become a member of the said First Baptist Society in Hardwick, shall have a right so to do, by declaring such desire and intention in writing, and delivering the same to the clerk of the said Baptist Society, fifteen days before the annual meeting of the said Society; and shall also deliver a copy of the same to the town clerk, or to the clerk of any other religious Society with which such person has been before connected,

fifteen days before the annual meeting thereof. And if such person doth receive, and can produce a certificate of admission, certifying that he or she has united with and become a member thereof, such person, from the date of said certificate, with his or her polls and estate, shall be considered members of the said First Baptist Society, and shall be exempted from taxation towards the support of any other Religious Society in the town or parish where such person may dwell.

Condition of secession.

SEC. 3. *Be it further enacted*, That when any member of the said First Baptist Society in Hardwick may see cause to secede therefrom, and to unite with any other Religious Society in the town where such person may dwell, the same forms and process, of a written declaration and certificates shall be made required and given, *mutatis mutandis*, as is prescribed and required 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 or assessment of all parochial or society debts and expenses, which have been voted and assessed, and not paid prior to such secession.

Justice to issue warrant.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the county of Worcester, upon application therefor, be, and he is hereby empowered to issue a warrant, directed to a freehold inhabitant, and member of the said First Baptist Society in Hardwick, requiring him to notify and warn the members thereof, to meet at such convenient time and place as shall be appointed in the said warrant, to organize the said Society by the election and appointment of its officers.

[Approved by the Governor, February 3, 1816.]

CHAP. LVI.

An Act to regulate the Shad and Alewife Fishery
in the town of Watertown.

SEC. 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 the town of Watertown, by their agents to sell the right, and regulate the times, places and manner of taking the fish called shad and alewives, within the limits of said town; subject in all respects to an act passed on the twenty-eighth day of February, one thousand eight hundred and fourteen, entitled "An act to prevent the destruction of the fish called shad and alewives in Charles river." And it shall be the duty of the Selectmen of said town, as soon as may be after the passing of this act, and forever after, in the month of January in each year, to appoint, and they are hereby empowered to appoint, two persons as Agents, whose duty it shall be to carry into execution the purposes of this act; *provided however*, that neither of the Agents, at the time of their appointment, shall belong to the board of Selectmen.

Liberty to sell
Rights.

SEC. 2. *Be it further enacted*, That the Agents appointed as aforesaid, shall for and in behalf of the inhabitants of said town, and to their use and benefit, as soon as may be, after the first appointment, and forever after, in the month of February in each year, sell the right at public vendue, and regulate the time, places and manner of taking the fish called shad and alewives, within the limits of said town, after giving seven days notice of the time and place of such sale; and the proceeds arising from such sale, said Agents shall be held to pay over to the Treasurer of the town aforesaid.

Time of Sale.

SEC. 3. *Be it further enacted*, That the said Agents shall make and establish such rules and regulations as they may think necessary, to promote the interest of the town, and after determining by whom said fish

Rules and Re-
gulations.

may be taken, they shall cause an attested copy of such rules and regulations, and the name of the person or persons hiring the right to take the fish aforesaid, to be posted up in some public place in said town; and if any person or persons, other than he or they, to whom said right is sold, or persons employed by him or them, shall take any of the fish called shad and alewives, within the limits of said town, or if any person or persons to whom said right is sold, or those employed by him or them, shall take any of said fish, contrary to the rules and regulations made and established by said agents, which rules and regulations shall be made public at the time and place of sale, every person so offending, shall severally forfeit and pay a sum not exceeding twenty dollars, nor less than five dollars, for each and every offence, to be recovered in an action on the case to the use of any person who may sue for the same, or the Agents may sue in the name of the inhabitants of the town.

Record of Pro
ceedings.

SEC. 4. *Be it further enacted*, That it shall be the duty of the town Clerk to attend said Agents, at the time of sale, and to make a fair record of all such rules and regulations, as they shall from time to time make and establish, and the conditions of such sale, with the name of such person or persons as may hire the right aforesaid, in a book to be by him kept for that purpose, and to post all such rules and regulations as the Agents may direct.

Former Law
repealed.

SEC. 5. *Be it further enacted*, That an act passed on the second day of March, one thousand seven hundred and ninety-eight, entitled "An act authorizing the inhabitants of Watertown, Weston and Waltham, in the county of Middlesex, to regulate the taking of the fish called shad and alewives, within the limits of said towns," be, and the same is hereby repealed; *provided nevertheless*, that all questions of the constitutional validity, and all actions now pending, and causes of action, that have or may arise under the before described act, shall remain and be the same in any court, as they might or would have been, had not said act been repealed. And whereas the Selectmen of Watertown, Weston and Waltham, have in behalf of their respective towns prayed this honorable court

that the inhabitants of said Weston and Waltham may be discharged by law from any further cost or charge towards the support of the bridge over Charles river, in said Watertown;—therefore

SEC. 6. *Be it further enacted*, That from and after the passing of this act, the inhabitants of said Weston and Waltham be, and they are hereby wholly discharged from any further cost or charge towards the support of the bridge aforesaid, any act or agreement to the contrary notwithstanding.

Weston and
Waltham dis-
charged.

[Approved by the Governor, February 3, 1816.]

CHAP. LVII.

An Act to establish a Ministerial Fund in the town of Medfield.

SEC. 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, and the Assessors of the first parish in Medfield for the time being, in the said parish, be, and they are hereby incorporated as Trustees, by the name of The Trustees of the Medfield Ministerial Fund; and by that name, they and their successors in office, shall be, and continue a body corporate forever; and they shall have a common seal, subject to alteration, and they may sue and be sued in all actions real, personal or mixed, and prosecute and defend the same to final judgment and execution, by the name of the Trustees of the Medfield Ministerial Fund, and shall have all other powers which are incident and necessarily belonging to like corporations. And the said Trustees may annually elect one of their number as a President, and a Clerk to record the doings of 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 at all times be responsible for the faithful application of the monies,

Trustees incor-
porated.

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. And the said parish shall be called and known by the name of the Congregational parish in the town of Medfield, and shall have, exercise, and enjoy, all the rights, powers and privileges which by law are incident to parishes in this Commonwealth.

SEC. 2. *Be it further enacted,* That the said Trustees be, and they are hereby empowered to sell and convey, or lease for a term of years, as the several grants, by which said lands are held, may require, the several lots of land which are, or may hereafter be appropriated to the support of a Gospel minister of the Congregational persuasion in said town; and the monies, arising from the sale or lease of said land, shall be put on interest, and shall form a fund, the annual income of which shall be appropriated towards the support of the ministry, in the said Congregational parish, and shall be under the care and management of 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 hereafter be made to, and for the same use and purpose, shall be added to the said fund, and shall be under the same care and improvement of the Trustees aforesaid; and when the said Trustees do 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 and fund in public securities or bank stock, which they shall have power to do, in their discretion, and the interest, and that only, shall ever be appropriated for the use aforesaid; and it shall never be in the power of the said Trustees, or the said parish to alienate or alter the appropriation of the said ministerial fund. And the said Trustees, or a majority of them, are hereby empowered to make and execute a good and sufficient deed or deeds, or lease or leases, of the said several lots of land, which shall be subscribed by the Treasurer, and when duly executed, acknowledged and delivered, by direction

May sell and convey lands.

May loan money or invest it in Banks,

of the said Trustees, or a major part of them, shall be valid and effectual in law, to pass and convey the fee or term of years, as the case may be, to the purchasers.

SEC. 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 may be paid them by the said parish. And the said trustees, and each of them, shall be responsible to the parish 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 said fund, and the debt or damage recovered in such suit shall be added to the said fund, and the said Trustees and Treasurer and their successors in office, shall exhibit to the said parish a report of their doings yearly and every year, in the month of March or April.

Officer account-
able.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the county of Norfolk, upon application therefor, is hereby empowered to issue his warrant, directed to one of the Trustees aforesaid, 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.

Justices to issue
warrants.

[Approved by the Governor, February 3, 1816.]

CHAP. LVIII.

An Act authorizing the President, Directors and Company of the Wiscasset Bank to reduce the amount of their capital stock.

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 President, Directors and Company of the Wiscasset Bank shall be one hundred and fifty thousand dollars;—the number of shares to be the same as at present established

Stock reduced.

by law: *Provided however*, that no dividend of the capital stock of said Bank, as now existing, shall be made, until proof shall have been made to the satisfaction of the Governor and Council, or of Commissioners by them appointed, that there exist in said Bank funds belonging to said Corporation sufficient to pay all bills in circulation, and all deposits, and other demands existing against the same, beyond the sum then to be divided; *provided also*, that nothing herein contained shall be construed to affect the liability of the Corporation or the individual stock holders, as established by the original act incorporating said Bank: *Provided also*, that the said President, Directors and Company shall be holden to pay into the treasury of this Commonwealth, their proportion of the tax now required to be paid by law upon the existing capital of said Bank, until the same shall actually be reduced and paid.

[Approved by the Governor, February 7, 1816.]

CHAP. LIX.

An Act authorizing the President and Directors and Company of the Portland Bank to cease to be a Banking Company.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same. That the President, Directors and Company of the Portland Bank shall from and after the passing of this act, cease to be a Banking Company in the same manner, and to every intent and purpose as if the act incorporating said Company had expired by its own limitation: *Provided*, that the President, Directors and Company of the Portland Bank, pay all their debts and redeem all their outstanding Bills, and pay the proportion of the semi-annual tax due to the Commonwealth up to the time of passing this act.

SEC. 2. *Be it further enacted*, That all the privileges, immunities and restrictions of an act entitled

Extinction of
Bank.

Conditions.

“ An act to enable certain Banks in the Commonwealth to settle and close their concerns.” passed on the twenty-fourth day of June, in the year of our Lord eighteen hundred and twelve, shall be extended to and be enjoyed by the said President, Directors and Company of the Portland Bank, for the term of four years, from and after the passing of this act, and no longer.

Time for closing concerns.

[Approved by the Governor, February 7, 1816.]

CHAP. LX.

An Act respecting Portland Academy.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all the act and doings of the Trustees of Portland Academy be, and the same are hereby confirmed and rendered valid, to every intent and purpose, as if the records thereof had never been burnt; and the said Trustees or any person claiming under them, shall not in any case, be obliged to produce any record, to support any of their proceedings, prior in date to the thirty-first day of January, in the year of our Lord one thousand eight hundred and fifteen; but said acts and doings, shall in every respect be considered good and valid, as if the records thereof were produced.

Acts and doings valid.

SEC. 2. *Be it further enacted,* That from and after the passing of this act, it shall not be lawful for said Trustees to fill any vacancies, which may happen in said Board, until the number of Trustees is reduced to nine, after which time the said Board shall never consist of more than nine members; and that any five of said Trustees shall at all times hereafter constitute a quorum, for transacting the business of the said Corporation, any thing in the act incorporating said Trustees to the contrary notwithstanding.

Restriction of power.

[Approved by the Governor, February 7, 1816.]

CHAP. LXI.

An Act in addition to an act, entitled "An act to establish a Free School in township number six in the eight range, north of the Waldo patent, in the county of Hancock, by the name of the Hancock Free School."

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the votes and proceedings of the Trustees of the Hancock Free School, at their first meeting, on the twenty-fifth day of December, in the year of our Lord one thousand eight hundred and fifteen, be, and are hereby made valid and effectual: *Provided* that they do not contravene the intentions of the donors to the funds of said School, nor the Constitution and Laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That the said Trustees shall have power to manage and appropriate any funds, which are or may hereafter be committed to their hands for the purpose, to the support of a regular and learned Minister of the Gospel, minor Schools for the instruction of children in the rudiments of learning, and a public library; *provided* that there shall be a surplus in their hands after the necessary support of an instructor for said Free School.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Treasurer of said Trustees, within one month from the passing of this act, to lodge in the office of the Secretary of this Commonwealth, a certificate under oath, that the sum of three thousand five hundred dollars, or a satisfactory equivalent therefor, has been duly secured to said corporation, otherwise this act shall be null and void.

SEC. 4. *Be it further enacted*, That the sixth section of the act passed the twenty-sixth day of February in the year of our Lord one thousand eight hundred and fourteen, entitled "An act to establish a

Proceedings
valid.

Appropriation
of Funds.

Duties of Treas-
urer.

Free School in township number six, in the eighth range, north of the Waldo patent in the county of Hancock, by the name of the Hancock 'Free School,' be and hereby is repealed. Former act repealed.

[Approved by the Governor, February 7, 1816.]

CHAP. LXII.

An Act to set off certain lands from the town of Orange, and to annex the same to the town of Athol 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 a tract of land, containing about seventy acres, belonging to George Oliver, Luther Smith, Jonathan Harwood, and Jonathan Wheeler shall be separated from the town of Orange in the county of Franklin, and the same is hereby annexed to the town of Athol in the county of Worcester, contained within the following boundaries, viz. beginning at a stake and stones on the present line between the said towns, a few rods westerly from the dwelling house of said Jonathan Harwood, in said Athol, thence running northerly to the northwest corner of said George Oliver's land, thence easterly on the northerly line of said Oliver's land to Tully river, thence down said river to a stake and stones at a corner of said town of Orange, thence westerly on the present dividing line between said towns to the first mentioned boundary: *Provided nevertheless*, that the said George Oliver, Luther Smith, Jonathan Harwood, and Jonathan Wheeler shall be held to pay all taxes already legally assessed on them by the said town of Orange.

Separation
Annexation.
Bounds.
Proviso.

[Approved by the Governor, February 7, 1816.]

CHAP. LXIII.

An Act in addition to an act entitled, "An act for incorporating certain persons for building a Bridge over Androscoggin river between Brunswick and Topsham, and for supporting the same."

SEC. 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 section of the act, entitled "An act for incorporating certain persons for building a bridge over Androscoggin river between Brunswick and Topsham, and for supporting the same, as relates to the establishing the rates of toll, be, and hereby is repealed; and that the following section establishing the rates of toll for the benefit of the said proprietors, their heirs and assigns, be, and hereby is enacted instead thereof.

Section repealed.

SEC. 2. *Be it further enacted,* That for the purpose of reimbursing said proprietors the monies by them expended, or that may hereafter be expended in re-building and supporting said Bridge, a toll be, and hereby is granted and established for the sole benefit of said proprietors, according to the rates following; that is to say:—For each foot passenger, two cents; for each person and horse, six cents; for each chaise or sulkey drawn by one horse, twelve and half cents; for each sleigh drawn by one horse, six cents; for each sleigh drawn by two horses, seven cents; for each coach, phaeton or curricule, twenty-five cents; for each sled drawn by one or two beasts, seven cents; for each additional beast in the same team, one cent; for each cart or waggon drawn by one or two beasts, eight cents; for each additional beast in said cart or waggon, two cents; for each wheelbarrow, hand-cart, or other vehicle capable of carrying a like weight with one person, three cents; for neat cattle, or horses, other than those rode on, or in carriages or teams, two cents each; for sheep and swine, at the rate of six cents the dozen; and to each team, one person and no more shall be allowed a driver for the toll as established for teams.

Rates of Toll established.

And at all times when the toll gatherer shall not attend his duty, the gate or gates shall be left open.

SEC. 3. *Be it further enacted*, That all meetings of said Corporation, which shall have been held since the first day of January, in the year of our Lord one thousand eight hundred and ten; and all the doings and acts of said meetings, not repugnant to the Constitution and Laws of this Commonwealth, shall be good and valid to all intents and purposes, notwithstanding the want of due notice, or any other informalities in calling said meetings. Meetings valid,

[Approved by the Governor, February 7, 1816.]

CHAP. LXIV.

An Act in addition to an act, entitled “An act to incorporate the President, Directors and Company of the Kennebeck Bank.”

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the President, Directors and Company of the Kennebeck Bank be, and they hereby are authorised to remove their office of discount and deposit, established at Augusta, to Hallowell in the county of Kennebeck; and there to transact all such business as by their act of incorporation they are authorised to do and perform at Augusta, any thing in their said act of incorporation to the contrary notwithstanding. Removal

[Approved by the Governor, February 8, 1816.]

CHAP. LXV.

An Act to incorporate the town of Weld.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the township num-

bered five, (otherwise called Webbs pond plantation.) on the north side of Great Amefescoggin river, in the county of Oxford, as contained within the following described limits, be, and hereby is established as a town, by the name of Weld; north-easterly by the towns of Avon and Temple, south easterly by township number four, south-westerly by township number seven, and north-westerly by township number six. And the said town of Weld is hereby vested with all the corporate powers and privileges, and shall be subject to all the duties and requisitions of other corporate towns, according to the Constitution and Laws of this Commonwealth.

SEC. 2. *Be it further enacted,* That any Justice of the Peace for the county of Oxford is hereby empowered, upon application therefor, to issue a warrant, directed to a freehold inhabitant of the said town of Weld, requiring him to notify and warn the inhabitants thereof to meet at such convenient time and place, as shall be appointed in the said warrant, for the choice of such town officers, as towns are by law empowered and required to choose, at their annual town meetings.

[Approved by the Governor, February 8, 1816]

CHAP. LXVI.

An Act to establish the Dudley Cotton Manufacturing Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That John Nichols, Theodore Dwight, Stephen Brackit, Nathaniel Crosby, William Kimball, and David Carroll, 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 Dudley Cotton Manufacturing Company, for the purpose of manufacturing cotton in the town of Dudley, in the county of Worcester, and for that purpose shall have all the powers and privileges, and be subject to all the duties and re-

Boundaries.

Justice issue
warrant.

Persons incor-
porated.

quirements 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.

SEC. 2 *Be it further enacted*, That said Corporation in their capacity shall and may lawfully hold and possess such real estate, not exceeding in value fifty thousand dollars, and personal estate not exceeding fifty thousand dollars, as may be necessary and convenient for carrying on said Manufacture in its various branches as aforesaid. May hold real & personal estate.

[Approved by the Governor, February 8, 1816.]

CHAP. LXVII.

An Act to incorporate the town of Guilford.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the township numbered six, in the seventh range of township north of the Waldo patent, in the county of Somerset, as described by the following boundaries, be, and hereby is established as a town, by the name of Guilford: viz. east by the township numbered five in the seventh range; west by the township numbered seven in the seventh range; north by the township numbered eight in the eighth range; south by township numbered four, in the sixth range, being one of the four townships granted to Bowdoin College. And the said town of Guilford is hereby vested with all the corporate powers and privileges, and shall be also subject to all the duties and requisitions of other corporate towns, according to the Constitution and Laws of this Commonwealth. Boundaries.

SEC. 2. *Be it further enacted*, That any Justice of the Peace for the county of Somerset, is hereby authorised, upon application therefor, to issue a warrant, directed to a freehold inhabitant of the said town of Guilford, requiring him to notify and warn the inhabitants thereof to meet at such convenient time and place Justice issue warrant.

as shall be appointed in the said warrant, for the choice of such officers as towns are by law empowered and required to choose and appoint at their annual town meetings.

[Approved by the Governor, February 8, 1816.]

CHAP. LXVIII.

An Act in addition to an act, entitled “An act to incorporate the Manufacturers’ and Mechanics’ Bank.”

Reduction
of
Stock.

SEC. 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 Manufacturers’ and Mechanics’ Bank, be, and the same is hereby reduced from fifteen hundred thousand to seven hundred and fifty thousand dollars, divided into shares of fifty dollars each.

B.d.

SEC. 2. *Be it further enacted*, That the amount of stock, which the Commonwealth has the right to subscribe for, in addition to the capital stock of said Corporation, is hereby reduced from five hundred thousand dollars, to two hundred and fifty thousand dollars.

SEC. 3. *Be it further enacted*, That so much of the act to which this act is in addition, as is inconsistent with the provisions of this act, be, and the same is hereby repealed.

[Approved by the Governor, February 8, 1816.]

CHAP. LXIX.

An Act in addition to an act, entitled “An act to incorporate certain persons in the town of Dudley, by the name of The First Congregational Society in Dudley.”

SEC. 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 meetings of the inhabitants of the First Congregational Society in Dudley, for the choice of their officers, shall be held in the months of April or May annually, any thing in any former act to the contrary notwithstanding. Time of holding meetings.

SEC. 4. *Be it further enacted,* That any Justice of the Peace for the county of Worcester be, and hereby is empowered and directed to issue his warrant to some principal member of said Society, requiring him to warn a meeting thereof, at such time and place as shall be therein set forth, at which meeting, said Society shall agree on the manner of calling their future meetings. Justice issued warrant.

[Approved by the Governor, February 8, 1816.]

CHAP. LXX.

An Act to repeal a provision in the Act, entitled "An act for the preservation of Fish in Union River and Bay, and in the waters emptying into the same."

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 for the preservation of Fish in Union river and bay, and in the waters emptying into the same," passed on the twenty-seventh day of February, in the year of our Lord one thousand eight hundred and fifteen, as prohibits the taking of fish in said river, bay and waters, between the twentieth day of May and the first day of July annually, on two days in each week, that is to say, between sunrise on Monday and sunrise on Wednesday, in the modes and places prescribed by the act aforesaid, during the times in which fish are thereby permitted to be taken, be, and the same is hereby repealed: *Provided always,* that all offences heretofore committed against said act, and all prosecutions and processes now pending thereon, may be prosecuted and proceeded on to final judgment and execution, as if this act had never been made. Provision repealed.

[Approved by the Governor, February 8, 1816.]

CHAP. LXXI.

An Act incorporating certain persons for the purpose of building a Bridge over Bass river in the towns of Yarmouth and Dennis.

Persons incor-
porated.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled. and by the authority of the same, That Richard Sears, Peregrine White, Isaac White, Alden Gray, Josiah Nickerson, William Gray, and Washington Baker, together with such others as may hereafter associate with them, and their heirs and assigns, shall be a Corporation, by the name of The Proprietors of Bass river Bridge, and by that name may sue and be sued to final judgment and execution, and may do and suffer all such matters, acts and things, which bodies politic may and ought to do and suffer; and that said Corporation shall have full power and authority to make, have and use a common seal, and the same to break, alter and renew at pleasure; and the said Corporation shall be, and they are hereby authorised to erect a Bridge over Bass river, at the second narrows, between the land owned by Richard Sears on the west side of the river aforesaid, and land owned by Josiah Nickerson, on the east side of the river aforesaid; and the said Bridge shall be well built of good materials, not less than eighteen feet wide, and well covered with plank or timber, with sufficient rails on each side for the safety of passengers.

Mode of calling
meeting.

SEC. 2. *Be it further enacted,* That any three of the persons before named, may call the first meeting of the said proprietors by an advertisement, posted up at the door of the North Meeting House, in said town of Yarmouth, at least fifteen days prior to the time appointed for such meeting, and the said proprietors by a vote of a majority of those present, accounting and allowing one vote to each share. (*provided* no person either by his own right or by proxy, or by both, shall be entitled to more than ten votes) shall choose a clerk, who shall be sworn to the faithful discharge of the du-

ties of his office ; and at the same time, or at any subsequent meeting, choose such other officers as may be found necessary for managing the business of said Corporation, and shall agree on a method of calling future meetings, and at the same or at any subsequent meeting, may make and establish such rules and regulations as shall be deemed convenient and necessary for regulating said Corporation, effecting, completing and executing the purpose aforesaid, and for collecting the toll herein granted ; and the same rules and regulations may cause to be observed and executed, and for the breach of any of them, may order and enjoin fines and penalties, not exceeding twenty dollars ; *provided*, that said rules and regulations be not repugnant to the Laws and Constitution of this Commonwealth.

SEC. 3. *Be it further enacted*, That a toll be, and hereby is granted and established, for the use and benefit of said Corporation, according to the rates following, viz :—for each foot passenger, or one person passing said bridge, two cents ; one person and horse, six cents ; each single horse-cart, sled, or sleigh, eight cents ; each wheel-barrow, hand-cart, and every other vehicle, capable of carrying a like weight, three cents ; each team, including cart, sled or sleigh, drawn by more than one beast, and not exceeding four, ten cents ; and for every additional beast above four, two cents ; each single horse and chaise, chair or sulkey, ten cents ; neat cattle and horses, exclusive of those rode on or in carriages, carts or waggons, two cents each ; sheep and swine for each dozen, six cents ; and at the same rate for a greater or less number ; and the same toll shall be paid for all carriages passing said bridge, whether the same be loaded or not ; and to each team one man, and no more, shall be allowed, as a driver, to pass free from payment of toll ; and at all times when the toll gatherer shall not attend his duty at the said bridge, the gate or gates shall be left open ; and the said toll shall commence on the first day of the opening of the said bridge for passengers, and shall continue for and during the term of seventy-five years, from the said day, and be collected as shall be prescribed by said Corporation ; *provided* the said proprietors

Rates of Toll.

Proviso.

shall at all times keep the said bridge in good repair, and at the end of said term, deliver the same to the Commonwealth, for their use: *Provided also*, at the place where the toll shall be collected, there shall be constantly kept on a board or sign, exposed to open view, the rates of toll in legible letters.

Condition of
this law grant.

SEC. 4. *Be it further enacted*, That if the said Corporation shall neglect or refuse for the space of nineteen months, from the passing of this act, to build and complete said bridge, then this act shall be void and of no effect.

Exemptions.

SEC. 5. *Be it further enacted*, That all persons, with their carriages and horses, passing to and from their usual place of public worship, and all persons passing to and from funerals, and all persons passing on military duty, be, and hereby are exempted from paying toll as required by this act.

May alter toll.

SEC. 6. *Be it further enacted*, That at the expiration of ten years from the opening of said bridge, the General Court may regulate anew the rates of toll receivable thereat.

Proviso for dis-
continuing toll.

SEC. 7. *Be it further enacted*, That if at any future period the towns of Yarmouth or Dennis, or any inhabitant or inhabitants of the said towns, shall reimburse the proprietors of said bridge for all expenses they may have been at for building the same, with legal interest on the amount, deducting the amount of tolls received from the account of interest, it shall no longer continue a toll bridge, and the third section of this act shall be void.

[Approved by the Governor, February 8, 1816.]

CHAP. LXXII.

An Act to incorporate the Patent Pump Company.

Persons incor-
porated.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That William Gray, William B. Swett, Phineas Adams, Caleb Loring, and

Thomas Curtis, together with such persons as are now, or may hereafter become associated with them, and their successors and assigns, be. and they hereby are made and constituted a body politic, and a Corporation, by the name of The Patent Pump Company, for the purpose of making and vending triangular valve pumps in any and all places. And they shall have all the powers and privileges, and be subject to all the duties contained in the 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."

SEC. 2. *And be it further enacted,* That the said Corporation shall be capable of purchasing and holding the patent right of Mr Jacob Perkins' triangular valve pump, and all patent rights to all improvements that have been, or shall be made thereon. May purchase patents.

SEC. 3. *Be it further enacted,* That said Corporation shall be capable of purchasing, taking and holding real estate within this Commonwealth, to the value of twenty thousand dollars. and personal estate not exceeding the value of two hundred thousand dollars. May hold real estate.

[Approved by the Governor, February 9, 1816.]

CHAP. LXXIII.

An Act to regulate the quality of paper for Books of Public Record.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the first day of May next, all matters which are to be entered of record in any office of Public Record within this Commonwealth, shall be so entered or recorded on paper made wholly of linen, of a firm texture, well glazed and well finished. Paper for public records.

SEC. 2. *Be it further enacted,* That it shall be the duty of the Clerks or Registers of said offices, respect-

ively, to give a preference, for the aforesaid purpose, to linen paper of American or domestic manufacture: *Provided always*, that such paper be marked in water line with the word *linen*, and also with the name of the manufacturer.

[Approved by the Governor, February 9, 1816.]

CHAP. LXXIV.

An Act to incorporate the second Congregational Society in Charlestown.

SEC. 1 **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Nathaniel Austin, jun. Benjamin Swift, Seth Knowles, Jacob Foster and Joseph Phipps, jun. together with such others as shall hereafter associate with them, with their families, polls and estates, be, and they are hereby incorporated into a religious Society, by the name of The Second Congregational Society in Charlestown, with all the powers, privileges and immunities to which parishes are by law entitled in this Commonwealth.*

SEC. 2. *Be it further enacted, That the said Society be, and is hereby authorized and empowered to receive a deed of the meeting-house they have purchased, and to sell or lease the pews in said meeting-house, and to give deeds to convey the same.*

SEC. 3. *Be it further enacted, That any other person who shall unite in religious worship with the said Second Congregational Society, by giving in his or her name to the town Clerk of said Charlestown, 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 worship with said Society, shall from and after giving in such certificate, with his or her family, polls and estates, be considered as members of said Society.*

SEC. 4. *Be it further enacted, That the pew holders in said religious Society, are hereby authorised to*

Proviso.

Persons incorporated.

May sell or lease pews.

Conditions of membership.

assess on the pews of said meeting-house, such taxes as they from time to time shall find necessary for the maintenance of public worship and other parochial charges, according to the relative value of said pews; and the pews in said house shall be held liable to be taken and sold for the payment of all assessments duly made as aforesaid, and for the charge of all expenses incurred by such sale, in such manner and on such contingencies and conditions as may be agreed upon by said Society, and which shall be summarily expressed and contained in the deeds of the pews; and the assessments made as aforesaid shall be considered as a lien upon the pews in said meeting-house; and a bill of each proprietor's assessment, and of the time or times of payment, shall be left in his pew, of which fact the oath of the Treasurer, or of the person by him employed for that purpose, shall be sufficient evidence.

May assess tax^{es}.

SEC. 5. *Be it further enacted,* That when any member of said second Congregational Society shall see cause to leave the same and unite in religious worship with any other religious society, and shall give in his or her name to the Clerk of said second Congregational Society, accompanied with a certificate from the Minister or Clerk of such Society, as he or she may have joined, shall be considered as no longer a member: *Provided however,* that in all cases of secession from said Society, every such person shall be holden to pay his or her proportion or assessment made on the pews in said Society prior to leaving the same.

May secede.

Proviso.

SEC. 6 *Be it further enacted,* That all deeds and conveyances of, and all 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.

Records.

SEC. 7. *Be it further enacted.* That the persons named in the first section of this act, or either of them, may cause the first meeting of said society to be called for any purpose specified by them. to be posted up in some public place in said Charlestown, giving notice

Mode of calling meeting.

of the time and place of said meeting; at which meeting said Society may agree on the mode of notifying future meetings.

[Approved by the Governor, February 9, 1816.]

CHAP. LXXV.

An Act to incorporate the Agricultural Society in Attleborough.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Joel Read, Amos Ide, John Haven, Jonathan Peck, Joseph Tiffany, Richard Hunt, Abiathar Richardson, jun. Ebenezer Guild, Levi Read, Lemuel May, with their associates and successors, be, and they are hereby made a Corporation, by the name of the Attleborough Agricultural Society, for the purpose of promoting Agriculture; and for this purpose shall have the same powers and privileges, and be subject to the like duties and restrictions as the other incorporated Agricultural Societies in this Commonwealth; and the said Corporation may hold and possess real estate not exceeding the value of five thousand dollars, and the annual income of its personal estate shall not exceed the value of two thousand dollars.

Persons incor-
porated.

SEC. 2. *Be it further enacted,* That any Justice of the Peace for the county of Bristol, is hereby authorized to issue a warrant, directed to one of the members aforementioned, requiring him to notify and warn the first meeting of said Society, to be held in said Attleborough, at such convenient time and place, as may be appointed in said warrant, to organize said Society by electing necessary officers, and forming rules and regulations for the government of the said Society.

Regulations for
organizing.

[Approved by the Governor, February 9, 1816.]

CHAP. LXXVI.

An Act to incorporate the Rivulet Manufacturing Company.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Samuel Read, Daniel Carpenter, and Alpheus Baylis, with such other persons as have already, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a Corporation, by the name of the Rivulet Manufacturing Company, for the purpose of manufacturing woollen yarn and cloth, in the town of Uxbridge, in the county of Worcester; and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements 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."

Persons incor-
porated.

SEC. 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 thousand dollars, as may be necessary and convenient for the purposes aforesaid.

May hold real
estate.

[Approved by the Governor, February 9, 1816.]

CHAP. LXXVII.

An Act to incorporate the Handel and Haydn Society.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Thomas Smith Webb, Amasa Winchester, Nathaniel Tucker, and Mathew Stanley Parker, together with such as may become

Persons incor-
porated.

associated with them, and their successors, be, and they hereby are incorporated and made a body politic and Corporation, for the purpose of extending the knowledge and improving the style of performance of church music, by the name of the Handel and Haydn Society; and by that name they may sue and be sued, have a common seal, and the same at pleasure alter, and be entitled to all the powers and privileges incident to aggregate Corporations.

Officers to be
chosen.

SEC. 2. *Be it further enacted* That the said Corporation shall at their first, or some subsequent meeting, choose a President, Treasurer, and such other officers as they may deem necessary or convenient for the government and regulation of said Corporation and its property; they shall have the power to make standing rules or bye-laws, for prescribing the terms of office, and duties of their officers, for regulating the terms on which persons may be admitted and continue members of the corporation, and generally for the regulation of their affairs.

Duties.

May hold real
estate.

SEC. 3. *Be it further enacted*, That the said Corporation shall be capable of taking and holding real estate, not exceeding the value of fifty thousand dollars, and personal estate not exceeding the value of fifty thousand dollars, which estate shall never be divided among the members of the Corporation, but shall descend to their successors, subject only to the payment of the just debts to be incurred by said Corporation.

Power to call
first meeting.

SEC. 4. *Be it further enacted*, That Thomas Smith Webb shall have power to call the first meeting of said Corporation, by appointing a time and place therefor, and giving notice thereof to the other persons named and incorporated by this act.

[Approved by the Governor, February 9, 1816.]

CHAP. LXXVIII.

An Act to establish the town of Cherryfield in the
County of Washington.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the township numbered eleven, (of the Lottery townships) commonly called Cherryfield in the county of Washington, as described within the following bounds, be, and hereby is estab-^{Boundaries.} lished as a town, by the name of Cherryfield: viz. east by the town of Columbia, south partly by the town of Steuben, and partly by the town of Harrington, west by the township numbered ten, and north by the township numbered seventeen: And the said town of Cherryfield is hereby vested with all the corporate powers and privileges, and shall be subject to the like duties and requisitions of other corporate towns, according to the Constitution and Laws of this Commonwealth.

SEC. 2. *Be it further enacted,* That any Justice of the Peace for the county of Washington be, and he is hereby empowered to issue a warrant directed to a free-^{Justice to issue} hold inhabitant of the said town of Cherryfield, requir-^{warrant.} ing him to notify and warn the inhabitants thereof, to meet at such convenient time and place as shall be appointed in the said warrant, for the choice of such officers as towns are by law empowered and required to choose at their annual town meetings.

[Approved by the Governor, February 9, 1816.]

CHAP. LXXIX.

An Act to incorporate the North Brookfield Woollen
Manufacturing Company.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Daniel Waite, John

Persons incor-
porated.

Bigelow, Thomas Bond, jun. Moses Bond, Silas Henry, Josiah Carey, Abraham Hunter, Peleg Peekham, Edmund Mayo, and Robert Blair, 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 North Brookfield Woollen Manufacturing Company, for the purpose of manufacturing woollen cloths, within the town of North Brookfield in the county of Worcester; and for that 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."

May hold real
estate.

SEC. 2. *Be it further enacted*, That the 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 fifty thousand dollars, as may be necessary and convenient for carrying on the Manufactory aforesaid.

[Approved by the Governor, February 9, 1816.]

CHAP. LXXX.

An Act in addition to an act, entitled "An act to incorporate the President, Directors and Company of the Dedham Bank."

Discretionary
powers

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the third and fourth instalments of twenty-five dollars on each share of the capital stock of the Dedham Bank, in lieu of being paid in at the time by law now prescribed, may respectively be paid in at the discretion of the stockholders of said Bank, at any time within one year from the passing of this act, any thing in the several acts to which this is in addition, to the contrary notwithstanding.

[Approved by the Governor, February 9, 1816.]

CHAP. LXXXI.

An Act establishing the compensation of the Judge of Probate in the county of Hancock for his services in said office.

WHEREAS the fees and compensation of the Judge of Probate for the county of Hancock, as by law established, are found to be an inadequate compensation for the services rendered in said office:

SEC. 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 Treasurer of the county of Hancock be, and he is hereby authorized and directed to pay the said Judge of Probate for the time being, such sum as, together with the fees of his office, shall amount to three hundred and fifty dollars annually: *Provided,* that the said Judge shall keep an account of all the fees by him taken in said office, and shall present such account, attested by the Register of Probate, to the Treasurer of said county at the end of each year. Compensation.

SEC. 2. *Be it further enacted,* That an act entitled “An act regulating the annual allowance to the Judge of Probate for the county of Hancock, for his services in said office,” passed the twenty-fifth day of February in the year of our Lord one thousand eight hundred and twelve, be and is hereby repealed. Law repealed.

[Approved by the Governor, February 9, 1816]

CHAP. LXXXII.

An Act in addition to an act, entitled “An act to incorporate the Episcopal Church in Cambridge, so called, for certain purposes.”

SEC. 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 Christ

Body politic.

Church, so called, in Cambridge, in the county of Middlesex, together with such other persons by law entitled to vote in parish affairs, as usually attend public worship in said church, be, and they hereby are incorporated and made a body politic and corporate, by the name of the Episcopal Society in Cambridge, with all the powers and privileges, which parishes in this Commonwealth are by law vested with. And the said Society shall be to all legal intents and purposes, the successor to the Corporation created and made by the act to which this act is in addition.

Membership.

SEC. 2. *Be it further enacted*, That when any other person or persons, may hereafter incline to join said Society, and shall leave a certificate thereof, signed by the Wardens of the Society, with the Clerk of the town or parish, to which he, she, or they may respectively belong, fourteen days, at least, before the annual meeting of such town or parish. by law to be holden in the months of March or April, such person or persons, with his, her, or their polls and estates, shall thenceforth be considered as belonging to said society. And whenever any person or persons, belonging to said society shall see cause to leave the same and to unite with any other parish, or religious society, and shall leave with the Wardens of the said Episcopal Society a certificate thereof, signed by the Minister or Clerk of such other parish, or religious society, such person or persons, with his, her or their polls and estates, shall be discharged from the said Episcopal Society, and annexed to the parish or society, to which he, she, or they may have so united.

Officers to be elected.

SEC. 3. *Be it further enacted*, That the said Society, at their first meeting, which shall be convened pursuant to this act, and afterwards at their annual meetings on Easter Monday, in each year, or at any adjournment of such meeting, shall or may elect. two or more church Wardens, and any number of vestry men, not exceeding twelve, a Treasurer, Assessors, recording Clerk, and such other officers as they shall think necessary for the management of their concerns, to continue in their respective offices until others shall be chosen in their place; and at any such meeting, or other meeting to be called for the purpose, may supply

the vacancy of any office, and may establish suitable bye laws and rules for the government of the said Corporation, and prescribe the manner in which their meetings shall be warned, and the forms of proceedings and voting therein, and the authorities and duties of their respective Officers and Agents.

SEC. 4. *Be it further enacted,* That at any such meeting, the said society may make or order reasonable taxes and assessments, for the support of public worship, and for the preservation, repairs or improvement of their Church, or other estates of which they may at any time be seized or possessed, and may order the same to be assessed upon the pews of said Church, or a part thereof upon the pews, and the remainder upon the polls and estates of the members of the said society, according to the valuation of their respective estates by the assessors of the said society. And for the purpose of such assessments upon the pews, there shall be a valuation of the same by the Assessors, according to their size and situation, which valuation may be from time to time revised and altered by the Society; and the sum voted at any time to be assessed upon the pews, shall be apportioned upon them according to such valuation. May levy taxes.

SEC. 5. *Be it further enacted,* That the Assessors and recording Clerk to be chosen pursuant to this act, shall, before they enter on the duties of their respective offices, be sworn to the faithful discharge of the same, which oath may be administered by the Moderator of the meeting at which they shall be chosen, or by any Justice of the Peace for the said county of Middlesex. Obligation of church officers.

SEC. 6. *Be it further enacted,* That if any member of said Society shall neglect to pay the tax assessed upon him, or her, as aforesaid, or any tax which shall be due from him or her under the authority of the act to which this is an addition, after notice and demand thereof by the Treasurer or Collector, the same may be recovered by an action of debt, or upon the case, to be brought in the name of the Treasurer for the time being, against any such delinquent member of the said society, or his or her Executors or Administrators. May sue for debts.

SEC. 7. *Be it further enacted*, That the said society be, and they hereby are empowered to raise and establish a fund, in such way and manner as they may see fit, the income or interest of which, or so much thereof as shall be found necessary or expedient, they may from time to time appropriate and apply to the support of the Minister of the society, for the time being, or to the repairs of the Church, Parsonage House, or other estates of the society, or to the relief of the poor of the society, as the said society shall from time to time, agree and determine. And the Wardens of the society for the time being shall be the Trustees of such fund, and shall have the management of the same, subject to the control and direction of the society: *Provided* that the whole annual income of such fund, exclusive of the parsonage house, glebe or lands in the actual occupation of the Minister for the time being, shall not exceed the sum of five thousand dollars.

May raise funds

Proviso.

SEC. 8. *Be it further enacted*, That Abraham Biglow and Samuel P. P. Fay, Esquires, the present Wardens of said Church, or either of them, shall notify and warn the first meeting of the said society, by posting notifications thereof at the doors of said Church, fourteen days, at the least, before the time appointed for such meeting.

Persons to warn meeting.

[Approved by the Governor, February 9, 1816.]

CHAP. LXXXIII.

An Act to regulate the Fisheries in the town of Dennis.

SEC. 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 town of Dennis shall be and hereby is empowered and directed, at their meeting for the choice of town officers in March or April annually, to choose three or more persons, being freeholders in the said town, to see that this act be duly observed; and each person so chosen, shall be sworn faithfully to discharge the duties required of him by this act; and the

Officers to be chosen.

said Committee shall meet together annually on or before the twentieth day of April, on such time and place as they, or a majority of them, shall appoint, and the major part of the Committee present at such meeting, are hereby authorized and empowered to order the times, places and manner in which it may be lawful to take any of the fish called Herring, Alewives, Perch, and Eells in said town; and the said Committee, or a majority of them, are hereby fully authorized and empowered to cause the natural course of the streams through which the said fish pass, to be kept open and without obstruction, to remove such as may be found therein, and to make the said passage ways wider or deeper, if they shall judge it necessary; and said Committee or either of them, paying a reasonable consideration therefor, if demanded, shall have authority for those purposes, to go on the land or meadow of any person through which said streams run, without being considered as trespassers; and any person who shall molest or hinder the said Committee, or either of them, in the execution of the business of his or their office, or shall obstruct any passage way in the river, streams, coves or ponds, in said town, otherwise than may be allowed by the said Committee, he or they shall forfeit and pay a fine for every such offence, not exceeding ten dollars, nor less than three dollars.

SEC. 2. *Be it further enacted*, That if any person or persons shall take any of the said fish in the rivers, streams, ponds or coves aforesaid, at any time, in any place, or in any manner other than shall be allowed by the said Committee as aforesaid, each person so offending, for each and every such offence shall, on conviction thereof, pay a fine not exceeding four dollars, nor less than one dollar, if the quantity of fish so taken, ^{Fines.} is less than one barrel, but if the quantity of fish so taken shall be one barrel or more, such person or persons so offending, shall forfeit and pay for each and every barrel of fish so taken the sum of four dollars.

SEC. 3. *Be it further enacted*, That if the Committee aforesaid, or either of them, shall detect any person or persons in attempting to take any of the said fish, at any time, or in any place, or in any manner, otherwise than is allowed by the Committee, or shall

find such fish with such person or persons, such person or persons shall be deemed to have taken the said fish unlawfully, and shall be subject to the penalties of this act accordingly, unless such person or persons can make it appear on trial that they came to the said fish in some other way.

Seizure and
forfeitures.

SEC. 4. *Be it further enacted*, That if any vessel, boat, or craft shall be found within the limits of any of the rivers streams, ponds or coves, with any more of said fish than shall be permitted by the Committee aforesaid, it shall be the duty of said Committee, and they are hereby authorized to seize such vessel, boat, or craft, and detain the same, not exceeding forty-eight hours, in order that the same may be attached, or arrested by due process of law, and made answerable for said fines and forfeitures with cost of suit; *Provided however*, that as soon as the owner or master of said vessel, boat or craft, shall pay such fines and forfeitures to the Treasurer of said town, if he shall pay the same before being sued, such vessel, boat or craft shall be discharged with the effects therein.

SEC. 5. *Be it further enacted*, That all the forfeitures incurred by virtue of this act shall be to the use of the said town of Dennis, to be recovered by an action on the case, in any court proper to try the same, to be brought by the Treasurer thereof.

[Approved by the Governor, February 10, 1816.]

CHAP. LXXXIV.

An Act to empower the Selectmen of Saugus to appoint Engine Men.

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 Saugus be, and hereby are 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 near Saugus river, within the bounds of

the town of Lynn, nine persons, who in addition to those appointed by the selectmen of the town of Lynn, the whole not to exceed twenty-one men, shall 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 other Engine men now by law are.

[Approved by the Governor, February 10, 1816.]

CHAP. LXXXV.

An Act to authorize the towns of Charlestown and Medford to sell the privilege of taking Shad and Alewives in the waters situate between those towns.

SEC. 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 selectmen of the towns of Charlestown and Medford, in the county of Middlesex respectively, shall on or before the last Monday in February annually appoint two suitable persons, as Agents of their respective towns, for the purpose of selling the privilege of taking the fish called Shad and Alewives, in Mystic river, so far as that river forms any part of the dividing line between the said towns, and also in Mystic pond, so called, and all the other waters through which the said division line passes, on such days and times only as are, or shall be established by law for taking the said fish.

Agents to be appointed.

SEC. 2. *Be it further enacted,* That the said Agents shall meet, for the purpose of selling the said privilege on the second Friday of March annually, at which meeting a majority of those of them, who may be present, shall have the power of the whole, and shall then put up and offer for sale at public vendue, the said fishing privilege entire, or in parts, or lots, as they shall determine, and shall sell the same, in case two or more purchasers appear, and bid therefor, on such

Power to sell rights.

terms and conditions as the majority shall agree upon and make known at said sale; and in case the said privilege shall not be sold at said meeting for want of purchasers as aforesaid, the said majority may adjourn said vendue, not exceeding three days, and so from time to time until said sale shall be accomplished; and the said Agents of the said town of Medford, the first year, and the Agents of the said town of Charlestown the second year, and so alternately forever hereafter, shall appoint the place where the said meeting and vendue shall be holden, and shall give public notice of the time and place thereof, by posting advertisements in two or more public places in each of said towns, seven days at least before the said second Friday of March, and shall also notify the town Clerk of the other town concerned as aforesaid, of the said place of meeting and sale as aforesaid, by giving him a written notification thereof, or leaving it at his dwelling house or office, at least seven days before said meeting; and if either of said towns shall neglect to appoint Agents as required by this act, or if such Agents, when so appointed, whose duty it shall be to notify the Clerk of the other town concerned, of the place appointed for their meeting as aforesaid, shall neglect to give said notice, or shall neglect to give public notice of the time and place of the said vendue in manner aforesaid, such town so neglecting, or whose Agents shall so neglect as aforesaid, shall thereby forfeit all right in the said fishery for the then current year; and the Agents of the other of said town shall proceed to sell the same at vendue at such time and place as they shall appoint, giving public notice thereof in manner aforesaid, four days at least before the said sale, and the net proceeds of the said sale, shall belong solely to the town, whose Agents shall so sell the said privilege. And upon all questions which may arise relative to any notice or advertisement, required by this act, the Agents of either of said towns shall be competent witnesses.

Penalty.

SEC. 3. *Be it further enacted,* That if any person or persons, except the purchaser or purchasers as aforesaid, and those in their employ, shall catch any of said fish in any of the waters mentioned in the first section of this act, or shall draw, set, or place therein, any

seine, net, or other instrument, with intent to catch the said fish, or with intent to obstruct, or turn them in their passage through any of the waters aforesaid, each and every person so offending, shall forfeit and pay a sum not exceeding twenty dollars, nor less than ten dollars, for each and every such offence, to be recovered in an action of the case before any court competent to try the same, one half to the use of him or them who shall prosecute therefor, and the other half to the use of the said towns of Charlestown and Medford, to be equally divided between them.

Punishment for breach of right.

[Approved by the Governor, February 10, 1816.]

CHAP. LXXXVI.

An Act in addition to an act, entitled “ An act for the punishment of Rape, and for the prevention of the same.”

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That when any person shall be convicted in the Supreme Judicial Court of having made an assault on any female child under the age of ten years, with an intent to commit a Rape, after the passing of this act, he shall be punished by solitary imprisonment, not exceeding four months; and afterwards by confinement to hard labor for any term of years, or for life, according to the circumstances and aggravation of the offence, as the Court in their discretion may think proper.

Punishment.

[Approved by the Governor, February 10, 1816.]

CHAP. LXXXVII.

An Act for setting off Japheth C. Washburn and John Brackett, and their estates from the town of Fairfax and annexing them to the town of Harlem.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Japheth C. Washburn and John Brackett, with their estates lying within the following bounds, viz. beginning on the west side of Twelve Mile Pond on the line between the town of Harlem and the town of Fairfax; thence running south sixty-eight degrees west, about one mile to a small pond; thence northerly by said pond about forty-four rods; thence north sixty-eight degrees east, on the line between Fairfax and Winslow, to the south-east corner of the town of Winslow; thence nearly the same course on a straight line to the middle of the brook, at the head of said Twelve Mile Pond, on the north side of the bridge, thence on a straight line to the first mentioned bound, be, and hereby are set off from the town of Fairfax, in the county of Kennebeck, and annexed to and made a part of the town of Harlem in said county.

Boundaries.

[Approved by the Governor, February 10, 1816.]

CHAP. LXXXVIII.

An Act to incorporate the President, Directors and Company of the Bedford Commercial Bank.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That William Rotch, jun. William Howland, Oliver Crocker, Gideon Howland, jun. Joseph Ricketson, Gideon Allen, Seth Russell, jun. John A. Parker, Joseph Dunbar, James Howland, Menassah Kempton, and Cornelius Grinnel, with their

Persons incor-
porated.

associates, successors and assigns shall be, and hereby are created a corporation, by the name of the President, Directors and Company of the Bedford Commercial 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 bye-laws, ordinances and regulations as to them shall appear necessary and prudent for the government of their affairs: *Provided*, such bye-laws, ordinances and regulations shall in no wise be contrary to the Constitution and Laws of this Commonwealth; and the said Corporation shall always be subject to the rules, restrictions, limitations and provisions herein prescribed.

SEC. 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 or before the first day of September next, the second on or before the first day of March next after, the third on or before the first day of September next afterwards, and the last on or before the first day of March next afterwards; 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

Capital Stock.

Privileges.

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; 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.

SEC. 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 the number of Directors to be annually chosen shall be nine, who shall be inhabitants of this Commonwealth, five of whom may constitute a quorum for 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.

SEC. 4. *Be it further enacted*, That the said Bank shall be established and kept in the town of New Bedford.

SEC. 5. *Be it further enacted*, That whenever the Commonwealth may require it, 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 at five annual instalments, or at any shorter period, at the election of the Commonwealth, with the annual payment of interest at a rate not exceeding five per 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 twenty thousand dollars.

SEC. 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 on such examination, it shall be found, and after a full hearing of said Corpor-

Penalty.

Location.

State loans.

ation thereon be determined by the Legislature, that said Corporation have exceeded the powers herein granted, or failed to comply with any of the rules, regulations or conditions in this act provided, the Corporation shall thereupon be declared forfeited and void. Forfeitures.

SEC 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, printed at New-Bedford. and by posting up notifications in one or more public places in the town of New-Bedford and the town of Fair Haven for the purpose of making, ordaining and establishing such bye-laws, ordinances 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. Order of notice.

SEC. 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 the debts due the same, of the monies deposited therein, and 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. Semi-annual report.

SEC. 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 Corporation, subject to such rules, regulations and provisions, as shall be by the Legislature made and established as to the management thereof. Additional stock.

SEC. 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.

Tax to State.

SEC. 11. *Be it further enacted*, That the said Corporation, from and after the first day of April in the year of our Lord one thousand eight hundred and seventeen, shall pay by way of tax to the Treasurer of this Commonwealth, for the use of the same, within ten days after the first Mondays of April and October, annually, the half of one per cent on the amount of the original stock which shall have actually been paid in; *provided however*, that the same tax, payable in manner as 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.

SEC. 4. *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 the 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 on the personal bond of the borrower with collateral security by 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.

[Approved by the Governor, February 10, 1816.]

CHAP. LXXXIX.

An Act to establish the Fourth Congregational Society
in the town of Plymouth.

SEC. 1 **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Silvanus Finney, Solomon Finney, Stephen Doten, Isaac Howland, John Doten, Nathan Whiting, Stephen Doten, jun. Caleb Morton, Lemuel Leach, jun. Henry Howland, Ichabod Howland, Thomas Chiles, George R. Wiswall, James Morton, jun. William Burgess, jun. Barnabas Holmes 3d. Job Hill, Ephraim Morton, Alexander Ripley, Zaben Olney, Caleb Finney, Charles Howland, George Finney, William Howland, Nathaniel Clark 3d, Hosea Churchill, Henry Cassady, Elkanah Finney, Finney Leach, Clark Finney, Robert Finney, Ephraim Finney, Seth Finney, Bartlet Holmes, Lemuel Leach, John Clark. John H. Clark, William C. Nye, Ezra Burbank, Caleb Fish, Gilbert Holmes, Ebenezer Holmes, Samuel Howland, Elisha Doten, Francis McGill, Ephraim Bradford, Freeman Morton, William Clark, Prince Manter, be, and hereby are incorporated into a parish, by the name of The Fourth Congregational Society in Plymouth, with all the privileges, powers and immunities which other parishes in this Commonwealth are entitled to by law.

Persons incor-
porated.

SEC. 2. *Be it further enacted*, That any Member of said Society, or any Member of the first and third parishes in Plymouth, shall have full liberty to join themselves with their families and estates that they hold in their own right, to said Society, or said first and third parishes respectively, at any time within two years from the passing of this act; *provided* they shall first signify in writing under their hands to the Clerk of said town of Plymouth their determination of being considered as belonging to the Society or parish to which they may join themselves as aforesaid.

May join mem-
bership.

SEC. 3. *Be it further enacted*, That forever after the expiration of the said two years, any member of

said Society, or any member of the first and third parishes aforesaid, shall be considered as belonging to said Society, or said first or third parishes respectively, with his family and estate, by signifying his determination in writing to the Clerk of said town as aforesaid, and at the expiration of eighteen months after signifying such determination in manner above said; *provided* the party applying shall not have withdrawn said application before the expiration of said term.

Privileges

SEC. 4. *Be it further enacted*, That the members of said Society, and said first and third parishes respectively and their families, shall be deemed and considered as continuing members of said Society, and said first and third parishes respectively, with their estates, for the time being, until their relation shall be changed, in manner as above prescribed.

Property taxable

SEC. 5. *Be it further enacted*, That the estate real and personal of any Member of said Society or of said first and third parishes, shall be taxable by said Society or said first and third parishes respectively, only in, by and for the Society or parish to which the person owning such property shall or may belong at the time of making such tax; and any person leaving said society or either of said parishes in manner as above mentioned, shall be holden to pay all taxes remaining assessed upon him at the time of his ceasing to be a member of said Society or said first and third parishes respectively.

Power limited

SEC. 6. *Be it further enacted*, That the word estate mentioned in this act, so far as it relates to real estate, shall extend only to such real estate as the members of said Fourth Congregational Society, and of the said parishes hold or may hold in their own right; and that any Justice of the Peace for the county of Plymouth is hereby authorized to issue his warrant to some member of the said Fourth Congregational Society, requiring him to notify and warn the members thereof to meet at such convenient time and place as shall be appointed in said warrant, to choose such officers as parishes are by law empowered and required to choose at their annual meetings.

[Approved by the Governor, February 10, 1816.]

CHAP. XC.

An Act to incorporate the President, Directors and Company of the Commercial Bank.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That James Neal, Arthur McLellan, Joseph Cross, jun. Eleazer Greely, Benjamin Butman, Timothy Fletcher, Amos S. Webber, William Wood, Josiah Paine, James Farmer, William Cross, Henry Holey, Woodbury Storer, jun. Joseph M. Gerrish, Jonathan Stuart, and John Woodman, their associates, successors and assigns, shall be and hereby are created a Corporation, by the name of the President, Directors and Company of the Commercial Bank, and shall so continue from the first day of April next till 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 they hereby are made capable 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 to ordain, establish and put in execution such bye-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 bye-laws, ordinances and regulations shall in no wise be contrary to the Constitution and Laws of this Commonwealth, and the said Corporation shall be always subject to the restrictions, limitations and provisions herein prescribed.

Persons incor-
porated

SEC. 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, which shall be paid in at two equal instalments. The first on the first day of April next, and the other on the first day of April which will be in the year of our Lord one thousand eight hundred and seventeen, and as much

Amount of
stock.

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 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, 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 discount 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.

SEC. 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 for the sum of ten thousand dollars penalty; the number of Directors to be annually chosen shall be seven, and four may constitute a *quorum* for the transaction of business.

Shall give bonds.

SEC. 4. *Be it further enacted*, That the said Bank shall be established and kept in the town of Portland.

Location.

SEC. 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

Committee may examine vaults.

thereon be determined by the Legislature that said Corporation have exceeded the powers 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.

SEC. 6. *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 three weeks successively in one or more of the news-papers printed in the town of Portland, for the purpose of making, ordaining and establishing such bye-laws, ordinances and regulations for the orderly conducting the affairs of the said Corporation as the said Stockholders shall deem necessary, and for the choice of the first Board of Directors, and such other officers as they shall see fit to choose. Mode of calling meetings.

SEC. 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 the debts due the same, of the monies deposited therein, of the notes in circulation, and of the gold and 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. Returns to be made.

SEC. 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 and regulations and provisions as shall be by the Legislature made and established as to the management thereof. State stock.

SEC. 9. *Be it further enacted,* That said Corporation shall be liable to pay to any bona fide holder the original amount of any note of said Bank altered Altered notes payable.

in the course of circulation to a larger amount, notwithstanding such alteration.

State Tax.

SEC. 10. *Be it further enacted*, That said Corporation shall pay by way of tax to the Treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of April and October annually, the half of one per cent on the amount of the Capital Stock actually paid in at the time of said dividend: *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.

State Loan.

SEC. 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 Incorporation without their consent for a larger sum than twenty per centum of the Capital Stock actually paid in.

Proviso.

[Approved by the Governor, February 10, 1816.]

CHAP. XCI.

An Act to incorporate the York County Bible Society.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Charles Coffin, Jonathan Cogswell, Joseph Dane, Nathaniel H. Fletcher, Joseph Gilman, Henry Holmes, and John Low, together with such others as may hereafter associate with them

Persons incorporated.

and their successors, be, and they are hereby made a Corporation, by the name of The York County Bible Society, with all the powers and privileges incident and usually given to, and exercised and enjoyed by other Bible Societies in this Commonwealth.

SEC. 2. *Be it further enacted,* That the said Charles Coffin and others his associates, shall during the pleasure of the Legislature, continue and remain, for the purposes of this act, a body corporate and pol-^{Privileges.}itic, and keep and use a seal, which they may change or annul as they may see cause; and the said Society shall be capable in law, to receive, possess and improve donations in money and gifts, grants and bequests of land and tenements, or other estate, real or personal, and the income, rents and profits thereof shall appropriate and employ exclusively to the furtherance of the purposes of this act.

SEC. 3. *Be it further enacted,* That the said Corporation shall be and hereby are further 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 of said estate, both real and personal, shall never exceed one hundred thousand dollars; and the said Society, in its corporate capacity, may sue and be sued, and may appoint an Agent or Agents, with power of substitution, to prosecute and defend such suits in law. ^{May hold real estate.}

SEC. 4. *Be it further enacted,* That the said Society may choose a President, Vice-President, Trustees, Treasurer, a Recording Secretary, a Corresponding Secretary, and such other officers as they may think necessary, and make and establish bye-laws and regulations for the orderly conducting their business: *Provided* such laws and regulations shall never be repugnant to the Constitution and Laws of this Commonwealth. ^{May choose of officers.}

SEC. 5. *Be it further enacted,* That the first meeting of said Society may be called by any two of the persons named in this act, by causing a notification for that purpose to be published in one or both of the news papers printed in Portland, appointing the time and ^{Mode of calling meetings.}

place for the said first meeting, and to organize the said Society by the election of its officers.

[Approved by the Governor, February 13, 1816.]

CHAP. XCII.

An Act making further provision in the Judicial Department,

SEC. 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, when at any term of the Supreme Judicial Court holden or to be holden in any county by three or more Justices thereof, any actions shall have been continued *nisi*, for advisement by the Court, or for argument by consent of parties, and the Justices of said Court shall have determined the same before the next law term of said Court holden in the same county, it shall be lawful to enter judgments upon said actions, as of the last term of said Court at which said actions shall have been continued, or at any succeeding term of said Court holden by one or more of the Justices thereof; and such judgment entered as aforesaid shall have the same force and validity as though the same had been rendered at a Court holden by three or more of said Justices, and executions may accordingly be issued thereon.

SEC. 2. *Be it further enacted,* That whenever the Clerk of said Court in any county shall enter a judgment upon any action by order of the Justices of said Court out of term time, he shall enter upon his docket the time when he shall receive such order; and all liens created by attachment or mesne process in said actions, shall continue and be in force for and during thirty days after the day on which judgment shall have been so actually entered, any thing in the law to the contrary notwithstanding.

[Approved by the Governor, February 13, 1816.]

Judgments entered.

Docket entry.

CHAP. XCIII.

An Act in addition to an act, entitled, “ An act in addition to an act entitled, an act to incorporate the President, Directors and Company of the Pawtucket Bank.”

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, entitled, “ An act in addition to an act, entitled an act to incorporate the President, Directors and Company of the Pawtucket Bank,” as regards the times at which the Stockholders of said Bank are required to pay in their third and fourth instalments of the Capital Stock thereof, be, and hereby is repealed; and that the Stockholders of said Bank be, and they hereby are required to pay in the third and fourth instalments of the Capital Stock of said Bank at the following periods, to wit—the third instalment on the first Tuesday in February, in the year of our Lord one thousand eight hundred and eighteen; and the fourth instalment on the first Tuesday of August, then next following, or at such earlier times as the Stockholders at any meeting thereof may order. Time allowed.

[Approved by the Governor, February 13, 1816.]

CHAP. XCIV.

An Act to incorporate the Trustees of the Westerly School in Roxbury.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Committee, Treasurer and Clerk, for the time being, of the Westerly School in the town of Roxbury, be, and they hereby are incorporated and made a body politic and corporate. Body politic, by the name of the Trustees of the Westerly School fund in Roxbury.

SEC. 2. *Be it further enacted,* That the said Corporation may have and use a common seal, and 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 of the same at pleasure, not using the same in trade; may make and execute any bye-laws and rules for the government of the Corporation, and may appoint such officers, and invest them with such powers as the Trustees may think expedient, not repugnant to the Laws of this Commonwealth.

May hold real estate, &c.

SEC. 3. *Be it further enacted,* That any note, bond, mortgage, or other security which may have been made payable to the Treasurer of the said Westerly School district, shall remain good and valid in the hands of the said Trustees as if made payable to them; and the income of the fund shall be applied toward the support of the said School agreeable to the will and intention of the donors, so far as the same can be known.

Application of income.

SEC. 4. *Be it further enacted,* That meetings for the choice of the officers aforesaid, may be called in the same manner that meetings are called for building and repairing school houses, and the said officers may be chosen annually, or for a longer time, as the district, when legally convened for that purpose, by a major vote shall determine.

Meeting called.

[Approved by the Governor, February 13, 1816.]

CHAP. XCV.

An Act to incorporate the Trustees of the Ministerial Fund in the first parish in Amherst.

WHEREAS certain persons, inhabitants of the first parish in Amherst, in the county of Hampshire, have already subscribed a considerable sum of money to constitute a permanent fund for the support of the Ministry of the Gospel and the Congregational worship, in said parish, and have by their petition, prayed this

Parish incorporation.

Legislature to incorporate Trustees for the due management of said Fund, and vest them with the power necessary for the accomplishment of that subject.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That* Noah Webster, Rufus Cowles, Moses Hastings, Enos Baker, and Calvin Merrill, be, and they are hereby appointed Trustees to receive and hold all such sums of money as now are or hereafter may be subscribed for the aforesaid purpose, and also to receive and hold any estate, real or personal, that may be given or bequeathed to them as Trustees, for the said purpose. And the said Trustees are hereby authorized and empowered to demand and receive from the Treasurer of the parish, all notes, obligations or other securities which have been or may be given for any sum or sums of money subscribed for the purpose aforesaid, and the same to hold for the sole use and benefit of said parish: *provided* the amount of the said sum shall not exceed twelve thousand dollars. And the said Trustees are hereby constituted a body politic and corporate to have perpetual succession, with power to supply all vacancies in the trust, to appoint such officers as they shall deem necessary or expedient for transacting the business of said Corporation, and to do and execute whatever may be necessary or useful towards a faithful management of said Fund.

Trustees to be chosen.

SEC. 2. *Be it further enacted, That* the Trustees before named and their successors in office, be, and are hereby invested with full power to receive all sums of money, notes, bonds or obligations, and all deeds, bequests, legacies and donations that may be given or made to them in trust for the benefit of said parish as aforesaid, and to collect the interest or rents and profits of the same annually, and also to collect the principal sum when due and payable, or require security for the payment, when, in their apprehension, the debts are in danger of being lost. And in order to accumulate the Fund, according to the design of the subscribers, they are hereby authorized to add the annual interest to the principal, placing the whole at interest on good security, until the whole Fund shall amount to ten thousand dollars. But nothing in this

Duties of Trustees.

act shall authorize the said Trustees to use or apply any money given for the purpose aforesaid, in any manner contrary to the direction of the subscribers or donors.

Powers of
Trustees.

SEC. 3. *Be it further enacted*, That the said Trustees may hold, sell or lease any real estate, given, bequeathed or mortgaged to them for the support of the Ministry in said parish as aforesaid.

Appropriation
of funds.

SEC. 4. *Be it further enacted*, That when the Fund aforesaid shall amount to the sum of ten thousand dollars, the whole of the annual interest, rents and profits of the same shall be annually paid by said Trustees to the Treasurer of the parish, and by him applied to the payment of the salary of the settled Congregational Minister of said parish: And the said Trustees, shall, at the annual meeting of said Parish, in March or April, exhibit to the said parish their account with the Treasurer, expressing the receipts and payments, with the state of the funds: and the Treasurer shall exhibit his account with the said Trustees to the parish at the same meeting; and the said parish, at their discretion, may appoint auditors, not exceeding three in number, to examine said accounts and the vouchers, and make report to the said parish of the state of the fund, with the receipts and disbursements.

Appropriation
of interest of
fund.

SEC. 5. *Be it further enacted*, That the interest of any money or donation, not intended to form a part of the accumulating fund aforesaid, shall be annually paid over to the Treasurer of the said parish, by the said Trustees, to be applied to the payment of the salary of the Minister of said parish, in the manner prescribed by the fourth section of this act.

Meeting called.

SEC. 6. *Be it further enacted*, That Noah Webster, Esq. be, and he is hereby authorized and empowered to call the first meeting of the Trustees aforesaid, at such time and place as he shall deem expedient.

[Approved by the Governor, February 13, 1816.]

CHAP. XCVI.

An Act incorporating certain persons for the purpose of building a Bridge over Kennebeck river, between the towns of Anson and Madison.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That William Parlin, Nathan Houghton, Benjamin Ellis, Ephraim Heald, John Ellis, William Adams, Hemon Moor, John Ellis, jun. and Benjamin Hilton, together with such others as may hereafter associate with them and their successors and assigns, shall be a Corporation, by the name of the Proprietors of Madison Bridge, and by that name may sue and be sued to final judgment and execution, and may do and suffer all such matters, acts and things which bodies politic may and ought to do and suffer; and that said Corporation shall have full power and authority to make, have, and use a common seal, and the same to break, alter and renew at pleasure; and the said Corporation shall be, and they are hereby authorized to erect a Bridge over Kennebeck river, at the place called Norridgewock Falls, at the narrowest part of said river, between the upper pitch and the lowest pitch of the said falls, on the west side of said Kennebeck river to a point or place between the mills called Ellis and Hale's mills, and land owned by Nathan Houghton, on the east side of the river aforesaid. And the said Bridge shall be well built, of good materials, not less than twenty-four feet wide, and well covered with plank or timber, with sufficient rails on each side for the safety of passengers.

SEC. 2. *Be it further enacted,* That any three of the persons before named, may call the first meeting of the said proprietors, by an advertisement in the *Hallowell Gazette*, in three successive papers, the last publication to be at least fourteen days prior to the time appointed for such meeting; and the said proprietors, by a vote of a majority of those present, accounting and allowing one vote to each share, (provided no person

either by his own right or by proxy, shall be entitled to more than ten votes) shall choose a Clerk, who shall be sworn to the faithful discharge of the duties of his office; also may, at the same time, or at any subsequent meeting choose such other officers as may be found necessary for managing the business of said Corporation, and shall agree on a method of calling future meetings; may make and establish such rules and regulations as shall be deemed convenient and necessary for regulating said Corporation, for effecting, completing and executing the purposes aforesaid, and for collecting the toll herein granted; and the same rules and regulations may cause to be observed and executed; and for the breach of any of them, may order and enjoin fines and penalties not exceeding twenty dollars; *provided*, that said rules and regulations be not repugnant to the Laws and Constitution of this Commonwealth.

Rate of tolls.

SEC. 8. *Be it further enacted*, That a toll be, and hereby is granted and established, for the use and benefit of said Corporation, according to the rates following, to wit, for each passenger or one person passing said Bridge, two cents; one person and horse six cents and one quarter of a cent; a single horse cart, sled, or sleigh, eight cents; each wheel-barrow, hand-cart and every other vehicle capable of carrying a like weight three cents; each team including cart, sled, or sleigh drawn by more than one beast and not exceeding four, twelve cents and five mills; and for every additional beast above four two cents; each single horse and chaise, chair or sulkey, seventeen cents; each coach, chariot, phaeton and curriole thirty-seven cents and an half cent; neat cattle and horses, exclusive of those rode on, or in carriages, or in teams, two cents each; sheep and swine, for each dozen six cents and a quarter of a cent; and at the same rate for a greater or less number; and the same toll shall be paid for all carriages passing said Bridge, whether the same be loaded or not, and to each team one man, and no more, shall be allowed as a driver, to pass free from payment of toll; and at all times when the toll gatherer shall not attend his duty at the said bridge, the gate or gates shall be left open. And the said toll shall commence on the day of the first opening of the said Bridge for passen-

gers, and shall continue for and during the term of seventy-five years from the said day, and be collected as shall be prescribed by said Corporation; *provided* the said proprietors shall, at all times, keep said Bridge in good repair, and at the end of the said term deliver the same to the Commonwealth for their use; *provided also*, that at the place where the toll shall be collected, there shall be constantly kept on a board or sign, exposed to open view, the rates of toll in legible letters.

SEC. 4. *Be it further enacted*, That if the said Corporation shall neglect or refuse, for the space of two years from the passing of this act, to build and complete said Bridge, then this act shall be void and of no effect. Proviso.

SEC. 5. *Be it further enacted*, That all persons with their carriages and horses, passing to and from their usual places of public worship, and all persons passing to or from funerals, and all persons passing on military duty, be. and hereby are exempted from paying the toll required by this act. Exemptions.

SEC. 6. *Be it further enacted*, That at the expiration of ten years from the opening of said Bridge, the General Court may regulate anew, the rates of toll receivable thereat. Limitation of power.

[Approved by the Governor, February 13, 1816.]

CHAP. XCVII.

An Act to set off the south east part of Thompson Pond Plantation, and annex the same to the town of New-Gloucester.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all that part of Thompson Pond Plantation, in the county of Cumberland, which is described within the following bounds, viz. : Beginning at the south east corner of said plantation; thence south west adjoining New-Gloucester line to the southwesterly corner of said plantation; thence north-west by Raymond's line to the inlet of the upper range pond; thence northeasterly by said inlet and pond Boundaries.

across said plantation to the line of the town of Poland ; thence southeasterly by Poland line to the place of beginning, with the inhabitants thereon, be, and the same are hereby set off from Thompson Pond Plantation and annexed to the town of New-Gloucester in the said county of Cumberland: *Provided nevertheless*, that the said tract of land and the inhabitants thereon so set off as aforesaid, shall be holden to pay all such taxes as are already assessed or ordered to be assessed by said plantation in the same manner as they would have been. if this act had not been passed.

Proviso.

Taxes.

SEC. 2. *Be it further enacted*, That six cents on the sum of one thousand dollars, which was charged to said plantation in the settlement of the last valuation, be, and hereby is deducted from said plantation, and charged to the town of New-Gloucester, in all public taxes hereafter to be assessed until a new valuation.

[Approved by the Governor, February 13, 1816.]

CHAP. XCVIII.

An Act in further addition to an act, entitled “ An act in addition to an act, entitled an act to incorporate the President, Directors and Company of the Hampshire Bank.”

Time allowed.

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, entitled, “ An act in addition to an act, entitled an act to incorporate the President, Directors and Company of the Hampshire Bank,” as regards the time at which the Stockholders of said Bank are required to pay in their fourth instalment of the Capital Stock thereof, be, and hereby is repealed ; and that the Stockholders of said Bank be, and they hereby are required to pay in their said fourth instalment of the Capital Stock of said Bank on the first day of March, in the year of our Lord, one thousand eight hundred and seventeen.

[Approved by the Governor, February 13, 1816.]

CHAP. XCIX.

An Act in addition to an act, entitled “ An act to regulate the weight of Beef and Pork.”

SEC. 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, it shall be the duty of the Selectmen of every town within this Commonwealth, where Beef Cattle are sold for the purpose of Market, or barreling, to appoint one or more person or persons, not being dealers in Cattle, and conveniently situated in such town, to be weigher or weighers of Beef, who shall be sworn to the faithful discharge of the duties of their office, and shall receive such fees as are hereinafter described.

Weighers appointed.

SEC. 2. *Be it further enacted,* That all Beef sold as aforesaid, shall be weighed by the said sworn weighers, and certificates of the weight of all the Beef, Hide and Tallow of each head of Cattle, in the form following, shall be signed by the said weighers, and delivered to the seller or sellers thereof.

Certificate.

FORM OF CERTIFICATE.

This Certifies that I have duly weighed the Cattle,
 Bought by _____ of _____ from _____ of _____ this
 day of _____ 181_____

Beef, - - - - -				
Hide, - - - - -				
Tallow, - - - - -				
Total - - - - -				

Sworn Weigher.

SEC. 3. *Be it further enacted,* That the fees for weighing shall be as follows: for weighing any quantity of Cattle, not exceeding five head, twenty cents per head; not exceeding ten head, fifteen cents per head, not exceeding twenty head, ten cents per head, all over twenty head, five cents per head, beyond the first twenty head, which fees shall be paid by the seller or sellers of such Cattle, twelve and one half cents

Rate of fees.

for each certificate duly signed, which shall be paid by the seller or sellers thereof, which shall contain the several weights of all the Cattle offered for weight, by any one person, unless otherwise requested, by the seller or sellers thereof.

SEC. 4. *Be it further enacted,* That any butcher or butchers, purchaser or purchasers of Beef Cattle, intended for market or barreling, who shall purchase any such Beef Cattle, contrary to the true intent and meaning of this act, shall forfeit and pay the sum of thirty dollars for each and every such offence, to be recovered with cost of suit, by action or plaint, before any Court proper to try the same, one half to the use of the Commonwealth, and the other half to the person or persons who shall prosecute for the same: *Provided* that nothing in this act shall prevent any person or persons from buying or selling live Cattle, commonly called Cattle on the foot. And *provided* that no person shall be obliged to weigh any Beef Cattle, when the weight or mode of weighing shall be agreed on by the buyer and seller.

[Approved by the Governor, February 13, 1816.]

CHAP. C.

An Act authorizing the President, Directors and Company of the Cumberland Bank to reduce their capital stock.

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 President, Directors and Company of the Cumberland Bank, shall be two hundred thousand dollars, the number of shares to be the same as at present established by law: *Provided however,* that no dividend of the capital stock of said Bank, as now existing, shall be made until proof shall have been made to the satisfaction of the Governor and Council, or of Commissioners by them appointed, that there exists in said Bank funds belonging to said

Fines.

Proviso.

Reduction of
Stock.

Corporation, sufficient to pay all bills in circulation, and all deposits and other demands existing against the same, beyond the sum then to be divided: *Provided also*, that nothing herein contained shall be construed to affect the liability of the Corporation or the individual Stockholders as established by the original act incorporating said Bank: *Provided also*, that the said President, Directors and Company shall be holden to pay into the Treasury of this Commonwealth their proportion of the tax now required to be paid by law upon the existing Capital of said Bank, until the same shall actually be reduced and paid. Proviso.

[Approved by the Governor, February 13, 1816.]

CHAP. CI.

An Act to incorporate the proprietors of certain Meadows in Sudbury and East Sudbury

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all the proprietors and owners of meadow lands situated in the towns of Sudbury and East Sudbury, which are adjoining Sudbury river, so called, from the line of the town of Framingham to the line of the town of Concord, and which have been flowed in the summer season, from and after the passing of this act, be, and they hereby are incorporated into a body politic, by the name of **The Proprietors of Meadows in Sudbury and East Sudbury**, 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. Proprietors incorporated.

SEC. 2. *Be it further enacted*, That said Corporation shall have power to clear said river, by removing the sand banks, bars, and other natural obstructions, and by cutting and clearing the grass that grows in said river, whether the same be within the limits of said towns or not; and that the said Corporation, in their corporate capacity, may maintain an action of the case in any court proper to try the same, for any un- May sue.

lawful obstructions put in or kept up in said river, either within the limits of said towns or elsewhere, by reason of which said meadow may in any wise be injured.

SEC. 3. *Be it further enacted,* That any Justice of the Peace in the county of Middlesex be, and he hereby is empowered and directed, upon application in writing from five or more of said proprietors, to issue his warrant to any one of the proprietors aforesaid, requiring him to notify and warn the said proprietors to meet at such time and place as he shall deem most convenient, and for the purposes to be expressed in said warrant, by posting up copies of said warrant with the notification thereon, at the several houses of public worship in said towns of Sudbury and East Sudbury, fourteen days at least prior to the time of holding said meeting; and the said proprietors, when legally assembled as aforesaid, shall have power to choose a Clerk, Committee, Assessors, Collector of taxes, Treasurer, and such other officers as they shall deem necessary, 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 room, which may be when, and 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 lawful order of said Corporation, as town officers of the like description have by law to do and perform in their respective offices; and the said Corporation shall at their first meeting agree and determine upon a method of calling future meetings; and the said Corporation at any meeting legally called for that purpose, may vote to raise monies for the purposes of removing obstructions in said river, and for draining and better managing said meadows, and for carrying the votes and orders of said Corporation into effect; and all monies raised as aforesaid, shall be assessed upon each proprietor in proportion to the interest he or she may have in said meadows; and if any proprietor shall refuse or neglect to pay the sum or sums assessed upon him or her as aforesaid, for the space of ninety days after the assessment shall have been shewn to him by

Meetings
warned.

Officers to be
chosen.

Powers.

Future meet-
ings.

Assessment.

the Collector, or a copy thereof left at his usual place of abode, so much of his or her meadow shall be sold by the Collector as will be sufficient to pay the same with cost, notice of such sale to be given by the Collector by posting up advertisements thereof at the several houses of public worship in the towns of Sudbury and East Sudbury, thirty days prior to the sale, with the names of the proprietor or proprietors, the amount of taxes assessed upon their meadow land respectively, and also the time and place of sale; and if no person shall appear thereupon to discharge the said taxes and all intervening charges, then the Collector shall proceed to sell at public auction to the highest bidder, so much only of said meadow land as shall be sufficient to discharge said taxes, and all intervening charges; and shall give and execute a deed or deeds to the purchaser or purchasers, his or her heirs and assigns, expressing therein the cause of such sale, saving to such delinquent proprietor or proprietors the right of redemption. the same for the space of one year, by paying the said purchaser the sum he may have given therefor, and interest after the rate of ten per centum per annum. And the said Corporation may at their first meeting, or any future meeting legally called, establish such rules and regulations as shall be judged necessary, *provided* the same are not contrary to the Constitution and Laws of this Commonwealth, for the better management of its affairs, for which purpose, in addition to the power and authority in this act given them, they are hereby invested with all the powers legally appertaining to the proprietors of general and common fields.

[Approved by the Governor, February 13, 1816.]

CHAP. CII.

An Act to establish an Academy in the town of Amherst, in the county of Hampshire.

WHEREAS sundry persons, inhabitants of Amherst, in the county of Hampshire, have, at the expense of five thousand dollars, erected a suitable building for an Academy in said town, and have procured an able instructor to teach the usual Academical branches of learning, and it appears that said town is a suitable place for such an institution :

SEC. 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 Amherst, an Academy, by the name of Amherst Academy, for the purpose of promoting morality, piety and religion, and for the instruction of youth in the learned languages, and in such arts and sciences as are usually taught in other Academies, or as shall be directed by the Trustees; and David Parsons, Nathan Perkins, Samuel T. Dickenson, Hezekiah W. Strong, Rufus Cowles, Calvin Merrill, Noah Webster, John Woodbridge, James Taylor, Nathaniel Smith, Josiah Dwight, Rufus Graves, Winthrop Bailey, Experience Porter, and Elijah Gridley, be, and are hereby incorporated into a body politic, by the name of The Trustees of Amherst Academy, and that they and their successors shall be and continue a body politic and corporate, by the same name forever.

Persons incor-
porated.

SEC. 2. *Be it further enacted,* That all monies, lands, or other property and things already given, or which shall be hereafter given, granted, devised, bequeathed, transferred or assigned to the said Trustees, for the purpose aforesaid, shall be and hereby are confirmed to the said Trustees and to their successors in that trust forever; and that the said Trustees 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

Fee simple.

annual income thereof shall not exceed the sum of five thousand dollars; and may sell and dispose of the same, and apply the interest, rents and profits thereof in such manner as to promote the end and design of said institution.

SEC. 3. *Be it further enacted*, That the said Trustees shall have power, from time to time, to elect such officers of the said Academy as they shall judge necessary, and to fix the tenures of their respective offices; to remove any Trustee from the Corporation, when, in their opinion, he shall be incapable by reason of age or otherwise, of discharging the duties of his office; to fill all vacancies in said Corporation by electing such persons for Trustees as they shall think suitable; to determine the times and places of their meetings, the manner of notifying the Trustees, and the method of removing and electing Trustees; to prescribe the powers and duties of their several officers; to appoint preceptors of the said Academy, to determine their powers and duties, and to fix the tenures of their offices, and to make and ordain rules and orders, with reasonable penalties, for the good government of said Academy, not repugnant to the Laws of the Commonwealth.

Power of Trustees.

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

May sue and be sued.

SEC. 5. *Be it further enacted*, That the number of said Trustees shall not, at one time, be more than fifteen, nor less than nine; and five of them shall constitute a quorum for transacting business.

Officers limited

SEC. 6. *Be it further enacted*, That the Reverend David Parsons be, and hereby is authorized to appoint the time and place for holding the first meeting of the

Meetings called.

said Trustees, and to give them notice thereof, in such manner as he shall judge expedient.

[Approved by the Governor, February 13, 1816.]

CHAP. CIII.

An Act in addition to an act, entitled "An act regulating the Commencement of certain Actions in which the inhabitants of the town of Boston, in the county of Suffolk, shall be a party."

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That all actions to be commenced hereafter, wherein the inhabitants of the town of Boston, in the county of Suffolk, in their corporate capacity, shall sue or be sued, may be instituted and prosecuted in either of the counties of Norfolk, Middlesex, or Essex, any thing in a law, to which this is in addition, to the contrary notwithstanding.

Actions transferred.

SEC. 2. *Be it further enacted,* That any Coroner of the county of Suffolk, be, and he hereby is authorized to serve and execute all writs and precepts to him directed, wherein the inhabitants of the town of Boston shall sue, or be sued by the Sheriff of said county, or either of his Deputies, notwithstanding said Coroner may be an inhabitant of said town.

Power to Coroners.

SEC. 3. *Be it further enacted,* That whenever an execution, which has been issued on the judgment of any Court within this Commonwealth, in which judgment the inhabitants of said town of Boston shall be a party, shall be in the hands of an officer, having authority to serve the same, and said officer shall be directed to extend the said execution on real estate of the debtor, situated in the said town of Boston, then the said officer shall cause three discreet men, being free holders in said county of Suffolk, to be chosen and sworn to appraise such real estate in the manner prescribed in the second section of an act of this Commonwealth, passed the seventeenth day of March, in the year of our Lord one thousand seven hundred and eigh-

Appraisers.

ty four, and entitled " An act directing the issuing, extending and serving of executions ;" and the appraisement, so made, shall be valid, notwithstanding the appraisers, so chosen, or any of them, may be an inhabitant of said town.

[Approved by the Governor, February 13, 1816.]

CHAP. CIV

An Act to incorporate the Trustees of Hopkins Academy.

WHEREAS it appears by the petition of Seth Smith and others, the Committee of the Donation School in the town of Hadley, that a fund heretofore given for the support of said School by the Honorable Edward Hopkins, may be more conveniently and advantageously directed to the furtherance of the benevolent objects of the donor by establishing a body politic for the management of the same : Therefore,

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That there be, and hereby is established an Academy in the town of Hadley and county of Hampshire, upon the foundation of the Hopkins Donation School, to be known and called hereafter by the name of Hopkins Academy, and that Seth Smith, William Porter, Jacob Smith, William Dickinson, and Moses Porter, the Committee of the Donation School aforesaid, be, and they hereby are incorporated into a body politic by the name of The Trustees of Hopkins Academy ; and they and their successors shall be and continue a body politic by the same name forever.

Persons incorporated.

SEC. 2. *Be it further enacted,* That all the lands and monies heretofore given or subscribed to the Committee aforesaid for the use of the said School, or which shall hereafter be given, granted and assigned to the Trustees aforesaid for the use of the said Academy, shall be confirmed to the said Trustees, and their successors in that trust forever, for the uses designated

Property assigned.

by the Donors: and they, the said Trustees and their successors shall be further capable of having, holding and taking, in fee simple, by gift, grant, devise or otherwise, any lands, tenements or other estate, real or personal; *provided* the annual income of the same shall not exceed five thousand dollars; and that the rents, issues and profits thereof shall be applied in such a manner as that the designs of the donors may be most effectually promoted.

Fee simple.

SEC. 3. *Be it further enacted*, That the said Trustees shall have power from time to time, as they shall determine, to elect such officers of the said Academy as they shall judge necessary and convenient, and fix the tenures of their respective offices: to remove any Trustee from the Corporation, when in their opinion he shall be incapable, through age or otherwise of discharging the duties of his office: to fill all vacancies by electing such persons for Trustees as they shall judge best; to determine the times and places of their meetings, the manner of notifying the said Trustees, and the method of electing or removing them; to ascertain the powers and duties of their several officers; to elect preceptors and instructors of the said Academy, and determine the duties and tenures of their offices; to ordain reasonable rules, orders and bye-laws, not repugnant to the Laws of this Commonwealth, with reasonable penalties, for the good government of the said Academy, and to ascertain the qualifications of Students, requisite to their admission, and the same rules, orders or bye-laws at their pleasure to repeal.

Officers to be chosen.

Rules and Regulations.

SEC. 4. *Be it further enacted*, That the Trustees of the said Academy may have one common seal, which they may change at pleasure, and that all the deeds signed and delivered by their Treasurer or Secretary, by their order, and sealed with their seal, shall, when made in their name, be considered as their deed, and as such to be duly executed and valid in law; and that the Trustees aforesaid may sue and be sued in all actions, real, personal or mixed, and prosecute and defend the same to final judgment and execution.

May sue and be sued.

SEC. 5. *Be it further enacted*, That the number of said Trustees and their successors, shall not at any one time be more than nine, nor less than five, and a

Limitation.

majority of the whole number for the time being, shall constitute a quorum for transacting business; and a majority of members present at a legal meeting, shall decide all questions proper to come before the Trustees.

SEC. 6. *Be it further enacted, That Seth Smith be, and he hereby is authorized to fix the time and place of holding the first meeting of the said Trustees, and to notify them thereof.*

[Approved by the Governor, February 14, 1816.]

CHAP. CV.

An Act to incorporate certain proprietors of Meadow and Woodland, within the town of Topsfield in the county of Essex.

SEC. 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 proprietors of certain Meadow and Woodland lying in Topsfield, bounded as follows; beginning at Ipswich river by Garden Meadow ditch, so called; thence westerly by land of Robert Perkins, jun. and Joseph Batchelder, to the upland by land of Dudley Bradstreet, thence northerly by land of said Dudley Bradstreet, and heirs of Nathaniel Averell, Joseph Averell, heirs of Jacob Averell, Solomon Averell, and Daniel Averell, to land of Isaac Averell; thence easterly and northeasterly by land of said Isaac Averell and Asa Perkins to the river, and thence up, by and with said river to the ditch aforementioned, be, and they hereby are incorporated into a body politic, by the name of The Proprietors of the Hassocky and River Meadows in Topsfield, and by that name may sue and be sued, and do and suffer whatever other similar bodies politic may and ought to do and suffer.

Proprietors incorporated.

May sue and be sued.

SEC. 2. *Be it further enacted, That the said Ipswich river, where ever said Meadow is bounded thereon, shall be, and hereby is made a legal fence.*

Boundaries.

SEC. 3. *Be it further enacted, That any Justice of the Peace in the county of Essex be, and he is hereby*

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 judge most convenient, and for the purposes to be expressed in said warrant, by posting up copies of the warrant, with the notification thereon, at some public place in said Topsfield, and in the town of Hamilton in said county of Essex, seven days at least before the time for holding the meeting; and the said proprietors, when thus legally assembled, shall have power to choose a Clerk, who shall be sworn to the faithful execution of that office, in the meeting, by the Moderator, who is hereby authorized to administer the oath accordingly; and also to choose a Committee or Committees, Field-drivers, Assessors, Collector or Collectors of taxes, and Treasurer, who shall be sworn to the faithful discharge of the trust reposed in them, and continue to serve until others are chosen and sworn in their places, which may be annually; and the Clerk of the Corporation or any Justice of the Peace in the county of Essex, are hereby severally authorized to administer the oath to the above named officers, 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; 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 at any other legal meeting called for the purpose, have power to vote and raise monies for the purpose of draining off any stagnant water from said Meadow from time to time, as shall be found necessary, and to pay all other expenses that shall be found necessary for the better improving and management thereof; and all monies raised as aforesaid, shall be assessed upon each proprietor in proportion to the just value of such part of the Meadow as he or she may own of the same; and if any proprietor shall refuse or neglect to pay the sum or sums assessed upon him or her as aforesaid, after ninety days notice, so much of his or her Meadow land shall

Justice issue
warrant.

Officers to be
chosen.

May raise mo-
nies.

be sold as will be sufficient to pay the same with legal cost. in the same way and manner as non resident proprietors lands in this Commonwealth are sold to pay taxes.

SEC. 4. *Be it further enacted,* That said proprietors shall make and maintain their several proportions of the fence inclosing said general and common field, according to the number of acres they shall severally own of the same, to be apportioned in the same way and manner as is provided in a law passed February twenty-fourth, one thousand seven hundred and eighty-six, concerning general and common fields, for apportioning and assigning to each proprietor his share of the general fence of the same. Fences apportioned.

[Approved by the Governor, February 14, 1816.]

CHAP. CVI.

An Act to incorporate the President, Directors and Company of the Castine Bank.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Daniel Johnston, Otis Little, Doty Little, David Howe, William Abbot, Samuel Upton, Thomas Adams, Jonathan L. Stevens, Josiah Hook, jun. Pearl Spofford, Joseph Perkins, and Robert Perkins, their associates, successors and assigns, shall be, and hereby are created a Corporation, by the name of the President, Directors and Company of the Castine 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 are hereby made capable in law to sue and be sued, plead and be impleaded, defend and be defended in any Court 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 bye-laws, ordinances and regulations, as to them shall appear necessary and convenient for the government of the said Corporation and Persons incorporated.

Limitation.

May sue and be sued.

Proviso.

the prudent management of their affairs : *provided* such bye laws, ordinances and regulations shall in no wise be contrary to the Constitution and Laws of this Commonwealth : And the said Corporation shall be always subject to the rules, restrictions, limitations and provisions herein prescribed.

Capital Stock.

SEC. 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, one quarter on or before the first day of October next, and the remaining sum, one quarter in six months, one quarter in twelve months, and one quarter in eighteen months, after the said first day of October. 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 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.

Installments.

SEC. 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 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 debts at any time due from said Bank shall not exceed fifty per cent beyond the amount of their Capital Stock actually paid in. Limitation of power.

SEC. 4. *Be it further enacted*, That said Bank shall be established and kept in the town of Castine. Location.

SEC. 5. *Be it further enacted*, That whenever the Commonwealth may 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 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 Corporation without their consent, for a larger sum than twenty thousand dollars. State loans.

SEC. 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 power 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. State overseers.

SEC. 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 *Columbian Centinel* printed in Boston, and by posting notifications in one or more public places in the town of Castine, for Public notice.

the purpose of making, ordaining and establishing such bye-laws, ordinances 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.

Duties of Directors.

SEC. 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 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 shall be verified by oath before some person competent to administer the same.

State Stock.

SEC. 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.

Must pay altered notes.

SEC. 10. *Be it further enacted,* That the said Corporation shall be liable to pay to any bonafide holder, the original amount of any note of said Bank, altered in the course of its circulation to a larger amount, notwithstanding such alteration.

State tax.

SEC. 11. *Be it further enacted.* That the said Corporation, from and after the first day 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 the first Monday of April and October annually, the half of one per cent. of the amount of the original stock which shall have been actually 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.

SEC. 12. *Be it further enacted,* That one tenth part of the whole fund of said Bank shall always be appropriated to loans, to be made to the 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 the forfeitures and right of redemption as is by law provided in other cases.

Limitation of
Loans.

[Approved by the Governor, February 14, 1816.]

CHAP. CVII.

An Act making provision for the holding of a term of the Supreme Judicial Court, in the counties of Franklin and Hampden, and for altering the time of holding the same in the counties of Hampshire and Berkshire.

SEC. 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 Supreme Judicial Court shall be holden at Springfield, within and for the county of Hampden, on the fourth Tuesday of April annually; and at Greenfield, within and for the county of Franklin, on the fourth Tuesday next after the fourth Tuesday of April annually; and the Supreme Judicial Court now appointed by law to be holden at Northampton, in the county of Hampshire on the fourth Tuesday of April, shall in future be holden on the third Tuesday next after the fourth Tuesday of April; and the Su-

Time of hold-
ing Courts.

preme Judicial Court, now appointed by law to be holden at Lenox, within and for the county of Berkshire, on the second Tuesday next after the fourth Tuesday of April, shall in future be holden on the first Tuesday next after the fourth Tuesday of April.

SEC. 2. Be it further enacted, That the Tuesday on which any of the said Courts are respectively to be holden, may, in all judicial proceedings, from time to time, be expressed and designated by such Tuesday of the month as will be the Tuesday on which any Court is to be holden pursuant to the aforesaid arrangement: And all writs, recognizances, warrants, complaints, and every other matter and thing that should, after the passing of this act, be returned to or entered at the Supreme Judicial Court, at the times and places heretofore appointed in the said counties of Hampshire and Berkshire, and all parties and persons that may be required or directed to appear and attend at the aforesaid times and places, and all actions, matters and suits that may be pending in the same Court in the said counties on the day of the passing of this act, shall be returned to, entered, appear and attend, have day, be tried and determined in said Court, in said counties, at the respective times and places established by this act, pursuant to the true intent and meaning thereof, except such matters and things as in and by this act are transferred to, and are directed to be heard and determined in the said counties of Franklin and Hampden respectively.

Suits returned.

Suits transferred.

SEC. 3. Be it further enacted, That all actions and civil suits of every name and kind now pending in the Supreme Judicial Court for the county of Hampshire, which were originally commenced in the Circuit Court of Common Pleas for the counties of Franklin or Hampden; all petitions in which the petitioner is an inhabitant of either of said counties; and all indictments against any person or persons for offences committed within either of said counties, shall be transferred and removed to, entered, heard, tried, and proceeded upon within the said counties of Franklin and Hampden, respectively, within which the said actions originated and were commenced, the said petitioners reside, and the said offences were committed; and all

the papers and documents belonging to all such actions, suits, petitions and indictments, that are or shall be filed in the Clerk's office for the said county of Hampshire, shall be delivered over by him to the Clerks of the said counties of Franklin and Hampden, respectively. And all appeals, which have been made from any Circuit Court of Common Pleas, and all recognizances, which shall have been taken within either of the said counties of Franklin and Hampden, since the last term of the Supreme Judicial Court holden within the county of Hampshire, and all offences, which shall have been committed within either of the said counties of Franklin and Hampden shall be entered, heard, tried, prosecuted and proceeded upon, within the said counties, respectively, where the appeals were made, the recognizances were taken, and the offences were committed: *Provided* nevertheless, that all cases and questions that may arise in the Supreme Judicial Court in either of said counties of Franklin or Hampden, which require three or more of the Justices of said Court to determine; and all crimes and offences which require the attendance of three or more of said Justices, shall be heard, tried and determined in the same manner as if this act had not been passed.

[Approved by the Governor, February 14, 1816.]

CHAP. CVIII.

An Act to set off Samuel Lawrence from the town of Pownal to North Yarmouth.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Samuel Lawrence of Pownal, together with his family and so much of his estate as now lies in said Pownal, be, and they are hereby set off from the town of Pownal, and annexed to the town of North Yarmouth; and shall forever hereafter be subject to all the duties, and entitled to all the privileges of inhabitants of the town of North

Person set off.

Yarmouth : *Provided*, however, that said Samuel Lawrence shall be holden to pay all taxes that have been lawfully assessed upon him by the town of Pownal, previous to the passing of this act.

[Approved by the Governor, February 14, 1816.]

CHAP. CIX.

An Act to regulate the Alewife Fishery in the town of Bluehill.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That it shall and may be lawful for the town of Bluehill, in the county of Hancock, annually, at any legal meeting of the inhabitants of said town, to sell or otherwise dispose of the privilege of taking the fish called Alewives in any brook, stream or place within the limits of said town, not exceeding three days in each week, under such regulations as the said town shall direct, and the emolument arising from said privilege shall be appropriated by said town to such purposes and use as the inhabitants thereof shall, in town meeting, from time to time, determine.

May sell priv-
ilege.

SEC. 2. *Be it further enacted*, That if the purchaser or purchasers, manager or managers of the said privilege, or those employed by them, shall presume to take any of the said fish, at any other time or place in said town than shall be determined by said town; and if any other person whatever shall presume to take or catch any of said fish in any brook or stream within the boundaries of said town without permission from the inhabitants thereof in legal town meeting, he or they so offending, shall, for each offence, forfeit and pay a sum not exceeding twelve dollars, nor less than one dollar, at the discretion of the Justice before whom the offence shall be tried.

Fines for
breach of
privilege.

SEC. 3. *Be it further enacted*, That the said town of Bluehill, shall, at their annual meeting in March or April, choose a Committee not exceeding seven, nor less than three freeholders of said town, who shall be

Committee to
be chosen.

sworn or affirmed to the faithful discharge of the duties, enjoined upon them by this act; and it shall be the duty of said Committee to cause the natural course of the streams or brooks through which the said fish shall pass, to be kept open and without obstruction during the whole time the said fish pass up and down said streams or brooks in each year, and remove any such obstructions as shall be found therein; and the said Committee, or a majority of them, in the discharge of their duty, shall be permitted at all times, to go upon and pass over the lands of any person through or by which said streams or brooks run, without being considered as trespassers; and any person who shall hinder or molest the said Committee in the business of his or their office, or shall obstruct any passage way in any of the said streams or brooks, otherwise than may be permitted by said Committee, or a majority of them, he or they, so offending, shall forfeit and pay for every such offence, a sum not exceeding twelve dollars nor less than one dollar, at the discretion of the Justice before whom the same shall be tried: *Provided* nevertheless, that nothing in this act shall be considered as authorizing the said Committee to injure the proprietor of any lands, mills or water works, further than is necessary to give the said fish a good and sufficient passage up and down the streams and brooks aforesaid.

Duties.

Forfeitures.

SEC. 4. *Be it further enacted*, That it shall be the duty of the fish Committee appointed by said town, to prosecute for all breaches of this act, and for any one of them, to seize and detain in their custody, any net which may be found in the hands of any person using the same contrary to the true intent and meaning of this act, until the person so offending makes satisfaction for his offence, or is legally acquitted therefrom; and also to seize to the use of said town all such fish as they shall have taken contrary to the provisions of this act.

May detain nets.

SEC. 5. *Be it further enacted*, That all the penalties incurred by any breach of this act, shall be recovered by an action on the case, or by an action of debt, before any Justice of the peace within and for the county of Hancock, allowing an appeal to the next Circuit

May sue for penalties.

Witnesses. Court of Common Pleas to be holden in and for the said County; and all sums of money, recovered in consequence of any breach of this Act, shall be to the use of said town, and no person by reason of his being one of said Committee, or an inhabitant of said town, shall be thereby disqualified from being a witness in any prosecution or suit for any breach of this act.

[Approved by the Governor, February 14, 1816.]

CHAP. CX.

An Act authorizing the President, Directors and Company of the Springfield Bank to reduce the amount of their Capital Stock.

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 President, Directors and Company of the Springfield Bank shall be one hundred thousand dollars, the number of shares to be the same as at present established by law, and that the sum necessary to complete the said Capital, shall be paid in by the first day of April next, any thing in the several acts to which this is in addition to the contrary notwithstanding.

Stock reduced.

[Approved by the Governor, February 14, 1816.]

CHAP. CXI.

An Act to regulate the Fishery within the town of Middleborough in the county of Plymouth.

SEC. 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 or persons (except as is hereinafter provided) to catch or destroy any of the fish called Alewives within the lim-

Prohibition.

its of the town of Middleborough, or in Titicut river, so called, either within the limits of the town of Middleborough, Bridgewater or Raynham; *provided* however, that it shall and may be lawful for the inhabitants of said town of Middleborough to catch said fish with scoop nets or set nets only at the following places Proviso. in said Middleborough, to wit; at Oliver's works (so called) three days in each week only, to wit, on Mondays, Tuesdays and Wednesdays, beginning at midnight next succeeding Sunday and ending at midnight next succeeding Wednesday; at the Old Stone Ware four days in each week, to wit, on Tuesday Wednesday, Thursday and Friday, beginning at midnight next preceding Tuesday, and ending at midnight next succeeding Friday; and at Assawampset brook, three days in each week, to wit, Monday, Tuesday and Wednesday, beginning at midnight next succeeding Sunday and ending at midnight next succeeding Wednesday; *provided* also that said town of Middleborough shall, at a legal town meeting, dispose of and grant upon such conditions, and under such restrictions and regulations as said town shall establish for that year, and so from year to year, the sole privilege of catching Alewives with scoop nets or set nets only, on the days and at the places designated by this act to such person or persons, as shall give most for the same, and give sufficient security for payment, such person or persons so purchasing to have the right to take fish, and no other person whatever. Time for fish. ing. Proviso.

SEC. 2. *Be it further enacted*, That if any person or persons shall, at any time or place other than those admitted by this act, catch or destroy any of the fish aforesaid, or, by any other means whatever, shall interrupt, impede or hinder the passage of said fish up the streams, brooks and ponds within said town, or in Titicut river, which divides said town of Middleborough from the towns of Bridgewater and Raynham, or any of the waters connected therewith, within the limits of either of said towns, he or they shall forfeit and pay a sum not exceeding twenty dollars, nor less than five dollars, to be recovered by indictment, complaint, or action of debt, in any court proper to try the same; one half to the use of the said town of Middle- Fines for stopping fish.

borough, the other half to him who shall prosecute or sue for the same.

SEC. 3. Be it further enacted. That if any person or persons be found fishing with any seine or net, or other machine and instrument, or any seine or other instrument which shall be used by any person or persons, contrary to the true intent and meaning of this act, it shall be lawful for any person to seize and take such seine, net, or other instrument to his own use: and if prosecuted therefor, to plead the general issue and give this act in evidence, as though the same had been specially pleaded.

SEC. 4. Be it further enacted, That said town of Middleborough shall, at the annual meeting in the month of March or April in each year, choose four or more persons, being freeholders in said town, whose duty it shall be to see that this act be duly observed, and to prosecute for all breaches thereof; and each person, so chosen, shall be sworn to the faithful discharge of his duty: And if any person so chosen shall refuse to serve, he shall forfeit and pay, to the use of said town of Middleborough, the sum of five dollars, to be sued for and recovered by the town Clerk of said town; and said town shall immediately proceed to a new choice.

SEC. 5. Be it further enacted, That all laws heretofore made for the regulation of the Fishery in the said town of Middleborough be, and the same hereby are repealed: *Provided,* nevertheless, that an act passed on the sixth day of March, in the year of our Lord one thousand eight hundred and two, for the preservation and regulating the taking of fish called Alewives, in the brook running from the west Quiticus pond. to the east Quiticus pond, shall be and remain in full force; any thing in this act to the contrary notwithstanding.

SEC. 6. Be it further enacted, That any Justice of the Peace for the county of Plymouth shall be deemed and considered competent to try any action, complaint, or suit, prosecuted under this act, notwithstanding said Justice may be an inhabitant of the said town of Middleborough.

[Approved by the Governor, February 14, 1816.]

CHAP. CXII.

An Act in addition to an act, entitled “ An act to establish a town by the name of Brewer.”

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the boundaries of the town of Brewer shall be, and the same are hereby declared to be so far altered, as that the division line between the towns of Brewer and Orrington shall hereafter be established and known as follows, viz :—A yellow birch tree marked, being the northeast corner Boundaries stated. bound of lot number twenty-six, in the Bevel, so called, where the same intersects the southerly line of lot number ninety-four, in the second division, shall be a fixed boundary ; thence westerly, on the division line, between the south lots of the first and second divisions, and the Bevel, so called, to the head of the front lots ; thence by the head of the front lots, to the north line of the lot of the Widow Priscilla Brastow ; thence by the northerly line of said lot to Penobscot river ; any thing contained in the act, to which this is an addition notwithstanding.

[Approved by the Governor, February 14, 1816.]

CHAP. CXIII.

An Act in further addition to an act, entitled “ An act for establishing a Corporation by the name of the Sixth Massachusetts Turnpike Corporation.”

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Sixth Massachusetts Turnpike Corporation be, and they hereby are authorized and empowered to remove the gate now May remove gate. standing on said road in Rutland, to any place on said road which they may elect between the house of Levi

Bartlett, in Rutland and the Warner road, so called, in Holden.

Proviso.

SEC. 2. *Be it further enacted*, That the said Corporation be, and they hereby are authorized and empowered to remove the gate now standing on said road in Holden, to any place on said road which they may elect in Shrewsbury; *provided* that the same be not placed at a distance of more than one mile, as the said road runs from the dividing line between the towns of Worcester and Shrewsbury.

[Approved by the Governor, February 14, 1816.]

CHAP. CIV.

An Act in addition to the several acts now in force to regulate the Inspection of Butter and Lard to be exported.

Additional brand.

SEC. 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, every firkin of Butter or Lard, inspected and branded by the Inspector General of Butter and Lard, or his Deputy, or either of them, shall, on so being inspected, be further branded with the month and year in which the same has been, or may hereafter be, so inspected, in legible letters and figures.

May abbreviate brand.

SEC. 2. *Be it further enacted*, That the Inspector General, or his Deputy, or either of them, may, when the month in which any Butter or Lard shall be inspected, shall consist of more than one syllable, so abbreviate the name of the month, as conveniently to brand the same on the head of each firkin, by him or them inspected.

Additional fee.

SEC. 3. *Be it further enacted*, That one cent for each firkin of Butter or Lard, so branded by virtue of this act, shall be further paid to the Inspector or Deputy Inspector, who shall so brand the same, in addition to the fees already by law established.

SEC. 4. *Be it further enacted*, That if any Inspector or Deputy Inspector shall neglect or refuse to brand

any Butter or Lard, to be exported, agreeably to this act, the person or persons, so offending, shall be subject and liable to the same penalties and forfeitures as are recoverable by the several acts to which this act is in addition: *Provided*, that nothing in this act contained shall be holden to extend to any Butter or Lard which, before the passing of this act, may have been duly inspected and branded. Penalties.

[Approved by the Governor, February 14, 1816.]

CHAP. CXV.

An Act authorizing the sale of Ministerial Land in Baldwin.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same. That Josiah Pierce, William Fitch, Joseph Richardson, Ephraim Brown, David Potter, Sylvanus Batchelor, and Ephraim Flint, be, and they hereby are appointed Trustees, and are incorporated into a body politic, by the name of the Trustees of the Ministerial Fund, in the town of Baldwin; and they and their successors shall be and continue a body politic and corporate forever; and they may sue and be sued in all actions real, personal and mixed, and may prosecute and defend the same to final judgment and execution by the name aforesaid. Trustees incorporated.

SEC. 2. *Be it further enacted*, That the said Trustees and their successors shall and may, annually elect a President and a Clerk to record the doings of the Trustees at their annual meetings, and a Treasurer to receive and apply the monies hereinafter mentioned, as is by this act directed. Officers to be chosen.

SEC. 3. *Be it further enacted*, That the number of Trustees shall not, at any one time, be more than seven nor less than five, any four 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 or otherwise, from the inhabitants of said town, and shall also Number of Trustees.

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

Meeting called.

SEC. 4. *Be it further enacted,* That said Trustees be, and they are hereby authorized to sell and convey in fee simple, all the lands reserved for the use of the Ministry belonging to said town of Baldwin, and to make, execute and acknowledge a good and sufficient deed or deeds thereof, which deed or deeds subscribed by the name of their Treasurer, by the direction of said Trustees, with their seal thereunto affixed, shall be good and sufficient in law to pass and convey the fee simple from said town to the purchasers, to all intents and purposes whatsoever.

May sell lands.

SEC. 5. *Be it further enacted,* That the monies arising from the sale of said lands, shall be put at interest as soon as may be, and secured by mortgage of real estate to the full value of the estate sold, or by two or more sufficient sureties with the principal, unless said Trustees shall think fit to invest the same in Bank Stock of this Commonwealth, or of the funded Stock of the United States, which they may do.

Management of money.

SEC. 6. *Be it further enacted,* That the Trustees shall annually apply the interest arising from the funds aforesaid, to the support of the Gospel Ministry in said town, in such way and manner as the inhabitants thereof in legal town meeting shall direct; and if the inhabitants of said town shall at any time neglect for the space of one year to appropriate the interest arising from the fund aforesaid, as before directed, then in that case the interest so arising shall be added to the original fund and shall make a part of the same; and it never shall be in the power of the said town to alienate or in any wise alter said fund or make any appropriation of the interest arising therefrom for any other

Support of Ministry.

purpose than for the support of the Gospel Ministry in said town.

SEC. 7. *Be it further enacted,* That the Clerk of said Corporation shall, previous to his entering on the duties of his office, be sworn faithfully to perform the same, and the Treasurer of said Trustees shall give bond to the said town of Baldwin, in the penal sum of two thousand dollars, conditioned for the faithful performance of the duties of said office, according to the true intent and meaning of this act.

Clerk give
bonds.

SEC. 8. *Be it further enacted,* That the Trustees or their officers for any service they may perform, shall be entitled to no compensation out of any money arising from the aforesaid fund, but if entitled to any, they shall have and receive the same of said town as shall be mutually agreed on.

Compensation.

SEC. 9. *Be it further enacted,* That said Trustees and their successors, shall exhibit to the town at their annual meeting in March or April, a regular and fair statement of their doings; and said Trustees, for their personal negligence or misconduct, whether they be officers or not, shall be responsible to the town and liable to prosecution for any loss or damage resulting thereby to the funds, and the debt or damage, recovered in such suit, shall be to the use and addition of said fund.

Report of do
ings.

SEC. 10. *Be it further enacted,* That any Justice of the Peace within and for the county of Cumberland be, and he hereby is authorized to fix the time and place for holding the first meeting of said Trustees, and to notify each Trustee thereof.

First meeting.

[Approved by the Governor, February 15, 1816.]

CHAP. CXVI.

An Act to incorporate the town of Southbridge.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That all the parts of the towns of Sturbridge, Charlton and Dudley, as con-

Boundaries.

tained and described within the following boundaries, be, and the same is hereby established as a separate town, by the name of Southbridge, viz. beginning at the south-east corner, being a heap of stones on Connecticut line; thence running north, nine degrees west, eighty-nine rods, to the great monument, so called; thence continuing the same course four hundred and twenty rods further to a white oak tree marked, at the north-east corner of Sturbridge, projecting into Dudley; thence north, seventeen degrees east, five hundred and twenty rods to a stake and stones on the east line of Luther Ammidon's farm; thence north, thirty-one and an half degrees east, one hundred and two rods, to a black oak tree marked; thence north, five and an half degrees east, eighteen and a half rods, to said Ammidon's north-east corner; thence west, eleven degrees south, fifty-one rods to Eliakim Chamberlain's south-west corner; thence north one degree west, one hundred and three rods to a north-west corner of Eliakim Chamberlain's land; thence east nine and an half degrees north, forty rods; thence east eighteen degrees north, twenty-seven and an half rods to a south-east corner of said Ammidon's land; thence north two and an half degrees east, fifty-eight rods to another north-east corner of Luther Ammidon's land; thence west, eleven degrees south, thirty-two and an half rods to another south-west corner of said Chamberlain's land; thence north, twenty-three and an half degrees east, thirty-four and an half rods to a stake and stones; thence north thirty degrees east, fifteen rods to a stake and stones; thence west twelve degrees north, thirty rods to a poplar staddle on Calvin Ammidon's east line; thence north one and an half degrees west on said Calvin Ammidon's east line, and crossing a small pond, two hundred and twenty-seven rods to a stake on his north line in a cedar swamp; thence west fourteen and an half degrees south, forty-five and an half rods to Royal Ellis's south-east corner; thence west eleven and an half degrees south, forty-one rods to said Ellis's south-west corner; thence west thirty-one and an half degrees north, five hundred and eighty-eight rods to the south-west corner of Benjamin Doughty, jun's farm; thence west fifteen and an half degrees south, eighty-

four rods to a stake and stones on Sturbridge east line; thence southerly on said line, one hundred and eighty-three rods to the south-east corner of Henry Fiske's land; thence west forty and one quarter degrees south, three hundred rods to the north-west corner of Captain Jacob Endicot's farm; thence south thirteen and an half degrees west, in his west line, one hundred and thirty rods to the middle of Quinebaug river; thence running up the middle of the river about four hundred and sixty-one rods to a stake and stones on the north side of the river; thence south twenty-six degrees west, three hundred and twelve rods to a stake and stones; thence south, thirty-eight degrees west, seven hundred and eighty rods to a stake and stones on Connecticut line; thence easterly on the north line of Woodstock, in Connecticut, about seventeen hundred rods, to the corner first mentioned, or described; containing twelve thousand four hundred and two and a half acres, including all the inhabitants within the above described lines or boundaries. And the said town of Southbridge is hereby vested with all the powers and privileges, and is also subjected to the same duties and regulations of other towns, according to the Constitution and Laws of this Commonwealth.

SEC. 2. *Be it further enacted,* That the inhabitants and proprietors of land, in the said town of Southbridge, shall be holden to pay their proportion of all taxes already voted to be raised, and shall have been assessed at the time of passing this act, by the towns of Sturbridge, Charlton and Dudley, and also to pay their proportion of all public debts due and owing by the said towns of Sturbridge, Charlton and Dudley, at the time of passing this act. Taxes paid up.

SEC. 3. *Be it further enacted,* That said town of Southbridge shall be entitled to demand and receive of the said towns of Sturbridge, Charlton and Dudley, its proportion of all the town's public stock of arms, ammunition, legacies and bequests, or any other town property whatsoever, the said towns of Southbridge, Charlton and Dudley were possessed of, or entitled to, at the time of passing this act. Said town of Southbridge is also to be entitled to the benefit of a certain bond given by Jedediah Marcy, deceased, to the inhabitants Public arms.

of the town of Charlton, for the purpose of supporting the Marcy bridge, (so called) within said town of Southbridge, for a certain time in said bond expressed.

Town poor. SEC. 4. *Be it further enacted*, That the inhabitants of the said town of Southbridge shall support and maintain all such persons, as heretofore have been, now are, or hereafter may be, inhabitants of those parts of Sturbridge, Charlton and Dudley, hereby incorporated, and are or may become chargeable, according to the laws of this Commonwealth, and who have not obtained a settlement elsewhere therein.

Justice to issue warrant. SEC. 5. *Be it further enacted*, That any Justice of the Peace for the county of Worcester, is hereby authorized to issue his warrant, directed to a freeholder of said town of Southbridge, requiring him to notify and warn the inhabitants to meet at such convenient time and place as may be appointed in said warrant, for the choice of such officers as towns are by law required to choose, or appoint, at their annual town meeting in March or April.

[Approved by the Governor, February 15, 1816.]

CHAP. CXVII.

An Act authorizing a Lottery for the purpose of rebuilding Kennebeck Bridge.

Sum raised. SEC. 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 twelve thousand dollars be raised by Lottery for the purpose of rebuilding the Bridge over Kennebeck river, at Augusta; and that the proprietors of said Bridge be, and they hereby are authorized and empowered to appoint 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, to draw the same, and to transact all other business pertaining thereto.

Managers appointed. SEC. 2. *Be it further enacted*, That the managers appointed, before they enter on the duties of their said

office, shall give separate bonds, with sufficient sureties, to the proprietors of said Bridge, each one in his proportional sum of twelve thousand dollars, and each one to be answerable for his own default, and to be sworn for the faithful performance of said trust.

SEC. 3. *Be it further enacted,* That the prizes which may be drawn in said Lottery, shall be paid by the managers, in thirty days next after the drawing of each class of said Lottery shall be completed; those prizes not demanded within one year after the publication of the drawing of said Lottery, shall not be recoverable. ^{Prizes to be paid.} And the managers shall, from time to time, as the classes shall be drawn, pay to the superintendant, or the treasurer, for the time being of said proprietors, the net proceeds thereof, after deducting the compensation that the said proprietors shall allow them for their services; which net proceeds shall be faithfully applied for the purpose of rebuilding the said Bridge: And the proprietors of the said Bridge shall give bond with sufficient sureties, in such sum as the Governor, with advice of Council, shall direct, to this Commonwealth; conditioned that the net proceeds of said Lottery shall be faithfully applied for the purpose of rebuilding said Bridge, and also that the said Bridge shall be erected and completed within the term of four years, from and after the passing of this act.

SEC. 4. *Be it further enacted.* That said Managers shall publish the scheme or schemes of the said Lottery in one or more of the public newspapers printed in this Commonwealth, the time and place of drawing the same, and also lists of all prizes which may be drawn therein. They shall also, after the business of said Lottery shall be completed, exhibit an account of their doings therein, with the amount of tickets sold in each class, and the expense and net proceeds thereof, before the Governor and Council for their examination and approbation; and they shall be severally held by their said bonds until their said accounts shall be so examined and approved. ^{Duty of managers.}

SEC. 5. *Be it further enacted,* That said managers shall refund all monies by them severally received for tickets; *provided* any class in the said Lottery shall ^{Money to be refunded.}

not be drawn within six months next after the time appointed and advertised for that purpose.

Proviso.

SEC. 6. *Be it further enacted,* That this act shall continue in force for the term of four years from and after the passing of the same, and no longer.

[Approved by the Governor, February 15, 1816.]

CHAP. CXVIII.

An Act to authorize the town of Chelsea to erect certain Mills therein.

SEC. 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 Chelsea be, and they are hereby authorized and empowered to build a Dam across a creek or river in said town, called Mill river, at or near the Poor-house in said town, and to erect and build suitable Grist Mills thereon, and to sell and lease the same Mills for such consideration, and on such conditions as they think proper.

Powers granted.

SEC. 2. *Be it further enacted,* That the inhabitants of said town be, and they are hereby authorized to raise such a sum of money, as, at any town meeting, legally warned for this purpose, shall be voted to be raised for the purpose of building said Dam and Mills, and for the payment of all damages which may be sustained by reason of the erection of said Dam and Mills, and for the proper management of the same; and the Assessors of said town, for the time being, may issue their warrants to collect the same; and the said town, and all town officers, may proceed therein in all respects, as in the assessment and collection of other town taxes: *Provided always,* That the inhabitants of said town shall be holden to indemnify all individuals having a right by prescription, or otherwise, to erect a Mill on said river, for such damage as they may sustain by reason of the erection of the Dam aforesaid.

Assessment to be made.

Proviso.

[Approved by the Governor, February 15, 1816.]

CHAP. CXIX.

An Act to regulate the Fishery in Taunton Great River.

SEC. 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 twentieth day of March next, it shall not be lawful for any person or persons (except as is hereinafter provided) to catch Alewives, or any other fish with seines or nets in Taunton great river; *Provided*, That it shall and may be lawful, for the inhabitants of the several towns situated on said river, to catch Alewives and other fish within the bounds of their own towns, and no where else, with seines or nets, four days in each week only, to wit, on Monday, Tuesday, Wednesday and Thursday, beginning at midnight next succeeding Sunday and ending at midnight next succeeding Thursday in each week; and *provided* that the towns of Dighton and Wellington shall draw or sweep with two seines or nets only; the town of Berkeley shall draw or sweep with two seines or nets only; the town of Taunton shall draw or sweep with three seines or nets only; the town of Raynham shall draw or sweep with two seines or nets only; and the town of Somerset shall draw or sweep with three seines or nets only, in said river, within the time before mentioned; and no person shall be permitted at any time to set any seine or net across said river, or in any part thereof, or in any waters connected with the said river, or make use of any seine or net of more than twenty rods in length; *Provided* also, that each of said towns shall at a legal town meeting, establish annually the places where the said seines or nets may be used within the bounds of the respective towns exclusively, and at the same meeting or an adjournment thereof, dispose of and grant for that year, and so from year to year, the sole privilege of catching Alewives, or other fish with seines or nets on the days above mentioned, at the places so established, to such person or persons, as shall give the most for the same, and give sufficient security for

General regulations.

Proviso.

payment at such time and in such manner as the respective towns shall order such person or persons, so purchasing the privilege, to have right to fish, and no other person whatever.

Penalties. SEC. 2. *Be it further enacted,* That if any person or persons shall draw any seine or net on any day or time other than those before mentioned, or at any place other than those established by the town, as aforesaid, or shall on any day or at any place, set a seine or net in or across said river, or any part thereof, or in any waters connected with the same, he shall forfeit and pay fifty dollars for each and every such offence, to be recovered by indictment or information, or by action of debt, in any court proper to try the same; the one half thereof to the use of the poor of the town where the offence shall be committed, and the other half to him or them who shall prosecute or sue for the same.

May seize nets. SEC. 3. *Be it further enacted,* That if any person or persons shall be found sweeping with any seine or net, or if any seine or net shall be used by any person or persons contrary to the true intent and meaning of this act, it shall and may be lawful for any person or persons to seize and take such seine or net to his or their own use, and if prosecuted therefor, to plead the general issue, and give this act in evidence as though the same was specially pleaded.

Committee to be chosen. SEC. 4. *Be it further enacted,* That the several towns aforesaid, shall at their annual meetings in the month of March or April in each year, choose three or more persons being freeholders in their respective towns, whose duty shall be to see that this act be duly observed, and to prosecute for all breaches thereof; and each person so chosen shall be sworn to the faithful discharge of his duty; and the several towns shall be holden to make a reasonable compensation to the persons so chosen by them respectively for all necessary services in discharge of their duty under this act.

Fines. And if any person so chosen shall refuse to serve, he shall forfeit and pay to the use of the town to which he belongs, the sum of ten dollars, to be sued for and recovered by the Town Clerk; and the said town shall immediately proceed to a new choice.

SEC. 5. *Be it further enacted,* That if any person

or persons convict of any of the offences aforesaid by indictment or information, shall fail to pay the costs, or any part thereof, of the process on which he or they shall be convicted, so that the county in which the conviction takes place shall be chargeable with such costs, the several towns aforesaid shall reimburse to the said county the same costs in the following proportions, to wit:—The town of Taunton three seventh parts, and the towns of Dighton and Wellington, two seventh parts, and the town of Berkley two seventh parts thereof, to be apportioned and charged by the County Treasurer to the said towns respectively, and to be assessed by the Assessors of the said town with other town charges.

Reimburse-
ments.

SEC. 5. *Be it further enacted*, That all laws heretofore made for the regulation of the Fishery in Taunton great river, be, and the same are hereby repealed.

[Approved by the Governor, February 15, 1816.]

CHAP. CXX.

An Act to regulate the Fishery in Damascotta river.

SEC. 1 **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That, from and after the passing of this act, it shall not be lawful for any person to take Salmon, Shad or Alewives in any part of Damascotta river, above the toll bridge, across said river, with seines, drag nets, or other long nets, between the first day of May and the first day of July annually.

Interdiction.
River obstructions.

SEC. 2. *Be it further enacted*, That, from and after the passing of this act, it shall not be lawful for any person to obstruct the passing of fish up the said river, by hauling timber into said river, at the lower end of the fish-ways, at the mouth of the new river, or by rafting lumber, or with boats or scows, or by any other obstructions.

SEC. 3. *Be it further enacted*, That each and every person who may be convicted of any offence against this act, before any Justice of the Peace, shall, for each and every offence, forfeit and pay a fine of five dollars.

Fines.

to be recovered by an action of debt, in any Court proper to try the same.

[Approved by the Governor, February 15, 1816.]

CHAP. CXXI.

An Act for dividing the county of Hancock, and establishing a new county, by the name of Penobscot.

Boundaries

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That all that territory in the county of Hancock, which lies north of the Waldo Patent, on the west side of Penobscot river, and north and west of the following lines on the east side of said river : Beginning at said river, at the south line of Orrington, thence running easterly, on the southerly lines of Orrington, Brewer, and the Gore east of Brewer, to the west line of the Bingham purchase ; thence northerly by said Bingham purchase, to the northwest corner thereof ; thence easterly on the north line of said Bingham purchase, to the county of Washington, be, and hereby is constituted a new County, by the name of PENOBSCOT, whereof Bangor shall be the shire town, until otherwise ordered by the General Court : And the inhabitants of said county of Penobscot shall have and possess, use and enjoy all the powers, rights and immunities, which by the Constitution and Laws of this Commonwealth, any other inhabitants are entitled to.

Courts.

SEC. 2. *Be it further enacted,* That there shall be held and kept within the said county of Penobscot, at Bangor, a Circuit Court of Common Pleas, on the second Tuesday of July, and the first Tuesday of January, yearly, and every year, by the Justices of the Circuit Court of Common Pleas, for the third Eastern Circuit, until otherwise ordered, who shall have, hold, and enjoy all the powers which are by law given and granted to the Justices of any similar Courts in this Commonwealth : And all appeals from any judgment or judgments, given at any Circuit Court of Common

Pleas within said county of Penobscot, shall be heard and tried in the Supreme Judicial Court, holden at Castine, within the county of Hancock.

SEC. 3. *Be it further enacted,* That the jurisdiction of the county of Hancock, in all civil and criminal matters, and the power and duty of its civil officers and magistrates shall continue until the first day of April next through the county of Penobscot, in the same way and manner as though this act had not passed; and all proceedings in the Probate Court, for the county of Hancock, which may be pending at the passing of this act, and all processes commenced, prior to the first day of April aforesaid, shall be finally decided upon in said Probate Courts, for the county of Hancock.

SEC. 4. *Be it further enacted,* That all actions, suits, matters and things of every kind, commenced for, or pending in the Circuit Court of Common Pleas, in the county of Hancock, after the first day of April next, when any question of real estate is to be tried, that is situated in the county of Penobscot, or where the original plaintiff or plaintiffs, petitioner or petitioners, one or more of them, lives or resides in said county of Penobscot, may be, and all indictments for offences committed in said county of Penobscot, and all criminal prosecutions of every kind, with all recognizances, seirefacias and suits, where the Commonwealth are a party, and the adverse party live or reside in the said county of Penobscot, shall be transferred and removed, to be heard, tried and have day, entered and proceeded upon, in the said Circuit Court of Common Pleas, to be holden in said county of Penobscot, herein by law established; and all papers and documents, belonging to such actions, suits, indictments and criminal prosecutions, filed in the office of the Clerk for the county of Hancock, shall be by said Clerk delivered over to the Clerk, who shall be appointed for the county of Penobscot.

SEC. 5. *Be it further enacted,* That the several towns, districts and plantations, in the said county of Penobscot, shall be holden to pay all county taxes which have been assessed, or which may be granted and assessed for the county of Hancock, for the current year, to the Treasurer of said county of Hancock, in the same way and manner, as they have been holden

to pay, prior to the passing of this act; and the power and duty of the proper officers of the county of Hancock, for the assessment and collection of county taxes, shall extend to all the towns, districts and plantations in the county of Penobscot, so far as shall be necessary for completing such collections; and after the payment of the debts due from said county on the first day of April next, all money and credits of said county of Hancock shall be divided between the counties, in a just and equitable manner, and the adjustment and settlement thereof shall be made within one year from the passing of this act.

Officers appointed.

SEC. 6. *Be it further enacted*, That the methods and forms of conducting legal processes of every kind, and for choosing County Treasurer and Register of Deeds, and for choosing persons to serve as jurors, at any Courts established by law, shall be observed and put in practice in the county of Penobscot:—*Provided however*, that the County Treasurer and Register of Deeds for said county, shall, for the first time, originate in the same manner as is prescribed by law, where vacancies happen by death or resignation.

Proviso.

Political rights.

SEC. 7. *Be it further enacted*, That for all purposes relating to the elections of Senators and Counselors, and Representatives to Congress, the said county of Penobscot shall be considered as a part of the district, to which it belonged prior to the passing of this act; and the several towns, districts and plantations, and the inhabitants thereof, shall enjoy the same rights, powers and privileges, and be subject to the same duties and penalties, as if this act had not passed.

SEC. 8. *Be it further enacted*, That the terms of the Circuit Court of Common Pleas, now established by law, to be held at Castine, in and for the county of Hancock, be, and they are hereby established as the only terms in the county of Hancock, until they shall be otherwise fixed by law.

Prisoners to be committed.

SEC. 9. *Be it further enacted*, That all officers within the county of Penobscot, having authority to commit prisoners to goal, shall be authorized for the term of three years, to commit their prisoners to the jail in the county of Hancock, and the keeper of the jail in the said county of Hancock is hereby authorized and

required to receive and detain such prisoners: *Provided*, nevertheless, that no expense or damage shall accrue therefrom to the county of Hancock.

[Approved by the Governor, February 15, 1816.]

CHAP. CXXII.

An Act to alter and change the names of several 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, Isaiah Atkins of Boston, in the county of Suffolk, gentleman, shall be allowed to take the name of Isaiah Strong Atkins; that John S. Carter of the same Boston, merchant, shall be allowed to take the name of John Sigourney Carter; that Samuel Davis of Boston aforesaid, son of Rufus Davis of Quincy, in the county of Norfolk, shall be allowed to take the name of Samuel S. Davis; that George Foster, son of Samuel Foster of said Boston, merchant, shall be allowed to take the name of George Reginald Foster; that Henry Gray, a minor, and son of Silvanus Gray of the same Boston, merchant, shall be allowed to take the name of Henry Gallison Gray; that John Loring of Boston aforesaid, son of the late Dr. John Loring of the same place, shall be allowed to take the name of John James Loring; that John Long of said Boston, trader, son of John Long formerly of Oakham, in the county of Worcester, yeoman, shall be allowed to take the name of John W. Long; that Daniel Farrar Melony, of the same Boston, mariner, shall be allowed to take the name of Daniel Farrar; that Ebenezer Wells Ramsay of Boston aforesaid, shall be allowed to take the name of Ebenezer Wells; that Thomas Rice of the same Boston, merchant, son of the Rev. Asaph Rice of Westminster, in the county of Worcester, shall be allowed to take the name of Thomas Kinsey Rice; that Thomas Smith, a minor, and son of William Smith, Esq. of Boston aforesaid, shall be allowed to take the

Persons changing their names.

name of Thomas Carter Smith; that Sally Shannon Goodhue, daughter of Samuel Goodhue, of Newburyport, in the county of Essex, shall be allowed to take the name of Susan Adams Goodhue; that Henry Small of the same Newburyport, gentleman, shall be allowed to take the name of Henry Small Ellenwood; that Jacob Jewett, jun. of Rowley, in said county of Essex, shall be allowed to take the name of Jacob Clark Jewett; that Harvey Richmond of Worthington, in the county of Hampshire, shall be allowed to take the name of Harvey Metcalf; that Job Kittridge of Hinsdale, in the county of Berkshire, shall be allowed to take the name of William Kittridge; that Isaiah Atkins of Roxbury, in the county of Norfolk, gentleman, son of Samuel Atkins of Truro, in the county of Barnstable, shall be allowed to take the name of Isaiah Malcomb Atkins; that John Batista, of Cohasset in said county of Norfolk, mariner, shall be allowed to take the name of John Barker; that Robert Dunlap, 2d of Brunswick, in the county of Cumberland, shall be allowed to take the name of Robert Pinckney Dunlap; that Jesse Barrows of Fryburg, in the county of Oxford, son of Deacon William Barrows of Hebron, in the same county, shall be allowed to take the name of John Stuart Barrows; that David Fales, 3d, of Thomaston, in the county of Lincoln, Esq. son of David Fales, Esq. of the same Thomaston, shall be allowed to take the name of David Samuel Fales; 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.

[Approved by the Governor, February 15, 1816.]

CHAP. CXXIII.

An Act authorizing the Treasurer of this Commonwealth to enforce the collection of Taxes in certain cases, within the counties of Oxford, Somerset, Hancock and Washington.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Treasurer of this Commonwealth be, and he hereby is directed to issue his warrants to the Sheriffs of the counties of Oxford, Somerset, Hancock and Washington, requiring them to collect within their own counties the sums which by the several tax acts, for the years one thousand eight hundred and twelve, one thousand eight hundred and thirteen, one thousand eight hundred and fourteen, and one thousand eight hundred and fifteen, were assessed on the several townships, or other tracts of unimproved land, lying within their respective counties—but upon all which townships, or other tracts of unimproved land, there was not at the settlement of the last valuation, any person residing thereon, or Assessors chosen, to whom said Treasurer could issue his warrants for the assessing and collection thereof; all which sums, are to be collected in the same manner, as Collectors or Constables are authorized and directed to proceed, in the collecting of taxes, laid on non-resident proprietors of unimproved lands, and to be paid into the treasury of this Commonwealth, on or before the first day of September next.

Warrants to be issued.

[Approved by the Governor, February 15, 1816.]

CHAP. CXXIV.

An Act to alter the number of Members composing Division Courts Martial.

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

Limitation
of
members.

Martial which may hereafter be ordered in this Commonwealth, shall be formed of a President and six Members, instead of twelve, as was heretofore provided for by law, to be appointed and detailed as directed in an act, entitled "An act for governing and training the Militia of this Commonwealth," passed on the sixth day of March, in the year of our Lord one thousand eight hundred and ten; and the Supernumeraries detailed for any Division Court Martial, shall not exceed three in number, any law or usage to the contrary notwithstanding.

[Approved by the Governor, February 15, 1816.]

CHAP. CXXV.

An Act in addition to an act, entitled "An act for dividing the Commonwealth into Districts, for the choice of Counsellors and Senators."

Designation
of
districts.

SEC. 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 counties of Hampshire, Hampden, and Franklin, shall form one District, and choose four Senators; the counties of Barnstable, Dukes County, and Nantucket, shall form one District, and choose one Senator.

Act repealed.

SEC. 2. *Be it further enacted,* That so much of an act passed the twenty-fourth day of February, in the year of our Lord one thousand eight hundred and fourteen, entitled "An act for dividing the Commonwealth into Districts, for the choice of Counsellors and Senators," as is inconsistent with the provisions of this act, be and the same is hereby repealed.

[Approved by the Governor, February 15, 1816.]

CHAP. CXXVI.

An Act to annex Abraham Hilton, and a part of his estate to the town of Alna, in the county of Lincoln.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Abraham Hilton with his family, together with about twenty acres of land, Estate set off. being all that part of his estate which lies in the town of Jefferson, in the county of Lincoln, be, and is hereby set off from the town of Jefferson aforesaid, and annexed to the town of Alna, in said county of Lincoln: *Provided*, however, that said Abraham Hilton with Proviso. said estate, shall be holden to pay his proportion of all taxes already assessed, or ordered to be assessed by said town of Jefferson, prior to the passing of this act.

[Approved by the Governor, February 15, 1816.]

CHAP. CXXVII.

An Act to establish a Fund for the support of Schools in the town of Temple.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Benjamin Abbot, John Drury, Joel Hobert, Moses Perry, and Nathaniel K. Persons incor- Whittemore, be, and they are hereby made a Corporation, porated. by the name of the Trustees of the Temple School Fund; and in that capacity the said Trustees shall have power, according to their best discretion, to sell the public lot of land, in the said town, which in the original Powers. grant thereof, was reserved for the support of Schools in the said town, and the monies accruing from said sale to be put at interest in the manner provided by this act; which monies shall constitute a Fund for the support of Schools in the said town;—and the number of

Officers to be
chosen.

said Trustees shall never exceed seven, nor be less than five, any three of whom may be a quorum for doing business; and the said Trustees and their successors in office, shall annually elect by written votes, a Chairman, and also a Clerk to record and certify their doings, and a Treasurer to receive, keep and apply the monies belonging to the said School Fund as is herein directed, and the said Treasurer shall give bond with two sufficient bondsmen, for the faithful discharge of his trust; and the said Trustees may keep and use a common seal, subject to alteration, as they may see cause; and by their corporate name aforesaid, may sue, and be sued, in any action, real, personal or mixed, and may prosecute and defend the same to final judgment and execution.

May sue and be
sued.

Vacancies to be
filled up.

SEC. 2. *Be it further enacted*, That one of the said Trustees shall annually retire, beginning and proceeding accordingly by seniority of age, and such vacancy shall be supplied by election of the freeholders at their annual town meeting for the choice of town officers, and in like manner any vacancy may be supplied which may happen by death, resignation, removal, inability, infirmity, misconduct, or any other cause, which in the judgment of the said freeholders shall be sufficient for such removal, and to fill the vacancy thereby occasioned, and they may also remove any officer or agent by them employed, when they may see sufficient cause.

Trustees may
sell land.

SEC. 3. *Be it further enacted*, That the said Trustees be, and they are hereby empowered to sell and convey the public lot in said town, which in the original grant thereof, was reserved for the support of Schools in the said town of Temple, and to make, execute, acknowledge and deliver a good and sufficient deed or deeds thereof, which being signed by the Treasurer, and countersigned by the Clerk of the said Corporation, with their seal affixed, shall be good and effectual in law to pass and convey the fee simple from the said town to the purchaser, and the monies accruing from the sale of the said School lands, shall be put at interest, as soon as may be, and secured by mortgage on real estate to the full value of the property sold, or money loaned; or by two or more sureties with the principal, unless the said Trustees shall think it more

expedient to invest the same in public funded securities, or in Bank Stock, at their discretion, and all donations, grants, bequests or legacies, which may be hereafter made and given for the use of Schools in the said town of Temple, shall be added to the said Fund, and appropriated to the same purpose, in the manner and within the restrictions and provisions made in this act, unless otherwise directed by the donor; and the interests and profits only arising from the said Funds, shall be used and applied for the benefit of the schools in the said town; and it shall never be in the power of the said town to alienate, alter, or vary the appropriation of the said Funds. And the said Trustees, and the officers of the said Corporation, for the services they may perform, shall receive no compensation out of the said Funds, interests or profits aforesaid; but a reasonable compensation for such services may be paid to them by the said town, as they may see cause.

Appropriation of interest money.

SEC. 4. *Be it further enacted,* That the said Trustees, and each of them, severally, 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 to the said Funds arising thereby; and the debt or damage recovered in such suit, shall be considered as belonging to the said Fund, and applied accordingly; and at every annual meeting of the said town, the said Trustees shall exhibit a true and fair statement of their doings and of the condition of the said Funds.

Liability of Trustees.

SEC. 5. *Be it further enacted,* That any Justice of the Peace for the county of Kennebeck is hereby empowered, upon application therefor, to issue a warrant directed to one of the Trustees named in this act, requiring him to notify and warn the first meeting of said Trustees to meet at such convenient time and place, as shall be appointed in said warrant, to organize the said Corporation by the election and appointment of its officers.

Justice may issue warrant.

[Approved by the Governor, February 15, 1816.]

CHAP. CXXVIII.

An Act to incorporate the town of Enfield.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all the lands in the towns of Greenwich and Belchertown, which are comprised within the limits of the South Parish of the town of Greenwich, as they are now settled and established, according to the provisions of an act, entitled "An act to divide the town of Greenwich into two Parishes, and for including the north-east corner of the town of Belchertown in the South Parish," passed on the twenty-first day of June, in the year of our Lord one thousand seven hundred and eighty-seven; and an act in addition thereto, passed on the twenty-second day of February, in the year of our Lord one thousand seven hundred and ninety-two; together with the farm of Robert Hathaway in said Greenwich, with all the inhabitants dwelling thereon, be, and they hereby are incorporated into a town by the name of Enfield, and vested with all the powers and privileges, rights and immunities, and subject to all the duties and requirements of other towns, within this Commonwealth.

SEC. 4. *Be it further enacted,* That the inhabitants of the said town of Enfield shall be holden to pay all arrears of taxes, which have been assessed upon them by the towns to which they belonged before the passing of this act; and shall also be holden to pay their proportion of all taxes already voted to be raised or assessed by said towns of Belchertown and Greenwich; also such proportion of the expense of supporting the poor, now supported by the town of Belchertown, as the property of the inhabitants by this act set off from the said Belchertown, bears to the whole property of said town, during the lives of the present paupers; and the same may be assessed and collected in the same manner as if this act had never passed; and the expense of supporting the present paupers of the town of Greenwich, shall be divided between the towns of Greenwich and Enfield, in proportion to the present

Town Incorporation.

Regulation of taxes.

valuation of estates of the inhabitants of said town of Greenwich.

SEC. 3. *Be it further enacted*, That of all State and County taxes, which, shall, previous to a new valuation, be required of the said towns of Greenwich and Belchertown, the said town of Enfield shall pay their just proportion, according to the last assessment of taxes in the said towns respectively. Taxes apportioned.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the county of Hampshire be, and he is hereby authorized to issue his warrant, directed to some principal inhabitant of said town of Enfield, requiring him to notify the inhabitants thereof, qualified to vote in town affairs, to meet at such convenient time and place as may be expressed in said warrant, to elect such officers as towns are by law authorized to choose in the months of March or April annually; and that the said Justice be, and he is hereby authorized and empowered to preside at said meeting during the election of a Moderator, and to exercise all the powers, and perform all the duties which Town Clerks have and perform in the election of a Moderator of town meetings. Justice issue warrant.

[Approved by the Governor, February 15, 1816.]

CHAP. CXXIX.

An Act to establish the Massachusetts Society for the Encouragement of Manufactures.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That James Richardson, of Dedham; Samuel Crocker, of Taunton; Francis C. Lowell and Charles Davis, of Boston; Josiah J. Fisk, of Wrentham; Lyman Tiffany, of Medway, and Eli Richardson, of Franklin, and those who now are, or hereafter may be associated with them, be, and they hereby are constituted a body politic and corporate, by the name of the Massachusetts Society for the encouragement of Manufactures; and by that name may Persons incorporated.

May sue and be
sued.

sue, and be sued, and have and use a common seal, and the same to break, alter and renew at pleasure; and do and suffer all things appertaining to bodies politic and corporate; and may make and execute such bye laws, rules and regulations, and elect such officers, as the members thereof may judge necessary for its government: *Provided*, such bye-laws shall not be repugnant to the Laws of this Commonwealth.

Proviso.

May hold real
estate.

SEC. 2. *Be it further enacted*, That said Corporation be, and it is hereby made capable of holding real and personal estate of any description, and of disposing of the same: *Provided*, the annual income thereof shall not exceed the sum of ten thousand dollars.

Powers limited.

SEC. 3. *Be it further enacted*, That the powers of said Corporation be limited to the promotion and encouragement of the manufacture of cotton and wool, by collecting and preserving useful books and models of machinery, and communicating new inventions and improvements in the manufacture of cotton and wool, to the manufacturers thereof in this Commonwealth.

[Approved by the Governor, February 15, 1816.]

CHAP. CXXX.

An Act in addition to the several laws now in force, providing for the Collection of Taxes.

Collector ap-
pointed.

SEC. 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 may be lawful for the inhabitants of any town within this Commonwealth, at their meeting in the month of March or April, annually, to appoint their Treasurer a Collector of taxes in their said towns; and the Treasurer so appointed, shall be, and hereby is empowered to substitute and appoint under him, such number of deputies or assistants, as may be necessary; which deputies or assistants, so appointed, shall give bonds for the faithful discharge of their duty, in such sums, and with such sureties, as the Selectmen of such town shall think proper; and the said Collec-

tor and his deputies shall have the same powers as are vested by law, in Collectors of taxes chosen by virtue of the act now in force for that purpose.

SEC. 2. *Be it further enacted,* That all such inhabitants of the said towns, who shall voluntarily pay the said Collector, or his deputy, within thirty days next after the delivery of their tax bills the amount of their respective taxes, shall be entitled to an abatement of such sum, as said town at their annual meeting may agree upon, on the amount of their said taxes; and such inhabitants, as shall voluntarily pay their taxes to the said Collector or his deputy, within sixty days after the delivery of their tax bills, shall be entitled to an abatement of such sum as may be agreed upon as aforesaid, on the amount of their said taxes; and all such inhabitants as shall voluntarily pay to the said Collector or his deputy, within one hundred and twenty days after the delivery of their tax bills, shall be entitled to an abatement on the amount of their said taxes, of such sum as may be agreed upon as aforesaid.

Abatement of taxes.

SEC. 3. *Be it further enacted,* That all such taxes as shall not have been paid in agreeably to the provisions of the second section of this act, shall and may be collected by the Collector or his deputy or deputies, agreeably to the act now in force for that purpose, passed March sixteenth, in the year of our Lord one thousand seven hundred and eighty-six, as also all taxes from persons whose credit they may consider doubtful at any time within the time specified in the aforesaid second section.

SEC. 4. *Be it further enacted,* That the Assessors of any town, which shall, at their annual meeting, regulate the collection of their taxes, agreeably to the provisions of this act, shall assess their taxes in due form, and deposit the same in the hands of the Treasurer for collection, together with a warrant according to law, for that purpose, after he shall have been duly qualified, together with his deputy or deputies, and at the same time, shall post up notifications thereof, together with a copy of the second section of this act, in one or more public places within said town.

Powers of Assessors.

[Approved by the Governor, February 15, 1816.]

CHAP. CXXXI.

An Act for promoting the Sale and Settlement of the Public Lands in the District of Maine.

SEC. 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 a Land Office for the management, sale and settlement of Land belonging to this Commonwealth in the District of Maine, under the superintendence of three Commissioners, who shall, as soon as conveniently may be, be appointed by his Excellency the Governor, by and with the advice of Council, and upon the death, resignation or removal of either of them, the vacancy, thereby occasioned, shall be filled in the same manner.

Appointment of
Commissioners.

SEC. 2. *Be it further enacted,* That the said Land Office shall be kept in Boston, under the direction of said Commissioners, who shall be furnished with a suitable office, and a clerk and stationary, at the public expense; and said office shall be kept open at such stated hours as said Commissioners shall direct—All maps, plans, charts, surveys, records, and other property, belonging to this Commonwealth, now in the possession of the Agent for the sale of Eastern Lands, shall be delivered to the said Commissioners by the said Agent, as soon as they shall have opened their office and given notice thereof.

Office held.

SEC. 3. *Be it further enacted,* That said Commissioners, or a majority of them, shall have the care, superintendence and management of all the Land lying in the District of Maine, belonging to this Commonwealth, and shall be and hereby are invested with all and singular the powers and authorities which belong to the Agent for the sale of Eastern Lands, or to any committee of council in virtue of any acts or resolves of the Legislature, with power to make and carry into effect any contracts, and to execute and deliver any deeds or conveyances which the said Agent or any committee as aforesaid, might lawfully do in virtue of said acts and resolves, in as full and ample manner as if the

General powers.

same were herein specially recited : Said Commissioners shall also perform such other duties as by this act or any law or resolve shall from time to time be committed to them

SEC. 4. *Be it further enacted,* That the said Commissioners, as soon as conveniently may be, shall cause to be surveyed or otherwise ascertained, the boundaries of the lands of this Commonwealth in said district, and shall make and adopt all convenient regulations, and take Survey. the best measures for ascertaining as well the quantity of said land as the general quality of the soil in the different sections, and the lakes, rivers, mountains, minerals and natural productions ; and they shall cause to be surveyed and laid out into townships, each as nearly as may be, six miles square, and to be divided into lots of one hundred acres, by running parallel lines through the same. all such tracts of land as may from time to time be designated by any law or resolve of the Legislature.

SEC. 5. *Be it further enacted,* That it shall be the duty of said Commissioners to ascertain with all possible despatch, such tract or tracts of land as may be best adapted to be forthwith laid out into townships, and to report the same with their opinions thereon, and all material information in their power, relative thereto, to the Legislature — And they are hereby authorized to treat and contract for the laying out, opening and completing one or both of the roads leading from lands near the Penobscot and Kennebec rivers, to the northern boundary of said District, which have heretofore been surveyed by order of the Legislature ; *provided,* contracts can be effected for defraying at least three fourths of the expensé of completing said roads by grants of land to the undertakers at a fair valuation, or by the proceeds of the sales of public lands Roads laid out. due or growing due ; they shall also have power to contract with the proprietors of lands whose title is derived from the Commonwealth, for a commutation of any settling duties which they are held to perform by the conditions of any grant or obligation, either by making roads through their respective lands in such directions, and upon such terms as said Commissioners may determine to be conducive to the settlement

and best interest of said district, or by a re-conveyance, at a fair valuation, of portions of land originally granted ;—which lands, when conveyed, shall be appropriated for the purpose of making roads, or being conveyed to actual settlers, at the discretion of the Commissioners aforesaid ; *provided*, that no such contract for a commutation shall be valid until the same shall have received the approbation of the Governor and Council, or, in the recess of the Council, of the Governor, and a Committee of Council, specially appointed for this purpose.

Proviso.

SEC. 6. *Be it further enacted*, That in every township to be laid out pursuant to this act, the Commissioners shall set apart fifty lots of one hundred acres each of average quality and value, no two lots of which shall lie contiguous to each other ; which shall be granted and conveyed to the first fifty settlers, in said township, upon the payment of five dollars for each lot ; *provided* that application be made to said Commissioners, and a certificate obtained from them, authorizing the person applying for the same, to enter on and improve the lot applied for : *provided also*, that every person, at the time of receiving such certificate, shall give bonds to the satisfaction of said Commissioners, with condition that such settler, his heirs, or assigns, shall within one year from the date of said bond, build a house and barn upon such lot, and within five years from the date, clear up and make fit for the purposes of agriculture, at least ten acres of such lot ; and upon the faithful performance of such condition, such settler, his heirs, or assigns, shall be entitled to, and receive a deed of the lot described in his certificate, conveying to him and them all the right and title of the Commonwealth to said lot ; and said Commissioners shall also set apart one lot of average quality and value, in each township, for the use of the first settled minister ; one for the use of the ministry, and one for the use of schools in said township.

Lands set apart.

Gift to settlers.

Minister and school lands.

May sell lands.

SEC. 7. *Be it further enacted*, That the said Commissioners, after making the aforesaid reservations, may, from time to time, and under such regulations as they may prescribe, expose and offer for sale, all or any part of the residue of the lots surveyed and laid

out as aforesaid, upon such terms and conditions as they may deem best: *Provided always*, that no part of said residue shall be sold for less than one dollar Proviso. per acre: *Provided also*, that not more than five hundred acres shall be sold to any one person or association, in any one township, without the special order of the Legislature.

SEC. 8. *Be it further enacted*, That the said Commissioners shall keep books and records of all contracts made by them, and of all deeds, grants and proceedings, and also a register in which shall be entered the name of every person making application for a settler's lot, and of the date of such application, and of the doings Records. of said Commissioners thereupon—And at least two of said Commissioners shall be inhabitants of the said District of Maine, and shall receive applications made for settler's lots, and issue certificates for the same, under such regulations as said Commissioners shall agree upon and provide.

SEC. 9. *Be it further enacted*, That a Surveyor General shall, as soon as conveniently may be appointed by his Excellency the Governor, by and with the Duties of Surveyor General: advice of the Council, whose duty it shall be to execute, under the instructions of the said Commissioners, the duties enjoined by this act, and to do and perform all such other acts and duties appertaining to said office as shall, from time to time, be prescribed by said Commissioners, or by any act of the Legislature—and he is hereby authorized to appoint from time to time, with the consent of said Commissioners, one or more deputies, and to employ all necessary Chainmen and Labourers under him, who shall be sworn by him to the faithful performance of their respective duties before commencing any survey—and he shall carefully set down on his plans, all roads, townships, lots or tracts of land by him surveyed, and return correct plans and field books, to said Commissioners, with remarks and observations respecting all the objects provided for in the third section of this act, so as to ascertain the same as far as may be practicable.

SEC. 10. *Be it further enacted*, That the said Commissioners and Surveyor General shall be respectively sworn to the faithful discharge of the duties of their

Disposition of
money.

office before entering thereon, and shall respectively give bond to the Treasurer of this Commonwealth, with sureties to be approved by the Governor, or in case of his absence the Lieutenant Governor or any two members of the Council, with condition for the faithful performance of their said duties for the rendering a true account of all monies by them received, and for paying over as herein provided all monies and securities for money by them received and taken — And the said Commissioners and Surveyor General shall annually adjust and settle their accounts with the said Treasurer or any Committee of the Legislature who may be appointed to examine and adjust the same ; and they shall severally receive out of the Treasury such compensation for their services as the Legislature may hereafter establish and direct.

SEC. 11. *Be it further enacted*, That in every township which shall be surveyed, one fiftieth part thereof of average value shall be reserved as a fund for the purpose of making roads through said township.

Limitation.

SEC. 12. *Be it further enacted*, That this Act shall be in force for three years and until the end of the first session of the next General Court which shall be hereafter, and no longer ; *provided always*, that the faith of the Commonwealth is hereby pledged for the performance and ratification of all contracts legally made before the expiration of said act.

[Approved by the Governor, February 15, 1816.]

CHAP. CXXXII.

An Act to incorporate the Middleborough Canal Company.

Persons incor-
porated.

SEC. 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, Thomas Weston, Levi Peirce and Horatio G. Wood, their associates and successors, shall be, and are hereby incorporated, and made a body politic, by the name of the Middleborough Canal Company, for the purpose of

opening, maintaining and managing a Canal from the northerly part of Assawampset pond to unite with Ne-masket river, between said pond and Vaughn's bridge, so called, in Middleborough, in the county of Plymouth, in such manner and direction, as shall be most convenient for drawing the water from the said pond : and by the name aforesaid may sue and be sued, and shall have a common seal, and enjoy all the privileges and powers, incident to similar Corporations, and for the purposes aforesaid, may take, use, possess and enjoy in fee simple any lands necessary to carry into effect, and compleat the same, paying therefor in manner hereafter prescribed : *Provided, however,* that the petitioners, in opening such Canal, do not cause any additional obstruction or lessen the passage way through which the water now runs from said pond, in a canal opened upon the lands of Samuel Jackson and others ; but if the present Canal shall be made wider, or deeper than it now is, said Corporation may place such obstructions as they please on the increased width, or depth, leaving the present passage way as wide and deep, as the same now is.

May sue and be sued.

Proviso.

SEC. 2. *Be it further enacted,* That in case the owner or owners of any lands which shall be taken for the purposes aforesaid, and the Corporation cannot agree upon the amount of damages thus occasioned, nor upon some person or persons to estimate the sum, in such case some person, or persons shall be appointed by the Circuit Court of Common Pleas for the county of Plymouth, and the determination of the referees so appointed shall be the measure of such damage : *Provided,* nevertheless, that if the other party shall be dissatisfied with the award of the referees aforesaid, and shall, at the next term of said Court, after the report of said referees shall be made, apply for a trial by jury, said Court shall have power to determine the same by jury, in the same manner in which other causes are determined ; and if the verdict of the jury shall not give to the party applying, a larger sum than the referees shall award aforesaid, then the Court shall award cost against the party applying ; but if the last decision shall be more favorable to the party applying than the decision of the referees, then the Court shall award costs to the

Referees to be appointed.

Proviso.

Jury trial.

applicant, and the Court shall render judgment and issue execution accordingly.

Fines for damages

SEC. 3. *Be it further enacted,* That if any person or persons, shall wilfully take up, remove, break down, dig under, or in any other manner destroy, or injure the Canal aforesaid, or any dam, lock, gate, or other works erected thereon, or shall divert, or obstruct the water running to, through or from said Canal, or in any other manner interrupt said Corporation in the free and full use of the same, and the waters flowing therein; he or they shall, for every such offence, forfeit and pay to said Corporation, double the value of damage sustained thereby, by said Corporation, to be recovered in an action of trespass, in any Court proper to try the same; and such offender or offenders shall be liable to indictment by the grand jury of said county, and on conviction thereof before the Circuit Court of Common Pleas for the county of Plymouth, or the Supreme Judicial Court, shall be liable to pay a fine to the use of the Commonwealth, of not more than fifty dollars, nor less than five dollars, or be imprisoned, not more than two months, nor less than ten days, at the discretion of the Court before whom such conviction shall be had.

Justice issue warrant,

SEC. 4. *Be it further enacted,* That upon the application of the said proprietors, or any three of them to any Justice of the Peace for the county of Plymouth, such Justice is hereby empowered to issue his warrant directed to one of said proprietors, requiring him to notify and warn his associates to meet at such time and place in said town of Middleborough, as shall be directed in said warrant, who when met may agree upon a method of calling future meetings of said proprietors, and consult and transact such other business of said propriety as shall be expressed in said warrant.

[Approved by the Governor, February 16, 1816.]

CHAP. CXXXIII.

An Act enforcing the right of this Commonwealth to loans from the Banks within the same.

SEC. 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 the duty of the Treasurer of this Commonwealth, whenever he shall have occasion to borrow any sum of money of any incorporated Bank, under and by virtue of any authority for that purpose, given by any act or resolve of this Commonwealth, to give notice in writing to the President or Cashier of any such incorporated Bank, of the amount which he has so an occasion to borrow, and demanding of said Bank a loan of the same, conformably to the provisions of the act incorporating such Bank. Banks shall grant loans.

SEC. 2. *Be it further enacted,* That if any incorporated Bank aforesaid, shall neglect or refuse, for the space of ten days, after notice given as aforesaid, to loan to the said Treasurer, the sum so demanded, said Bank shall forfeit and pay into the Treasury of this Commonwealth, the sum of *two per cent per month* upon the amount of any sum so demanded as a loan, as aforesaid; and so after that rate, for a shorter or longer time, so long as the said neglect or refusal to comply with such demand of the said Treasurer shall continue. Fines for refusal.

SEC. 3. *Be it further enacted,* That it shall be the duty of the said Treasurer, at the expiration of one month after the said demand shall have been made, to cause to be instituted, in any Court of competent jurisdiction, an action in the name and behalf, and for the use of this Commonwealth, against the Bank so neglecting or refusing as aforesaid, for the recovery of the said penalty; and so, at the expiration of every succeeding month thereafter, from month to month, to cause to be instituted a similar action as aforesaid, for the amount of the penalty accruing for the neglect and refusal of the then next preceding month, so long as May levy action against Bank.

such neglect or refusal shall continue; and it shall also be the duty of the said Treasurer, upon the obtaining judgment and execution on any such action or actions, to cause the amount thereof to be forthwith levied upon the goods, chattels, or lands of the Bank, against which the same shall have been obtained.

Loans to be equalized.

SEC. 4. *Be it further enacted*, That it shall be the duty of the Treasurer, in making the demand above specified, of any Bank or Banks, to equalize, as far as is conveniently practicable, the amount of such demand, among the several Banks in the town of Boston, unless otherwise directed by an act or resolve of this Commonwealth, having reference to the amount of the obligation of each Bank, to loan the Commonwealth, and to the amount previously borrowed of each Bank, under the authority thereof.

[Approved by the Governor, February 16, 1816.]

CHAP. CXXXIV.

An Act relative to timber lodged on lands adjoining the Saco River, and the waters connected with the same.

Forfeiture of timber.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That all logs and other timber carried by the freshets or otherwise lodged upon any lands adjoining Saco River, or adjoining the ponds or waters connected with said river, shall be forfeited to and become the property and wholly at the disposal of the owner or occupier of said lands so incumbered with logs or other timber, after the expiration of one year from the time such logs or other timber may have been lodged on said lands.

Compensation for damages.

SEC. 2. *Be it further enacted*, That the owner or owners of such logs or other timber, at any time within one year from the time the same may have lodged, as aforesaid on said lands, on paying or tendering to the owner or occupier of the said lands, so incumbered with logs or other timber, a reasonable compensation for the damages, which said owner or occupier may have sus-

tained by said logs, and as may be occasioned by the removal of the same, may lawfully enter on said land and remove said timber therefrom.

SEC. 3. *Be it further enacted*, That whenever the owner or owners of such timber shall remove the same from any of said lands, or have caused the same to be removed therefrom without having paid or tendered the compensation for damages as in the second section of this act is prescribed; the owner or occupier of such land may commence, and is hereby authorized to have and maintain, an action of the case against the owner or owners of said timber, or against the person or persons removing the same, to recover compensation for the damages aforesaid: *Provided*, that said action be commenced within one year from the time said timber is removed from said land.

Actions may be sustained.

Proviso.

SEC. 4. *Be it further enacted*, That all acts and parts of acts which come within the purview or which are inconsistent with the provisions of this act be and the same are hereby repealed.

Acts repealed.

[Approved by the Governor, February 16, 1816.]

CHAP. CXXXV.

An Act in addition to an act entitled "An act in addition to an act, entitled an act providing for the due observation of the Lord's Day, and repealing the several laws heretofore made for that purpose.

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 guilty of a breach of the second section of the act passed the eighth day of March, in the year of our Lord one thousand seven hundred and ninety-two, entitled "An act for the due observation of the Lord's Day, and repealing the several laws heretofore made for that purpose," shall be liable to a penalty not less than four dollars, nor more than six dollars and sixty-six cents; which penalty may be recovered with costs of prosecution, upon complaint before any Justice of

Fines for breach of law.

the Peace in the county where the offence may be committed ; one moiety thereof to the complainant, and the other moiety to the use of the county within which the offence may be committed ; or before the Circuit Court of Common Pleas of the same county, by presentment of the Grand Jury, in which case, the whole penalty shall enure to the benefit of the county : *Provided however,* that all prosecutions for the said penalty shall be commenced within six months after the offence was committed, unless the offender resides without the Commonwealth.

[Approved by the Governor, February 16, 1816.]

CHAP. CXXXVI.

An Act for the suppression and punishment of Cheats.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That all persons who knowingly and designedly, by false pretence or pretences, shall obtain from any person or persons, money, goods, wares, merchandize, or other things, with intent to cheat, or defraud any person or persons of the same, shall, on conviction thereof before the Justices of the Supreme Judicial Court or the Municipal Court of the town of Fines. Boston, be sentenced to pay a fine to the use of the Commonwealth, not less than forty dollars, and not exceeding four hundred dollars, or be sentenced to be confined to hard labor, for a term not exceeding seven years, at the discretion of the Courts respectively, before whom such conviction shall be had.

Actions at common law. **SEC. 2.** *Be it further enacted,* That the Supreme Judicial Court and the Municipal Court of the town of Boston shall have exclusive jurisdiction of all gross frauds or cheats at common law ; and any person who shall, before either of said Courts, be convicted of any fraud or cheat, shall be sentenced by the said Courts respectively, to receive such punishment as is provided in and by the first section of this act.

[Approved by the Governor, February 16, 1816.]

CHAP. CXXXVII.

An Act in addition to the several acts for giving remedies in Equity.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the first day of May next, the right in equity to redeem mortgaged real estate which may be taken and sold on execution, pursuant to the provisions of the act entitled "An act in addition to an act entitled an act for giving remedies in Equity," passed March the first, in the year of our Lord one thousand seven hundred and ninety-nine, may be redeemed from such sale by the execution debtor or debtors, within one year next after the time of executing by the officer to the purchaser the deed thereof in the manner in the aforesaid act provided, by the payment by the debtor or debtors, of such sum, as may, by such sale, have been satisfied on such execution, with the interest thereof, deducting the rents and profits the purchaser or any under him may have received over and above the repairs made by the purchaser or any under him. And in case the purchaser of any such right in equity shall have satisfied and paid the mortgagee, his heirs or assigns, the sum due on said mortgage, the mortgagor shall have the right to redeem such mortgaged estate of such purchaser, or any under him, at the time and in the way and manner he might have redeemed the same of the mortgagee, had no such sale been made, and at such time only.

Right of redemption.

SEC. 2. *Be it further enacted,* That from and after the first day of May next, the proviso in the fifth-section of the act aforementioned be, and hereby is repealed—*Provided, however,* that the said repeal shall have no effect upon any sale of a right in equity made previous to, or on said first day of May next, but the debtors right to redeem the same shall remain as though this act had not been passed.

Proviso.

SEC. 3. *Be it further enacted,* That from and after the passing of this act, when any right in equity of

Mortgages re-
deemed.

redeeming real estate, which is mortgaged, shall be attached on mesne process and pending the attachment, such mortgaged real estate shall be redeemed by the mortgagor, the attaching creditor shall have the same lien on such estate as though the attachment had been of the fee, and execution may be levied thereon accordingly.

[Approved by the Governor, February 16, 1816.]

CHAP. CXXXVIII.

An act, establishing the Salary of the Adjutant-General.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That there be allowed and paid out of the public Treasury to the Adjutant-General of this Commonwealth the sum of one thousand dollars in full for his services in that office from the second day of September last, to the second day of March next; Salary. And, that from and after the said second day of March next, there be allowed and paid out of said Treasury, the sum of fifteen hundred dollars, annually, in quarterly payments, to the Adjutant-General of this Commonwealth, in full for his services in that office from and after said day.

[Approved by the Governor, February 16, 1816.]

CHAP. CXXXIX

An act to explain an act for the encouragement of Literature, Piety and Morality, and the useful Arts and Sciences.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the President and Fellows of Harvard College shall be, and they hereby are

authorized to apply any part of the sum reserved in the act, entitled an "Act for the encouragement of Literature, Piety and Morality, and the useful Arts and Sciences," for the diminution of the tuition fees of such students as may need assistance, towards the support and maintenance of any resident graduates who may be permitted to reside at the University by the said Corporation and whose circumstances may in the opinion of said Corporation render such aid proper and necessary; the said Corporation in all cases exercising their discretion as to the qualifications and merits of the applicants for said benefaction; *provided, however*, that no part of the said sum reserved by the act, to which this is an addition, shall be applied to the support of any resident graduates, until all the just and reasonable claims of the undergraduates shall have been satisfied, of which claims the said Corporation shall be the Judges; and *provided further*, that if any sum shall be remaining of the aforesaid appropriations, after giving relief to the undergraduates as aforesaid, and after contributing to the support of any such resident graduates in manner afore described, it shall be lawful for the said Corporation to cause the same to be invested in some fund or securities, the income whereof may be applied for the purposes mentioned in the aforesaid act to which this is an addition, and for the purposes mentioned in this act.

Resident graduates may receive support.

Property may be funded.

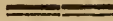
[Approved by the Governor, February 16, 1816.]

CHAP. CXL

An act to apportion and assess a tax of one hundred and thirty-three thousand, three hundred and twenty-eight dollars and fifty-two cents, and to provide for the reimbursement of twenty-eight thousand four hundred and ninety-four dollars paid out of the public Treasury to the members of the House of Representatives for their attendance at the two last sessions of the General Court.

[Approved by the Governor, February 16, 1816.]

COMMONWEALTH OF MASSACHUSETTS:



Secretary's Office, May 15th, 1816.

By this, I certify, that the Laws contained in this pamphlet, passed at the session of the General Court, beginning the 10th of January, and ending the 16th of February, A. D. 1816, have been examined and compared with the originals in this office, and appear to be correct.

ALDEN BRADFORD,

Secretary of the Commonwealth.

L A W S

OF THE

COMMONWEALTH OF MASSACHUSETTS,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION, COMMENCING ON THE TWENTY-NINTH DAY
OF MAY, AND ENDING ON THE TWENTIETH

DAY OF JUNE, A. D. 1816.

CHAP. I.

An Act to cede to the United States the jurisdiction of the rocks and flats under the piers in Merrimack river.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That there be, and hereby is ceded to the United States of America, the jurisdiction of so much of the rocks and flats under the piers in the river Merrimack, known by the name of the half-tide rocks and north rocks in said river, as may be necessary for the purpose of repairing and keeping in repair said piers; *provided however*, that if the said United States shall neglect to keep the said piers in good repair, and in a condition useful to navigation, then this cession shall be void: *Provided also*, Cession to the United States, Proviso, that this Commonwealth shall retain a concurrent jurisdiction with the United States, so far as respects all civil and criminal processes issued under the authority of this Commonwealth, in like manner, to all intents and purposes, as if this act had not been passed.

[Approved by the Governor, June 13, 1816.]

CHAP. II.

An Act respecting the Courts of Probate in the county of Norfolk.

SEC. 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, there shall be four terms of the Court of Probate holden in the first parish in Wrentham, in the county of Norfolk, in each year successively, at such times as the Judge of Probate for said county shall appoint.*

Probate Courts.

SEC. 2. *Be it further enacted, That this act shall continue in force for the term of two years, from and after the said first day of July next, and no longer.*

Limitation.

[Approved by the Governor, June 14, 1816.]

CHAP. III.

An Act to incorporate the Atherton Manufacturing Company.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Rufus Atherton, Samuel Atherton, Sylvester Claflin, George F. Jenks, Nathaniel Ide, Asa Perrin, Samuel Sandford, Comfort Barrows, Elkanah Briggs, Daniel Claflin, Dexter Bishop, Calvin Claflin, Stephen Bourn, Eli Bourn, John Smith, Alanson Burt, George Jenks, Otis Perrin, David Cummings, Benjamin Cummings, Daniel Claflin, jun. Ona Carpenter, Levi Read, Sylvanus Newman, Siba Carpenter, George B. Richards, and Noah Claflin, jun. together with such other persons as have already, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of The Atherton Manufacturing Company, for the purpose of manufacturing cot-*

Persons incor-
porated.

ton and woollen goods in the town of Attleborough, 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."

SEC. 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 seventy thousand dollars, as may be necessary and convenient for establishing and carrying on the manufactures aforesaid, in said town of Attleborough. May hold real estate.

[Approved by the Governor, June 14, 1816.]

CHAP. IV.

An Act granting certain powers to the Hancock Aqueduct Association.

SEC. 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 Hancock Aqueduct, in Portland, in the county of Cumberland, be, and they are hereby authorized, in case of the neglect or refusal of payment of such taxes as may from time to time be legally assessed upon the shares of said Proprietors, to sue for the recovery of the same, in the name of the Treasurer of said Corporation, and to prosecute the said suit or suits to final judgment, in any Court or Courts proper to try the same. Treasurer may sue for taxes.

SEC. 2. *Be it further enacted*, That said proprietors, at any legal meeting, may, by the vote of a majority of those present at said meeting, admit, upon such conditions as may be consistent with the rules and regulations of said proprietors, any person or persons into said Corporation, who shall thereafter hold and enjoy their said share or shares, subject to the same May admit proprietors.

liabilities and obligations as the said original proprietors.

[Approved by the Governor, June 14, 1816.]

CHAP. V.

An Act to cede to the United States the jurisdiction of so much of the Island of Petit Manan, near Naraguagus river, as may be necessary whereon to erect a light house.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That there be, and hereby is ceded to the United States of America, the jurisdiction of so much of the Island of Petit Manan, near the Naraguagus river, as may be necessary for the purpose of erecting a light house thereon: *Provided*, that this Commonwealth shall retain concurrent jurisdiction with the United States, so far as respects all civil and criminal processes issued under the authority of this Commonwealth, in like manner, to all intents and purposes, as if this act had not been passed.

Cession to the
United States.

Proviso.

[Approved by the Governor, June 15, 1816.]

CHAP. VI.

An Act in further addition to an act, entitled, "An act to incorporate the President, Directors and Company of the Kennebunk Bank."

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 Kennebunk Bank shall and may be one hundred thousand dollars; the number of shares to remain as at present established by law, any thing in the act to which this is in addition to the contrary notwithstanding; and the

Stock reduced.

Stockholders of said Bank are hereby wholly exonerated and discharged from paying in twenty per cent of the whole capital stock of said Bank on the first day of October next, as by the act in addition to the act establishing the Kennebunk Bank they are required.

[Approved by the Governor, June 15, 1816.]

CHAP. VII.

An Act to incorporate the Southbridge Factory Company.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Jeremiah Shumway, Benjamin F. Shumway, Joseph Marcey, Timothy Paige, jun. and Reuben Harrington, 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 Southbridge Manufacturing Company, for the purpose of manufacturing wool in the town of Southbridge, in the county of Worcester; and for the purpose aforesaid, shall have all the powers and privileges, and shall 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, in the year of our Lord one thousand eight hundred and nine.

Persons incor-
porated.

SEC. 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 fifty thousand dollars, as may be necessary and convenient for carrying on the manufactory of wool in said town of Southbridge.

May hold real
estate.

[Approved by the Governor, June 15, 1816.]

CHAP. VIII.

An Act in addition to an act, entitled “ An act to establish a Literary Institution in the District of Maine, within this Commonwealth.

Particular location.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Maine Literary and Theological Institution be, and they are hereby authorized and empowered to locate and establish their buildings in any town within the counties of Kennebec or Somerset; any thing contained in the first section of the act, entitled “ An act to establish a Literary Institution in the District of Maine, within this Commonwealth, to the contrary notwithstanding.

[Approved by the Governor, June 15, 1816.]

CHAP. IX.

An Act incorporating the Cummington Woollen Manufactory.

Persons incorporated.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Asa Gurney, jun. James Claghorn, Robert Dawes, Darius Ford, and Robert Dawes, jun. together with such others as have associated, or may hereafter associate with them, their successors and assigns, be, and hereby are made a Corporation, by the name of The Cummington Woollen Manufacturing Company, for the purposes of manufacturing woollen cloth and yarn in the town of Cummington, in the county of Hampshire; and for those purposes 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.

SEC. 2. *Be it further enacted*, That the said Corporation may lawfully hold and possess such real estate, not exceeding the value of thirty-thousand dollars, and personal estate, not exceeding the value of seventy thousand dollars, as may be convenient and necessary for carrying on the manufacture of woollen cloth and yarn. in said town of Cummington. May hold real estate.

[Approved by the Governor, June 15, 1816.]

CHAP. X.

An Act to enforce the rendition of an account of Fees of Office.

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 persons who are or shall be entitled by any law or resolve, to an annual salary, and who also receive fees of office, for which they are required to be accountable, shall render to the Treasurer a quarterly account under oath of all Fees of Office by them received, which oath the Treasurer is hereby authorized to administer. And no person shall be permitted to receive his quarterly salary from the Treasury, until such account of the Fees of Office has been rendered: *Provided however*, that this act shall not be considered as extending to the Justices of the Supreme Judicial Court. Rendition of fees. Proviso.

[Approved by the Governor, June 15, 1816.]

CHAP. XI.

An Act in addition to an act, entitled "An act for dividing the county of Hancock, and establishing a new county, by the name of Penobscot."

SEC. 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 Supreme Judicial Court to be holden at Castine, within the county of Hancock, shall be holden for the county of Penobscot, as well as for the counties of Hancock and Washington, and shall, from time to time, have the same jurisdiction, power and authority for the decision and determination of all matters and things, civil and criminal, which have happened or shall hereafter happen within the said county of Penobscot, as though the said county of Penobscot had not been established.

Courts held.

SEC. 2. *Be* it further enacted, That the Clerk of the Supreme Judicial Court, whenever he shall issue venires for any grand or traverse jurors to attend said Court, to be holden within the county of Hancock, shall be governed by the division into jury districts, which was made in the county of Hancock last before the county of Penobscot was established, until a new division into jury districts be made in both the counties of Hancock and Penobscot.

Jurors.

SEC. 3. *Be* it further enacted, That all appeals which may be claimed according to law from the decrees or orders of the Judge of Probate, for the county of Penobscot, shall and may be heard and determined by the Supreme Judicial Court to be holden within the county of Hancock, in the same way and manner as appeals from the orders and decrees of the Judge of Probate for the county of Hancock, may be heard and determined.

Appeals.

SEC. 4. *Be* it further enacted, That the several Justices of the Peace in the county of Penobscot, who are or shall be duly commissioned and sworn as such, are hereby authorized to determine all causes hereto-

fore duly entered and continued by them, and to issue or renew writs of execution on all judgments, recognizances, or acknowledgements of debts, heretofore recovered or taken before them respectively, as Justices of the Peace for the county of Hancock, in the same way and manner, as they might by law have done as Justices of the Peace for the county of Hancock, if said county of Penobscot had not been established : *Provided moreover*, that the Justices of the Peace for the county of Penobscot, shall have in their county the same jurisdiction, power and authority, as to the violations of the act for the preservation of fish in Penobscot river and bay, and the several streams emptying into the same, as the Justices of the Peace for the county of Hancock have in their county.

Writs issued or renewed.

Fish regulation.

SEC. 5. *Be it further enacted*, That all persons committed to gaol in the county of Hancock, from the county of Penobscot, shall be entitled to the same benefits and indulgences, as though they lived and had their homes within the county of Hancock; and it is hereby made the duty of the proper Magistrates and other officers of the county of Hancock, to administer all the oaths and perform all the services which may be necessary for that purpose : *Provided* that all expenses incurred by the operation of this section of this act, as county charges, shall be defrayed by the county of Penobscot.

Regulation of Debtors.

Proviso.

SEC. 6. *Be it further enacted*, That it shall be the duty of the Overseers of the Poor for the town of Bangor, to make the same provision for prisoners committed to gaol at Castine from the county of Penobscot, who are or may be unable to support themselves, as by law said Overseers would be required to do were such prisoners committed to a gaol in Bangor, upon proper application being made to them by the keeper of the gaol at Castine; and the town of Bangor shall be entitled to the same remedies at law against any other towns for the support of such prisoner or prisoners, as if they were committed to a gaol in Bangor.

Provisions for prisoners.

SEC. 7. *Be it further enacted*, That the register of deeds, who is directed by a law of this Commonwealth, passed the twenty-eighth day of February,

in the year of our Lord one thousand eight hundred and fourteen, to keep his office in the town of Bangor, now in the county of Penobscot, he, and he hereby is authorized to do and perform all the duties of his said office, till a register of deeds be duly chosen and qualified for said county of Penobscot, in the same way and manner, and his official doings till the qualification of such new register are hereby declared to be as good and valid, to all intents and purposes, as though the said county of Penobscot had never been established.

[Approved by the Governor, June 17, 1816.]

CHAP. XII.

An Act to incorporate the Cummington Cotton Manufactory.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Asa Gurney, jun. E-liphalet Packard, and Chester Packard, together with* Persons incor-
porated. *such others as have associated or may hereafter join and associate with them, their successors and assigns, be, and they are hereby made a Corporation, by the name of The Cummington Cotton Manufacturing Company, for the purpose of manufacturing cotton, in the town of Cummington, in the county of Hampshire; 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.*

SEC. 2. *Be it further enacted, That the said Cor-
poration may lawfully hold and possess such real estate, not exceeding the value of thirty thousand dollars, and personal estate, not exceeding the value of seventy thousand dollars, as may be convenient and necessary* May hold real
and personal
estate

for carrying on the manufacture of cotton, in said town of Cummington.

[Approved by the Governor, June 17, 1816.]

CHAP. XIII.

An Act to set off part of the town of Buckstown, and to annex the same to Orrington.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the following described tract of land, with the inhabitants thereon, be set off from the town of Buckstown, in the county of Hancock, and annexed to the town of Orrington, in the county of Penobscot, by the following lines, to wit: Boundaries.

beginning on the east bank of Penobscot river, at the south-western corner of school lot, so called, on the proprietor's plan; thence running on the southern line of said lot, to the eastern end of the same; thence across a gore of land to the southern corner of lot number eighteen on the second range of lots; thence on the southern line of said lot to the third range line; thence southerly on said range line, to the south-western corner of lot number forty-two, on the third range of lots; thence easterly on the southern line of said lot across the fourth range line, on the southerly line of lot number fifty-four, on the fourth range of lots, to the fifth range line; thence northerly on said fifth range line till it intersects the line between Buckstown and Orrington. And the said tract of land, with the inhabitants thereon, is hereby set off from said town of Buckstown, and is annexed to the town of Orrington; and the said inhabitants shall hereafter be considered inhabitants of said town of Orrington, and as belonging to the county of Penobscot, and shall there enjoy all the civil rights and privileges, and shall be subject to all their civil duties and requisitions in like manner with the other inhabitants of said town.

SEC. 2. *Be it further enacted,* That the said inhabitants shall be holden to pay all taxes heretofore Taxes.

legally assessed, and that may be assessed the present year on them by said town of Buckstown, in the same manner as if this act had not passed.

State Taxes. SEC. 3. *Be it further enacted,* That in all future State taxes, seven cents on a thousand dollars shall be taken from the town of Buckstown and be added to the town of Orrington.

School Lot. SEC. 4. *Be it further enacted,* That so much of the school lot within the boundaries before described, as is now the property of the town of Buckstown, shall continue to be exempt from taxation by the said town of Orrington, so long as it continues to be the property of the town of Buckstown, and when it shall become private property, the whole of said lot shall be subject to taxation in the same manner and proportion as other lands in the said town of Orrington.

[Approved by the Governor, June 17, 1816.]

CHAP. XIV.

An Act to set off Joshua Cole from the town of Frankfort, and to annex him with his family and estate to the town of Hampden.

Estate set off. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Joshua Cole with his family and estate be, and hereby is set off from the town of Frankfort, and annexed to the town of Hampden; and the said Joshua Cole shall there exercise and enjoy all his rights and privileges, as an inhabitant of the said town, and shall also be subject to the same duties and requisitions, as the other inhabitants of the said town of Hampden.

[Approved by the Governor, June 17, 1816.]

CHAP. XV.

An Act authorizing the United States to purchase a certain tract of land in Watertown for an ordnance depot.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the consent of this Commonwealth be, and hereby is granted to the United States, to purchase a tract of land not exceeding sixty acres, situated in the town of Watertown, in the county of Middlesex, on the left bank of Charles river, about one mile below the Watertown bridge, so called, for the purpose of erecting forts, magazines, arsenals, dock-yards, and other needful buildings, the evidence of the purchases aforesaid, to be entered and recorded in the registry of deeds in the said county of Middlesex: *Provided always*, and the consent aforesaid is granted upon the express condition that, this Commonwealth shall retain a concurrent jurisdiction with the United States in and over the tract of land aforesaid, so far as that all civil, and such criminal processes as may issue under the authority of this Commonwealth against any person or persons, charged with crimes committed without the said tract of land, may be executed therein, in the same way and manner as though this consent had not been granted.

SEC. 2. *Be it further enacted*, That if the Agent or Agents employed for the United States, and the owner or owners of said tract of land so to be purchased, cannot agree in the sale and purchase thereof, such Agent or Agents may apply to any Court of General Sessions of the Peace, which shall be holden within and for the county of Middlesex aforesaid, which Court, after due notice given to the said owner or owners, are hereby empowered and directed to hear, and finally determine the value of the same tract of land, or any part thereof, by a jury, under oath, to be summoned by the Sheriff of said county or his deputy for that purpose, or by a committee of three per-

sons, if the parties aforesaid can agree upon them; and the value thereof being thus ascertained by the verdict of such jury, or the report of such committee, who are also to be under oath faithfully and impartially to value said tract of land, or any part or portion of the same; and such verdict or report being accepted and recorded by said Court, and the amount thereof being paid or tendered to the owner or owners of said tract of land, or to the owner or owners of any part of said tract of land that shall have been thus valued, with his, her or their reasonable costs, the said tract of land, or such parts of the same as shall be thus valued, shall for ever be vested in the United States, and shall and may be by them taken, possessed and appropriated to the purposes aforesaid.

[Approved by the Governor, June 17, 1816.]

CHAP. XVI.

An Act to incorporate a Board of Trustees to manage a fund for the support of the Ministry in the first Congregational Parish in Lebanon.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Ebenezer Ricker, Andrew Hayes, Nathaniel Chamberlain, John Rollins and Edward Grant be, and hereby are incorporated into a body politic, by the name of The Trustees of the Ministerial Fund in the first Congregational Parish in Lebanon, in the county of York; and they and their successors shall be and continue a body politic and corporate by that name forever; and they shall have a common seal, subject to be altered at their pleasure. And they may sue and be sued in all actions real, personal and mixed, and prosecute and defend the same to final judgment and execution by the name aforesaid.

SEC. 2. *Be it further enacted,* That said Trustees and their successors shall annually elect a President and Clerk, to record the doings and transactions of the

Persons incor-
porated.

Trustees at their meetings ; and a Treasurer to receive and apply the monies hereafter mentioned, as hereafter directed, and any other needful officers for the managing of their business.

SEC. 3. *Be it further enacted,* That the number of said Trustees shall be five, any three of whom shall be a quorum for transacting business ; and the Members of said parish, at a meeting called for that purpose, shall fill vacancies which may happen by death, resignation or otherwise, from the members of said parish, and shall have power to remove any Trustee who may become unfit and incapable from age, infirmity, misconduct, or any other cause, of discharging his duty, and to fill the vacancy so made, by a choice from the members of the parish aforesaid. And the said Trustees shall annually hold a meeting in 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.

Numbers and powers of Trustees.

SEC. 4. *Be it further enacted,* That Daniel Wood, Esq. be, and hereby is authorized to fix the time and place for the first meeting, and to notify the Trustees thereof.

SEC. 5. *Be it further enacted,* That the said Trustees be, and hereby are authorized to receive all donations, legacies and bequests to them for the support of a Congregational Minister in said parish, and that they shall have power to sell and convey all such lands as they shall become seized of by bequest, mortgage or by levying executions ; and to make, execute and acknowledge a good and sufficient deed or deeds thereof, which deed or deeds subscribed by their Treasurer and acknowledged by him, by direction of said Trustees with their seal thereto affixed, shall be good and effectual in law to pass and convey the fee simple to the purchaser to all intents and purposes whatever.

May sell lands.

SEC. 6. *Be it further enacted,* That all the monies which said Trustees shall receive pursuant to this act, shall be put at interest, and secured by mortgage of real estate to the full value thereof, or by sufficient sureties with the principal, or invested in public funded securities, or bank stock, as in the opinion of

Fiscal power.

the Trustees will be most for the benefit of all concerned.

Application of
money.

SEC. 7. *Be it further enacted,* That the Trustees shall apply the interest aforesaid, and the income of the stock aforesaid, to the support of the Congregational Minister now settled in said parish, or which may hereafter be settled there, or in such other manner as the donors may direct. And so long as the said parish shall remain without such settled Minister, the annual interest and income aforesaid, shall be put out at interest and secured as aforesaid, to increase the said fund until there shall be a settlement of such Minister as aforesaid. And it shall never be in the power of said parish to alienate or any wise alter the fund aforesaid.

Treasurer to
give bond.

SEC. 8. *Be it further enacted,* That the Treasurer shall give bond with sufficient surety or sureties, in the penal sum of two thousand dollars, faithfully to perform his duty, and to be at all times responsible for the faithful application and appropriation of the monies which may come into his hands conformably to the true intent and meaning of this act, and for all negligence or misconduct of any kind in his office.

Fees.

SEC. 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 receive the same of said parish as may be mutually agreed on.

Annual ac-
counts.

SEC. 10. *Be it further enacted,* That the said Trustees shall exhibit to the parish, at their annual meeting in March or April, a regular and fair statement of their doings.

Responsibility
of Trustees.

SEC. 11. *Be it further enacted,* That the said Trustees, and each of them, shall be responsible to the parish for their personal negligence or misconduct, whether they be officers or not; and be liable to a suit for any loss or damage arising thereby; the debt or damage recovered in such suit shall be applied to increase the said ministerial fund.

[Approved by the Governor, June 17, 1816.]

CHAP. XVII.

An Act extending the time allowed the Trustees of the Nantucket Bank to close their concerns.

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 two years from the first Monday of October next, be granted and allowed to the Trustees of the Nantucket Bank, for the sole purpose of enabling said Trustees gradually to settle and close their concerns, and divide their capital stock, they conforming in all respects, to an act passed June the twenty-fourth, one thousand eight hundred and twelve, entitled "An act to enable certain Banks in this Commonwealth to settle and close their concerns."

[Approved by the Governor, June 17, 1816.]

CHAP. XVIII.

An Act to establish the town of Dexter.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the township numbered four, in the fifth range of townships north of the Waldo Patent, in the county of Penobscot, as described by the following boundaries, be, and hereby is established as a town, by the name of Dexter, viz. : East by the town of Garland ; south by township numbered four in the fourth range ; west by township numbered five in the fifth range ; and north by the town of Sanguerville. And the said town of Dexter is hereby vested, with all the corporate powers and privileges, and shall be also subject to all the duties and requisitions of other corporate towns, according to the Constitution and Laws of this Commonwealth.

SEC. 2. *Be it further enacted,* That any Justice of

Justice may issue warrant.

the Peace, for the county of Penobscot, is hereby authorized, upon application therefor, to issue a warrant, directed to a freehold inhabitant of the said town of Dexter, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at such convenient time and place within the said town, as shall be appointed in the said warrant, for the choice of such officers as towns are by law empowered and required to choose and appoint at their annual town-meeting.

[Approved by the Governor, June 17, 1816]

CHAP. XIX.

An Act to authorize the First Congregational Society in Brunswick to sell certain Ministerial Lands.

Agents may sell and pass deeds.

SEC. 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 Congregational Society in Brunswick be, and they are hereby authorized by their Agents, chosen for that purpose, to sell and pass deeds, to convey all the lands which were originally granted by the Pejepscot proprietors to said Congregational Society in Brunswick for the use of the Ministry; and that Jacob Abbot, Daniel Stone, John Perry, Joseph McKeen, David Dunlap, Robert D. Dunning and Jacob Penell, all of said Brunswick, be, and they are hereby appointed Trustees for the due management of the fund that shall arise from said sale, to receive and hold the same in trust for the use and benefit of said Society, and the support of a Gospel Minister therein, and shall constitute a body politic and corporate, to have perpetual succession, consisting of persons belonging to said Society in Brunswick, for the due and faithful performance of said trust, and shall be vested with all powers incident to corporations necessary or requisite for that purpose.*

SEC. 2. *Be it further enacted, That the Trustees before mentioned, and their successors in office be,*

and hereby are authorized to receive any donations of money and other property that now are or may be made to said parish, the annual income of which shall not exceed one thousand dollars, and place the same at interest on good security at their discretion, and apply the income arising therefrom to the support of such Donations, Gospel Minister as a majority of the Church and Congregation in said Society have or may settle, and said Trustees shall give bonds to said Society for the faithful discharge of their trust, to double the amount of their funds.

SEC. 3. *Be it further enacted,* That said Trustees shall make annual return, in writing, of their proceedings and disbursements, and lay the same before said parish at their annual meeting in March or April, for their inspection; and shall, at all times, be held accountable to said parish for the expenditure of the income aforesaid. Annual returns

SEC. 4. *Be it further enacted,* That when any vacancy happens in said Board of Trustees or their successors, either by death, resignation or removal, the said Trustees shall fill said vacancy within thirty days, and if they neglect so to do, then the said Congregational Society, at any meeting legally warned for that purpose, shall have power to fill such vacancy. Vacancies filled

SEC. 5. *Be it further enacted,* That any Justice of the Peace, within and for the county of Cumberland, shall, on application of a majority of said Trustees, fix the time and place for calling the first meeting of said Trustees. Justice to call meeting.

[Approved by the Governor, June 17, 1816.]

CHAP. XX.

An Act to incorporate Matthias Weeks and his associates, for the purpose of building a Bridge over Sebasticook river in the town of Clinton.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Matthias Weeks, with such others as may hereafter associate with him, and Persons incorporated.

their successors and assigns, shall be a Corporation by the name of The Proprietors of Seabasticook Falls Bridge, and by that name may sue and be sued to final judgment and execution, and may do and suffer all such matters, acts and things, which bodies politic may and ought to do and suffer; and that said Corporation shall have full power and authority to make, have and use a common seal, and the same to break, alter and renew at pleasure : And the said Corporation shall be, and they are hereby authorized to erect a Bridge over Seabasticook river, at such place on said river between Grant's Mills, so called, in Clinton, and the head of the dam to the Philbrook Mills, so called, in said town, as the proprietors shall judge will best insure its safety, and serve the public interest. And the said Corporation are hereby authorized, if they shall think it expedient, to use all such parts of the old Bridge on said Falls, as may be useful in carrying the objects of this Corporation into effect, and the same to dispose of as they shall think proper; and the said Bridge shall be well built of good materials, not less than eighteen feet wide, and well covered with plank or timber, with sufficient rails on each side for the safety of passengers.

SEC. 2. *Be it further enacted,* That the above named Matthias Weeks may call the first meeting of the said proprietors by personal notice, or by a written notification left at the usual place of abode of each of said proprietors, fifteen days at least prior to the time appointed for such meeting, and the said proprietors by a vote of a majority of those present, accounting and allowing one vote to each share : (*Provided* no person, either by his own right or by proxy, or by both, shall be entitled to more than five votes,) shall choose a Clerk who shall be sworn to the faithful discharge of the duties of his office, and at the same time, or at any subsequent meeting, choose such other officers as may be found necessary for managing the business of said Corporation, and shall agree on a method of calling future meetings; and at the same time, or at any subsequent meeting, may make and establish such rules and regulations as shall be deemed convenient and necessary for regulating said Cor-

May sue and be
sued.

Meetings.

Votes.

Rules and re-
gulations.

poration, effecting, completing and executing the purpose aforesaid, and for collecting the toll herein granted; and the same rules and regulations may cause to be observed and executed, and for the breach of any of them, may order and enjoin fines and penalties not exceeding ten dollars; *provided* that said rules and regulations be not repugnant to the Laws and Constitution of this Commonwealth. Proviso.

SEC. 3. *Be it further enacted*, That a toll be, and hereby is granted and established for the use and benefit of said Corporation, according to the rates following, viz.: For each foot passenger, or one person passing said Bridge, two cents; one person and horse, six and one quarter cents; each single horse cart, sled or sleigh, eight cents; each wheel-barrow, hand-cart and every other vehicle capable of carrying a like weight, three cents; each team including cart, sled or sleigh, drawn by more than one beast and not exceeding four, ten cents; and for every additional beast above four, two cents each; each single horse and chaise, chair or sulkey, ten cents; neat cattle and horses exclusive of those rode on, or in carriages, carts or waggons, passing said Bridge, two cents each; sheep and swine, for each dozen, six cents; and at the same rate for a greater or less number; and the same toll shall be paid for all carriages passing said Bridge, whether the same be loaded or not, and to each team one man and no more shall be allowed as a driver to pass free from toll; and at all times when the toll gatherer shall not attend his duty at the said Bridge, the gate or gates shall be left open; and the toll shall commence on the first day of opening said Bridge for passengers, and shall continue for and during the space of seventy-five years from the said day, and collected as shall be prescribed by said Corporation; *provided* the said proprietors shall at all times keep the said Bridge in good repair, and at the end of said term, deliver the same to the Commonwealth for their use: *Provided also*, at the place where the toll shall be collected, there shall be constantly kept on a board or sign, exposed to open view, the rates of toll in legible letters. Rates of Toll.

SEC. 4. *Be it further enacted*, That if the said Corporation shall neglect or refuse, for the space of two

years from the passing of this act, to build and complete said Bridge, then this act shall be void and of no effect.

Regulation of
Toll

SEC. 5. *Be it further enacted*, That at the expiration of ten years from the opening said Bridge, the General Court may regulate anew the rates of toll receivable thereat.

[Approved by the Governor, June 17, 1816.]

CHAP. XXI.

An Act to incorporate the First Baptist Society in Barre.

Persons incor-
porated.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Job Sibley, Daniel Harwood, Elias Chase, James Adams, Palmer Adams, William How, Jesse Harwood, James Newcomb, David Wadsworth, Asa Newell, Abner Harwood, Warren Sibley, Charles Sibley, Solomon W. Davis, Jason Fiske, Isachar Adams, Charles Newcomb, Henry Brigham, jun. Hartshorn Marsh, Jacob Waite, Isaac Follett, James Conant, Amos Clark, Wilcut Harwood, William Henry, Caleb Harwood, Forbes Hinds, Silas Knight, jun. Cyrus Varney, Jonas Underwood, David Knight, Joel Bacon, Schuyler Adams, Simeon Metcalf, Samuel Sibley, jun. together with their polls and estates, be, and they hereby are incorporated by the name of The First Baptist Society in Barre, with all the privileges, powers and immunities which parishes in this Commonwealth by law enjoy.

SEC. 2. *Be it further enacted*, That any person 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 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 monies assessed or voted in the parish to which he or she belonged previous to that time.

SEC. 3. *Be it further enacted*, That when any member of said Society shall see cause to leave the same and unite in religious worship with any other religious Society in the town or parish in which he or she may live, and shall give in his or her name to the Clerk of the Baptist Society aforesaid, signed by the Minister or Clerk of the parish or other 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 the Society to which he or she may so unite.

SEC. 4. *Be it further enacted*, That any Justice of the Peace within and for the county of Worcester, on the application of any three of the persons aforesaid in the first section of this act, be, and hereby is authorized to issue his warrant to one of said applicants, requiring him to warn the Members of said Society qualified to vote in parish affairs, to assemble at some suitable time and place in said town of Barre, 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 necessary to be done in said Society.

[Approved by the Governor, June 17, 1816.]

CHAP. XXII.

An Act to incorporate the Franklin Charitable Society.

Persons incor-
porated.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Elijah Alvord, second, Hooker Leavitt, and George Grennell, jun. Esquires, the Reverend Titus Strong, Messrs. Thomas W Ripley, Franklin Ripley, Thaddeus Coleman, Patrick Welles, John Denio, Ebenezer Newcomb, jun. and Ansel Phelps, together with such others as may be admitted members of the Corporation hereby created according to the bye-laws to be adopted by the present members thereof, be, and they hereby are incorporated into a Society, by the name of The Franklin Charitable Society, 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 bye-laws and orders for the regulation of said Society, and the preservation and application of the funds thereof, to take, hold and possess any estate real or personal by subscription, gift, grant, purchase or otherwise, and the same to lease or otherwise improve, and sell and convey, for the sole benefit of said institution; *provided* the said bye-laws be not repugnant to the Constitution and Laws of this Commonwealth; and the value of the said estate shall never exceed five thousand dollars, and the funds of the said Society shall be always improved and appropriated to benevolent and humane purposes only.

May hold real
estate.

Proviso.

Meetings.

SEC. 2. *Be it further enacted*, That the time and place of the first meeting of said Society may be appointed by Hooker Leavitt, Esqr. by his giving personal notice thereof to all the members named in this act, seven days, at least, before the time of such meeting; and at such meeting, the said Society may agree upon their mode of calling future meetings, and establish bye-laws to regulate their said Society.

[Approved by the Governor, June 17, 1816.]

CHAP. XXIII.

An Act to incorporate the Proprietors of Liverpool Wharf, in the town of Boston.

WHEREAS sundry persons have become purchasers of a certain real estate, situate in Boston, in the county of Suffolk, bounded and described as follows, viz. northwesterly on Purchase-street, and there measuring two hundred and eighty-four feet more or less; southwestwardly on land of Henderson Inches, Esq.; southeastwardly on the channel, or lowest boundary towards the sea, and there measuring two hundred and eighty-five feet more or less; northeasterly on land now or late of the heirs of Daniel Ingersoll, from Purchase-street to the channel, together with all the wharves, docks, rights of way, buildings and privileges and appurtenances thereof; and the said purchasers have petitioned this Court, that they may be incorporated, for the purpose of enabling them the better to manage and improve their said estate:

SEC. 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 Tucker, Ebenezer Stocker, Daniel Hastings, and Amos Binney, all of Boston aforesaid, and their associates, successors and assigns be, and they hereby are constituted a body politic and corporate; by the name of The Proprietors of Liverpool Wharf; and the said Corporation by the said name, are hereby declared and made capable in law, to sue and be sued, to plead and be impleaded, to have a common seal, and the same to alter and renew at pleasure; to make rules and bye-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: *Provided always,* that nothing herein contained shall be construed into any confirmation or acknowledgment of title in the said associates or Corporation, or into any grant or authority to extend the dimensions of said wharf.

SEC. 2. *Be it further enacted,* That the said Cor-

poration be, and hereby is declared capable to have, hold, and possess all the said real estate, with the appurtenances thereof; *provided* the lawful proprietors thereof shall legally convey the same to said Corporation; and the said Corporation shall have power to sell, grant, and alien in fee simple, or otherwise, their corporate property, or any part thereof, within the limits aforescribed, 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.

May sell or alien corporate property.

Shares.

SEC. 3. *Be it further enacted*, That the said corporate property shall be divided into shares not exceeding five hundred in number, as the said Corporation may find to be most expedient; and said shares shall be divided among the several proprietors according to the interest and portions, which they may respectively have in the said corporate property; and certificates of such shares shall be signed by the President of the Corporation, and issued to the proprietors accordingly; and the shares in said Corporation shall be transferable by endorsement on the back of said certificates; and the property in such shares shall be vested in the assignee or vendee thereof, when a record shall be made thereof by the Clerk of the Corporation, and new certificates shall be issued accordingly; and such shares shall in all respects be considered as personal estate.

Assessments.

SEC. 4. *Be it further enacted*, That the said Corporation shall have power, from time to time, to assess such sums of money, as may be deemed necessary for rebuilding or repairing any buildings, wharves, or other property of said Corporation, or necessary for the building any new wharves or tenements within the aforesaid limits; or for the improvement and good management of the corporate estate agreeably to the true intent and meaning of this act; and in case any proprietor shall refuse or neglect to pay any assessment, the said Corporation may cause such of the shares of such proprietor, as may be sufficient therefor, to be sold at public auction, after ten days notice, to the highest bidder; and after deducting the amount assessed and unpaid, together with the charges of sale,

the surplus, if any, shall be paid over to such proprietor; and the purchaser of such share or shares, so sold, shall be entitled to and receive a certificate of the share or shares by him purchased accordingly.

SEC. 5. *Be it further enacted*, That the corporate property which the said Corporation shall have and hold at any one time in virtue of this act, shall not exceed in value the sum of two hundred thousand dollars. And in all meetings of the members of said Corporation, for the transaction of business, each member or proprietor shall be entitled to one vote for every share by him held in said Corporation; *provided always*, that no one member shall ever be entitled to more votes than shall be equal to one fourth part in value of the corporate property: *And provided further*, that no assessment shall be made at any meeting, unless the same shall be agreed to by two thirds at least in number and value of those present or represented at such meeting, nor unless public notice shall have been given at least ten days previous to such meeting, of the purpose of such meeting by publication thereof in one or more newspapers printed in Boston.—Proprietors may appear and act at any meeting by proxy in writing.

SEC. 6. *Be it further enacted*, That either of them, the said Tucker, Stocker, Hastings and Binney may call a meeting of said Corporation, by advertising the same in any of the newspapers printed in Boston, ten days at least before the time of meeting; and that the said Corporation may at such, or any other meeting, agree on the mode of calling future meetings; and shall elect a President and Clerk, and may elect all such other officers as said Corporation may think fit, for conducting and managing the corporate affairs and estate, and the same may change and remove as said Corporation shall see fit.

[Approved by the Governor, June 17, 1816.]

CHAP. XXIV.

An Act to establish the times and places for holding the Circuit Court of Common Pleas, within and for the counties of Hancock and Penobscot.

SEC. 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 twentieth day of June current, the times and places for holding the several terms of the Circuit Court of Common Pleas within the counties of Hancock and Penobscot, instead of the times and places now designated by law, shall be, and hereby are established as follows, viz : at Castine, in the county of Hancock, on the third Tuesday of March, the second Tuesday of July, and the third Tuesday of November, in each and every year ; and at Bangor, within and for the county of Penobscot, on the second Tuesday of March, the first Tuesday of July, and the second Tuesday of November annually.

Court Terms.

SEC. 2. *Be it further enacted,* That the session business cognizable by said Courts, shall not be commenced by the Justices thereof, at any term hereby established in the said counties of Hancock and Penobscot, earlier than Thursday of each week of said terms.

Time limited.

SEC. 3. *Be it further enacted,* That all appeals, recognizances and other processes that now are, or may hereafter be, prior to the said twentieth day of June current, commenced or sued out, returnable to, continued in, or pending in said Courts, as heretofore by law established, shall be returnable, entered and continued to, pending in, prosecuted, tried, determined and adjudged, at the said Courts respectively to be holden by virtue of this act.

Appeals, &c.

[Approved by the Governor, June 17, 1816.]

CHAP. XXV.

An Act to establish the India Insurance Company.

SEC. 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, David Hinckley and James Prince, and all such persons as have already or shall hereafter become Stockholders in the said Company, be, and hereby are incorporated into a company and body politic, by the name of The India 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 hereinafter mentioned.

Persons incor-
porated.

Powers.

SEC. 2. *Be it further enacted,* That the capital stock of the said Company shall be divided into shares of one hundred dollars each, which shall be paid into the said Company in the manner provided in the ninth section of this act ; and the whole number of shares shall be two thousand ; and the whole capital stock, estate and property which the said Company shall be authorized to hold shall be two hundred thousand dollars, exclusive of premium notes, and profits arising from the business of said Company ; of which capital stock, not more than twenty thousand dollars shall, at any time, be invested in real estate.

Stock.

SEC. 3. *Be it further enacted,* That the stock, property, affairs and concerns of the said Company shall be managed and conducted by five 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 times of their election be Stockholders and citizens of this Commonwealth, and shall be elected on the second Monday of January in each and every year, at such time of the day and in such a place in the town of Boston, as a majority of the

Election of Di-
rectors.

Directors for the time being shall appoint, of which election public 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 Stockholders, not being 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 may prescribe. And if, through any unavoidable accident, the said Directors shall not be chosen on the second Monday of January as aforesaid, it shall be lawful to choose them on any other day in the manner herein prescribed, and no Director of any other Insurance Company within this Commonwealth, shall at the same time be a Director of the Corporation hereby established.

Proviso.

SEC. 4. *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 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 herein before directed respecting annual elections for Directors.

Vacancies filled up.

SEC. 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 to the transaction of business, and they shall have power to make and prescribe such bye-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

Board of Directors.

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 the said Board shall seem meet; *provided* that such bye-laws, rules and regulations shall not be repugnant to the Constitution or Laws of this Commonwealth.

SEC. 6. *Be it further enacted*, That there shall be stated meetings of the Directors, for the despatch of business; and the said Board of Directors shall have power and authority, on behalf of the Company, to make insurance on vessels, freight, money, goods and effects, and against captivity of persons during their absence at sea, 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 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.

SEC. 7. *Be it further enacted*, That it shall be the duty of the Directors, on the first Monday of July and January 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 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 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.

SEC. 8. *Be it further enacted,* That the said Company shall not directly nor 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 any incorporated Bank of this Commonwealth, in either or all of them, and in such proportion 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 said Stockholders shall for such purpose at any meeting appoint.

Investment of
stock.

SEC. 9. *Be it further enacted,* That fifty dollars on each share in said Company shall be paid in money, within twenty days after the first meeting of said Company, and the remaining sum of fifty dollars on each share shall be paid in money within one year afterwards, by such equal instalments and under such penalties as the Company shall direct.

SEC. 10. *Be it further enacted,* That the property of any Member of said Company vested in the stock of said Company, with the dividend or dividends due thereon, shall be liable to attachment and execution, in favor of any bonafide creditor, in manner following, viz. whenever a proper officer, having a writ of attachment and execution against any such Member, shall apply with such writ or execution, to the Secretary of said Company, it shall be the duty of said Secretary to expose the books of the Corporation to such officer, and furnish him with a certificate under his hand, in his official capacity, ascertaining the number of shares the said Member holds in said Company, and the amount of the dividend or dividends due thereon; and when any such share or shares shall be attached on mesne process, or taken in execution, an attested copy of such writ of attachment or execution shall be left

Stock attach-
able.

with said Secretary, and such share or shares may be sold on execution, after the same notification of the time and place of sale, and in the same mode of sale as other personal property; and it shall be the duty of the officer making such sale, within ten days thereafter, to leave an attested copy of the execution with his return thereon, with the Secretary of the Company, and the vendee shall thereby become the proprietor of such share or shares, and entitled to the same, and to all the dividends which shall have accrued thereon after the taking in execution as aforesaid; or when there shall have been a previous attachment, after such attachment, notwithstanding any intervening transfer.

SEC. 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 so subscribed.

Personal estate
liable in certain
cases.

SEC. 12. *Be it further enacted*, That the President and Directors of the said Company shall, previous to their subscribing to any policy, and once in every year after, publish in two 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; *Provided nevertheless*, that the said President and Directors shall not be allowed to insure on any one risk, a larger sum than seven and an half per centum of the amount of the capital stock of said Corporation actually paid in.

Yearly ac-
counts.

Proviso.

SEC. 13. *Be it further enacted*, That 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.

Shall report to
Legislature.

SEC. 14. *Be it further enacted*, That Jesse Putnam be, and hereby is authorized to call a meeting of the Members of said Company as soon as may be, in Boston, by advertising the same for ten days in two of the newspapers, printed in said town, for the purpose of

Meetings call-
ed.

their electing a first Board of Directors, who shall continue in office until the second Monday in January, one thousand eight hundred and seventeen.

[Approved by the Governor, June 18, 1816.]

CHAP. XXVI.

An Act regulating the storage, safe-keeping, and transportation of Gunpowder, in the town of Boston.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That no ship or other vessel, on board of which Gunpowder shall be laden, shall lay at any wharf in the town of Boston, nor within two hundred yards of any wharf within said town.

Landing Powder.

Where to be landed.

Where to be deposited.

Carriages.

SEC. 2. *Be it further enacted,* That when any Gunpowder shall be landed in the town of Boston, from on board any ship or other vessel laying in the harbor of Boston, the same shall be brought to and landed at Tileston's wharf, so called, in said town, and shall be immediately carried from the place of landing, to the public Powder-house, on Pine Island, in the town of Roxbury, either in boats, or in a waggon or waggons, cart or carts, or other carriage closely covered with leather or canvass, and without any iron on any part thereof, and which shall have been approved by the Firewards of the town of Boston, and marked in capital letters with the words, APPROVED POWDER CARRIAGE; and that when any Gunpowder shall be intended to be laden on board any ship or other vessel in the harbor of Boston, the same shall not be brought through any part of the town of Boston by land, unless the same be brought in a waggon, cart, or other carriage, made and approved as aforesaid, nor unless such Gunpowder be brought to Tileston's wharf aforesaid, and be thence carried directly on board the ship or other vessel, on board which the same is to be laden.

SEC. 3. *Be it further enacted,* That no person or persons, not in public service or on military duty, shall

keep, have, or possess in any house, warehouse, shop, or other building, nor in any street, lane, alley or passage-way, yard or cellar, nor in any waggon, cart, or other carriage, nor on any wharf, nor on board any ship or other vessel, nor in any place within the town of Boston, Gunpowder in any quantity exceeding five pounds, in any way or manner otherwise than as by this act is permitted and allowed.

Limitation of samples.

SEC. 4. *Be it further enacted,* That the Firewards of the town of Boston be, and they hereby are authorized and empowered to make rules and regulations from time to time, in conformity with which, all Gunpowder which is, or which may be within the town of Boston, shall be kept, had, or possessed within said town; and no person or persons whomsoever shall have, or keep, or possess, within the town of Boston, any Gunpowder in any quantity, manner, form or mode, other than may be prescribed by the rules and regulations aforesaid; nor shall it be lawful for any person or persons to sell any Gunpowder which is within the town of Boston, in any quantity, by wholesale or by retail, without having first obtained from the said Firewards a license to sell Gunpowder; and every such license shall be written or printed, and duly signed by said Firewards, or by their Secretary, upon a paper whereon shall be printed and duly signed by said Firewards or by their Secretary, the rules and regulations which may be by them established as aforesaid.

Rules and Regulations of Firewards.

SEC. 5. *Be it further enacted,* That every license which the said Firewards may issue as aforesaid, shall be in force for the term of one year from the date thereof, and no longer, and may be at the end of that time renewed by endorsement thereon by said Firewards, or by their Secretary, from year to year; *provided always,* that the said Firewards may annul any license which they may have issued, if, in their opinion, the person or persons licensed has or have forfeited the right to use the same by infringing any of said rules and regulations.

Licenses.

SEC. 6. *Be it further enacted,* That the said Firewards, or any of them, may enter the store of any person or persons, who may have been licensed to sell

Firewards may enter stores.

Gunpowder, when there shall be any alarm of fire, and may cause the Powder there deposited to be removed to a place of safety.

Sec. 7. Be it further enacted, That any person or persons who shall keep, have or possess any Gunpowder within the town of Boston, or shall sell the same contrary to the provision of this act, shall forfeit and pay a fine of not less than one hundred dollars and not exceeding five hundred dollars for each and every offence; and if any Gunpowder shall explode in any shop, store or warehouse, or other building, or in any place, the occupant, tenant, or owner of which has not been licensed to sell Gunpowder therein, such occupant, tenant or owner of such building or place, shall forfeit and pay a fine of not less than five hundred dollars and not exceeding one thousand dollars; one moiety of the sums which may be so forfeited shall accrue to the use of the poor of the town of Boston, and the other moiety to the use of any person or persons who shall prosecute and sue for the same, which forfeitures may be recovered by action of the case in any Court proper to try the same.

Sec. 8. Be it further enacted, That all Gunpowder which shall be had, kept, or possessed within the town of Boston, contrary to the provisions of this act, may be seized by any one or more of the Firewards, and shall within twenty days next after the seizure thereof, be libelled by filing in the office of the Clerk of the Municipal Court of the town of Boston, a libel, stating the time, place and cause of seizure, and a copy of said libel shall be served by the Sheriff of the county of Suffolk, or his Deputy, on the person or persons from whose possession or tenement the said Gunpowder shall have been seized, by delivering a copy thereof to such person, or leaving such copy at his, her or their place of dwelling in Boston, fourteen days at least before the sitting of the Court, that such person or persons may appear and show cause why the Gunpowder so seized or taken, should not be adjudged forfeit—and if the Gunpowder so seized shall be adjudged forfeit, the person or persons in whose possession the same was seized, or the occupant or tenant of the place wherein the same was seized, shall pay all costs of prosecution,

and execution shall be issued therefor : *Provided*, that it shall appear to the Court that the person or persons aforesaid had notice of the prosecution by service of the libel as aforesaid.

SEC. 9. *Be it further enacted*, That every person who shall suffer injury by the explosion of any Gunpowder, had, possessed, or being within the town of Boston, contrary to the provisions of this act, may have an action of the case in any Court, proper to try the same, against the owner or owners of such Gunpowder, or against any other person or persons who may have had the possession or custody of such Gunpowder at the time of the explosion thereof, to recover reasonable damages for the injury sustained. Actions for damages.

SEC. 10. *Be it further enacted*, That it shall and may be lawful for any two or more of the Firewards of the town of Boston, to enter any building or other place in the town of Boston, to search for Gunpowder, which they may have reason to suppose to be concealed, or kept contrary to the provisions of this act, first having obtained a search warrant therefor according to law. Search warrant.

SEC. 11. *Be it further enacted*, That every person who shall receive a license to sell Gunpowder as aforesaid, shall pay for the same the sum of five dollars; and every person on having a license renewed shall pay therefor the sum of one dollar, which sums shall be paid to the Secretary of the Firewards aforesaid, to and for the use of said Firewards, for the purpose of defraying the expenses of carrying this act into execution. Fees.

SEC. 12. *Be it further enacted*, That an Act passed on the twelfth day of March, in the year of our Lord one thousand eight hundred and twelve, entitled "An act in addition to acts regulating the storage, safe keeping and transportation of Gunpowder within the town of Boston," be, and the same is hereby repealed, and that all acts passed before the said last mentioned act, the provisions whereof come within the purview of this act, be and the same hereby are repealed. Former law repealed.

SEC. 13. *Be it further enacted*, That the fines, forfeitures and penalties, not otherwise disposed of by this act, shall accrue and be one moiety thereof to the

use of said Firewards, and the other moiety to the use of the poor of the said town, and be paid over to the overseers of the poor accordingly.

Division of
Fines.

SEC. 14. *Be it further enacted*, That this act shall be in force from and after the passing thereof, and that it shall be the duty of the Firewards aforesaid to cause the same to be published in two or more of the Boston newspapers, together with such rules and regulations as they may establish by virtue of the power hereby given to them, and to continue the publication thereof, three weeks successively.

Publication of
act.

[Approved by the Governor, June 18, 1816.]

CHAP. XXVII.

An Act incorporating William Bartlet and others, by the name of the Merrimack River Association.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That William Bartlet, Moses Brown, John Pettingel, David How, Thomas Kittridge, John Greanleaf, Ebenezer Wheelwright, Stephen Howard, Thomas M. Clark, John Pearson, Anthony Davenport, Moses Davenport, Thomas Carter, Joshua Carter, Abner Wood, John Wood, Jonathan Gage, Edmund Kimball, Isaac Adams, Peter Le Breton, Ebenezer Moseley, William B. Bannister, Edward S. Rand, their associates and successors, are hereby incorporated, and shall be a Corporation forever, under the name of The Merrimack River Association, and by that name may sue and prosecute, 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 of a similar nature.

Persons incor-
porated.

SEC. 2. *Be it further enacted*, That William Bartlet, Moses Brown and John Pettingel, or any two of them, are hereby authorized to call a meeting of the Members of said Association, as soon as may be, at Newburyport, in the county of Essex, by advertising

Meetings call-
ed.

the same in the newspapers, printed in Newburyport and Haverhill, fourteen days at least, previous to the holding of said meeting, for the purpose of electing a Clerk, Treasurer and such other officers as they may judge necessary, for ordering and regulating the business and affairs of said Corporation ; to agree on the mode of calling future meetings, and to do and trans- Meetings re-
 act such matters and things, as shall then and there be regulated.
 thought proper, relating to said Corporation ; and every proprietor who shall subscribe to the amount of twenty-five dollars, for the purposes of the Corporation, shall be entitled to a vote in the proprietors' meetings, in person or by representation under a special appointment in writing, and one additional vote for every hundred dollars so subscribed ; and this act and all rules and regulations and votes of said Corporation shall be Votes:
 fairly and truly recorded by the said Clerk, in a book Clerk's records
 to be kept for that purpose ; and the said proprietors, at any legal meeting, may make and agree upon all such rules, regulations and bye-laws, (not repugnant to the laws of this Commonwealth) as they may deem necessary and expedient, for the management of their concerns, and the completion of the object of their incorporation.

SEC. 3. *Be it further enacted,* That the said Corporation be, and they are hereby authorized to erect such a number of locks as may be found necessary for Locks.
 the more easy and convenient navigation of the said river ; and for that and other purposes of the Corporation, to take, occupy and enjoy in fee simple, any lands adjoining the said river, necessary for their purposes, they paying therefor in manner hereafter provided.

SEC. 4. *Be it further enacted,* That if any person shall suffer any damage by means of the said Corporation appropriating any of his, or her property, or lands, for the above purposes, and the parties cannot agree upon the amount of the value of the damages thus occasion- Damages made
 ed nor upon some suitable person or persons to estimate good.
 the same, then three disinterested persons shall be appointed by the Circuit Court of Common Pleas, with the Session Justices associated with said Court, and having jurisdiction in the several and respective coun-

ties of Essex and Middlesex, in cases happening in those counties respectively, whose award shall be the measure of damage; *Provided nevertheless*, that if either party shall be dissatisfied with the award of the referees appointed as aforesaid, and shall at the same session at which the report shall be made, apply to the Court for a Jury, the said Court is empowered to hear and finally determine the same by a Jury, under oath, to be summoned by the Sheriff or his Deputy, for that purpose, if the party complaining desire the same; or by a Committee, if the parties can agree therein; and if the Jury or Committee, agreed upon as aforesaid, (who are to be under oath) shall not give the party applying a larger sum than the referees have awarded as aforesaid, then the Court shall award costs against the party applying; but if the last decision shall be more favorable to the party applying than the decision of the referees, then the Court shall award costs against the party not applying; and the Court shall render judgment and issue execution thereon accordingly: *Provided* that no part of the Jury to be summoned as aforesaid, shall be taken from the town, in which the owner of the property lives, or the lands are situated.

Sum limited. SEC. 5. *Be it further enacted*, That no member of said Corporation shall be compelled to pay for the purposes of said Corporation any greater or larger sum, than the sum he shall actually subscribe.

[Approved by the Governor, June 19, 1816.]

CHAP. XXVIII.

An Act extending the powers of the Justices of the Supreme Judicial Court in certain cases.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That whenever any person, who is or may be arrested and in custody, or in prison, to answer for any crime or crimes, offence or offences, before the Supreme Judicial Court, shall be acquitted thereof by the Jury of trials, or shall not be indicted

by the Grand Jury, by reason of the insanity or mental derangement of such person, and the discharge, or going at large of such person shall be deemed, by the same Court, to be dangerous to the safety of the citizens, or to the peace of the Commonwealth, the said Court be, and hereby is authorized and empowered to commit such person to prison, there to be detained till he or she be restored to his or her right mind, or otherwise delivered by due course of law. And every person so committed shall be kept at his or her own expense, if he or she have estate sufficient for that purpose; otherwise at the charge of the person or town upon whom his or her maintenance would have been legally chargeable, if he or she had not been committed as aforesaid.

Cases of insanity.

SEC. 2. *Be it further enacted*, That whenever the Grand Jury, upon any inquiry, which they may hereafter make, as to the commission of any crime or offence by any person, shall omit to find a bill for the cause aforesaid, it shall be the duty of such Jury to certify the same to the said Court. And whenever the Jury of trials, upon the general issue of not guilty, shall acquit any person for the cause aforesaid, it shall be the duty of such Jury, in giving in their verdict of not guilty, to state that it was for such cause.

Duty of Jurors.

SEC. 3. *Be it further enacted*, That any one of the Justices of the Supreme Judicial Court, or any two Justices of the Peace, *quorum unus*, within their county, may discharge from confinement any such person, when it shall be made to appear, to his or their satisfaction, that the going at large of such person will not be dangerous to the safety of the citizens and to the peace of the Commonwealth.

Power of Judges.

SEC. 4. *Be it further enacted*, That upon the application of any friend or friends of such lunatic person, the Supreme Judicial Court, or any one of the Justices thereof, or any two Justices of the Peace, *quorum unus*, of the county in which such person is or may be in prison as aforesaid, be, and are hereby authorized and empowered to commit to the custody and safe keeping of such friend or friends, such lunatic person; *provided however*, that such applicant or applicants shall first give bonds with sufficient surety or sureties to the

Release of lunatics.

Judge of Probate for the county in which such lunatic is confined, conditioned for the safe keeping of such lunatic person, and for the payment of all damages which any person shall or may sustain by reason of the acts and doings of such lunatic; which bond shall be approved by the Court, Justice or Justices aforesaid; and may be put in suit, for the benefit of persons interested, in the way and manner, and like proceedings may be thereon had, as is by law provided in case of probate bonds; *provided* that nothing in this act contained, shall deprive any person of the benefit of the writ of *Habeas Corpus*.

[Approved by the Governor, June 19, 1816.]

CHAP. XXIX.

An Act in addition to an act, entitled “An act to incorporate the President, Directors and Company of the Kennebeck Bank.”

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the President, Directors and Company of the Kennebeck Bank shall annually elect seven Directors, three of whom may constitute a quorum for the transaction of business, any thing in their act of incorporation to the contrary notwithstanding.

[Approved by the Governor, June 19, 1816.]

CHAP. XXX.

An Act to prevent the taking of Fish in a pond, (called Winchel's pond) in Egremont, in the county of Berkshire.

SEC. 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 pas-

sing of this act, no person or persons shall be allowed to put or draw any seine or seines, or put or set any net or nets whatsoever in the pond (called Winchel's pond) in the town of Egremont, in the county of Berkshire, for the taking of Fish, called Pickerel; and any and every person, who shall presume to take any Fish, called Pickerel, with any seine or net from the said pond, shall incur and pay a penalty of ten dollars for every such offence, and the seine or net shall be forfeited to the said town of Egremont, as also all the Fish so taken, to be at the disposal of the Selectmen of said town. Penalty

SEC. 2. *Be it further enacted,* That no person or persons shall be allowed to take from said pond in any way whatsoever, any of the said Fish, called Pickerel, for the term of one year from the passing of this act; and any and every person, who shall presume to take in any way whatsoever from said pond, any of the said Fish, called Pickerel, within the said year, shall incur and pay a penalty of five dollars for every such offence. Specific fine.

SEC. 3. *Be it further enacted,* That all penalties incurred by any offence against this act, may be sued for and recovered in an action of debt, by the Treasurer of the said town of Egremont, for the time being, before any Justice of the Peace in said county of Berkshire, who does not belong to the town of Egremont aforesaid; and all sums of money, so recovered, shall be appropriated to the use of said town; and in case any minor or minors shall offend against this act or any part thereof, and thereby incur any of the penalties aforesaid, the parent, master, or guardian of such minor or minors shall be answerable therefor; in which cases the action shall be commenced against such parent, master or guardian (as the case may be) of such minor or minors respectively, and judgment rendered accordingly in the same manner and degree as for his or their personal offence. Appropriation of fines.

[Approved by the Governor, June 19, 1816.]

CHAP. XXXI.

An Act to authorize John Breed to build a Bridge from Belle Island to Chelsea.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That John Breed, of Boston, (the proprietor of Belle Island) and his heirs and assigns be, and they hereby are authorized and empowered to build and keep in repair, at all times, a Bridge convenient for the accommodation of the proprietors of Belle Island, from the westerly part of said Island to the hard land in Chelsea, at a point in the farm of Samuel Cary, Esq. late of said Chelsea, deceased.

Location.

Shall have draw.

SEC. 2. *Be it further enacted,* That said Bridge shall be built with a draw, not less than fifteen feet wide, made of suitable materials, and conveniently placed for the accommodation of such vessels as may have occasion to pass between said Island and Chelsea. And the owner or owners, proprietor or proprietors of said Bridge, at his and their own expense, shall at all times, when necessary, have said draw raised for the convenient passing of vessels through the same; and in case any vessel about to pass said Bridge shall be detained at the draw more than one hour, the proprietor or proprietors of said Bridge shall forfeit and pay to the owner or owners of such vessel a sum not less than three dollars, nor more than ten dollars, to be recovered by action of debt in any Court proper to try the same, and shall also be liable to pay all damages, which the owner or owners of such vessel shall or may sustain by reason of such detention, to be recovered in an action of the case in any Court proper to try the same; and if the said John Breed, his heirs and assigns shall, for the space of three years, from the passing of this act, fail or neglect to erect said Bridge, then this act shall be null and void. And if the said Bridge shall be erected within said term of three years,

then the Legislature reserve the right to repeal this act after the expiration of twenty years from the time of passing the same.

[Approved by the Governor, June 19, 1816.]

CHAP. XXXII.

An Act in addition to an act, entitled, "An act to incorporate John L. Sullivan and others, by the name and style of The Merrimack Boating Company."

SEC. 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 fourth section of the act, entitled, "An act to incorporate John L. Sullivan and others, by the name and style of the Merrimack Boating Company," as limits the number of shares to one hundred, be, and hereby is repealed, and that the property of the Corporation be divided into four hundred shares. Section of Act repealed.

SEC. 2. *Be it further enacted,* That in any action to be brought, or in any judgment to be rendered against said Corporation, the plaintiff or adverse party, 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 on mesne process, or of levying his execution on any of the property of the individual members of the Corporation, in the same manner as though the action had been brought on the judgment rendered against them in their private and individual capacity. Mesne process.

SEC. 3. *Be it further enacted,* That the fifth section of the act to which this is in addition, be, and the same hereby is repealed; and also that so much of the first section of the said act, to which this is in addition, as limits the Corporation to the term of twenty years from the twenty-first day of June, in the year of our Lord one thousand eight hundred and eleven, be, and hereby is repealed. And that the said John L. Sullivan, his associates and successors, be, and hereby are a Corporation, for the purposes in said act men- Section of Act repealed.

tioned, so long as the Middlesex canal shall be kept open and in operation, and no longer.

[Approved by the Governor, June 19, 1816.]

CHAP. XXXIII.

An Act authorizing the sale of Ministerial Lands in the first Parish in Freeport, and for other purposes.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Barnabas Bartol, John A. Hyde, Moses Soule, jun. Thomas Bishop, Nathan Nye, Cornelius Dillingham, and Jacob Johnson, be, Trustees. and they hereby are appointed Trustees to sell the Ministerial Lands belonging to the First Parish in Freeport, to receive subscriptions and procure donations, in manner hereinafter provided.

SEC. 2. *Be it further enacted,* That said Trustees be, and they hereby are incorporated into a body politic, by the name of The Trustees of the Ministerial Fund in the First Parish in Freeport, and they and their successors shall be and continue a body politic and corporate by that name forever; and they shall have a common seal subject to be altered at the pleasure of said Parish, and they may sue and be sued, May sue and be sued. plead and be impleaded, in all actions real, personal and mixed, and prosecute and defend the same to final judgment and execution by the name aforesaid.

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

SEC. 4. *Be it further enacted,* That the number of Trustees shall at no time be more than seven nor less than five, any five of whom shall constitute a quorum for the transaction of business; and the said Parish, at any legal meeting thereof, shall and may from time Limitation of officers.

to time fill up vacancies in the Board of Trustees which may happen from death, resignation or otherwise, from the Members of said parish; and shall also have power to remove any of their number who may become unfit and incapable from age, infirmity, misconduct, or any other cause, of discharging their duties, and supply a vacancy so made by a new choice from their Parish within three months from the time of such removal. Vacancies supplied. And the said Trustees shall annually hold a meeting in the month of March or April, and as much oftener as may be found necessary, to transact their business, which meeting, after the first, shall be called in such way and manner as the Trustees shall direct. And said Trustees shall be obliged, at the annual meeting of said parish to be holden in the month of March or April, to make a full and complete statement of all their doings to said parish. And no one of said Trustees shall hold his office as such, any longer than he remains a Member of said parish, and resides within the town of Freeport.

SEC. 5. *Be it further enacted,* That Josiah W. Mitchel, Esq. be, and hereby is authorized to fix the time and place for calling the first meeting of the Trustees, and notify each Trustee thereof, and organize said meeting, and administer the necessary oath to the Clerk then to be chosen. First meeting.

SEC. 6. *Be it further enacted,* That said Trustees be, and they hereby are authorized to sell and convey, in fee simple, all the Parsonage and Ministerial Lands belonging to said parish (saving and excepting that part made use of as a burying yard, that part where the Meeting-house now stands, and one acre of land around said Meeting-house to be excepted and located by said Trustees) and to make and execute good and sufficient warrantee deed or deeds of the same, subscribed by the name of the Treasurer, by direction of said Trustees, with their seal thereto affixed; which said deed or deeds shall be good and effectual in law to pass and convey the fee simple in said lands in the parish to the purchaser, to all intents and purposes whatever. Trustees may sell and convey in fee simple.

SEC. 7. *Be it further enacted,* That said Trustees shall further be authorized to receive any donation to Donations.

the use and for the benefit of said parish, the annual income of which shall not exceed one thousand dollars, and the same to place on the books and accounts to be kept by them, with the amount of the donation and the time when made.

SEC. 8. *Be it further enacted,* That said Trustees be, and they are hereby authorized and empowered to receive subscriptions for the use and benefit of said parish from any individual or individuals of said parish, to the amount or more of his or their proportion of taxes in the parish, to be paid for the support of the Ministry or other parish expenses; and on receiving the same, and making it secure by an obligation, to remit or discharge said individual or individuals, so subscribing or binding him or themselves from all taxes in said parish, so long as the subscription aforesaid shall remain and be in force, and no longer. The said obligation to be given to the Treasurer of said Board of Trustees for the use and benefit of said parish.

Subscriptions.

Stock to be put
on interest.

SEC. 9. *Be it further enacted,* That the monies arising from the sale of said lands, and the donations and subscriptions aforesaid shall be put at interest, as soon as may be, and secured by mortgage of real estate, to the full amount of the estate sold, or the monies loaned, or by two or more sufficient sureties with the principal, unless said Trustees shall judge it best to vest the amount in public funded securities or bank stock, which they are hereby authorized to do. And said parish shall at no time appropriate more than the interest that may actually arise from the sale of the lands aforesaid, and the donations and subscriptions aforesaid to the payment of the salary of their Minister, or any other parish charge or expense whatever.

Treasurer to
give bond.

SEC. 10. *Be it further enacted,* That the Treasurer of said Board of Trustees shall give a bond to the parish to double the amount of their funds, faithfully to perform his duty, and shall be responsible for the faithful application and appropriation of all the monies which may come into his hands, and for all negligence and misconduct in his office; and the Clerk of said Board of Trustees shall be under oath faithfully to record the doings of said Trustees.

SEC. 11. *Be it further enacted,* That the Trustees

or their officers shall be entitled to no compensation Compensation. for the services they may perform out of the monies arising from the fund aforesaid ; but if entitled to any, shall have and receive the same from said parish, as may be mutually agreed between the parish and them. And said Trustees shall at all times be liable to said Liability of Trustees. parish for any negligence or misconduct of which they may be guilty, and accountable for the expenditure of said income.

SEC. 12. *Be it further enacted,* That nothing contained in this act shall be construed to bar and prevent said parish from raising any monies they may deem necessary to discharge parish expenses, and to assess Assessments. the same in manner provided by law. And said Trustees shall be holden and obliged annually, between the first Monday in April and the first Monday in May, to furnish the Assessors of said parish with a correct list of all the persons excused and exempted from taxation Lists of persons excused. in said parish, as above provided. And it shall never be in the power of said Trustees, or of said parish to make any other appropriation of the funds aforesaid than to the payment of the salary of a Gospel Minister.

[Approved by the Governor, June 19, 1816.]

CHAP. XXXIV.

An Act in addition to the several acts for establishing the Housatonic Turnpike Corporation, and the Hudson Turnpike Corporation.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Housatonic Turnpike Corporation and the Hudson Turnpike Corporation be, and they hereby are empowered to remove the Gates removed. two half toll gates of the said Corporation, which are now situated about one mile west of Dwight's Mills, in the town of West Stockbridge, in the county of Berkshire, and to erect in lieu thereof, one half toll gate at any convenient place to be chosen by the said Corporation,

east of the road leading from Great Barrington to the village of West Stockbridge, and between the place where said road connects with the Housatonic Turnpike road and the foot of West Stockbridge Mountain, so called, any thing in the act defining the general powers and duties of Turnpike Corporations, to the contra-

Provisc.

ry notwithstanding : *Provided always*, that all persons who may pass said gate either from the town of Stockbridge to Dwight's Mills, or from West Stockbridge to the Mills now owned by Elijah Brown, jun. and Company, or to Curtis' Mills, whose sole object shall be to obtain grinding at either of said Mills, shall be permitted to pass and re-pass said gate free of toll, together with their horses and carriages for the purpose

Further proviso

aforesaid ; *and provided also*, that the inhabitants of the town of Lenox, passing and re-passing between Lenox and West Stockbridge, and going no further west on said Turnpike road than Dwight's Mills aforesaid, and also that the inhabitants of the towns of Egremont, Alford, Great Barrington and West Stockbridge, going to or returning from any of the Judicial Courts, in Lenox, in said county, shall pass and re-pass said gate with their horses and carriages free of toll, until a county road shall be opened from the village in West Stockbridge, at said Dwight's Mills, in a direction towards the Court-House, in said Lenox ; *and*

Further proviso

provided also, that all persons exempt from paying toll by the fifth section of the act defining the general powers and duties of Turnpike Corporations be, and they hereby are exempted from paying toll at the half toll gate, by this act authorized to be erected ; *and provided*

Further proviso

also, that all persons living in West Stockbridge, owning lands east of the place where said half toll gate may be erected, between said gate and the top of the West Stockbridge Mountain, so called, shall be permitted to pass and re-pass to and from their lands aforesaid, free of toll, and also all persons, with their horses and carriages, who live eastward of the place where the said gate may be erected, and west of the foot of the Stockbridge Mountain, so called.

SEC. 2. *Be it further enacted*, That each and every person that shall falsely or fraudulently claim the benefit of the above provisions of exemption from toll, shall

forfeit the sum of five dollars, to be recovered by either Penalty. of said Corporations, for the use of the Corporation suing therefor, in an action of the case, before any Justice of the Peace within and for the said county of Berkshire.

SEC. 3. *Be it further enacted,* That from and after the passing of this act, the Housatonic Turnpike Corporation shall be entitled to receive at the gate of said Corporation, in the town of Lee, in said county, in lieu of full toll now established by law, the following rates of toll, viz. for each coach, chariot, phaeton or other New rate four wheeled spring carriage drawn by two horses, six- Toll. teen cents; and if drawn by more than two horses, two cents for each additional horse; for every waggon drawn by two horses, six and a quarter cents; and if drawn by more than two horses, two cents for each additional horse; for every cart or waggon drawn by two oxen, six and a quarter cents; and if by more than two, eight cents; for every curricule, twelve cents; for every chaise, chair, sulkey, or other carriage for pleasure, drawn by one horse, eight cents; for every cart, waggon or truck, drawn by one horse, four cents; for every man and horse, three cents; for every sleigh or sled, drawn by two oxen or horses, five cents; for each additional ox or horse, one cent; for every sleigh or sled, drawn by one horse, three cents; for all horses, mules, or neat cattle, led or driven, beside those in teams or carriages, one cent each; for all sheep or swine, at the rate of two cents by the dozen.

[Approved by the Governor, June 19, 1816.]

CHAP. XXXV.

An Act to incorporate the Trustees of a Fund for the support of the Ministry and Schools in the town of Orland.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Jacob Sherburne, Ho-

Persons incor-
porated.

ratio Mason, Isaac Perry, Samuel Downs, Benjamin Morrell, Samuel Keyes and John Lee, be, and they are hereby appointed Trustees, to sell and convey all the public lots, which, in the original grant of the township of Orland, were reserved for the support of the Ministry and Schools therein; and the monies arising from the sale of the said lands, shall form a fund and shall be loaned out at interest in the manner hereinafter directed: And the said Trustees are hereby made and shall hereafter be known both in law and in fact, a body corporate and politic, by the name of The Trustees of the Ministerial and School Fund in the town of Orland. And the said Trustees and their successors in office, shall keep and use a common seal, and by the name aforesaid may sue and be sued, prosecute and be prosecuted in all actions, real, personal or mixed, and defend the same to final judgment and execution, and shall have and exercise all other powers and privileges incident and usually given to, and exercised by Corporations of a like nature and purpose.

Powers of
Trustees.

General pow-
ers of officers.

SEC. 2. *Be it further enacted,* That the said Trustees and their successors in office, shall annually elect a Chairman to preside in their meetings, and also a Clerk to record their proceedings, and a Treasurer to receive and apply all the monies belonging to the said Funds as required by this act, under order and direction of the said Trustees; and all the elections made by the said Corporation shall be by written ballots. And all the said officers shall be qualified by taking an oath, to the faithful performance of their several trusts and duties; and the said Trustees may appoint an Agent and such other officers, for the better conducting the business of the said Corporation, as they may from time to time judge needful and convenient. And the freehold voters of the said town of Orland, who are qualified to vote in town affairs, at their annual town meetings, for the choice of town officers, shall have the privilege to elect three persons as associate members of the said Corporation; and when the said Corporation is duly organized, according to the provisions of this act, one of the three associates, chosen as aforesaid, shall annually retire, beginning by seniority of years, and so proceeding annually in

succession forever, and such vacancy so occasioned shall be supplied by a new election, so that one new member of the said Corporation may be elected annually forever, and in like manner, any vacancy may be supplied, which may happen by death, resignation, removal, infirmity misconduct or inability from any other cause, which in the judgment of the said freeholders shall be sufficient cause for making such vacancy.

Annual Election.

Vacancies supplied.

SEC. 3. *Be it further enacted,* That the said Trustees be, and they are hereby empowered to sell and convey the public lots in the said town of Orland reserved as aforesaid; and to make, execute, acknowledge and deliver a good and sufficient deed or deeds thereof, which being signed by the Treasurer, in behalf of the said Corporation, and countersigned by their Clerk, with the Corporation Seal affixed thereon, shall be good and effectual in law, to pass and convey the fee simple of the said lands from the said town to the purchaser. And the monies accruing from the sale of the said lands shall be loaned at interest, as soon as may be, and secured by mortgage on real estate, to the full value of the property sold, or the money loaned. or by two or more sureties, together with the principal, unless the said Trustees shall think it more expedient to invest the same in public funded securities or bank stock, which they are hereby empowered to do at their discretion. And all donations, grants, bequests, or legacies, which may be hereafter made and given for the use of Schools or the Ministry in the said town of Orland, shall be added to the said fund, and appropriated to the same purpose, in the manner and according to the restrictions and provisions made in this act, and the interest and profits only arising from the said funds, shall be used and applied for the support of the Ministry and Schools in the said town; and it shall never be in the power of the said town to alienate, change, or vary the appropriation of the said funds; and the said Trustees and the other officers of the said Corporation, for the services they may perform, shall receive no compensation out of the said funds, interests, or profits aforesaid, but a reasonable compensation for such services may be paid to them by the town as they may see cause.

May sell lands.

Stock at interest.

Donations.

Appropriation of interest.

Responsibility of Trustees.
Records
Accountability of Treasurer.
Separate funds.

SEC. 4. *Be it further enacted,* That the said Trustees and all other officers in the said Corporation, and each of them severally, 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 to the said funds, arising thereby; and the debt or damage, recovered in such suit, shall be replaced in the said funds and applied accordingly; and at every annual meeting of the said town, the said Trustees and Treasurer shall exhibit a true and fair statement of their doings, and of the conditions of the said funds; and for this purpose, a book or books for the records of the Trustees and for the accounts of the Treasurer respectively shall be provided and kept at the expense of the said town of Orland. And the said Treasurer shall give bonds, with two sufficient sureties to the acceptance of the said Trustees, for the faithful performance of his duty, and to be at all times responsible for the faithful application and expenditure of the monies which may come into his hands, conformable to the true intent and meaning of this act, and for all negligence or misconduct in any part of the duties of his office; and it shall be the duty of the said Trustees and Treasurer to keep distinct accounts of the monies accruing from the sale of the said School lands, from those of the Ministerial lands, and of the interest arising thereon respectively; and the interest accruing on the monies coming from the sale of the said Ministerial lands, shall be appropriated and uniformly applied for the support of the Gospel Ministry in the said town of Orland; and the interest coming from the sale of the said School lands, shall be appropriated and uniformly applied for the support of the public town school in the said town of Orland.

SEC. 5. *Be it further enacted,* That any Justice of the Peace for the county of Hancock is hereby empowered, upon application therefor, to issue a warrant directed to a freehold inhabitant of the said town of Orland, requiring him to notify and warn the first meeting of the said Trustees, at such convenient time and place as shall be appointed in the said warrant, to organize the said Corporation, by the election and appointment of its officers. And the said Corporation

when fully organized, may at the same, or at any future meetings, adopt and settle such rules and by-laws for conducting their business, and the mode and means of calling and notifying future meetings, as to them may seem needful and expedient.

[Approved by the Governor, June 19, 1816.]

CHAP. XXXVI.

An Act to extend the term for paying the second Instalments into the Lynn Mechanics' Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That a further term of one year, from the first day of June in the present year, be allowed to the Stockholders of the Lynn Mechanics' Bank, to pay in the second instalment.

[Approved by the Governor, June 19, 1816.]

CHAP. XXXVII.

An Act to incorporate the First Baptist Society in York.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Charles Bean, Francis Plaisted, George Moulton, William Roberts, Benjamin Colby, Jacob Ayres, Nathaniel Brooks, Nathaniel Gordon, Samuel Moulton, Joseph Moulton, Daniel Carlisle, Josiah Chase, Nathaniel Webber, Jeremiah Prebble, Ebenezer Prebble, Joseph Moore, Thomas Teal, Robert C. Moulton, Daniel Simpson, jun. Thomas Teal, jun. Joseph Prebble, Daniel Simpson, Nathan Gowen, George Hill, and Thomas Bragdon, members of the First Baptist Society in York, with their polls and estates, be, and they are hereby incorpor-

Persons incor-
porated.

ated as a Religious Society, for religious purposes only, by the name of The First Baptist Society in York; with all the powers and privileges usually exercised and enjoyed by other Religious Societies according to the Constitution and Laws of this Commonwealth.

Membership.

SEC. 2. *Be it further enacted,* That any inhabitant living in the town of York, in the county of York, who may hereafter desire to become a Member of the said First Baptist Society in York, shall have a right so to do, by declaring such desire and intention in writing, and delivering the same to the Clerk of the said Baptist Society, fifteen days before the annual meeting of the said Society; and shall also deliver a copy of the same to the Town Clerk, or to the Clerk of any other Religious Society, with which such person has been before connected, fifteen days before the annual meeting thereof; and if such person doth receive and can produce a certificate of admission signed by the Clerk of said Baptist Society, and approved by the settled Minister thereof, certifying that he or she has united with and become a Member thereof, such person from the date of said certificate, with his or her polls and estate, shall be considered Members of the said First Baptist Society, and shall be exempted from taxation towards the support of any other Religious Society in the town or parish where such person may dwell.

Secessions

Proviso.

SEC. 3. *Be it further enacted,* That when any Member of the said First Baptist Society in York may see cause to secede therefrom, and unite with any other Religious Society in the said town of York, the same forms and process of a written declaration and certificates shall be made, required and given, *mutatis mutandis*, as is required and prescribed in the second section of this act; *provided always*, that in every case of secession from one Society and joining another, the person so seceding shall be holden in law to pay his or her proportion of assessment of all parochial or Society debts and expenses, which have been voted or assessed, and not paid prior to such secession.

SEC. 4. *Be it further enacted,* That any Justice of the Peace, for the county of York, upon application therefor, be, and he hereby is empowered, to issue a

warrant, directed to a freehold inhabitant, and Member of the said First Baptist Society in York, requiring him to notify and warn the members thereof to meet at such convenient time and place as shall be appointed in the said warrant, to organize the said Society by the election and appointment of its officers.

Choice of officers.

[Approved by the Governor, June 19, 1816.]

CHAP. XXXVIII.

An Act to authorize the sale of Ministerial and School Lands in the town of Woodstock.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Stephen Chase, Esq. Cornelius Perkins, Alexander Day, John Billings, Seth Curtis, Merrill Chase and Thomas Farrer, be, and they hereby are appointed Trustees to sell a right of land of one hundred and sixty acres for the support of Schools, and likewise one other right of one hundred and sixty acres for the support of the Ministry, originally reserved for said purposes in a grant of land to Gorham Academy; and the money arising from the sale of said lands to put out at interest in manner hereinafter directed; and the said Trustees are hereby created and shall hereafter be known in law, a body politic and corporate, by the name of The Trustees of the Ministerial and School Funds in the town of Woodstock; and they and their successors in office shall have and use a common seal, and by the name aforesaid may sue and be sued in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution, and shall exercise all other powers and privileges usually given to, and exercised by Corporations of a like nature.

Trustees.

Body corporate

SEC. 2. *Be it further enacted,* That the said Trustees and their successors in office, shall annually, in the month of March or April, from among their number, elect, by ballot, a President, and also a Clerk to record

Annual election.

the doings of the Trustees, who shall be sworn to the faithful discharge of his duty, and a Treasurer to receive and apply the monies belonging to the said funds, as is directed in this act, who shall give bonds to the acceptance of the said Trustees for the faithful performance of his duty, and he shall be at all times responsible for the faithful application and expenditure of the monies which may come into his hands, and for all negligence or misconduct of any kind in his said office, conformable to the true intent and meaning of this act.

Vacancies filled
up.

SEC. 3. *Be it further enacted,* That the number of said Trustees shall at no time be more than seven nor less than five, and four of their number shall be necessary to constitute a quorum for transacting the business of said Corporation; and whenever any vacancy shall happen by death or otherwise, in the office of any of the Trustees aforesaid, it shall be the duty of the Clerk, within thirty days next after such vacancy, to give notice thereof to the Selectmen of the said town of Woodstock, and the said Selectmen shall in their next warrant for a meeting of the inhabitants of said town, insert an article for the choice of a Trustee or Trustees, to fill said vacancy or vacancies, who shall be chosen in such meeting in the same way and manner as the Selectmen of towns are by law to be chosen, and the inhabitants of said town, at their March or April meeting, in any year, upon the written complaint of the said Corporation, and not otherwise, may remove any Trustee, who through age, infirmity, or other cause, may become unfit or incapable of discharging his duty, and shall thereupon supply the vacancy so made by a new choice, in manner aforesaid, from among the inhabitants of said town of Woodstock.

Responsibility
of Trustees.

Trustee meet-
ings.

SEC. 4. *Be it further enacted,* That the said Trustees and each of them shall be responsible to the said town of Woodstock, for their personal misconduct or neglect, whether they be officers or not, and liable to prosecution for any loss or damage to the said funds arising thereby; and the debt or damage, recovered in such suit, shall be considered as belonging to said funds, and applied accordingly; and the said Trustees shall hold their meetings as often as the affairs of the said funds may require, which meetings shall be notified and

called in such manner as the said Trustees at any meeting may order and direct.

SEC. 5. *Be it further enacted,* That the said Trustees, or a major part of them, be, and they are hereby authorized and empowered to sell and convey in fee simple all or any part of the aforementioned rights of land, and to make, execute and acknowledge a good and sufficient deed or deeds thereof, which deed or deeds subscribed by their President and countersigned by their Clerk, by the direction and order of said Trustees, or a major part of them, with the seal of said Corporation thereunto affixed, shall be good and valid in law to pass and convey the fee simple of said lands from said town to the purchaser or purchasers thereof, to all intents and purposes whatsoever, and all the monies arising from the sale of the lands aforesaid shall be put to use, as soon as may be, and secured by mortgage on real estate to double the value of the property thus sold, or money loaned, or by two or more sureties with the principal, unless the said Trustees shall think it more expedient to invest the same in public funded securities, or Bank Stock, at their discretion.

Trustees may
sell lands.

SEC. 6. *Be it further enacted,* That it shall be the duty of the said Trustees to keep distinct accounts of the monies accruing from the sale of the said School lands, from those of the Ministerial lands and of the interest arising therefrom, respectively; which accounts they and their successors in office shall exhibit to the town at their annual meeting for the choice of town officers; and the said Trustees, and others, who may be by them employed in the business of the said funds, shall receive no compensation from the monies of said funds; but a reasonable compensation may be made to them and the Treasurer, or other officers or agents by the town, at their discretion; and the interest accruing on the monies coming from the sale of the said Ministerial land shall be appropriated and uniformly applied to the support of the Gospel Ministry in the said town of Woodstock, and shall be divided between the Religious Societies of the several denominations in said town according to their numbers respectively; and the interest accruing from the sale of the said School lands,

Separate funds.

shall be appropriated and uniformly applied for the support of instruction in the public free schools in said town of Woodstock; and it never shall be in the power of the said town to alienate or alter the appropriation of the said funds provided in this act.

Justice may issue warrant.

SEC. 7. *Be it further enacted*, That any Justice of the Peace for the county of Oxford, upon application therefor, is hereby authorized to issue a warrant directed to one of the Trustees before named, requiring him to notify and call the first meeting of the said Trustees, at such convenient time and place as shall be appointed in the said warrant, to organize the said Corporation by the election and appointment of its officers.

[Approved by the Governor, June 19, 1816.]

CHAP. XXXIX.

An Act to incorporate the Trustees of the Standish School Fund.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Edmund Mussey, John Lowell, Samuel Dennett, John Spring, Edward Thompson and Daniel Hasty, jun. together with the person who may be chosen Town Treasurer for the time being, be, and they are hereby constituted, appointed and declared to be the Trustees of a Fund for the support of Schools in the town of Standish, in the county of Cumberland, by the name of The Trustees of the Standish School Fund; and shall be, and continue a Corporation for the aforesaid purpose forever. And the said Corporation may keep and use a common seal, which they shall have power to change and renew as they may see cause. And the said Trustees, in their corporate capacity, may sue and be sued, prosecute and be prosecuted to final judgment and execution, in all actions, real, personal or mixed. And the said Trustees and their successors in office, shall annually elect, by written ballots, a Chairman to preside at their

May sue and be sued.

meetings, and a Clerk to record the doings of the said Trustees, in a book or books, for that purpose to be provided and kept at the expense of the town. And at the same meeting they shall also elect, by ballot, a Treasurer to receive and apply the monies belonging to the said fund, to the amount and in the time and manner which the said Trustees may from time to time direct. And all the said officers shall be sworn to the faithful performance of their several duties. And the said Trustees shall also have power to appoint an Agent and such other officers as they may from time to time judge necessary.

Duties and powers of Trustees.

SEC. 2. *Be it further enacted,* That the number of Trustees shall never be less than five, nor more than seven, a major part of which Trustees, for the time being, may form a quorum for doing business; and the inhabitants of the said town of Standish, at any legal town meeting, shall fill up any vacancy or vacancies which may happen in the said Board of Trustees, from among the freeholders of said town: And the said inhabitants, in legal town meeting, shall also have power to remove, by voting and declaring vacant the place of Trustee or any other officer, who by reason of age, infirmity, misconduct, or any other cause, may become unable and unfit to discharge their several duties, and to supply the vacancy, so happening, by a new choice or appointment. And the said Trustees and the Treasurer shall annually make report of their doings and the state of the funds.

Vacancies filled up.

SEC. 3. *Be it further enacted,* That the Treasurer of the said Corporation shall give bond to the said Trustees, with two sufficient sureties for the faithful performance of his trust, according to the true intent and meaning of this act, and shall be responsible for any neglect or misconduct in his office. And the said Trustees and each of them shall be responsible to the town, for their personal negligence or misconduct, whether they be officers or not; and the loss or damage which may thereby happen to the said fund, shall be recovered by an action of debt or on the case, at the suit of the town in any Court competent to try the same, and the sum so recovered shall be replaced to the said fund. And the said Trustees and all the other officers

Responsibility of Treasurer.

of the said Corporation may receive such compensation for their services, as the said town may judge reasonable ; but no part of such compensation shall ever be made out of the said fund, interest or profits thereof. And it shall never be in the power of the said town to alienate, change or vary the appropriation of the said fund, from its original design and use, towards the support of Schools in the said town of Standish.

Justice may issue warrant.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the county of Cumberland, is hereby empowered, upon application therefor, to issue a warrant directed to an inhabitant of the said town of Standish, requiring him to notify and warn the inhabitants thereof qualified to vote in town affairs, to meet at such convenient time and place as shall be expressed in the said warrant, to organize the said Coporation, by the election and appointment of its officers.

[Approved by the Governor, June 19, 1816.]

CHAP. XL.

An Act in addition to an act, entitled “ An act to establish the Boston and Roxbury Mill Corporation.”

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That whenever the Dam from Beacon-street to Sewall’s Point shall be completed according to the provisions of the act, entitled “ An act to establish the Boston and Roxbury Mill Corporation,” and whenever either of the other Dams mentioned in said act shall be so far completed, as that mills can be established, employing a power equal to turning twenty pair of common mill stones, and said Corporation or its assigns shall have actually erected mills employing a power equal to ten pair of common mill stones, the said Corporation may receive the toll granted by said act : *Provided* that nothing herein contained shall be construed to exempt them from any of the obligations,

penalties or forfeitures expressed in said act, except only in so far as relates to the said toll.

[Approved by the Governor, June 19, 1816.]

CHAP. XLI.

An Act concerning the Separation of the District of Maine from Massachusetts Proper, and forming the same into a separate and Independent State.

WHEREAS, in conformity to a Resolve of the General Court of this Commonwealth, passed at the last session thereof, the people of the District of Maine did, on the twentieth day of May last past, assemble in their respective towns and districts, and give in their votes upon the question proposed in said Resolve, to wit: "Shall the Legislature be requested to give its consent to the Separation of the District of Maine from Massachusetts Proper, and to the erection of said District into a separate State;" and a majority of the persons voting 'on the said question, have answered the same in the affirmative: Therefore,

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the consent of this Commonwealth be, and the same is hereby given, that the District of Maine may be formed and erected into a separate and independent State, if the people of the said District shall in the manner hereinafter mentioned, express their consent and agreement thereto upon the following terms and conditions: *And provided* the Congress of the United States shall give its consent thereto before the fourth day of March next; which terms and conditions are as follow, viz.

First—All the lands and buildings belonging to the Commonwealth within Massachusetts Proper, shall continue to belong to said Commonwealth, and all the lands belonging to the Commonwealth within the District of Maine, shall belong, the one half thereof to the said Commonwealth, and the other half thereof to the State to be formed within the said District, to be

Exemption
from taxation.

divided as is hereinafter mentioned; and the lands within the said District which shall belong to the said Commonwealth shall be free from taxation while the title to the said lands remains in the Commonwealth; and the rights of the Commonwealth to their lands within said District, and the remedies for the recovery thereof shall continue the same within the proposed State, and in the Courts thereof, as they now are within the said Commonwealth and in the Courts thereof; and all obligations given to the Commonwealth with conditions to perform settling duties, so called, within the District of Maine, when all the principals are persons inhabiting the same District, shall become the property of the New State; and all other obligations with such conditions shall remain the property of this Commonwealth.

Obligations.

Secondly—All other property belonging to the Commonwealth shall be holden by said Commonwealth as a fund and security for the payment of all the debts due by the same. But at the end of three years, or whenever the Congress of the United States shall assume the debts contracted by the Commonwealth for the defence of the Commonwealth during the late war with Great Britain, the Commissioners to be appointed as hereinafter provided shall assign a just portion of the said property to the said Commonwealth as an equivalent and indemnification for all other debts which may remain due, and for the debt so contracted as aforesaid during the late war, in case the same should not be assumed within three years as aforesaid; but if the same should be assumed as aforesaid, then, for any loss which the Commonwealth may sustain from the manner in which the same shall be assumed. And all the surplus of said property shall be divided between the said Commonwealth and the said District of Maine in the proportion of three fourths thereof to the Commonwealth, and one fourth thereof to the said District. And if the property of the Commonwealth other than the lands and real estate aforesaid shall prove insufficient as a fund or security to pay and discharge the debts due by the said Commonwealth, and all demands against the same, the said District of Maine shall assume, pay and discharge one quarter part of the debts

Indemnifica-
tion.

and demands against the said Commonwealth which shall be found by the said Commissioners to be over and above the value of said property so held by the said Commonwealth as a fund and security as aforesaid. And if the Congress of the United States shall, after the expiration of said three years, assume the debts so contracted for the defence of the Commonwealth during the late war, then the said District of Maine shall be entitled to, and shall receive one quarter part of the Stock or Certificates which may be issued for the debt so assumed, beyond what may be required to pay the debts due, if exceeding the property reserved for that purpose.

Distribution of
debt, assumed
by U. S.

Thirdly—Commissioners with the powers and for the purposes mentioned in this act, shall be appointed in the following manner; two shall be appointed by the Governor and Council of the Commonwealth, two by the said Convention of the Delegates of said District, and two more by the four first named; and, if they cannot agree, the appointment of the two last mentioned shall be with the Governor and Council of this Commonwealth; not however in that case to be inhabitants of said Commonwealth. And the said Commissioners may fill up any vacancies in their board not exceeding three, and four of their number shall constitute a quorum to transact business; and the determination of a majority of whom, shall, in all cases, be final. And all questions which may arise respecting the property of the Commonwealth, or the division thereof not herein expressed, shall be decided by the said Commissioners. And the said Commissioners shall determine what portion of the said public land shall be surveyed from time to time; and such surveys shall thereupon be made, and the expenses thereof shall be borne equally by the said Commonwealth and the proposed State: *Provided always*, that the said lands shall be surveyed into tracts of twelve miles square, or as near thereto as conveniently may be; and such tracts shall be divided by lot by the said Commissioners between the respective States. And if the said Commission shall expire, and a new Commission shall be required by either State, for the purpose of directing further surveys or for any other purpose, six new Com-

Commissioners.

Vacancies.

Surveys.

Proviso.

missioners shall be appointed, two by each State, and the remaining two in the manner aforesaid, and with the powers aforesaid.

Perpetuity of
contracts.

Fourthly—All grants of lands, franchises, immunities, corporate or other rights, and all contracts which have been or may be made by the said Commonwealth before the separation of said District shall take place, and having or to have effect within the said District, shall continue in full force after the said District shall become a separate State. But the grant which has been made to the President and Trustees of Bowdoin College out of the tax laid upon the Banks within this Commonwealth shall be charged upon the tax upon the Banks within the said District of Maine, and paid according to the terms of said grant.

Processes in
law, debts, tax-
es, not to be af-
fected.

Fifthly—No laws shall be passed in the proposed State, with regard to taxes, actions, or remedies at law, or bars or limitations thereof, or otherwise making any distinction between the lands and rights of property of proprietors, not resident in, or not citizens of said proposed State, and the lands and rights of property of the citizens of the proposed State, resident therein; and the rights and liabilities of all persons shall after the said separation continue the same as if the said District was still a part of this Commonwealth, in all suits pending or judgments remaining unsatisfied on the fifteenth day of March next, where the suits have been commenced in Massachusetts Proper, and process has been served within the District of Maine, or commenced in the District of Maine, and process has been served in Massachusetts Proper, either by taking bail, making attachments, arresting and detaining persons, or otherwise where execution remains to be done; and in such suits, the Courts within Massachusetts Proper, and within the proposed State, shall continue to have the same jurisdiction as if the said District still remained a part of the Commonwealth. And this Commonwealth shall have the same remedies within the proposed State as it now has for the collection of all taxes, bonds, or debts, which may be assessed, due, made, or contracted, by, to, or with the Commonwealth, on or before the said fifteenth day of March next, within the said District of Maine; and all officers within Massa-

chusetts Proper and the District of Maine shall conduct themselves accordingly.

Sixthly—These terms and conditions, as here set forth, when the said District shall become a separate and independent State, shall, *ipso facto*, be incorporated into, and become a part of any Constitution, provisional or other, under which the government of the said proposed State, shall at any time hereafter be administered—subject, however, to be modified or annulled by the agreement of both the said States.

SEC. 2. *Be it further enacted*, That the Convention Convention. to be assembled for the purposes expressed in this act, shall be composed of Delegates chosen in manner following, viz : The inhabitants of the several Towns in said District of Maine, now entitled to send one or more Representatives to the General Court, shall, on the first Monday of September next, assemble in town meeting, to be notified by warrant of the Selectmen of said several towns, in due form of law ; at which meetings, every inhabitant having the qualifications required by the constitution of this Commonwealth to vote for Senators, shall have a right to vote in the choice of a Delegate or Delegates to the Convention aforesaid ; and each such town as aforesaid, shall and may elect one or more Delegates, not exceeding the number of Number of Delegates. Representatives which it is now entitled to send to the General Court. *Provided however*, that each such town may elect at least one. And at such meetings, the Selectmen of the said several towns shall preside impartially, and shall receive the votes of all the inhabitants of such towns present, and qualified as aforesaid to vote for such Delegates, and shall sort and count such votes in open town meeting, and in presence of the Town Clerk ; who shall make a fair record in presence of the Selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes given for him ; and the person or persons having a majority of all the votes shall be chosen ; and fair Mode of choosing Delegates. copies of the said record shall be attested by the Selectmen and the Town Clerk, and one such copy shall be delivered by the Selectmen to each of the persons whom they shall determine to have been duly elected a Delegate. And the Delegates chosen as aforesaid, shall

Powers and duties of Convention.

assemble in convention, on the last Monday of September next, at the Meeting-house, near the College, in Brunswick, in said District of Maine, and shall be the judges of the returns and elections of their own members, and may adjourn from time to time, and to such other place or places successively, in the towns of Brunswick or Topsham, as they shall think proper; and shall, as soon as may be, proceed to organize themselves, by choosing, by a vote of the majority of the Delegates present, a President, and such other officers as they may judge expedient, and establishing proper rules of proceeding;—which Delegates shall be paid by the inhabitants of the said District of Maine: and on the day of the meeting for the choice of Delegates as aforesaid, the inhabitants of the towns, districts and plantations in the District of Maine, qualified to vote for Senators, shall in open meeting summoned also for this purpose, give in their written votes on the question: “Is it expedient that the District of Maine shall be separated from Massachusetts and become an independent State?” upon the terms and conditions provided in an act, entitled “An act concerning the separation of the District of Maine from Massachusetts Proper, and forming the same into a separate and independent State:” And the Selectmen of the towns and districts, and the Assessors of the unincorporated plantations, shall, in open meeting, receive, count, sort and declare; and the Clerks thereof respectively, shall record the votes for and against such expediency; and said Selectmen and Town Clerks, and the Assessors and Clerks of said plantations, shall seal up and transmit said votes to the President of the Convention, at their meeting herein provided, within four days next after the last Monday of September next, and if it shall appear to said Convention, that a majority of five to four at least of the votes returned, are in favor of said District’s becoming an independent State aforesaid, then and not otherwise, said Convention shall proceed to form a constitution as is provided in this act.

The Question?

SEC. 3. *Be it further enacted*, That if it shall appear to said Convention, that a majority of five to four at least of the votes returned as aforesaid are in favor of said District’s becoming an independent State as a

foresaid, then the said Convention shall make known and declare the assent of the people of said District, expressed as aforesaid, to be formed into a separate and independent State, upon the terms and conditions above expressed, to the Governor and Council of this Commonwealth, and also to the Congress of the United States, and request its consent that the said District should be formed into a separate and independent State; and the said Convention, after having so declared such assent, shall proceed to form a constitution or frame of government for the said new State, and shall determine the style and title of the same: and such constitution, when adopted and ratified by the people of said District, in the manner hereinafter mentioned, shall, from and after the fifteenth day of March, one thousand eight hundred and seventeen (the consent of the Congress of the United States then being had as aforesaid) be the constitution of said new State.—

And the said Convention shall, as soon as may be, after having formed such constitution or frame of government for such new State, cause the same to be published, and sent to the several towns, districts and plantations within the said District of Maine; and there shall be a meeting of the inhabitants in each of said towns, districts and plantations, to be called and warned by the Selectmen and Assessors respectively, in due course of law, at which meeting, every male inhabitant, having the personal qualifications herein declared requisite in the election of Delegates to said Convention, shall have a right to vote; and the people so assembled, shall give in their votes in writing, expressing their approbation or disapprobation of the constitution so prepared and proposed by said Convention. And the Selectmen of the several towns, and the Assessors of the several districts and plantations respectively, shall preside at such meetings, and shall receive the votes of all the inhabitants duly qualified as aforesaid, and shall sort and count them in the open meeting of the town, district or plantation, and the same shall be then and there recorded in the books of the town, district or plantation, and a fair copy of such record shall be attested by the Selectmen or Assessors, and the Clerk of the town, district or plantation, respectively,

Return to be
made to Gov-
ernor and Coun-
cil.

Constitution
formed.

Acceptance of
Constitution.

Provisional re-
gulations.

and shall be by the said Selectmen or Assessors, transmitted and delivered to the said Convention, or to the President thereof, for the time being, or to any Committee appointed to receive the same, on or before the first day of January next—on which day, or within ten days thereafter, the said Convention shall be in session, and shall receive and count all the votes returned and declare and publish the result ; and if a majority of the votes so returned shall be in favor of the constitution proposed as aforesaid, the said constitution shall go into operation according to its own provisions ; otherwise the constitution of Massachusetts, with the addition of the terms and conditions herein provided shall be, and be considered as the constitution of the said proposed State in manner as hereinafter provided. And to the end that no period of anarchy may happen to the people of said proposed State, in case a new constitution shall not be so adopted and ratified by the people of said District of Maine, the present constitution of the Commonwealth of Massachusetts shall, except as hereinafter excepted, be provisionally, the constitution or frame of government for said District ; except only such parts of said constitution of Massachusetts as relate to the style or title of said State, or may be otherwise inconsistent with or repugnant to the situation and condition of said new State ; and except that the people of said District shall choose in their Senatorial Districts as now established, three times the number of Senators now allowed them, and that the Legislature shall choose such a number of Counsellors not exceeding nine, as they shall determine to be proper. And the said Convention shall designate the place for the first meeting of the Legislature of said new State, and for the organization of its government ; and shall appoint a Secretary, pro tempore, for said new State.

SEC. 4. *Be it further enacted,* That until a Governor of the proposed State shall be chosen and qualified according to the constitution which may be in operation in said State, the person last chosen President of the said Convention, shall, from and after the fifteenth day of March next, have all the power of the Governor and Council under the constitution of Massachusetts, until

a new Governor shall be chosen and qualified in the said proposed State; excepting only, that the said President shall not have the power to remove from office any officer who may be duly qualified and executing the duties of his office according to the intent and meaning of this act.

And in order that there may be no failure of justice, and that no danger may arise to the people of the said District of Maine after the fifteenth day of March next, and before the new government of the said State shall be fully organized, therefore,

SEC. 5. *Be it further enacted*, That all the laws which shall be in force within said District of Maine upon the said fifteenth day of March next, shall still remain and be in force within the said proposed State, until altered or repealed by the government thereof, such parts only excepted as may be inconsistent with the situation and condition of said new State, or repugnant to the constitution thereof. And all officers who shall on the said fifteenth day of March next hold commissions or exercise any authority within the said District of Maine under the Commonwealth of Massachusetts or by virtue of the laws thereof, excepting only the Governor, Lieutenant-Governor and Council, the Members of the Legislature and the Justices of the Supreme Judicial Court of the said Commonwealth of Massachusetts, shall continue to have, hold, use, exercise and enjoy all the powers and authority to them respectively granted or committed, until other persons shall be appointed in their stead, or until their respective offices shall be annulled by the government of the said proposed State. And all Courts of Law whatsoever within the said proposed State, excepting only the Supreme Judicial Court, shall proceed to hear and determine all causes, matters and things which are or may be commenced or depending before them respectively upon the said fifteenth day of March next, or at any time afterwards, and before the government of the said proposed State shall establish new Courts within the same, and shall continue from and after the said fifteenth day of March next to exercise the like power and authority and in like manner as they now by law

Provision for
continuing offi-
cers.

may do, until such new Courts shall be so established in their stead.

Suits transferred.

SEC. 6. *Be it further enacted,* That all actions, suits, and causes, civil and criminal, and all matters and things whosoever, that shall on the said fifteenth day of March next, be in any manner depending in the Supreme Judicial Court of the said Commonwealth of Massachusetts then last holden within any county in the said District of Maine, and all writs, recognizances, and other processes whatsoever, that may be then returnable to the said Supreme Judicial Court, shall be respectively transferred, and returned to, have day in, and be heard, tried and determined, in the highest Court of Law that shall be established in the said new State, by the government thereof; and at the first term of such Court, that shall be held within the county in which such action, writ, process, or other matter or thing, may be so pending or returnable. And in all cases of appeals from any Circuit Court of Common Pleas, or Probate, or other Court, which shall be made after the said fifteenth day of March next, in any action, cause, or suit whatsoever, and which would by law be made to the said Supreme Judicial Court thereof, it shall be sufficient for the Appellant to claim an appeal, without naming or designating the Court appealed to; and such appeal shall be entered at the Supreme or Superior Judicial Court, or highest Court of Law, to be established by the government of the said new State, which shall first thereafter be held within or for the county in which such action, cause or suit may be depending, and shall there be heard, tried and determined according to law :

Proviso.

Provided however, that nothing contained in this section shall be understood or construed to control in any degree, the right of the people of the said new State, or the government thereof, to establish Judicial Courts in such manner, and with such authority as they shall see fit; nor to prevent the said people or their government from making any other provisions, pursuant to their constitution, and not repugnant to the terms and conditions above set forth respecting all the said actions, suits, processes, matters and things, herein above-mentioned, as they shall think most proper, to prevent

the discontinuance thereof, and to avoid any delay or failure of justice.

[Approved by the Governor, June 20, 1816.]

CHAP. XLII.

An Act relative to the Nantucket Academy.

WHEREAS the Proprietors of the Nantucket Academy at Nantucket, are desirous of closing the concerns of said Institution, and that their corporate powers should be dissolved :

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the term of six months be allowed, from and after the passing of this act, to the proprietors of Nantucket Academy, to sell and dispose of all their property real and personal, to divide the same among their respective proprietors, and to bring to a final close all the concerns of said Institution. Time allowed.

SEC. 2. *Be it further enacted,* That an act, entitled an act to establish an Academy at Nantucket, by the name of the Nantucket Academy, passed on the third day of March, in the year of our Lord one thousand eight hundred and one, be, and the same is hereby repealed, from and after the expiration of six months from the passing of this act : *Provided nevertheless,* that this act shall not be construed in any way to affect or impair any contracts already made by, or to which the said Corporation is a party, and the same are hereby confirmed ; *and provided further,* that the lands granted to the Trustees of said Nantucket Academy, in and by the sixth section of the said act, be reconveyed by the said Corporation to the Commonwealth, by a good and sufficient deed of the same, and that the same deed be delivered to the Treasurer of the said Commonwealth, on or before the expiration of said six months, from the passing of this act. Act repealed.

[Approved by the Governor, June 20, 1816.]

CHAP. XLIII.

An Act to repeal an act and part of another act relative to the passing or negotiating Bank Bills of certain descriptions.

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 in addition to an act requiring the several incorporated Banks in this Commonwealth, to adopt the stereotype steel plate in certain cases and for other purposes, passed the twentieth day of June, in the year of our Lord one thousand eight hundred and nine—also the second section of an act, entitled an act to enforce the payment of Bank Notes, passed the twentieth day of June, one thousand eight hundred and nine, be, and the same hereby are repealed.

[Approved by the Governor, June 20, 1816.]

CHAP. XLIV.

An Act to empower the town of Boston to choose a Board of Health, and to prescribe their power and duty.

SEC. 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 Boston, qualified to vote for town officers, shall, on the first Wednesday of April, annually, meet in their respective Wards, at such time and place as may be appointed by the present and succeeding Boards of Health of said town, and published in two of the newspapers printed in said town, seven days previous to the time of meeting, and choose one able and discreet person, being a freholder and resident within the Ward for which he shall be chosen, to be Member of a Board of Health, which Board shall consist of one person

Time of choosing members.

from each Ward, chosen by a majority of the voters present, and by ballot: And the Members of the Board of Health, for the time being, shall preside each in his respective Ward, at such meetings, and on the neglect of either of them, a Committee chosen by the Ward shall preside until a Clerk for such Ward is chosen by a majority of the voters present; whose duty it shall be to preside at future meetings of said Ward, for the ensuing year, to call for the votes, receive, count and declare the same in open meeting; and in case it shall appear that no choice has been made, the ballot shall be repeated until a person shall be elected, at whose dwelling-house, the Clerk shall, on the same day, leave a written notification of his being chosen as aforesaid; Powers of Clerk. and upon his refusal or non-acceptance within four days, after notice as aforesaid, the Clerk shall summon a new meeting of the inhabitants of his Ward at a time and place to be specified in two of the newspapers as aforesaid, three days at least previous to the intended meeting; *provided however*, in case of refusal to serve of any person, at the time of his election in any Ward, the said Ward shall proceed to a new choice, and in case of the acceptance of any person chosen as aforesaid, the Clerk of the Ward, where such person is chosen, shall notify the President of the Board of Health for the time being, or in case of his death or absence from Boston, the oldest Member of said Board, of such choice, within twenty-four hours after such choice is made; and in all cases the said Board of Health for the time being shall continue in power and office until a new Board is chosen and organized agreeable to the provisions of this act. Powers of President. And the President of the Board of Health, for the time being, or in case of his death or absence from the town of Boston, or incapacity to attend, the oldest Member of said Board present, shall within five days after the return made to him, by two thirds of the Clerks of the Wards aforesaid, where and when two thirds of said Members of said Board of Health are chosen as aforesaid, notify the new Members chosen and returned as aforesaid, to meet at the usual place of the meeting of said Board, and shall at such meeting preside until a President and Secretary shall be elected by the Members of said new Board,

Regulations.

for said Board ; and he hereby is authorized to administer to such Secretary an oath faithfully to record all the votes, orders, proceedings and regulations of said Board, and faithfully to perform all the duties of his said office, during his continuance therein, which oath shall be entered and subscribed by such Secretary on the records of said Board, and attested by the person administering the same, after which such Secretary shall have the custody of the records, books and papers of said Board ; and a certified copy of the votes, orders, proceedings and regulations of said Board, or a certified copy from the records of said Board, by such Secretary thereof, shall be received and admitted as evidence in all cases relating to the proceedings or concerns of said Board.

Powers.

SEC. 2. *Be it further enacted,* That said Board of Health shall have power, and it is hereby made their duty, to examine into all causes of sickness, nuisances, and sources of filth that may be injurious to the health of the inhabitants of the town of Boston, which do, or may exist within the limits of the town of Boston, or on any island, or in any vessel within the harbor of Boston, or within the limits thereof, and the same to destroy, remove or prevent, as the case may require ; and whenever said Board shall think it necessary for the preservation of the lives or health of the inhabitants of Boston to enter forcibly any building, or vessel, having been refused such entry by the owner or occupier thereof, within the limits of the said town of Boston or the harbor thereof, for the purpose of examining into, destroying, removing or preventing any nuisance, source of filth, or cause of sickness aforesaid, which said Board have reason to believe is contained in such building or vessel—any Member of said Board, by order of said Board, may apply to any Justice of the Peace, within and for the county of Suffolk, and on oath complain and state, on behalf of said Board, the facts as far as said Board have reason to believe the same relative to such nuisance, source of filth or cause of sickness aforesaid ; and such Justice shall thereupon issue his warrant, directed to the Sheriff of the county of Suffolk, or either of his Deputies, or any Constable of the town of Boston, therein requiring them or either of them, taking

with them sufficient aid and assistance, and also in company with said Board of Health, or some two Members of the same, between the hours of sunrise and sunset, to repair to the place where such nuisance, source of filth or cause of sickness complained of as existing as aforesaid ; and there, if found, the same to destroy, remove or prevent, under the directions and agreeable to the order of said Board of Health, or such Members of the same, as may attend and accompany such officer for such purpose ; *provided however*, that no Sheriff or Deputy Sheriff shall execute any civil process, either by arresting the body or attaching the goods and chattels of any person or persons under color 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 color of such entry, shall be utterly void, and the officer making such service shall be considered as a trespasser to all intents *ab initio*. And in all cases where such nuisance, source of filth, or cause of sickness shall be removed, destroyed or prevented in manner aforesaid, the cost of so removing, destroying or preventing the same, together with all costs attending the proceedings relative thereto, shall be paid by the person or persons, who caused or permitted the same nuisance, source of filth, or cause of sickness to exist, or in whose possession the same may be found. And in all cases where any contagious and malignant disorder exists, within the limits of the town of Boston, or on board of any vessel, or on any island within the harbor of Boston, and it appearing to said Board of Health, after the same has been examined into by the Physician of said Board, or some other respectable Physician of the town of Boston, that the public safety requires that any person or persons affected with any contagious, malignant disorder, should be removed to the Hospital on Rainsford Island, or to any other place within the limits of said town of Boston, on any island in the harbor of Boston, or should be confined or remain in the place where such person or persons thus affected then are ; in every such case the said Board of Health shall pass an order relative to the same, which order, all persons, dwelling in or occupying such place, building or vessel, notified thereof by

said Board, or called on by said Board, shall be obliged to obey; and any person refusing to obey such order or resisting any officer or person acting under the authority of said Board or any Member of said Board in any of the duties or requirements in this section of this act, shall severally forfeit and pay for such offence, a sum not less than five, and not exceeding five hundred dollars, according to the nature and aggravation of the offence.

Rules and orders.

SEC. 3. *Be it further enacted.* That the said Board of Health shall have power to make such rules, orders and regulations, from time to time, for the preventing, removing or destroying of all nuisances, sources of filth and causes of sickness within the limits of the town of Boston, or on board any vessel, or on any island in the harbor of Boston which they may think necessary; which rules, orders and regulations, from and after the same have been published in two newspapers, printed in the town of said Boston, shall continue in force and be obeyed by all persons until changed, altered or repealed by the same Board who made them, or by some succeeding Board of Health. And any person or persons who disobey or violate any such rules, orders or regulations, so as aforesaid made by such Board, shall severally forfeit and pay for such offence, a sum not less than one and not more than fifty dollars, according to the nature and aggravation of such offence.

May seize and destroy provisions.

SEC. 4. *Be it further enacted,* That the said Board of Health shall have power to seize, take and destroy, or to remove to any safe place without the limits of the town of Boston, or cause the same to be done, any unwholesome and putrid or tainted meat, fish, bread, vegetable or other articles of the provision kind, or liquor, which in their opinion, first consulting the Physician of said Board, or some other reputable Physician of the town of Boston, shall not be fit for food and nourishment, and injurious to the health of those who might use the same: And the cost of such seizing, taking, destroying or removing shall be paid for by the person, or persons in whose possession the same unwholesome, putrid, or tainted article shall or may be found.

SEC. 5. *Be it further enacted,* That the said Board of Health shall have power, from time time, to make

and establish all such rules, orders and regulations relating to clothing or any article capable of containing or conveying any infectious disease, or creating any sickness, which may be brought into, or conveyed from the town of Boston, or into or from any vessel, or on or from any island in the harbor of Boston, as they shall think proper for public safety, or to prevent the spreading of any dangerous or contagious disease. And all such rules, orders and regulations, so as aforesaid by said Board made and established, shall be obeyed by all persons from and after the same have been published in two of the newspapers, printed in the town of Boston, and shall continue to be in full force until altered or repealed by the Board who made and established the same, or some other succeeding Board; and every person who shall disobey or violate any of such rules, orders and regulations, shall forfeit and pay a sum not less than one dollar, and not more than one hundred dollars, according to the nature and aggravation of such offence. Fines.

SEC. 6. *Be it further enacted,* That the said Board of Health shall have power to establish and regulate the quarantine to be performed by all vessels arriving within the harbor of the town of Boston, and for that purpose shall have power, from time to time, to establish, make and ordain all such orders, rules and regulations relating to said quarantine as said Board shall think necessary for the safety of the public and the security of the health of the inhabitants of the said town of Boston; which said rules, orders and regulations, so as aforesaid established, made and ordained, shall be obeyed by all persons, and shall continue to be in force from and after the same shall have been published in two newspapers, printed in the town of Boston, until the same are altered or repealed by the said Board establishing, making and ordaining the same, or by some succeeding Board of Health. And said rules, orders and regulations may extend as well to all persons arriving in such vessels, and to their property and effects aboard such vessels, and to all such persons as may visit, or go on board such vessels, after their arrival in said harbor of Boston, and to the cargo of all such vessels, as to the vessels themselves— Quarantine.

Fines.

as also to every matter and thing relating to, or connected with such vessel, or the cargo of the same, or to any person or persons going on board or returning from the same ; and every person who shall knowingly or wilfully violate or disobey any of such rules, orders and regulations, so as aforesaid made, established or ordained by said Board of Health, shall severally forfeit and pay a sum not less than five dollars, and not exceeding five hundred dollars, according to the nature and aggravation of such offence. And the Board of Health shall have power at all times, to cause any vessel arriving in the harbor of Boston, which is foul and infected, or whose cargo is foul and affected with any malignant and contagious disease, to be removed and placed on quarantine ground, and the same to be thoroughly cleansed and purified at the expense and charge of the owners, consignees or possessors of the same ; and also all persons arriving in or going on board such infected vessel, or handling such infected cargo, to be removed to Hospital or Rainsford Island, under the care of said Board, and to the Hospital on the same, there to remain under the orders and regulations of said Board. All expenses incurred on account of any person under the quarantine rules, orders and regulations of said Board of Health, shall be paid by such persons.

Officers appointed for Hospital Island.

SEC. 7. *Be it further enacted,* That said Board of Health shall have power, and it shall be their duty to elect and appoint a principal Physician to said Board, who shall reside in Boston, and an assistant Physician, who shall, during the time of quarantine, reside on Hospital Island, also an Island-Keeper, to reside on said Hospital Island, Boatmen and such other Officers and servants as will be necessary to carry into effect the rules, orders and regulations of said Board of Health, as it respects the quarantine ; and shall prescribe to them their duty, and establish their salary and fees, and displace or remove them at pleasure, and elect and appoint others in their places ; also said Board shall, from time to time, establish and regulate the fees or expenses attending the said quarantine regulations, shall have the care of said Rainsford or Hospital Island, and of the Hospital on the same, and of all

property on said Island and belonging to or connected with the Hospital on the same ; and shall annually in the month of January in each year, file in the Secretary's Office of this Commonwealth, an exact and true account of the state of the property in and connected with the Hospital establishment on said Island, and of the property belonging to the Commonwealth on said Island, and of all money expended thereon.

SEC. 8. *Be it further enacted,* That said Board of Health shall have power to elect and appoint Scavengers, Superintendants of burying grounds, Funeral Porters or Undertakers, and such other Officers and Servants, as shall be necessary to carry into effect all the powers and duties in this act given to, or required of the said Board of Health, and to fix and establish their fees of office or compensation ; and all officers elected or appointed by said Board, shall be removable from their said offices, at the pleasure of said Board, and others substituted, elected or appointed in their place. And a majority of said Board shall be competent to transact any business which the whole Board, were they all present, might or could transact.

Scavengers and
Funeral Porters

SEC. 9. *Be it further enacted,* That all the powers and duties which are given to, or required of the Selectmen of the town of Boston, by a law of this Commonwealth, passed the twenty-second day of June, in the year of our Lord one thousand seven hundred and ninety-seven, entitled " An act to prevent the spreading of Contagious Sickness," and by the several acts in addition thereto, shall be, and they hereby are transferred to and made the duty of the Board of Health of the town of Boston, any thing in said laws to the contrary notwithstanding. And for all expenses which may arise in the execution of their duty, the said Board of Health shall be authorized to draw upon the Town Treasurer of the town of Boston ; and the accounts of said Board including all receipts and expenditures of money shall be examined by the Committee of accounts annually chosen by said town of Boston for that purpose, who shall report a state of them to the said town accordingly, and the same shall be paid by the Treasurer of said town of Boston. And on the death or resignation of any Member of said

Transfer of
Powers.

Expenses.

Board of Health, the said Board may cause such vacancy to be filled by a new election from the Ward from which said Member was elected by directing the Clerk of such Ward to call a meeting of the inhabitants of such Ward, qualified to elect a Member of the Board of Health, to meet at such time and place, as shall be notified to him by said Board; at which meeting such vacancy shall be filled, and such proceedings be had as are directed in the first section of this act, as to the choice and return and notification of the person elected as a Member of said Board as aforesaid.

Vacancies filled
up.

SEC. 10. *Be it further enacted,* That whenever any prisoner confined in the gaol in Boston, or within the limits of said prison, shall be attacked with any contagious, malignant disorder, which in the opinion of said Board of Health, first having consulted with the Physician of said Board, or some other respectable Physician, of the town of Boston, endangers the safety and health of the other prisoners in said gaol, or the inhabitants of said town, and that the suffering such prisoners, so attacked as aforesaid, longer to remain in said gaol, or within the limits of said prison, is not consistent with the public safety, or the health of the inhabitants of said town, or the prisoners in said gaol; in every such case, the said Board of Health shall make application in writing to any two Justices of the Peace, *quorum unus*, therein stating the facts relative to such case; and the said Justices to whom such application shall be made, shall examine into such case, and if satisfied that the facts stated are true, shall issue their warrant to said Board of Health, authorizing and directing them to remove said prisoner so attacked with such contagious and malignant disorder, to the Hospital on Rainsford Island, or to some other place of safety, there to remain under the directions of said Board, until such prisoner either recovers or dies; and in case of recovery, then to be returned by said Board to the place from which he was taken; and such warrant so executed by said Board, or any Member thereof, shall be by them returned, with their doings thereon, into the Clerk's Office of the Court, from which the process for committing such prisoner to gaol, shall have issued; and the place to which such prisoner shall be removed

May remove
sick prisoners.

by virtue of such order, shall be considered as the gaol of the county of Suffolk ; and every prisoner removed as aforesaid, for the causes aforesaid, shall not thereby be considered as having committed any escape, so as to prejudice either himself, his Bondsmen, or the persons who had the custody of him in his confinement aforesaid.

SEC. 11. *Be it further enacted,* That the said Board of Health of the town of Boston are hereby authorized and empowered, from time to time, to make and establish rules, orders and regulations for the interment of the dead in said town, to establish the police of the burying grounds, appoint and locate the places where the dead may be buried in said town, and cause the places for the deposit of the dead in said town, and the burying grounds, to be repaired and properly enclosed. Also to make regulations for funerals and funeral processions, and appoint all necessary Officers and persons to carry the same into effect, and to appoint to them their duties and fees ; and shall also have the power to establish such penalties for the violation of any such rules, orders and regulations, as they may think proper : *Provided,* no one penalty for any one violation, shall exceed the sum of fifty dollars. And all such rules, orders or regulations, so as aforesaid made and established by said Board, shall be obeyed by every person, from and after the same have been published in two of the newspapers printed in Boston, and shall continue in full force, until the same are altered or repealed by the said Board, who made and established them, or by some succeeding Board.

SEC. 12. *Be it further enacted,* That the said Board of Health shall have power to grant permits for the removal of any nuisance, infected article, or sick person, within the town of Boston, when they think it safe and proper so to do ; and said Board, whenever they think justice requires it, may stop, discontinue, discharge or compromise any suit, complaint or information, originating under this act. And all fines, forfeitures, penalties, sums to be paid or recovered, arising under any of the provisions of this act, shall be prosecuted for, by and in the name of "The Board of Health of the town of Boston," by complaint or information by said

said Board, to be made in writing to some Justice of the Peace within and for the county of Suffolk ; which said Justice, upon said complaint or information being made to him as aforesaid, shall receive the same, and thereupon issue his warrant, therein reciting the said complaint or information, directed to the Sheriff of the county of Suffolk or either of his Deputies, or any Constable of the town of Boston, commanding them or either of them, to summon the party informed against or complained of, to appear before him at a time and place to be named in said warrant, to shew cause, if any they have, why they should not pay the sum demanded of them in such complaint or information : which said warrant, shall by the officer who receives the same, be served on the party informed or complained against as aforesaid, at least seven days before the day in said warrant stated, as the said day of trial, by giving such party in hand, a copy of such warrant, reading the same to him, or leaving a copy thereof at the last and usual place of the abode of such party ; and if such party shall not appear at the time and place appointed, or appearing shall not show sufficient cause as aforesaid, the said Justice shall proceed to render judgment in every such case, that the said Board of Health shall recover such sum in damages or as fine, as the case may be, as according to the provisions of this act, they ought by law to recover, with costs, and shall proceed to issue his execution therefor, in the same manner as executions issue from Justices of the Peace in civil cases triable before them ; and such executions shall be served and made returnable in the same manner as executions in civil actions are by law served, and made returnable, which issue on judgments rendered in the Supreme Judicial Court of this Commonwealth : *Provided however*, that in all such prosecutions as aforesaid, if the said Board of Health shall discontinue such prosecution or become nonsuit, or the same on the merits should be decided by such Justice trying such prosecution against them, in every such case, the said party informed against and complained of, shall recover his legal costs against said Board, which costs shall be paid by the Treasurer of the town of Boston. And in every prosecution under this act,

Forms of Pro-
cess.

Proviso.

before any Justice of the Peace as aforesaid, the party complained against in such prosecution, being dissatisfied with the judgment in the same, given by such Justice, may appeal therefrom to the Boston Court of Common Pleas, next to be holden at Boston, within and for the county of Suffolk, after such judgment is so as aforesaid given, or rendered by such Justice ; *provided* such appeal be entered within twenty-four hours after such judgment is given as aforesaid ; and the same proceedings in all respects relating to such appeal, shall be had as are by law required on appeals from judgments rendered in civil causes by Justices of the Peace in this Commonwealth ; and on the entry of such appeal in said Court, the said Court shall have cognizance and jurisdiction of the same, and shall proceed to hear and determine the same in the same manner, and award execution in the same way and manner as they have cognizance and jurisdiction, proceed to hear and determine and award execution in civil causes, on appeals to them from judgments given by Justices of the Peace in this Commonwealth. And in all cases of such appeals on prosecutions under this act, the party prevailing in the said Court shall recover his costs, to be paid in the manner prescribed in this section of this act : *Provided however*, that no appeal shall be allowed or granted to said Court in any prosecution under the provisions of this act, where the amount of the judgment rendered and had before, and by any Justice of the Peace, shall not amount to more than five dollars exclusive of costs. And all fines and forfeitures recovered by said Board of Health, under the provisions of this act, shall inure to the use of the inhabitants of the town of Boston, and be accounted for by said Board of Health, to and with the Town Treasurer of said town of Boston. *And provided also*, that in consequence of said appropriation of said fines and forfeitures, or the appropriation of any other monies by virtue of this act, no inhabitant of the said town of Boston shall be disqualified as a Justice of the Peace, a witness or juror in any prosecution under this act, nor shall the said Board of Health or any Member of the same, or any officer of the same, be rendered thereby incompetent witnesses in any prosecution under this

Exemptions.

act ; and the Members of said Board of Health, while they continue in such office, shall be exempted from all militia duty and every other duty and service, which by law the Selectmen of towns in this Commonwealth are exempted from : and all laws heretofore made relating to a Board of Health in the town of Boston, so far as they are inconsistent with or contrary to the provisions of this act, shall be, and the same are hereby repealed. *Provided however,* that the election of the

Acts repealed.

present Board of Health for the said town of Boston, and all their doings under the said laws are hereby confirmed, and they shall have and exercise all the powers and duties required or permitted by this present act ; *and provided also,* that all prosecutions now pending, shall be proceeded in, in the same way and manner, as though this act had never been passed.

May plead the general issue.

And in all prosecutions under this act, the persons prosecuted, may plead the general issue, and give any special matter in evidence under the same ; and the complaint, information, pleadings or proceedings in any prosecutions under this act, may, by leave of Court, before whom the same is, or may be pending, be amended in any state of such prosecution, without the payment of costs by either party.

[Approved by the Governor, June 20, 1816.]

CHAP. XLV.

An Act, in addition to the act for regulating, governing and training the Militia of this Commonwealth.

Preamble.

WHEREAS, Congress on the twentieth day of April, in the present year, passed the following law, entitled “ An Act concerning Field Officers of the Militia ; Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the first day of May next, instead of one Lieutenant-Colonel-Commandant to each regiment, and one Major to each battalion of the Militia, as is provided by the act, entitled “ An Act more effectually to provide for the national

defence, by establishing an uniform Militia throughout the United States, approved May the eighth, one thousand seven hundred and ninety-two, there shall be one Colonel, one Lieutenant-Colonel, and one Major to each Regiment of the Militia consisting of two battalions ; where there shall be only one battalion it shall be commanded by a Major : *Provided*, That nothing ^{Proviso.} contained herein shall be construed to annul any Commission in the Militia which may be in force, as granted by the authority of any State or Territory, in pursuance of the act herein recited, and bearing date prior to the said first day of May next :'' Therefore, to carry the provisions of the foregoing law into effect within this Commonwealth :

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Field Officers ^{Field Officers.} of each regiment shall hereafter consist of one Colonel, one Lieutenant-Colonel and one Major, instead of one Lieutenant-Colonel-Commandant to each regiment, and one Major to each battalion.

SEC. 2. *Be it further enacted,* That all elections to the office of Lieutenant-Colonel-Commandant made on, or since the first day of May in the present year, be and they are hereby declared void—And that the Colonel, Lieutenant-Colonel and Major of each regiment shall be chosen by the written votes of the Captains and Subalterns of their respective regiments ; and be commissioned by the Commander in Chief in the grades to which they may be legally elected : *Provided, nevertheless,* and, ^{Election of officers.}

SEC. 3. *Be it further enacted,* That each Lieutenant-Colonel-Commandant of a regiment, who now is duly in commission bears date prior to the aforesaid first day of May, be, and he hereby is declared to be entitled to the rank of Colonel ; and each Major now senior in commission in every regiment, and who was in commission as Major prior to said first day of May, be, and he hereby is declared to be entitled to the rank of Lieutenant-Colonel ; and his Excellency the Commander in Chief is hereby authorized and requested to grant and issue to such Lieutenant-Colonels-Commandant, ^{Brevet Commissions.} and to such Majors, brevet commissions, conferring on

them the rank, to which they are herein declared to be entitled; which brevet commissions shall avail the Officers entitled to, and receiving them, in all respects regarding rank, as if their first commissions contained the grade expressed in their brevet commissions.

[Approved by the Governor, June 20, 1816.]

CHAP. XLVI.

An Act to establish the town of North Hill, in the county of Somerset.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the township numbered two, on the east side of Kennebeck river, in the Bingham Purchase, (so called) in the county of Somerset, as contained within the following described bounds, be, and hereby is incorporated and established as a town, by the name of North Hill, viz. : easterly by the township numbered two, in the same range of townships; northerly by the township numbered two, in the second range; southerly by the town of Athens; and westerly by the town of Bingham. And the said town is hereby vested with all the corporate powers and privileges, and subject to all the duties and requisitions of other corporate towns, according to the Constitution and Laws of this Commonwealth.

Boundaries.

Town meetings

SEC. 2. *Be it further enacted,* That any Justice of the Peace for the county of Somerset is hereby empowered, upon application therefor, to issue a warrant, directed to a freehold inhabitant of the said town of North Hill, requiring him to notify and warn the freeholders and other inhabitants thereof, qualified to vote in the choice of town officers, to meet at such convenient time and place, as shall be appointed in the said warrant, for the choice of such town officers, as towns are by law required and empowered to choose and appoint at their annual town meetings.

[Approved by the Governor, June 20, 1816.]

CHAP. XLVII.

An Act to cede to the United States the jurisdiction of sites for Light Houses on Race Point, Nashaun Island and Point Gammon.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the jurisdiction of ten acres of land on Race Point, in the town of Province-town and the soil thereof, being the property of this Commonwealth, be, and hereby is granted to the United States of America, for the purpose of erecting a Light House on the same : *Provided*, that this Commonwealth shall retain and does hereby retain concurrent jurisdiction with the United States, in and over said land, so far as that all civil and criminal processes issued under the authority of this Commonwealth, or any officer thereof, may be executed on any part of said land or in any building which may be erected thereon, in the same way and manner as if the jurisdiction had not been granted as aforesaid.

SEC. 2. *Be it further enacted*, That the United States of America may purchase any tract of land not exceeding four acres, which shall be found necessary for the Light House authorized by Congress to be built at Tarpaulin Cove, on Nashaun Island, and may hold the same during the continuance of the use and appropriation aforesaid, reserving to this Commonwealth concurrent jurisdiction with the United States in and over the said land in manner and form as set forth in the first section of this act.

SEC. 3. *Be it further enacted*, That the United States of America may purchase any tract of land not exceeding seven acres, which shall be found necessary for the Light House authorized by Congress to be erected on Point Gammon, in the town of Yarmouth, and may hold the same during the continuance of the use and appropriation aforesaid, reserving to this Commonwealth the concurrent jurisdiction with the United

States in and over the said land, in manner and form as set forth in the first section of this act.

[Approved by the Governor, June 20, 1816.]

CHAP. XLVIII.

An Act in addition to an act, entitled "An act to incorporate the Proprietors of the Fryeburgh Canal."

Designation of
title.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Bear Pond, situate in Fryeburgh, and which lies in the course of the new channel, pointed out and authorized by an act, entitled "An act to incorporate the Proprietors of the Fryeburgh Canal," shall be deemed and taken to be the Pond intended by said act, notwithstanding the same is denominated "Bean Pond" in the first section of the act aforesaid.

Damages.

SEC. 2. *Be it further enacted,* That any person who shall be damaged in his property by the opening of said new channel, and who shall claim damages of said corporation, shall exhibit and deliver his claim in writing to the Clerk of the said Proprietors, and shall therein name the sum, so claimed by him; and the said Corporation shall have and be allowed the term of ninety days, from and after the delivery of the written claim as aforesaid, to their Clerks, to settle with the person so claiming damages: and no application to the Circuit Court of Common Pleas, nor the Supreme Judicial Court, for the appointment of a Committee to estimate the damages so claimed as aforesaid, shall be made to and sustained by either of said Courts, until after the expiration of said term of ninety days.

May hold real
estate.

SEC. 3. *Be it further enacted,* That the said Corporation may purchase and hold real estate, on said river and new channel, within said town of Fryeburgh, not exceeding the value of ten thousand dollars, and may erect such mills and other works thereon as they may deem expedient; and may also be lawfully pos-

sessed of and hold personal estate not exceeding ten thousand dollars : And they are hereby vested with all the powers requisite to enable them to manage and improve the same.

SEC. 4. *Be it further enacted*, That all claims or right of action which individuals may or shall have against said Corporation, or the Members thereof, by reason of opening the said new channel, shall be barred and cease at the expiration of four years from and after the time the cause of action shall have accrued. Limitation of claims.

SEC. 5. *Be it further enacted*, That the several Members of said Corporation are hereby authorized to have and maintain actions against the other Members thereof, to recover such sum or sums of money as shall indemnify the Member commencing said action, for all damages and costs he may have sustained or been subjected to in the payment of any execution recovered against said Corporation, or any monies due from said Corporation. Members sue-able.

[Approved by the Governor, June 20, 1816.]

CHAP. XLIX.

An Act to incorporate the Protestant Episcopal Parish of Saint Matthews, in Boston.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Abraham Gould, Barker Brooks, John Pronk, William Brown, William Summers and Josiah Dunham, together with such others as have, or may hereafter join them 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. Matthews, in Boston ; 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 Persons incorporated.

Corporate powers.

instruction 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.

Transfer of membership.

SEC. 2. *Be it further enacted,* That if any other person or persons may hereafter incline to join said Episcopal Parish, in Boston 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.

Funds.

SEC. 3. *Be it further enacted,* That the said Protestant Episcopal Parish be, and hereby is empowered to raise and establish a fund in such way and manner as it 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 Minister or Ministers in said Parish.

[Approved by the Governor, June 20, 1816.]

CHAP. L.

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, Stephen Minot Thayer Fogg, of Braintree, in the county of Norfolk, student at law, shall be allowed to take the name of Ebenezer Thayer Fogg : Mehitable Miller Soper, of Braintree aforesaid, shall be allowed to take the name of Eliza Mary Thomas Soper : John Child, of Boston, in the county of Suffolk, merchant, son of Daniel Child, of Newton, shall be allowed to take the name of John Richards Child : Daniel B. Strafford, of said Boston, shall be allowed to take the name of Kent B. Strafford : Lucy Foster, of Billerica, in the county of Middlesex, widow, shall be allowed to take the name of Lucy Hill Foster : John Child, of Boston aforesaid, merchant, son of Stephen Child, of Roxbury, shall be allowed to take the name of John Weld Child : Henry Coffin, of Boston, son of John Gorham Coffin, shall be allowed to take the name of Henry Rice Coffin : Loammi Hamilton, of Northampton, in the county of Hampshire, shall be allowed to take the name of Alexander Hamilton : Billy Hancock Grant, son of David Grant, of Wrentham, in the county of Norfolk, shall be allowed to take the name of William Hancock Grant : Israel Lakeman, of Boston aforesaid, merchant, son of Pelatiah Lakeman, shall be allowed to take the name of David Hinkley Lakeman : Gorham Benson of Scituate, in the county of Plymouth, shall be allowed to take the name of William Gorham Benson : George Thacher, second, of Boston aforesaid, shall be allowed to take the name of George Churchill Thacher : Peace Lee, of Portland, in the county of Cumberland, shall be allowed to take the name of Caroline Peace Lee : David Brownell, of Westport, in the county of Bristol, son of George Brownell, late of said Westport, shall be allowed to

Persons changing names.

take the name of David Milk Brownell . Rebecca Davis, daughter of Samuel Davis, of Newbury, in the county of Essex; shall be allowed to take the name of **Rebecca Kendal Davis** : Jannah Ranny, of Northampton aforesaid, shall be allowed to take the name of **George Jannah Ranny** : William Bradford, of Boston aforesaid, merchant, shall be allowed to take the name of **William Washer Bradford** : Aaron Davis, son of Aaron Davis, of Newburyport, in the county of Essex, shall be allowed to take the name of **Aaron Charles Davis** : James Allen, of Boston aforesaid, merchant, son of Oliver Allen, of Bridgewater, in the county of Plymouth, shall be allowed to take the name of **James Seymour Allen** : William Spooner, of Boston aforesaid, son of William Spooner, of said Boston, Physician, shall be allowed to take the name of **William Jones Spooner**. And the several persons before mentioned, from and after the passing of this act, shall be known and called by the names which by this act they are respectively allowed to take and assume as aforesaid ; and said names shall forever hereafter be considered as their only proper and legal names to all intents and purposes.

[Approved by the Governor, June 20, 1816.]

CHAP. LI.

An Act authorizing the sale of Ministerial lands in the town of Hartford.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That David Warren, Arvida Hayford, James Ricker, Joseph Soule, Oaks Thompson, Lemuel Thomas, and Sampson Read, be, and they are hereby incorporated into a body politic, by the name of The "Trustees of the Ministerial Funds in Hartford," and they and their successors shall be, and continue a body politic and corporate, by that name forever ; and shall have a common seal, subject to alteration at their pleasure : may sue and be

sued, prosecute and be prosecuted, defend and be defended in all actions to final judgment and execution.

SEC. 2. *Be it further enacted,* That the said Trustees or a major part of them be, and they are hereby authorized and empowered to sell and convey, in fee simple, all or any part of the Ministerial lands belonging to the said town of Hartford, and to make, execute and acknowledge a good and sufficient deed or deeds thereof; which deed or deeds, subscribed by their President and countersigned by their Clerk, under and by the direction and order of the said Trustees, or a major part of them, with the seal of said Corporation thereto affixed, shall be good and valid in law to pass and convey the fee simple of said lands from said town to the purchaser or purchasers thereof, to all intents and purposes whatsoever.

May sell and convey lands.

SEC. 3. *Be it further enacted,* That said Trustees shall annually, in the month of March or April, from among their number, elect a President and also a Clerk; the duty of the Clerk shall be to record the doings of the said Trustees in a book or books to be kept for that purpose; and he shall be sworn to the faithful discharge of his duty, and a record thereof shall be made in the books of said Corporation; and the said Trustees shall also, in the month of March or April annually, choose a Treasurer, whose duty it shall be to receive and apply the monies hereinafter mentioned, in the manner and for the purpose hereinafter directed.

Choice and duties of officers.

SEC. 4. *Be it further enacted,* That the number of said Trustees shall at no time be more than seven nor less than five, and four of their number shall be necessary to constitute a quorum for transacting the business of said Corporation; and whenever any vacancy shall happen by death or otherwise, in the office of any of the Trustees aforementioned, it shall be the duty of the Clerk of the Corporation, within thirty days next after, to give notice thereof to the Selectmen of the said town of Hartford; and the said Selectmen shall, in their next warrant for a meeting of the inhabitants of said town, insert an article for the choice of a Trustee or Trustees, to fill said vacancy or vacancies, who shall be chosen in such meeting, in the same way and manner as the Selectmen of towns are by law to be

Number of Trustees.

Vacancies filled up.

chosen ; and the inhabitants of said towns, at their annual March or April meeting in any year, upon the written complaint of said Corporation, and not otherwise, may remove any Trustee, who through age, infirmity or other cause, may become unfit or incapable of discharging his duty, and shall thereupon supply the vacancy so made, by a new choice, in manner aforesaid, from among the inhabitants of said town of Hartford.

Funds how secured and applied.

SEC. 5. *Be it further enacted*, That the monies arising from the sale of said lands, shall, as soon as may be, be loaned on interest, and shall be secured by mortgage of real estate, to the full value of the estate sold, or monies loaned, or by two or more sufficient sureties, with the principal and the said interest to be annually applied to the support of the Ministry in said town, and each religious Society shall draw their proportionable part of the interest according to the valuation of said town, to be applied as aforesaid ; *provided always*, it shall never be in the power of the town aforesaid, to alienate, or in any other way dispose of, or interfere with the fund or principal ; but the said Trustees shall exhibit or cause to be exhibited to said town at its annual meeting in March or April, a regular and fair statement of their doings.

Proviso.

Treasurer must give bond.

SEC. 6. *Be it further enacted*, That the Treasurer of said Trustees shall give bonds in double the amount of their funds, with sufficient sureties to the said town of Hartford, conditioned for the faithful performance of his duty, and for the faithful application and appropriation of the monies which may come into his hands conformable to the true intent and meaning of this act.

Justice to warn meeting.

SEC. 7. *Be it further enacted*, That any Justice of the Peace for the county of Oxford, upon application made to him by three of the said Trustees, is authorized to issue his warrant to one of the Trustees before named, requiring him to notify and warn the first meeting of said Trustees, at such convenient time and place as shall be appointed in said warrant, to organize the Corporation by the appointment of its officers.

[Approved by the Governor, June 20, 1816.]

CHAP. LII.

An Act in addition to an act, entitled “An act to incorporate the Linum and Duck Manufacturing Company.”

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Linum and Duck Manufacturing Company, in addition to their present powers, be, and the said Company hereby is authorized to manufacture nails and other iron and hardware, and to purchase, hold and employ machines and tools necessary and useful for the purposes aforesaid: *Provided however,* that nothing in this act contained shall be so construed as to increase the capital stock of said Company beyond the amount limited by the act to which this is in addition.

Powers of the Company.

[Approved by the Governor, June 20, 1816.]

CHAP. LIII.

An Act extending the time allowed the Trustees of the Bedford Bank, to close their concerns.

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 the first Monday of October next, be granted and allowed to the Trustees of the Bedford Bank, for the sole purpose of enabling said Trustees, gradually to settle and close their concerns, and divide their capital stock, they conforming in all respects to an act passed on the twenty-fourth day of June, one thousand eight hundred and twelve, entitled “An act to enable certain Banks in this Commonwealth to settle and close their concerns.”

Time allowed for closing concerns.

[Approved by the Governor, June 20, 1816.]

COMMONWEALTH OF MASSACHUSETTS.

Secretary's Office, August 15th, 1816.

The Laws contained in this pamphlet, passed at the session of the General Court, beginning May 29th, and ending June 20th, 1816, have been examined and compared with the originals in this office, and appear to be correct.

Attest'r.

ALDEN BRADFORD,

Secretary of the Commonwealth.

LAWS

OF THE

COMMONWEALTH OF MASSACHUSETTS,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION, COMMENCING ON THE THIRTEENTH DAY OF

NOVEMBER, AND ENDING ON THE FOURTEENTH DAY

OF DECEMBER, A. D. 1816.

CHAP. LIV.

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.”

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 five 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 es

Further time
allowed to pay
instalments.

tates 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.

[Approved by the Governor, November 23, 1816.]

CHAP. LV.

An Act in further addition to an act, entitled " An act for the relief of poor prisoners, who are committed by execution for debt."

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 the duty of the Justices who may administer an oath to any person, who is committed by execution for debt, in order for the liberation and discharge of such person from prison, instead of the oath prescribed in any former act, to administer an oath in the form following, to wit :—

Preamble.

New oath.

I , do solemnly swear before Almighty God, (or affirm as the case may be,) that I have not any estate, real or personal, in possession, reversion, or remainder, sufficient to support myself in prison, or to pay prison charges, except the goods and chattels by law exempted from attachment and execution ; and that I have not, since the commencement of this suit against me, or at any other time, directly or indirectly, sold, leased, or otherwise conveyed or disposed of, to, or entrusted any person or persons whomsoever, with all, or any part of the estate, real or personal, whereof I have been the lawful owner or possessor, with any intent or design to secure the same, or to receive or to expect any profit or advantage therefor ; or have caused or suffered to be done, any thing else whatsoever, whereby any of my creditors may be defrauded—So help me God—(or this I do under the pains and penalties of perjury, as the case may be.)

And the form of the certificate thereof, to be made by the Justices, shall be as follows, to wit :—

S—ss. *To Keeper of the Gaol at*

We, the subscribers, two of the Justices of the Peace for the said county of S —, and each of us of the Quorum, hereby certify, that (A. B.) a poor prisoner, confined upon execution for debt in the goal at — aforesaid, hath caused (D. E.) the creditor, at whose suit he was so confined, to be notified according to law of his the said (A. B's) desire of taking the benefit of the act, entitled “ An act for the relief of poor prisoners who are committed by execution for debt ;” that in our opinion, the said (A. B.) hath not any estate, real or personal, sufficient to support himself in prison, except the goods and chattels by law exempted from attachment and execution ; and that he hath not conveyed or concealed his estate with design to secure the same to his own use, or to defraud his creditors ; and that we have, after due caution to the said (A. B.) administered to him the oath (or affirmation, as the case may be) prescribed in an act entitled an act in further addition to an act, entitled “ An act for the relief of poor prisoners who are committed by execution for debt.” Witness our hands and seals, this day of Anno Domini

Certificate.

Provided however, that in all cases in which, since the passing of the act entitled “ An act to exempt certain goods and chattels of debtors from attachment and execution,” the oath prescribed in the act, entitled “ An act for the relief of poor prisoners who are committed by execution for debt,” has been duly administered, and a certificate thereof made, in the form therein prescribed, and also in all cases in which the oath prescribed in the act first in this provision mentioned, has been duly administered, and the certificate thereof made in the form prescribed in the act to which this act is in addition, and also in all cases which may happen from and after the passing of the present act, until the first day of August next, in which similar proceedings shall be had, or the oath prescribed in the act first in this provision mentioned, shall be duly administered, and a proper certificate thereof made ; the discharge of such poor prisoner and prisoners shall be deemed, taken and

Proviso.

adjudged to be good and valid to all intents and purposes, any thing in the aforesaid act first in this proviso mentioned, or in the present act, to the contrary notwithstanding ; saving and excepting however all civil actions wherein final judgment has been rendered by the Supreme Judicial Court.

[Approved by the Governor, November 25, 1816.]

CHAP. LVI.

An Act to incorporate the Berkshire and Columbia Missionary Society.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Jacob Catlin, Alvan Hyde, Samuel Shepard, Henry Brown, Ebenezer Jennings, Joseph Woodbridge, Jonathan Nash, and James W. Robbins, with those who have, or may hereafter associate with them and their successors, be, and they hereby are incorporated and made a body politic, for the purpose of furnishing the means of christian knowledge and improvement, by the distribution of pious and religious books and tracts, and by sending Missionaries among the inhabitants of our own land, who are destitute of religious knowledge and instruction, or where such means are but partially provided ; and also to aid, as their funds will permit, in spreading the light of the Gospel among the heathen, by the name of the Berkshire and Columbia Missionary Society : and the Society aforesaid shall have perpetual succession, and may have a common seal, which they may change, break, alter and make new at their 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,

Persons incor-
porated.

Objects of the
Society.

and bequests, made to said Society, shall be improved in such manner, as the Trustees of said Society shall judge most conducive to the designs of the institution.

SEC. 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, Secretary, Clerk, and such number of Trustees as they may judge proper, (not less than eleven) and such other officers, as they may determine to be necessary; and may, at their first meeting under this act, by vote of a majority of the Members present at said meeting, adopt and establish such constitution, or system of rules and bye-laws as they may think necessary for conducting and executing the business of said Society, and for more effectually securing the objects of their institution; which constitution or system of bye-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 bye-laws be not repugnant to the constitution and laws of this Commonwealth.

Powers and Duties.

SEC. 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, style and title aforesaid; and if it shall so happen that the 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 by order and under the direction of the Trustees.

May sue and be sued.

SEC. 4. *Be it further enacted*, That a particular account of all the funds of said Society, 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 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 to the inspection of the Members.

Records.

Meeting. SEC. 5. *Be it further enacted*, That Joseph Woodbridge Esquire, be, and he hereby is empowered to call the first meeting of said Society in their corporate capacity, by publishing a notification in both the newspapers printed in the county of Berkshire, three weeks in succession ; the first publication to be thirty days at least before the time of said meeting.

[Approved by the Governor, November 27, 1816.]

CHAP. LVII.

An Act to incorporate the Second Baptist Society in Woolwich.

Persons incor-
porated. SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Abner Wade, John Shaw, James Williams, Daniel Walker, Barzilla Walker, James Bailey, junior, Francis Cushman, Simeon Williams, Asa Beals, George Bayley, William Gray, James Blin, Timothy Williams, Stephen Blackman, Isaiah H. Hedge, Alexander McKenney, Benjamin Beals, Jesse Bayley, Joseph L. Savage, Charles McKenney, Peter Berry, John Williams, John Shaw, junior, John Bayley, John Wright, junior, Abner H. Wade, Joseph Wright, James McKenney, Turner Wade, Aaron Hilton, Samuel Soule, Archibald McMurphy, Charles Wade, Richard Mitchel, John Card, Nathaniel Day, Members of a Religious Society, together with their polls and estates, be, and they hereby are incorporated, by the name of the Second Baptist Society in Woolwich, with all the privileges, powers and immunities to which parishes in this Commonwealth are entitled.

SEC. 2. *Be it further enacted*, That any and every person in the towns of Woolwich and Wiscasset, in the county of Lincoln, being of the Baptist denomination, who may at any time hereafter actually become a Member of, and unite in religious worship with said Society in Woolwich, 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 said Society in Woolwich, fourteen days previous to the town or parish meetings 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 proportion of all monies assessed in the town or parish to which he or she belonged previous to that time.

Certificate of
Secession.

SEC. 3. *Be it further enacted*, That when any Member of said Baptist Society shall see cause to leave the same, and unite in religious worship with any other religious Society, and shall give in his or her name to the Clerk of said Baptist Religious Society, with a certificate, signed by the Minister, or Clerk of the parish, or other incorporated religious Society, with which he or she may unite, that he or she has actually become a Member of, and united in religious worship with such other parish, or other incorporated religious Society, fourteen days previous to their meeting in March or April, and shall pay his or her proportion of all monies assessed in said Society, previous thereto, such person shall, from and after giving such certificate, with his or her polls or estates, be considered as a Member of the Society to which he or she has so united.

Right of Mem-
bership.

SEC. 4. *Be it further enacted*, That any Justice of the Peace in and for the county of Lincoln, be, and he hereby is authorized to issue his warrant, directed to some principal Member of said Society, requiring him to notify the Members thereof, qualified to vote in parish affairs, to assemble at some suitable time and place, in said town of Woolwich, to choose such parish Officers as parishes are by law required to choose, in the month of March or April annually, and to transact all other matters and things necessary to be done in said Society.

Justice to issue
Warrant.

[Approved by the Governor, December 4, 1816.]

CHAP. LVIII.

An Act to set off certain land from the town of Wayne, and annex it to the town of Winthrop.

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 farm of William Lowell, of Winthrop, which lies within the town of Wayne, be, and it hereby is set off from the said town of Wayne and annexed to the town of Winthrop: *Provided however,* that the said Lowell shall be holden to pay all taxes, which have been duly assessed on him by the town of Wayne, in the same manner as if this act had not passed.

Land set off.

[Approved by the Governor, December 4, 1816.]

CHAP. LIX.

An Act in further 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."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Directors of the Union Marine Insurance Company shall make dividends of the interest and profits arising on the capital stock and business of the Company as now by law provided, on the second Monday of April and October, in each year, instead of the times now prescribed; any thing in the act to which this is in addition, to the contrary notwithstanding.

Shall make Dividends.

[Approved by the Governor, December 4, 1816.]

CHAP. LX.

An Act to authorize the use of the Vibrating Steelyard.

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 Vibrating Steelyard, invented or improved by Samuel Hills, be permitted to be used in all cases of weighing throughout this Commonwealth: *Provided*, that before being offered for sale or the same shall be used, each beam and the poizers thereof, shall be sealed by some public Sealer of Weights and Measures, appointed according to law. Proviso.

[Approved by the Governor, December 4, 1816.]

CHAP. LXI.

An Act to incorporate the American Society for the education of pious youth for the Gospel Ministry.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That William Phillips, Samuel Salisbury, Eliphalet Pearson, William Reed, Joshua Bates, Asa Eaton, Samuel H. Walley, and Aaron P. Cleaveland, together with those who have associated, and who may hereafter associate with them, be, and they hereby are incorporated and made a body politic, by the name of The American Society for educating pious youth for the Gospel Ministry; and the Society aforesaid shall have perpetual succession, and may have a common seal, which it shall be lawful for them to alter 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, the annual income and profits whereof shall not exceed the value of ten thousand dollars. And the said So- Persons incorporated.

ciety 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 shall be differently appropriated by the donors, or by a vote of the Society, agreeably to their constitution) 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 aiding indigent young men of talents and hopeful piety, in acquiring a learned and competent education for the Gospel Ministry.

Application of Funds.

Rules and Regulations.

SEC. 2. *Be it further enacted*, That the said Society may choose a President, Vice-President, Clerk, Treasurer, and such other officers as they shall see fit; and may at their first meeting under this Incorporation, by the vote of two thirds of their 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.

May sue and be sued.

SEC. 3. *Be it further enacted*, That the Society aforesaid may, at all times, under the name, style and title aforesaid, sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution, and may appoint an agent or agents to prosecute and defend suits with power of substitution; and it shall be lawful for the said Society to make sale of any estate or personal property, given or purchased as aforesaid, or in any other way or right accruing to them in their corporate capacity, (unless that which is given be otherwise expressly ordered, or appropriated by the donor,) and convey the same by deed or other legal instrument duly executed, and when the property to be conveyed is real estate, under the hand of the Treasurer 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.

SEC. 4. *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. First Meeting.

[Approved by the Governor, December 4, 1816.]

CHAP. LXII.

An Act to authorize the Supreme Judicial Court to grant leave to claimants upon insolvent estates to institute suits in certain cases.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That, in all cases in which any person heretofore has, or hereafter shall present any claim for allowance to any Board of Commissioners, which have been or may hereafter be appointed by any Judge of Probate, to receive and examine the claims against the estate of any deceased person, which has been or may hereafter be represented insolvent, and such claim shall have been or may hereafter be rejected by such Commissioners, and a return of their doings made to the Judge of Probate, and the claimant, who has or may prefer such claim for allowance has by accident, mistake or otherwise, omitted to give notice, or shall hereafter omit to give notice, at the Probate Office, within twenty days after the making of such return of the Commissioners, that it is his or her intention to have such claim determined at common law, the Supreme Judicial Court, at any session thereof, holden in any county, upon such claimant's presenting a petition for relief, and making it to appear that he or she has reasonable grounds for expecting to support his or her claim, and that he or she has not lost his or her right to institute a suit against the Executor or Administrator of such estate, and have such claim determined

Appeals to Supreme Judicial Court.

at common law, by his or her negligence, is hereby authorized and empowered, after due notice to the adverse party, to grant such claimant a right to institute a suit for the recovery of such claim, against the Executor or Administrator of such insolvent estate, at the next Circuit Court of Common Pleas, to be holden in the county in which such Executor or Administrator dwells ; or at the next Boston Court of Common Pleas to be holden in the county of Suffolk, if such Executor or Administrator shall dwell in said county ; and the same proceedings shall be had in such suit, as are now by law provided, shall be had in suits, instituted by claimants for the recovery of claims against insolvent estates, which have been rejected by the Commissioners, appointed to receive and examine the claims against such estates ; *provided however*, that no such petition shall be sustained, unless the same shall be presented within two years from the return of the report of such Commissioners to the Judge of Probate, and that the distribution of any insolvent estate, which may have been made previously to the presenting of such petition and notice thereof to the Executor or Administrator of such estate, shall not be disturbed by the judgment which may be recovered in any such suit ; nor shall the right to institute any such suit be granted to any claimant after four years shall have elapsed, from the time of granting administration on such estate.

Proviso.

[Approved by the Governor, December 4, 1816.]

CHAP. LXIII.

An Act to incorporate the Fragment Society.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Mary Francis, Margaret C. Welch, and their associates, together with such others as may become subscribers to the same institution, in the manner hereinafter provided, be, and they are incorporated for the purpose of aiding and assisting

indigent sick persons in the town of Boston, by the name of The Fragment Society ; 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 said Society and the preservation and application of the fund thereof ; *provided* the same be not repugnant to the constitution and laws of this Commonwealth, to take, hold and possess any estate, real and 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 the 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.

SEC. 2. *Be it further enacted*, That every married woman belonging to said Society, who shall, with the consent of her husband, receive any of the money or other property of said Society, shall thereby render her said husband accountable therefor to said Society ; and every woman, whether sole or married, who shall subscribe and pay to the funds of said Society, a sum not less than one dollar annually, shall by subscription and payment become a Member of said Society, liable however to be removed whenever she shall neglect or refuse to pay her annual subscription.

SEC. 3. *Be it further enacted*, That the said Society shall meet in Boston on the second Monday in October annually, for the purpose of electing by ballot from their Members, a first and second President, a Treasurer, Secretary, and a Board of not less than nine, nor more than twelve Managers, all of which officers shall hold their said offices for one year, and until others shall be elected to succeed them ; and the Managers for the time being shall publish a notification of the time and place of each annual meeting in one or more of the Boston newspapers, at least seven days before the time of holding the same. Upon any urgent occasion, the first or second President, or when requested in writing by fifteen Members of said Society, any five of the Managers may appoint a special

Powers.

Proviso.

Husbands liable

Annual Meeting for Officers.

Special Meetings.

meeting of said Society, to be notified in the same manner as the annual meetings. And at any regular meeting of the Board of Managers, they may remove any Manager from office, and by ballot fill any vacancy so or otherwise made; *provided* two thirds of their whole number shall concur.

Treasurer.

SEC. 4. *Be it further enacted*, That the Treasurer of said Society shall be a single woman of the age of twenty-one years or upwards, and shall give bond with sufficient surety or sureties to account annually, or oftener, if required by said Society or the Board of Managers, for all money and property of said Society, and in general to discharge the duties of said office with fidelity.

Stock and Disbursements.

SEC. 5. *Be it further enacted*, That the Board of Managers for the time being shall have the management and application of the subscriptions, funds and estate of the Society, solely for the purpose of this Institution; and no sale or transfer of any of the 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 in pursuance of their order; they shall likewise have authority at their discretion to give or loan any articles belonging to said Society to such indigent and sick persons in the town of Boston, as they believe upon enquiry, recommendation, or visiting, to be proper objects for the charity of this Institution; and the Managers shall have authority to establish any rules and by-laws for the regulation of the proceedings of said Board, and the concerns of said Society, not repugnant to the laws of this Commonwealth, or the by-laws and orders of said Society; not less than five Managers shall constitute a quorum for transacting business, and all questions shall be decided by the votes of a majority of the Members present.

Rules and Regulations.

SEC. 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 her usual place of residence, thirty days before the return day thereof; and the said Treasurer, or any Agent appointed for that purpose, by the Society or Managers, may appear by Attorney, and

May be sued.

defend or prosecute any suit in behalf of said Society.

SEC. 7. *Be it further enacted*, That all instruments of conveyance or contract, which may lawfully be made by said Society, if approved by the Board of Managers, shall be signed by the first or second President, and countersigned by the Secretary; and if necessary, sealed with the common seal of said Society; and when so executed, shall bind the said Society and be valid in law.

Form of Instruments.

[Approved by the Governor, December 4, 1816.]

CHAP. LXIV.

An Act to incorporate the Trustees of the Ministerial Fund, in the first parish in Pembroke.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Alden Briggs, Nathaniel Loring, jun. and Anthony Collamore, be, and they hereby are appointed Trustees of the Ministerial Fund in the first parish in Pembroke, to receive and hold all the money and securities given to said first parish for the support of the Gospel, and to receive and hold all other property that now is, or that may be hereafter given to said parish, for the like purpose, in trust for the use and benefit of said parish, the interest of which to be applied for the support of a Gospel Minister, of the Congregational order or denomination; and they and their successors in office shall constitute a body politic and corporate, by the name of The Trustees of the Ministerial Fund in the first parish in the town of Pembroke, to have perpetual succession for the due and faithful management of said trust; and are hereby vested with all powers incident to Corporations, and necessary and requisite for that purpose.

Trustees.

SEC. 2. *Be it further enacted*, That the Trustees aforesaid shall hold their office for four years from the passing of this act, and until others are chosen in their place; and all vacancies that take place, shall be filled by said parish; and every four years said parish shall

Term of Office.

elect three persons, Members of said parish, as a new Board of Trustees ; and whenever either of the Trustees shall cease to be a Member of the parish, he shall be considered as resigning his office as Trustee ; and the vacancy thereby occasioned shall be filled by the parish ; and the Trustees appointed by this act, and their successors, shall give bond to the Treasurer of said parish in double the amount of all money and securities in their hands as Trustees, with sufficient sureties, to the acceptance of the parish Committees, for the faithful discharge of the duties of their trust, and shall annually settle their accounts with the Committee of said parish, and pay over the interest arising from said fund to the Treasurer of said parish ; and on producing from said Treasurer, a certificate of said payment, the parish Committee shall discharge said Trustees from the same ; and said Trustees may exhibit their accounts for services to said parish for approbation and allowance, and the sums voted them shall be their compensation for services.

Settlement of
accounts.

Trustees may
loan money.

Proviso.

SEC. 3. *Be it further enacted,* That the Trustees aforesaid may loan the money belonging to said funds, but it shall be their duty in no case to loan it but as they secure the payment by a mortgage of real estate, unless such loan is made with the knowledge and consent of the parish Committee ; and if said Trustees shall become seized of lands and tenements by mortgage as security for payment of any debts due said Trustees, or parish, and the fee by due course of law becomes vested in them as Trustees aforesaid, it shall be lawful for said Trustees, for the time being, to execute a good and lawful deed of the same to any purchaser ; *provided* that the sale thereof be concluded on at any legal meeting of said parish : and whenever a Board of Trustees shall be discharged by the choice of a new one, or by any other cause, their bond shall not be cancelled by the Treasurer of said parish, until said Trustees shall produce a certificate from the parish Committee, that they have delivered over to the new Board of Trustees all the property in their hands belonging to said funds, in which case the Treasurer a-

foresaid shall cancel their bonds, and execute their discharge.

[Approved by the Governor, December 5, 1816.]

CHAP. LXV.

An Act authorizing the sale of Ministerial Lands belonging to the first parish in North Yarmouth.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Ammi R. Mitchell, Samuel Mason, Alexander Barr, Jacob Mitchell, Nathaniel Jenks, John Hays, Timothy Davis, John Cutter, Allen Drinkwater, Daniel Mitchell and David Seabury, be, and they are hereby constituted a body politic and corporate, by the name of The Trustees of the Ministerial Funds in the first parish in North Yarmouth; and they and their successors shall be, and continue a body politic and corporate, by that name forever; and they shall have a common seal, subject to be altered at their pleasure. And they may sue and be sued in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution, by the name aforesaid.

Persons incorporated

SEC. 2. *Be it further enacted,* That the said Trustees, and their successors, shall and may annually elect a President and Clerk, who shall be under oath, faithfully to record the doings of said Trustees, at their meetings; and a Treasurer to receive and apply the monies hereinafter mentioned, as hereinafter directed, and any other needful officers, for the better managing their business. And said Treasurer shall give bonds to the President of said Trustees to double the amount of their funds, faithfully to perform his duty, and render an account of all monies which may come into his hands as Treasurer aforesaid, and to be responsible for all negligence and misconduct in his office.

Election of Officers.

SEC. 3. *Be it further enacted,* That the number of Trustees shall not, at any time, be more than eleven, nor less than seven, a majority of their number to con-

Number of Trustees.

Powers.

stitute a quorum for doing business ; and said Trustees shall have power to remove any of their number, who may become unfit and incapable, from age, infirmity, misconduct, or any other cause, of discharging their duty. And all vacancies shall be notified to the Assessors of said first parish, by the Clerk of said Trustees, and shall be filled by said parish, at any meeting legally warned for that purpose, within three months after being notified as aforesaid ; and if the said parish neglects so to do, within that time, then said Trustees, by a major vote, shall have power to fill up such vacancy.

Meetings.

SEC. 4. *Be it further enacted,* That said Trustees shall annually hold a meeting in the month of March or April, and as much oftener as may be found necessary to transact their business ; which meeting, after the first, shall be called in such way and manner as the Trustees shall direct, and the said Trustees shall be obliged at each annual meeting of said parish to be holden in the month of March or April, to make a full and compleat statement of all their doings to said parish ; and no one of said Trustees shall hold his office as such any longer than he remains a Member of said parish, and resides within the town of North Yarmouth.

Trustees may sue lands, and receive donations.

SEC. 5. *Be it further enacted,* That said Trustees be, and they hereby are authorised to sell and convey, in fee simple, all the Parsonage and Ministerial lands belonging to said parish, and to make and execute good and sufficient warrantee deed or deeds of the same, subscribed by their Treasurer by direction of said Trustees, with their seal thereunto affixed, which said deed or deeds shall be good and effectual in law to pass and convey the fee simple in said lands belonging to said parish, to the purchaser, to all intents and purposes whatever. And said Trustees are hereby authorized to receive any donations to the use and for the benefit of said parish, and the same to place on the books and accounts to be kept by them, with the amount of the donation, and the time when made.

SEC. 6. *Be it further enacted,* That the monies arising from the sale of said lands, and the donations aforesaid, shall be put at interest as soon as may be, and

secured by mortgage of real estate to double the amount of the estate sold, or the monies loaned, or by two or more sufficient sureties with the principal; unless said Trustees shall judge it best to vest the amount in public funded securities or bank stock, which they are authorized hereby to do.

Investment of Funds.

SEC. 7. *Be it further enacted,* That the annual income of the funds aforesaid shall be appropriated, two thirds thereof to the support of a Congregational Minister in said first parish, and the other third thereof to be added to the principal, until the annual income of said funds shall be sufficient to pay the Minister's salary, and all other parish charges, for defraying which parishes are now by law authorized to make assessments on the polls and estates within the same: and the said first parish shall have power to determine at any legal meeting called for that purpose, when the income of said funds is sufficient to pay the salary and expenses aforesaid, and when the whole of said annual income shall be appropriated to the payment thereof; but it shall never be in the power of said Trustees or parish, to alienate the capital, or appropriate the annual income of said funds to any other than the purposes aforesaid.

Disposal of Income.

SEC. 8. *Be it further enacted,* That said Trustees, if entitled to any compensation for their services, shall receive such a sum or sums as may be voted by said parish, at any legal meeting thereof, to be paid out of the parish treasury. And said Trustees, their successors, and each of them, whether officers or not, shall at all times be accountable to said parish for any negligence, misconduct or wilful mismanagement of said funds, and the debt or damage recovered by said parish for such negligence, misconduct or mismanagement, shall be replaced in said funds, and applied accordingly.

Pay & accountability of Trustees.

SEC. 9. *Be it further enacted,* That Ammi R. Mitchell, Esq. be, and he hereby is authorized, to fix the time and place for holding the first meeting of said Trustees, and to notify each Trustee thereof.

First meeting.

[Approved by the Governor, December 5, 1816.]

CHAP. LXVI.

An Act to incorporate the Merchants' Insurance Company in Boston.

Persons incor-
porated.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That William Bourn Swett, James Howe, Joseph Balch, Benjamin Thompson 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 Merchants' Insurance Company in Boston, 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.

Capital Stock.

SEC. 2. *Be it further enacted,* That a share in the capital stock of said Company, shall be one hundred dollars, and the number of shares shall be one thousand ; and if the said number of shares are not already filled, subscriptions shall be kept open, under the inspection of the President and Directors of said Company, until the same shall be filled ; and the whole capital stock, estate or property which the said Company shall be authorized to hold, shall never exceed two hundred thousand dollars, exclusive of premium notes or profits arising from said business ; of which capital stock or property, a sum not exceeding ten thousand dollars may be invested in real estate.

Officers.

SEC. 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, and so long as they continue to be Di-

rectors, 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 Boston, as a majority of the Directors for the time being shall appoint; of which election, public notice shall be given at least in two of the public newspapers, printed at Boston, at the time, 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 or President, 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.

Election by ballot.

Proviso.

SEC. 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 any Director, or of the President, or in case of any vacancy occasioned by either of them ceasing to be a Stockholder, 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.

Choice of President.

SEC. 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,

Board of Officers.

Duties.

and the transfer of shares, and touching the powers, 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 or to the concerns of the Company; 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: *Provided*, such by-laws, rules and regulations, shall not be repugnant to the constitution or laws of this Commonwealth.

Proviso.

SEC. 6. Be it further enacted, That there shall be stated meetings of the Directors, at least once a 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 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, freight, money, goods and effects, and in cases of money lent upon bottomry and respondentia, and to fix the premiums, risks 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 said Company; and all losses duly arising under any policy, so subscribed, may be adjusted and settled by the President or Board of Directors, and the same shall be binding on the Company.

Stated meeting.

Dividends.

SEC. 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 stock is 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 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.

Accountability.

Dividends.

SEC. 8. *Be it further enacted*, That the said Company shall not, directly or indirectly (except as is herein permitted for the investment of their funds) 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 after payment of each instalment, be invested in United States' stock, or in the funded debt of this Commonwealth, or in the stock of the United States' Bank, or of any incorporated Bank in this Commonwealth : *Provided*, that so much as the Company is at liberty to invest in real estate, may be kept in money or invested in stocks, until the same shall be invested in real estate, at the discretion of the President and Directors of said Company, or of other officers which the Proprietors shall for such purpose appoint.

Restrictions.

Proviso.

SEC. 9. *Be it further enacted*, That fifty dollars on each share subscribed in said Company, shall be paid within sixty days after the first meeting of the said Company, in money, 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

Instalments.

be permitted or be valid until all the instalments shall have been paid in.

SEC. 10. *Be it further enacted,* That the property of any Member of the said Company, vested in the stock of the 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 purchaser shall thereupon be entitled to the reception of all dividends and stocks to which the debtor was previously entitled; 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 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.

Property liable
to attachment.

SEC. 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, subscribing or consenting to make 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 or made.

Real estate held
liable.

SEC. 12. *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 two of the newspapers printed at the time in 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. Public notice.

SEC. 13. *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; and the said Company shall not, at any one time, have at risk more than five times the amount of the capital stock paid in. Limitation of risks.

SEC. 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. Legislative examination of accounts.

SEC. 15. *Be it further enacted,* That three of the Directors shall at every annual election become ineligible to a re-election, and remain ineligible for one year, so that nine only of any Board, and the President, can be re-elected. Elections.

SEC. 16. *Be it further enacted,* That the said William B. Swett, James Howe, Joseph Balch and Benjamin Thompson, or any three of them, are hereby authorized to call a meeting of said Company as soon, and at such place in the town of Boston, as may be deemed expedient, by advertising the same for ten days, in two of 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 stead. First meeting.

[Approved by the Governor, December 5, 1816.]

CHAP. LXVII.

An Act to incorporate the Second Congregational Society in Greenfield.

Persons incor-
porated.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Samuel Wells, Jonathan Leavitt, Jerome Ripley, Eliel Gilbert, George Grinnell, Ambrose Ames, Oliver Wilkinson, David Ripley, George Grinnell, jun. Quartus Wells, Abner Wells, Thomas W. Ripley, Franklin Ripley, John Russell, Asa Goodenough, Charles Stearns, Hooker Leavitt, John Dennio, Samuel Billings, Calvin L. Munn, Thomas Gilbert, Timothy Hall, Ansel Phelps, Guy Bordwell, Margaret Willard, Franklin Wells, Samuel Wells, jun. Timothy Hall, jun. Lucius Dickinson, Pliny Russell, Jonathan Smith, Elihu Severance, Alanson Clark, Ebenezer Newcomb, jun. Thomas Bridgman, Solomon Wells, Charles Lombard, Beriah Willard, John Russell, jun. Cyrus Martindale, Elizabeth Clap, Abner Wells, jun. James Fisk, Jonathan Peirce, Betsy Bird, Rhoda Wells, Mary Swan, Theodore D. Lyman, Daniel Wells, Ebenezer Billings, Guy Arms, Elijah Alvord, 2d, James K. Cutler, Peter T. Spragne, Ascenath Stebbins, Elihu Lyman, Silas Logan, Joshua Leavitt, Clarissa Williams, Ezekiel B. Wells, and Ezekiel Bascom, with their families and estates, with such others as may here associate with them and their successors, be, and they hereby are incorporated into a Religious Society, by the name of The Second Congregational Society in Greenfield, with all the powers, privileges and immunities to which parishes are entitled by the constitution and laws of this Commonwealth; and may purchase, receive by gift or otherwise, and hold real and personal estate, the annual income of which shall not exceed the sum of two thousand dollars, for the purpose of building a meeting-house and supporting public worship therein; and may also ordain and establish such by-laws and regulations as to them shall seem necessary and convenient for the

May hold real
and personal es-
tate.

government of the said Society and the management of their ministerial funds ; *provided*, such by-laws and regulations shall be in nowise contrary to the laws and constitution of this Commonwealth.

Proviso.

SEC. 2. *Be it further enacted*, That the said Second Congregational Society in Greenfield shall be holden to pay their annual proportion of the salary of the Rev. Roger Newton, D. D. and it shall be lawful for the said town to cause the said salary to be assessed, collected and paid in the same manner as if the said town had continued one parish.

Continuity of salary.

SEC. 3. *Be it further enacted*, That any person living in the said town of Greenfield, who may at any time hereafter be desirous of joining the said Second Congregational Society, and shall certify the same to the Clerk of the said town, which certificate shall be recorded by the said Clerk, shall thereafter, with his or her polls and estate, become a Member of said Congregational Society ; *Provided however*, that such person shall be held to pay to the parish or Society, which he or she shall leave as aforesaid, his or her proportion of all parish or Society taxes, assessed and not paid at the time of the filing such certificate with the town Clerk as aforesaid.

Conditions of secession.

SEC. 4. *Be it further enacted*, That any Member of the said Second Congregational Society, who may at any time hereafter be desirous of leaving said Society and joining any other parish or religious Society in the said town of Greenfield, and shall certify the same to the Town Clerk of said town, which certificate shall be recorded by said Clerk, shall thereafter, with his or her polls and estates become a Member of such other parish or religious Society : *Provided however*, that such person shall be held to pay to said Second Congregational Society, his or her proportion of all Society taxes, assessed and not paid at the time of filing said certificate with the said Town Clerk as aforesaid.

Conditions of further secession.

SEC 5. *Be it further enacted*, That any Justice of the Peace for the county of Franklin, upon application therefor, be, and hereby is authorized and empowered to issue his warrant to some Member of said Second Congregational Society in Greenfield, requiring him

Justice to issue warrant.

to notify and warn the Members thereof to meet at such convenient time and place as shall be appointed in said warrant for the election of such officers as parishes are by law required to choose at their annual parish meetings, and to transact such other parochial business as may be authorized in said warrant.

[Approved by the Governor, December 5, 1816.]

CHAP. LXVIII.

An Act to incorporate the First Congregational Society in Paris, in the County of Oxford.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Abraham Bolster, Isaac Bolster, Isaac Bolster, jun. David Bolster, Amri Brett, Luther Brett, Rufus Brett, Ezra Cary, David Clifford, David Durell, Abijah Hall, Cyprian S. Hall, Haven Hall, Caleb Prentiss, Asa Robinson, Joel Robinson. Jonathan Shurtliff, Daniel Stowell, Daniel Stowell, jun. Jacob Tewksbury and Charles Whitman, 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 the First Congregational Society in Paris, for religious purposes only, 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.

Persons incor-
porated.

SEC. 2. *Be it further enacted,* That any person dwelling in either of the towns of Paris or Hebron, who may hereafter be desirous to be a Member of the said First Congregational Society in Paris, shall declare his desire and intention in writing, and deliver the same to the Deacons or Clerk of said Society, fifteen days before the annual meeting of said Society, and shall also deliver a copy of the same to the Town Clerk, or to the Clerk of the religious Society, with which such person has been before connected, fifteen days before the annual meeting thereof; and if such person doth re-

Rules for ob-
taining mem-
bership.

ceive, and can produce a certificate of admission, certifying that he or she has united with, and become a Member of the said first Congregational Society, such person, from the date of the said certificate, with his or her polls and estate, shall be considered Members of said First Congregational Society.

SEC. 3. *Be it further enacted*, That when any Member of the said First Congregational Society doth see cause to secede therefrom, and to unite with any other religious Society in the town where such person may dwell, the same forms and process of a written declaration and certificate shall be made, required and given, *mutatis mutandis*, as is prescribed and required in the second section of this act; *provided always*, that in every case of secession from one Society and joining another, the seceder shall be holden in law to pay his or her proportion or assessments of all parochial or Society debts and expenses which have been voted and assessed, and not paid prior to such secession. Conditions of secession. of

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the county of Oxford, upon application therefor, be, and he is hereby empowered to issue a warrant, directed to a freehold inhabitant and Member of the said First Congregational Society in Paris, requiring him to notify and warn the Members thereof, to meet at such convenient time and place as shall be appointed in the said warrant, to organize the said Society, by the election and appointment of its officers. Justice to issue warrant.

[Approved by the Governor, December 5, 1816.]

CHAP. LXIX.

An Act to incorporate Uriel Huntington and others, for the purpose of building a Bridge over the eastern branch of Cathance river.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Uriel Huntington, Isaac Leonard, William Lunt, Samuel Gray and Syms Gardner, together with such persons as already have or may Persons incorporated.

Privileges.

hereafter associate with them, be, and they are hereby made and constituted a Corporation, by the name of the Proprietors of the Bowdoinham Free Bridge; and by that name may sue and be sued to final judgment and execution, and do and suffer all matters, acts and things, which bodies politic may or ought to do or suffer: and the said Corporation shall and may use a common seal, and the same may break, alter or change at pleasure.

Meetings.

SEC. 2. *Be it further enacted*, That any three of the persons before named, may call a meeting of the Proprietors aforesaid, to be holden at any convenient time and place, by posting up one advertisement in some public place in Bowdoinham, seven days at least before said meeting; and the said Proprietors, by a vote of a majority of those present, shall choose a Clerk, who shall be sworn to the faithful performance of his duty, and shall also agree on a method of calling future meetings, and at the same or some subsequent meeting, may elect such officers, and make and establish such rules and by-laws, as to them shall seem necessary and proper for the regulation of the said Corporation, and for the carrying into effect the purposes aforesaid; and this act, and all rules, regulations and proceedings of the said Corporation, shall be recorded by their Clerk, in a book or books to be kept for that purpose.

Election of officers.

SEC. 3. *Be it further enacted*, That the said Proprietors be, and they hereby are authorized and empowered to erect a Bridge over the eastern branch of Cathance river, (provided the same is completed within four years from the passing of this act) at any convenient place at or near the mouth of said branch, as may suit the said Proprietors; and that the said Bridge shall be well built, with good and durable materials, at least twenty-two feet wide, and covered with plank, with sufficient railing on each side for the safety of passengers, together with a draw of not less than thirty feet in width, which shall be duly attended, and at all times be opened by the Proprietors of the said Bridge when required, through which vessels may pass, both by day and by night, without toll; and the said Bridge shall be seven

Dimensions of bridge.

feet high at the least, above high water across the channel.

[Approved by the Governor, December 5, 1816.]

CHAP. LXX.

An Act to incorporate the First Baptist Society in Westborough.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Elisha Morse, John Beman, Seth Grout, Asahel Bellows, Moses Morse, John Belknap, Seth Belknap, Josiah Warren, Noyes Bryant, Abner Warren, Lawson Graves, Josiah Hardy, Elisha F. Valentine, Lydia Haskell, George Andrews, Phineas Haskell, William Williams, John Johnson, Jonathan Pike, Jabez G. Fisher, Hannah Hawes, George W. Beeton, Seth Peirce, Joshua Mellen, Joshua N. Mellen, Elam Stearns, Elijah Fay, Amasa Maynard, Edward Bellows, and Judson Woods, with their families and estates, together with such others, being inhabitants of either of the towns of Westborough, Southborough and Northborough, in the county of Worcester, and Hopkinton, in the county of Middlesex, as have or may hereafter associate with them, for the same purpose in the manner hereinafter described, be, and they are hereby incorporated into a religious Society, by the name of The First Baptist Society in Westborough, with all the powers and privileges and immunities to which other parishes are entitled by the constitution and laws of this Commonwealth for religious purposes only.

Persons incor-
porated.

SEC. 2. *Be it further enacted,* That any person in either of the said towns of Westborough, Southborough and Northborough, or Hopkinton, being of the Baptist denomination aforesaid, who may at any time hereafter 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 belongs, with a certificate

Terms of sec-
sion.

Proviso.

signed by the Minister or Clerk of said Society, that he or she has actually become a Member of, and united in religious worship with the aforesaid Baptist Society in Westborough, fourteen days previous to the town or parish meetings 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 estate, be considered as part of said Society: *Provided however*, that such person shall be holden to pay the proportion of all money assessed in the town or parish, to which he or she belonged previous to that time.

Further session.

SEC. 3. *Be it further enacted*, That if any Member of said Baptist Society shall at any time see cause to leave the same, and unite in religious worship with the parish in which he or she may reside, and shall lodge a certificate of such his or her intention, with the Clerk or Minister of said Baptist Society, and also with the Clerk of the town or parish in which he or she may reside, fourteen days at least before the annual town or parish meeting to be holden therein, in the month of March or April, and shall pay his or her proportion of all money assessed on said Society previous thereto, such person shall, from and after giving such certificate, with his or her polls and estate, be considered as belonging to the town or parish in which or she may reside, in the same manner, as if he or she had never belonged to said Baptist Society.

Warrant for meeting.

SEC. 4. *Be it further enacted*, That Nathan Fisher, Esq. be, and he is hereby authorized to issue a warrant, directed to some suitable Member of said Baptist Society, requiring him to notify and warn the Members thereof to meet at such time and place as shall be appointed in said warrant, to choose such officers as parishes in this Commonwealth are by law authorized to choose, in the month of March or April annually.

[Approved by the Governor, December 6, 1816.]

CHAP. LXXI.

An Act in further addition to an act, entitled "An act authorizing a Lottery for completing the repairs of Plymouth Beach."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Managers of the Plymouth Beach Lottery be, and they are hereby allowed to prosecute the business of said Lottery, until they shall have raised sixteen thousand dollars, with the necessary expenses attending the same, agreeable to the several acts passed on this subject; *provided* the Managers aforesaid shall, on or before the twenty eighth day of February next, give an additional bond to the Treasurer of the town of Plymouth, 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 proceeds of the said Lottery, agreeable to the several acts passed on said subject; and when they shall have raised said sum, and closed the concerns of said Lottery, shall make up and exhibit to the Selectmen of the town 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 bonds in two years from the date of said settlement, and so much of the second and fifth sections of the act, entitled "An act authorizing a Lottery for completing the repairs of Plymouth Beach," as are inconsistent with the provisions of this act, be, and the same are hereby repealed.

Continuance of
lottery.

Managers' bond

[Approved by the Governor, December 9, 1816.]

CHAP. LXXII.

An Act to incorporate the New-England Religious Tract Society.

Persons incor-
porated.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That William Bartlet, of Newburyport, Nehemiah Cleaveland, of Topsfield, William Reed, of Marblehead, Joshua Bates, of Dedham, Henry Homes, of Boston, and their associates, be, and they hereby are incorporated and made a body politic, by the name of The New-England Religious Tract Society, for the purpose of publishing pious and useful books and tracts for distribution among the ignorant and destitute ; and by that name may sue and be sued, plead and be impleaded, appear in Court, defend and prosecute to final judgment and execution ; and, in their said corporate capacity, they may have and use a common seal ; and they and their successors forever, may take, possess and apply to the purposes of said Corporation, any monies which may be given for immediate use ; and may hold as a permanent fund, any estate, whether real or personal, the yearly income of which shall not exceed fifteen hundred dollars, and the same shall be faithfully appropriated to the object aforesaid, and not otherwise.

By-laws.

SEC. 2. *Be it further enacted,* That said Corporation may, at the first legal meeting thereof under this act, and at any subsequent legal meeting, make and establish such rules and by-laws, not repugnant to the constitution or laws of this Commonwealth, as shall be found expedient for the management of their concerns ; and may appoint such officers, and assign them such duties as the interest of the Corporation may require.

First meeting.

SEC. 3. *Be it further enacted,* That the first meeting of the said Corporation shall be held at Boston, on the Monday preceding the last Wednesday in May next, and that the said William Bartlet shall give notice of the time and place of meeting, by causing a

suitable advertisement to be inserted in the *Columbian Centinel*, at least three weeks successively before said day.

[Approved by the Governor, December 9, 1816.]

CHAP. LXXIII.

An Act in addition to the act incorporating the *Maine Missionary Society*.

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 incorporating "the *Maine Missionary Society*," passed the third day of March, in the year of our Lord one thousand eight hundred and nine, which limits the said act to the term of twenty years from the passing thereof, be, and the same is hereby repealed. Act in part repealed.

[Approved by the Governor, December 9, 1816.]

CHAP. LXXIV.

An Act to incorporate the Trustees of the Ministerial Fund in the first parish in Cambridge.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Abiel Holmes, Loami Baldwin, William Hilliard, Abraham Hilliard, Timothy L. Jennison, Jonas Wyeth, the 2d, and Abel Whitney, all inhabitants of the first parish in Cambridge, 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 Cambridge; and they and their successors shall continue a body politic and corporate forever, by that name, for the purposes, with the rights and powers, and subject to the duties and obligations, hereinafter mentioned; and Persons incorporated.

shall be vested with all other powers, incident to Corporations and requisite and necessary for those purposes ; and by the same name may sue and be sued, in all actions, and pursue and defend the same to final judgment and execution : *Provided*, that the above named persons shall continue such Trustees as aforesaid, till said parish, at a parish meeting legally warned and holden for the purpose, shall elect seven persons, belonging to said parish, to be the successors of the above named persons in said Corporation, and until the persons, so chosen by said parish, shall accept the trust, and no longer.

May sue and be sued.

Proviso.

Trustees.

SEC. 2. *Be it further enacted*, That said parish, if they see cause, may, annually, in March or April, at any legal meeting thereof, duly warned for the purpose, choose such number of Trustees as they shall judge proper, to be Members of said Corporation, instead of the same number of the then existing Members, who shall be designated by name in the vote of said parish.

Vacancies filled up.

SEC. 3. *Be it further enacted*, That whenever any vacancy happens among said Trustees, by death, resignation, removal, or otherwise, the said parish, at any parish meeting legally warned for that purpose, shall fill up said vacancy within one month after it shall happen ; and, if said parish neglects so to do within that time, then said Trustees, by a major vote, shall have power to fill up such vacancy.

Funds.

SEC. 4. *Be it further enacted*, That the Trustees before mentioned, and their successors in office, be, and hereby are invested with power to demand, sue for, recover and receive all property, whether real, personal, or mixed, which now does, or which shall hereafter constitute said fund, or any part thereof, and all securities for, and evidences of such property, and to hold the same for the purposes mentioned in this act ; and to receive and hold, for the purposes herein mentioned, all subscriptions, donations, grants, bequests, devises and appropriations, that may hereafter be made, for the support of the Congregational Ministry in said parish ; *provided*, these, when added to the above mentioned fund, shall not exceed the annual income of two thousand dollars.

SEC. 5. *Be it further enacted*, That said Trustees

may assemble and meet as often as they think necessary for the promotion of their trust, any four of whom shall constitute a Board for doing business, but the concurrence of four at least, shall be requisite to every act and proceeding whatever; they may determine the manner of calling their meetings; they shall appoint a Treasurer and Clerk; an Agent or Agents, and other needful Officers and Committees; they may make rules, regulations and by-laws, and annex to them 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; and they may alienate, by good and sufficient deed, or deeds, any real estate, the title whereof shall be vested in them, by way of mortgage, execution, or by operation of law.

Internal regulations.

SEC. 6. *Be it further enacted,* That the Clerk of said Corporation, who shall be a Member thereof, and shall be sworn in the same manner as town officers are, to the faithful performance of the duties of his office; shall have the care and custody of all papers and documents belonging to said Trustees, excepting those, the care and custody of which are hereinafter given to the Treasurer; 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 thereunto required; and he shall call meetings when he may think the same necessary, or when thereto directed by said Trustees; and do whatever else may be incident to his office; and he shall deliver up to his successor in office, as soon as may be, all the papers, records and documents in his hands, in good order and condition; and if he shall neglect so to do, for thirty days next after such successor shall be duly appointed, he shall forfeit and pay a fine of fifty dollars, and the further sum of thirty dollars per month for such neglect afterwards.

Duties of clerk.

Penalty.

SEC. 7. *Be it further enacted,* That the Treasurer shall give bond to said Trustees and their successors, with sufficient sureties, to be approved by them, in such penal sum as they shall require, amounting, at least, to twice the value of the fund, which they shall then hold and have the management of, for the purpose aforesaid, with condition to do and perform all the duties incum-

Duties of treasurer.

bent on him as Treasurer ; and he 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 the money and effects, obligations and securities for the payment of money, or other things, and 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, whenever they shall require the same to be done : and he 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 if he shall fail to deliver up the same as aforesaid, for the space of ten days next after such Treasurer shall be duly chosen, 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.

Penalty.

SEC. 8. *Be it further enacted,* That it shall be the duties of the said Trustees to use, manage and improve of such fund, or estate, as shall be vested in them, by virtue of this act, with care and vigilance, so as best to answer and 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 may 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, jointly and severally, for such negligence or misconduct, and recover adequate damages therefor ; any sum so recovered shall be for the benefit of said fund, and shall be paid to said Trustees, who may have an action of debt therefor accordingly.

Disposition of funds

SEC. 9. *Be it further enacted,* That said Trustees shall cause to be recorded and kept in their book of records, by their Clerk, a correct statement of the funds and estate in their hands, wherein shall be particularly designated, so far as practicable, the nature and

Records.

amount of each original grant, devise, donation or purchase, the period when made, the design thereof, and the name of the grantor, deviser, donor, or vender, with his or her name, place of abode and addition, with such other facts and circumstances, as they shall think useful and proper, to distinguish the same and perpetuate the remembrance thereof; and they shall make a report of such statement to the inhabitants of said parish, Annual report. 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; and what receipts have been obtained, and what disbursements made by them, the preceding year.

SEC. 10. *Be it further enacted,* That said Trustees shall loan upon interest, at least, one half of all the money belonging to said fund, upon the bond, or note of the borrower, with a mortgage of real estate of double the value of the sum loaned, as collateral security for the repayment of the principal sum, with the interest annually, till paid, and the other half thereof they may loan as aforesaid, or vest in any of the public stocks, funds or banks of this Commonwealth; and said Trustees may appropriate the income of said fund, according Appropriation of income. to the intention of the donor, or donors, within the provisions of this act; so far as the manner of appropriation, has been or shall be prescribed by such donor or donors; but as to those parts of said fund, in relation to which the donor or donors have not, or shall not prescribe the manner of appropriation, said Trustees shall apply at least one third of the income thereof to augment said fund until the annual income of said fund shall amount to one thousand dollars, and then said Trustees may appropriate the whole interest of said fund, or any part thereof, so long as the annual income shall continue to be one thousand dollars, for the support of the Congregational Ministry in said first parish, as said parish shall from time to time direct; but in no case to lessen, or make use of, any part of the principal; and should said Trustees be possessed of a fund, the annual income whereof

shall be more than sufficient to pay the salary or salaries of such Congregational Minister or Ministers, as shall be regularly ordained and settled in said parish by the joint concurrence of the inhabitants and church thereof, the surplus may be applied for the support of schools for teaching the principles of piety, morality and religion, and for teaching sacred music, or either of them, as said parish shall from time to time direct, or may be appropriated to increase said fund, within the limitation aforesaid: *Provided*, that nothing herein contained shall be construed to alter, impair, vacate, or in any way effect the contract now existing between said parish and their present Minister; but the proceeds of said fund, whenever the same shall be paid to him, shall be deemed to be in satisfaction of his salary, for the time being, so far as the same will apply to the discharge thereof.

Proviso.

SEC. 11. *Be it further enacted*, That if said Trustees shall fail to pay the annual income of said fund to the Congregational Minister, at any time legally settled in said parish, or so much thereof as such Minister shall be entitled to, for the space of thirty days after the same shall become payable, or they shall neglect to make report to said parish in March or April, annually, or to a select Committee, as in this act directed, they shall severally forfeit, for each offence, the sum of fifty dollars, and the further sum of thirty dollars per month afterwards, until they shall make payment as aforesaid, and until they shall prepare such report as aforesaid, and give notice thereof to the Clerk of said parish: Saving always, that said Trustees shall not be liable to the forfeiture aforesaid, for failing to make such payment as aforesaid, of said income, or so much thereof, as such Minister shall be entitled to, if they use due diligence to get possession of said income, and make payment thereof as aforesaid, on demand, after they shall have the possession thereof.

Responsibility
of Trustees.

SEC. 12. *Be it further enacted*, That said Trustees shall be entitled to a reasonable compensation, to be paid by said parish, for their services and risk in managing and taking care of said fund and estate; but no part of such funds or estate, or the income thereof, shall ever be appropriated to that purpose.

Compensation
to Trustees.

SEC. 13. *Be it further enacted*, That all fines and

forfeitures incurred for any breach of this act, shall and may be recovered by action of debt by the inhabitants of said parish, if they shall sue for the same within six months after the same shall be incurred, for the use and benefit of said fund, and to be paid to said Trustees accordingly—otherwise by any person who shall sue therefor, one moiety thereof to his own use, and the other moiety thereof to the use and benefit of said fund, and shall be paid to said Trustees accordingly; and they may have and maintain an action of debt, to recover the same. Parish may sue.

SEC. 14. *Be it further enacted*, That the above-named Loammi Baldwin, William Hilliard, and Abraham Hilliard, or any two of them, are hereby authorized and directed to appoint the time and place for holding the first meeting of said Trustees, and to warn such meeting accordingly. First meeting.

[Approved by the Governor, December 9, 1816.]

CHAP. LXXV.

An Act to incorporate the Trustees of the Salem-street Academy.

SEC. 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. Asa Eaton, Shubacl Bell, Thomas Clark, John Rice, Benjamin Smith, James W. Burditt, Nathaniel Faxon, John Odin, Scammel Penniman and Benjamin Clark, be, and they hereby are created a body politic and corporate, by the name of "The Trustees of the Salem-street Academy," and that they and their successors shall be and remain a body politic and corporate, under that name forever. Persons incor-
porated.

SEC. 2. *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 Trustees to meet at such meetings; and also from time to time, to elect a President, Treasurer, Secretary, and such other officers of said Corporation as they shall judge expedient: Also to make orders, and enact, as occasion Choice of Off-
cers.

Regulations.

may require, a constitution, and such rules and regulations and by-laws, as they may think proper, not repugnant to the constitution and laws of this Commonwealth, with reasonable penalties for the good government of an Academy, erected in Salem-street, in the town of Boston.

Power of Trustees.

SEC. 3. *Be it further enacted,* That the President and Trustees shall have full power and authority, from time to time, as they may determine, to elect a Preceptor, and such assistants, as they may judge proper, to manage the literary concerns of said Academy, to fix the salaries of each, and also to remove the Preceptor and assistants, when, in their judgment, they shall deem him or them incapable of discharging the duties of their offices, or shall neglect to perform the same.— And also to supply any vacancies that may happen by death, resignation or otherwise, in their Board; *provided nevertheless,* that the number of Trustees, including the President, shall never be more than five, nor less than three.

Proviso.

May sue and be sued.

SEC. 4. *Be it further enacted,* That the said Corporation may have a common seal, which they may break, alter or renew at pleasure; and that all deeds and conveyances, signed and delivered by the Treasurer, and sealed with their seal, by order of the President and Trustees, shall, when made in their corporate name, be considered as binding on the Corporation. And that the said Corporation may sue and be sued, appear in Court, plead and be impleaded, in all actions, real, personal or mixed; and may prosecute the same to final judgment and execution, by the name of the Trustees of the Salem Academy; and that the said Corporation shall have power to hold, and take, by gift, grant, devise or otherwise, any lands, tenements or other estates, real or personal; *provided* the annual clear income of the same does not exceed three thousand dollars.

First Meeting.

SEC. 5. *Be it further enacted,* That James W. Burditt be, and he hereby is authorized and empowered to call the first meeting of the Corporation, by leaving a written notification at the house of each Trustee, at least three days previous to the meeting.

[Approved by the Governor, December 9, 1816.]

CHAP. LXXVI.

An Act to incorporate the plantation, called Washington, into a town, by the name of Brooks.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the plantation, heretofore called Washington, lying in the county of Hancock, as described within the following boundaries, with the inhabitants thereon, be, and hereby are incorporated into a town, by the name of Brooks; beginning at a stake and stones in the northwest corner, surrounded by four beach trees, marked; thence north eighty-seven degrees east three miles and one hundred and forty-nine rods to a beach tree, marked; thence south twenty degrees west, three hundred and seventy-five rods to a hemlock tree, marked; thence south seventy degrees east, three miles and two hundred and twenty rods to a spruce tree, marked; thence south fifty-five degrees west four miles and two hundred and thirty nine rods to a birch, marked; thence south sixty-eight degrees west two miles and one hundred and forty nine rods to a rock maple tree, marked; thence north three degrees west six miles and six rods to the place of beginning. And the inhabitants of the said town of Brooks are hereby vested with all the powers and privileges, and shall also be subject to all the duties and requisitions of other corporate towns, according to the constitution and laws of this Commonwealth.

Boundaries.

SEC. 2. *Be it further enacted,* That Phineas Ashmun, Esq. be, and he is hereby authorized to issue his warrant, directed to some suitable person, an inhabitant of the said town of Brooks, requiring him to notify and warn the inhabitants thereof, to assemble at such convenient time and place in said town, as shall be expressed in said warrant, for the choice of such town officers, as towns are by law required to choose at their meetings, in the months of March or April annually.

Meetings.

[Approved by the Governor, December 10, 1816.]

CHAP. LXXVII.

An Act to establish an Academy in the town of Kingston.

SEC. 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 Kingston, in the county of Plymouth, an Academy, by the name of The Kingston Academy, for the purpose of promoting piety and virtue, and for the education of youth in the languages, and such of the liberal arts and sciences, as the Trustees hereafter named shall order and direct.

Location.

Trustees.

May sue and be sued.

SEC. 2. *Be it further enacted*, That Martin Parris, Esq. Rev. Morrill Allen, and Dr. Zacheus Bartlett, be, and they hereby are nominated and appointed Trustees of said Academy, and are incorporated into a body politic, by the name of the Trustees of Kingston Academy; and they and their successors shall be and continue a body politic and corporate, by the same name, forever; and shall have a common seal, which they may break, alter and renew at pleasure; and 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 Kingston Academy; and shall have power and authority to elect such officers as they shall judge necessary, and make and ordain such laws, rules and orders, not repugnant to the laws of this Commonwealth, for the government of said Academy, as to them shall seem fit and requisite.

Number and power of Trustees.

SEC. 3. *Be it further enacted*, That the number of the Trustees aforesaid shall not at any one time be more than seven, nor less than five, three of whom shall be necessary to make a quorum for transacting business; and the Trustees aforesaid shall have power to fill all vacancies, and, within three months from the date of this act, shall fill up the first Board of Trustees; and may, when said Board shall consist of at least five Trustees, hold, by grant, gift or devise, any estate, real or personal, which hath been heretofore given, granted, devised, or subscribed, or which may hereafter be given, granted, devised, or subscribed, for the purposes

aforesaid; *provided*, the annual income of said estate shall not exceed three thousand dollars; and all deeds and instruments, lawfully made by said Trustees, and sealed with their seal, shall bind said Trustees and their successors in office.

Proviso.

SEC. 4. *Be it further enacted*, That Martin Parris, Esq. be, and he is hereby authorized and empowered to appoint the time and place for holding the first meeting of said Trustees, and notify them thereof.

First Meeting.

[Approved by the Governor, December 11, 1816.]

CHAP. LXXVIII.

An Act to divide the town of Dennis into two Parishes.

SEC. 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 Dennis, in the county of Barnstable, shall be, and hereby is divided into two separate Parishes, to be known as the North Parish, and the South Parish, by the following described lines, viz: Beginning at the division line between the towns of Yarmouth and Dennis, in the road to Chatham, near the Weldens'; thence easterly in said road opposite the house of Seth Bangs; thence easterly on such a course as to strike the easterly line of the said town of Dennis at a point therein, which is the northwest corner of the town of Harwich, and the southwest corner of the town of Brewster, near the White Pond, so called. And the said Parishes are respectively invested with all the corporate powers and privileges, and shall also be subject to all the duties and requirements of other parishes or religious societies, according to the constitution and laws of this Commonwealth.

Boundaries.

SEC. 2. *Be it further enacted*, That the public ministerial property in the said town of Dennis, shall be divided in such proportion as may be found and determined by the ministerial tax which was assessed for the present year, at the last assessment, made in the year of our Lord one thousand eight hundred and fif-

Division of property.

teen. And each parishioner shall be taxed for his ministerial tax, on his whole property, in that Parish only in which he may dwell or reside.

Meeting for the
choice of offi-
cers.

SEC. 3. *Be it further enacted*, That any Justice of the Peace for the county of Barnstable, is hereby empowered to issue a warrant directed to a freehold inhabitant in each of said Parishes, respectively, requiring him to notify and warn the inhabitants in his own Parish, to meet at such convenient time and place as shall be appointed in said warrant, to elect and appoint such officers as parishes are by law empowered and required to choose and appoint, at their annual parish meetings.

[Approved by the Governor, December 11, 1816.]

CHAP. LXXIX.

An Act to incorporate the First Congregational Society in Machias.

Persons incor-
porated.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Stephen Jones, Peter Talbot, John Cooper, John Dickinson, Rosewell Hitchcock, Silas Turner, Walter Robbins, Israel Hovey, James Foster, Peter Talbot, jun. Samuel Elsemore, Edward Wiswall, Abijah Foster, George H. Avery, Luther Carey, Aaron L. Raymond, Moses Foster, William Pope, George Sevey, jun. Mariner Libbey, Ebenezer Libbey, David Libbey, Jacob Penniman, William A. Crocker, Moses Hanscom, Francis Libbey, John Crocker, Daniel Longfellow, John Stuart, John S. Kelley, John Conners, James Conners, Jonathan Longfellow, jun. William Flyn, James Eliot, William Silley, David S. Kelley, Abraham Butterfield, Ebenezer Albee, Ebenezer Inglee, George S. Smith, William Ellis Smith, William Sanborn, William Chase, Oake A. Ruggles, Elisha D. Chaloner, Elias Waterhouse, William Emerson, Henry S. Chase, Jabez W. Foster, Aaron M. Foster, Cyrus W. Foster, Enoch Hill, George Sevey, Enoch Waterhouse, jun. Micah J. Talbot, William Golding, Charles Emerson,

David Sevey, Pearl Howe, David Libbey, Edward Sevey, Marshall Thaxter, Jacob Longfellow, Samuel Smith, Newell Witherbe, Harrison Thacher, Nathan Longfellow, Josiah Hill, William Chaloner, Stephen S. Bowles, John Holway, Obadiah Hill, David Pineo, Nathaniel Ellis, John Palmer, Isaac Hanscom, John Smith, Ephraim Whitney, jun. Marshall Getchell, Enoch Longfellow, John Day, John C. Talbot, Levi Bowker, James W. Crocker, John Getchell, Joseph Goodhue, Daniel Averill, Amos Boynton, Stephen Smith, Caleb Carey, William Gardiner, Jonathan Longfellow, John Sevey, jun. Josiah Harris, Samuel Averill, Enoch Waterhouse, Consider Drew, Henry Lyon, and Alexander Drew, with their families and estates, together with such others as may hereafter associate with them and their successors, be, and they are hereby incorporated into a Society, by the name of The First Congregational Society in Machias, with all the powers, privileges, rights and immunities to which other parishes are entitled by the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That any person in said town of Machias, who may be desirous of becoming a Member of the said First Congregational Society, and shall declare such intention in writing, given to the Clerk of the said Society, fifteen days previous to the annual parish meeting, and shall receive a certificate thereof, signed by the said Clerk, that he or she has actually become a Member of, and united in religious worship with, the said First Congregational Society, such person shall be considered, with his or her polls and estate, as a Member of said Society.

Conditions of
Membership.

SEC. 3. *Be it further enacted*, That when any Member of said First Congregational Society shall desire to leave the same and unite in religious worship with any other religious Society in said town, and shall give notice of such intention in writing to the Clerk of said Society, and shall also give in his or her name to the Clerk of such other Society fifteen days previous to the annual meeting of said Society, such person shall have from the Clerk of said Society a certificate thereof, and be considered as released from the Society from the date of said certificate: *Provided however*, that every

Secession.

Proviso.

such person shall always be held to pay his or her proportion of all parish charges in the said Society assessed and not paid previous to leaving the same.

First Meeting. SEC. 4. *Be it further enacted,* That either of the Justices of the Peace for the county of Washington, upon application therefor, is authorized to issue his warrant, directed to some Member of the 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 as parishes are by law empowered and required to choose, at their annual meeting in March or April.

[Approved by the Governor, December 11, 1816.]

CHAP. LXXX.

An Act incorporating the town of Corinna in the county of Somerset.

Boundaries. SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the township numbered four, in the fourth range of townships, north of the Waldo patent, in the county of Somerset, as contained within the following described boundaries, be, and hereby is incorporated as a town, by the name of Corinna; viz. east by the town of Exeter, north by the town of Dexter, south by the town of Newport, and west by the town of St. Albans; and the inhabitants of the said town of Corinna are hereby vested with all the powers and privileges, and shall also be subject to all the duties and requisitions of other towns, according to the constitution and laws of this Commonwealth.

Meeting for choice of officers. SEC. 2. *Be it further enacted,* That any Justice of the Peace for the county of Somerset, upon application therefor, is hereby empowered to issue a warrant directed to a freehold inhabitant of the said town of Corinna, requiring him to notify and warn the qualified voters therein to meet at such convenient time and place in the same town as shall be appointed in

the said warrant, for the choice of such officers, as towns are by law empowered and required to choose and appoint at their annual town meetings in March or April.

[Approved by the Governor, December 11, 1816.]

CHAP. LXXXI.

An Act incorporating the town of Ripley in the county of Somerset.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the township numbered five in the fifth range of townships north of the Waldo patent, in the county of Somerset, as contained within the following described boundaries, be, and hereby is incorporated as a town, by the name of Ripley, viz. north by the township numbered five, in the sixth range of townships; east by the town of Dexter; south by the town of St. Albans, west partly by the town of Harmony, and partly by the township numbered three in the second range. And the inhabitants of the said town of Ripley are hereby vested with all the powers and privileges, and shall also be subject to all the duties and requisitions of other towns according to the constitution and laws of this Commonwealth.

Boundaries.

SEC. 2. *Be it further enacted,* That any Justice of the Peace for the county of Somerset is hereby empowered, upon application therefor, to issue a warrant, directed to a freehold inhabitant of the said town of Ripley, requiring him to notify and warn the qualified voters therein to meet at such convenient time and place in the same town as shall be appointed in the said warrant, for the choice of such officers, as towns are by law empowered and required to choose and appoint, at their annual town meetings in March or April.

Meeting for choice of officers.

[Approved by the Governor, December 11, 1816.]

CHAP. LXXXII.

An Act to establish a Ministerial Fund in the First Parish in Topsham.

Persons incor-
porated.

Powers.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Acter Patten, the second, Benjamin Orr, George Rogers, Humphry Purington, Thomas Gelston Sanford, George F. Patten, and Thomas Wilson be, and they are hereby appointed Trustees, and are incorporated into a body politic, by the name of The Trustees of the Ministerial Fund of the first parish in Topsham; and they and their successors shall be and continue a body politic and corporate forever; they shall have a common seal, subject to alteration; 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: The number of said Trustees shall not, at any one time, be more than seven, nor less than four, any four of whom shall be a quorum for transacting business: They may elect a President and a Clerk, who shall be sworn faithfully to perform the duties of his said office, and a Treasurer, who shall give bond to the said Trustees, in such penalty and with such sureties as they shall direct and approve of, conditioned for the faithful performance of the duties of said office, according to the true intent and meaning of this act; and the said Trustees shall supply all vacancies in their number from the Members of said parish; and they shall have power to remove any of their number, who may become unfit and incapable from age, infirmity, misconduct, or any other cause of discharging their duty; and they shall annually hold a meeting in March or April, and as much oftener as may be necessary for the election of officers and transacting other business of said Corporation; which meetings, after the first, shall be called and notified in such manner as the Trustees shall direct.

SEC. 2. *Be it further enacted*, That the said Trustees be, and they are hereby empowered to sell and con-

vey in fee, or lease for a term of years, not exceeding ten years, all the land, and any part thereof, belonging to the said parish, which has been, or may hereafter be granted and appropriated to the support of the Gospel Ministry therein ; and all deeds signed and delivered by the Treasurer of said Trustees, and sealed with their seal, by their order, shall, when made in their corporate capacity, be valid and sufficient in law, to pass and convey to the purchasers, the fee or term of years in the land aforesaid ; and the monies arising from the sale, or lease of said land shall be put on interest, and shall form a fund, the annual income of which shall be appropriated to the support of the Ministry in said parish ; and shall be under the care and management of said Trustees, in the manner provided and directed in this act. And all gifts, grants, devises or legacies which have been, or hereafter may be made to and for the same use and purpose, shall be added to the said fund, and shall be under the same care and management of the Trustees aforesaid ; and when said Trustees shall loan said monies, or any part thereof, the same shall be secured by mortgage on real estate of double the value of the money loaned, or secured by two or more sufficient sureties, with the principal, unless the said Trustees shall think it best to invest the said proceeds and fund in public securities or bank stock, which they, in their discretion, shall have power to do : And it shall never be in the power of the said Trustees, or the said parish, to alienate or alter the appropriation of the said Ministerial fund ; and the said Trustees shall annually apply the whole interests, rents and profits only of said fund to the support of the Ministry in said parish, in such manner as the parish, at a legal meeting shall direct ; and they shall, every year, at the annual meeting of said parish in March or April, exhibit to the parish their accounts with the Treasurer, expressing the receipts and payments, with the state of the fund ; and the Treasurer shall exhibit his account with the said Trustees, to the parish at the same meeting, and the parish may, at their discretion, appoint auditors, not exceeding three, to examine said accounts and vouchers, and report to the parish the state of said funds.

Disposition of Funds.

Limitation of Power.

Auditors.

SEC. 3. *Be it further enacted,* That the Trustees, or their officers, for any services they perform, shall be entitled to no compensation out of any money arising from the aforesaid fund, but a reasonable compensation may be made to them by the said parish; and the said Trustees and their successors, and each of them, whether they be officers or not, shall be responsible to the said parish for their personal neglect and misconduct, and shall be liable to prosecution for any loss or damage resulting thereby to the funds aforesaid; and the debt or damage recovered in such suit shall be added to said fund.

Pay of officers.

Call of meetings.

SEC. 4. *Be it further enacted,* That any Justice of the Peace for the county of Lincoln, upon application made by any two of said Trustees, in writing, under their hands, is hereby empowered to issue his warrant, directed to one of the Trustees, so applying, requiring him to notify and call a meeting of the said Trustees, to be held at such convenient time and place, as may be appointed in said warrant, to organize said Corporation, by the appointment of its officers, and for the transacting of any other proper business of the Corporation.

[Approved by the Governor, December 11, 1816.]

CHAP. LXXXIII.

An Act to incorporate the First Baptist Society in Corinth, in the county of Penobscot.

Persons incorporated.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Joshua Herrick, Isaac Hodsdon, John Goodhue, George Simpson, Joseph Carr, William Stevens, Peletiah Simpson, Robert Simpson, Abner Tibbets, William Peabody, Benjamin Dyer, William Seaward, James Stevens, Oliver Stevens, Reuben Ball, Joseph Stevens, Timothy Simpson, John Hunting, Joseph Sylvester, together with their polls and estates, be, and they hereby are incorporated, by the name of **The First Baptist Society**

in Corinth, with all the privileges, powers, and immunities, which parishes in this Commonwealth, by law enjoy.

SEC. 2. *Be it further enacted*, That any person in the county of Penobscot, 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 parish, to which he or she did heretofore belong, with a certificate, signed by the Minister or Clerk of the said Baptist Society, that he or she had actually become a Member of, and united in religious worship with the said Baptist Society in Corinth, fourteen days previous to the Parish Meeting, therein to be holden in the month of March or April annually, shall, from and after giving such certificate, with his or her polls and estate, be considered as a Member of said Society: *Provided however*, that such person shall be holden 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.

Membership.

SEC. 3. *Be it further enacted*, That when any member of said Society shall see cause to leave the same, and unite with any other religious Society, and shall give in his or her name to the Clerk of the 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 Baptist Society to be raised previous thereto, shall, from and after giving such certificate, with his or her polls and estate, be considered as a Member of the Society, to which he or she may so unite.

Secession.

SEC. 4. *Be it further enacted*, That Mark Trafton, Esq. be, and he is hereby authorized to issue his warrant, directed to some suitable Member of said Baptist Society, requiring him to notify and warn the Members of said Society, qualified to vote in parish affairs, to assemble, at some suitable time and place, in said town of Corinth, to choose such parish officers as are by law required to be chosen in the months of March

Meetings.

or April annually, and to transact all other matters and things necessary to be done in said Society.

[Approved by the Governor, December 11, 1816.]

CHAP. LXXXIV.

An Act concerning Dower.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That in all cases where any person has died or shall die, seized of any estate, leaving a widow, who is lawfully entitled to dower therein, such widow shall be, and hereby is entitled to have, and receive one undivided net third part of the rents, incomes and profits of such estate, until the heir or heirs of such deceased person shall assign and set out to such widow her dower, according to law, or until the same shall be actually assigned, and set out to her, under a judgment of Court, or an order of a Court of Probate.

Dower.

[Approved by the Governor, December 11, 1816.]

CHAP. LXXXV.

An Act to incorporate an Association, for the support of a Parsonage in the town of Oxford.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Nathan Hall, Elias Pratt, John Meriam, Stephen Prince, Sylvanus Town, Charles Town, Peter Butler, Ebenezer Meriam, Abijah Davis, Archibald Campbell, James Gleason, Samuel Coburn, Joseph Brown, jun. Martha Kingsbury, and David Nichols, be, and hereby are incorporated into a body politic, by the name of The Oxford Ministerial Association; and they and their successors shall be, and continue a body politic and corporate by that

Persons incor-
porated.

name forever ; and they may have a common seal, subject to be altered at their pleasure ; and they may sue and be sued in all actions, real, personal and mixed ; and may prosecute and defend the same to final judgment and execution.

SEC. 2. *Be it further enacted,* That said Association be, and hereby are authorized to raise, by subscription, the sum of four thousand dollars, to be appropriated to the purpose of purchasing land, whereon to erect a Parsonage House, for the use of the Congregational Minister in the town of Oxford, and for building said House and other necessary out-houses, under the direction of Trustees, to be chosen as is hereinafter provided ; and the said land and buildings shall forever continue the property of the Association for the use aforesaid, and no other.

Parsonage.

SEC. 3. *Be it further enacted,* That said property shall be divided into twelve equal shares, to be distributed among the Members of said Association, proportionally as they shall subscribe for the same ; and said shares shall, at all times, be transferable, and may be conveyed, by deed or otherwise ; and the owners of said shares, or parts thereof, shall be Members of said Association ; and no person shall continue a Member when he or she shall cease to have an interest in the shares aforesaid.

Shares transferable.

SEC. 4. *Be it further enacted,* That there shall be a meeting of said Association on the first Monday of March annually, at which time there shall be chosen three or more Trustees, a Clerk, Treasurer, and such other officers as may be necessary to manage the concerns of the Association ; and said Trustees shall have the care and superintendance of the property aforesaid, and shall see that the same is exclusively appropriated for the purposes before-mentioned ; and shall render an account of their doings annually, and as much oftener as they may be required ; and said Trustees shall give bond to the Treasurer for the time being, in such sum as the Association shall direct, conditioned faithfully to discharge their trust.

Annual Meeting for choice of Officers.

SEC. 5. *Be it further enacted,* That whenever a vacancy may occur in any office, by death, resignation or removal from town, a meeting of the Association shall

Vacancies supplied.

be convened, as soon as may be, by the Clerk or Treasurer, by posting up a notification at the meeting house, or some public house or houses in Oxford, at least seven days before the time of said meeting; at which meeting or an adjournment thereof, the vacancy may be supplied: And the Members of said Association shall have power, at any meeting regularly convened, to form and adopt such rules, regulations and by-laws as may be thought necessary; *provided* the same be not repugnant to the constitution or laws of this Commonwealth.

Votes.

SEC. 6. *Be it further enacted*, That at all meetings of the Association, each share shall be entitled to a vote; and if any share be holden by more than one individual, those owners thereof who shall be present, or shall have constituted a proxy, shall, together, be entitled to one vote, and no more.

Justice may call meeting.

SEC. 7. *Be it further enacted*, That either of the Justices of the Peace in the town of Oxford, may issue his warrant, directed to some Member of said Association, requiring him to notify and warn the first meeting thereof, at such time and place as said warrant shall designate; at which meeting, the same being duly notified and convened, the said Association shall be organized, and proper officers chosen.

[Approved by the Governor, December 11, 1816.]

CHAP. LXXXVI.

An Act authorizing the President, Directors and Company of the State Bank to reduce their capital stock.

Diminution of Stock.

SEC. 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 capital stock of the President, Directors and Company of the State Bank shall consist of a sum not more than three millions of dollars, nor less than eighteen hundred thousand dollars, as the same shall be determined at a meeting of the Stockholders of said Bank, to be holden as hereinafter

ter provided ; the number of shares to be the same as at present established by law : *Provided however*, that no dividend of the capital stock of said Bank, as now existing, shall be made, until proof shall have been made to the satisfaction of the Governor and Council, or of Commissioners by them appointed, at the expense of the Corporation, that there exists in said Bank, funds belonging to said Corporation sufficient to pay all their bills in circulation, and all deposits and other demands existing against the same, beyond the sum then to be divided ; *provided also*, that nothing herein contained shall be construed to affect the liability of the Corporation, or the individual Stockholders, as established by the original act incorporating said Bank ; *and provided also*, that this act shall not authorize the reduction of the capital stock aforesaid, unless before the said first day of March next, the Stockholders of said Bank, at a legal meeting, to be called for the purpose, shall, by a majority of legal voters then present, agree to the provisions hereof ; *and provided also*, that the sum, to which the now existing capital stock of said Bank shall be reduced, as is herein before provided, shall be and continue the permanent capital stock of said Bank until the same shall be altered by law.

Proviso.

SEC 2. *Be it further enacted*, That the said President, Directors and Company shall be holden to pay into the Treasury of this Commonwealth, their proportion of the tax now required to be paid by law upon the existing capital of said Bank, until the same shall actually be reduced and the amount of such reduction divided and ordered to be paid over to the several and respective Stockholders.

Tax.

[Approved by the Governor, December 11, 1816.]

CHAP. LXXXVII.

An Act to alter the times of holding the Circuit Court of Common Pleas, and Court of Sessions, within and for the county of Berkshire.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Circuit Court of Common Pleas, and Court of Sessions, within and for the county of Berkshire, shall, from and after the passing of this act, be holden at Lenox, within and for the said county, on the fourth Monday of February, June and October annually, instead of the times now appointed by law for holding said Courts.

Stated periods.

SEC. 2. *Be it further enacted,* That all writs, recognizances, warrants, complaints, and every other process, precept, matter and thing returnable to said Courts on the first Monday of January next, and all parties and persons that have been or may be required or directed to appear and attend at the time and place last abovementioned, and all actions, indictments, suits, matters and things now pending in said Courts, or either of them, in said county, shall be returned to, entered, appear and attend, have day, be heard, tried and determined, in the said Courts respectively, at the term thereof, appointed by this act, to be holden on the fourth Monday of February next.

Transfer of business.

[Approved by the Governor, December 11, 1816.]

CHAP. LXXXVIII.

An Act making provision for the payment of three fifth parts of the balance of the debt due from this Commonwealth for loans for defence in the late war.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Treasurer of this Commonwealth be, and he hereby is directed and em-

powered to pay on, and at any time after the twentieth day of February next, three fifth parts of the balance of the debt which may remain due from this Commonwealth on notes issued in conformity to an act passed the twenty-eighth day of February, in the year of our Lord one thousand eight hundred and fifteen, entitled "An act relating to loans made to defray expenses incurred by the Commonwealth during the late war, and for other purposes," in addition to the interest which then shall have accrued thereon : *Provided* a certain resolve, passed on the twentieth day of November, in this present year, authorizing the sale of the public stocks belonging to this Commonwealth, in the Boston and Union Banks, shall have been carried into effect ; and so much of the money arising from said sales, as may be necessary, is hereby appropriated to this purpose.

Three fifth instalments.

Proviso.

SEC. 2. *Be it further enacted*, That the Treasurer shall issue new notes, bearing interest at the rate of six per centam per annum from the first day of October, in the year one thousand eight hundred and sixteen, to the several holders of the notes aforesaid, for the balance which shall be due to them, after deducting and paying off three fifth parts as aforesaid ; and the three fifth parts of the debt aforesaid shall cease to bear interest from the said twentieth day of February next.

New Notes.

SEC. 3. *Be it further enacted*, That the new notes to be given by the Treasurer, shall be of the form following, signed by him, and countersigned by the Secretary of the Commonwealth, viz. :

LOAN FOR DEFENCE.

COMMONWEALTH OF MASSACHUSETTS.

1817.

No.

Be it known, That there is due from the Commonwealth of Massachusetts, unto Form of Note.
bearer, the sum of _____ or,
_____ dollars, bearing
interest at the rate of six per centum per annum, from
the first day of October, one thousand eight hundred and
sixteen inclusively, payable half yearly, and subject to

redemption, in whole or in part, at the pleasure of the Commonwealth.

Secretary.

Treasurer.

[Approved by the Governor, December 11, 1816.]

CHAP. LXXXIX.

An Act to reduce the Capital Stock of the Boston Bank.

SEC. 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 Monday of April, in the year of our Lord one thousand eight hundred and seventeen, the capital stock of the Corporation, created by an act of the Legislature, passed on the twenty-third day of June, in the year of our Lord one thousand eight hundred and twelve, by the name of The President, Directors and Company of the Boston Bank, be and the same hereby is reduced to the sum of nine hundred thousand dollars.

Diminution of
Stock.

SEC. 2. *Be it further enacted,* That the number of shares in said Bank shall, from and after the said first Monday of April, be twelve hundred, and that each share shall be of the estimated or nominal value of seventy-five dollars.

Shares.

SEC. 3. *Be it further enacted,* That no dividend of the capital stock of said Bank, as now existing, shall be made until proof shall have been made to the satisfaction of the Governor and Council, or of Commissioners by them appointed, at the expense of said Corporation, that there now exists in said Bank funds belonging to said Corporation, sufficient to pay all notes in circulation, and all deposits, and other demands existing against the same beyond the sum then to be reduced: and that nothing contained in this act shall be construed to affect the liability of the Corporation, or the individual Stockholders, as established by the original act incorporating said Bank, or any other existing law.— And the said Corporation shall be holden to pay into the Treasury of this Commonwealth, their proportion

Competency of
funds.

of the tax now required to be paid by law upon the existing capital of said Bank, until the same shall be actually reduced as aforesaid, and all arrearages of taxes paid.

Tax.

SEC. 4. *Be it further enacted*, That the liability of the President, Directors and Company of the Boston Bank to loan to the Commonwealth, shall be in proportion to the sum of the capital of said Corporation, when reduced as aforesaid. Loans to State.

[Approved by the Governor, December 13, 1816.]

CHAP. XC.

An Act in further addition to an act, entitled "An act to regulate the paving of streets in the town of Boston, and for removing obstructions in the same."

SEC. 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 Boston, for the time being, whenever in their opinion the safety or convenience of the inhabitants of said town shall require it, shall be, and they hereby are empowered to discontinue any street, lane or alley of the said town, or to make any alteration in the same, in part or in whole; reserving however, in all cases, to individuals who may sustain damage thereby, recompense for the same, to be ascertained and allowed in the same manner as is provided in the act, entitled "An act in addition to act entitled an act to regulate the paving of streets in the town of Boston, and for removing obstructions in the same."

Powers.

SEC. 2. *Be it further enacted*, That all orders, votes and determinations of the said Selectmen of the town of Boston, heretofore had and passed for the discontinuance of any street, lane or alley of the said town, or respecting any alteration in the same, in whole or in part, shall be held and considered as good and valid to all intents and purposes, as if the said act to which this is in addition, had explicitly vested said authority in the said Selectmen; reserving always to individuals Orders, votes, &c. valid.

recompense for damages sustained thereby as is provided in the said act.

Records.

SEC. 3. *Be it further enacted*, That the Selectmen of the town of Boston shall keep a record of all the streets, lanes and alleys of the said town, and of all the votes and proceedings relative to the same; and that copies thereof, certified by the Town Clerk, shall be valid to all intents and purposes.

Prohibitions.

SEC. 4. *Be it further enacted*, That from and after the passing of this act, no person shall raise up from any street, wharf or place of public resort within the town of Boston, for the purpose of storing the same, any cask, bale of goods, or other articles of merchandize, into the second or any higher story of any house, store or other building upon or adjoining the same, and on the outside of such buildings, and that no person shall deliver from the second or any higher story of any house, store, or other building on the outside of the same, which shall adjoin upon any street, wharf, or place of public resort, within the said town of Boston, any cask, bale of goods, or other article of merchandize, except at such times and places, and under such restrictions and limitations, as the Selectmen, for the time being, shall by writing authorize and direct. And every person who shall offend in manner aforesaid, shall forfeit and pay to the Commonwealth, for each and every such offence, a sum not exceeding one hundred dollars, nor less than ten dollars, to be recovered by indictment in the Municipal Court, for the town of Boston, with costs of prosecution; *provided*, that this shall not be construed to extend to the raising any materials or other articles which may be necessary in erecting, repairing, or taking down any building within the said town of Boston, or for the convenience thereof, or for removing any merchandize or other article in case of danger by fire, or other inevitable casualty.

Penalties.

Proviso.

[Approved by the Governor, December 13, 1816.]

CHAP. XCI.

An Act concerning Banks.

SEC. 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 Bank incorporated in this Commonwealth, shall issue any bill, note, check or draft, payable at any place other than said Bank, unless the same shall also, on the face thereof, be made payable at the Bank issuing the same; and no Bank shall issue any bill or note, redeemable at such Bank, in any other manner than by payment in specie. Locality of bills

SEC. 2. *Be it further enacted,* That every incorporated Bank within this Commonwealth, which has issued, or shall issue any bill, note, check or draft, redeemable in any other manner than by payment in specie, or payable at any place other than the place where such Bank is by law established and kept, shall be liable to pay the same in specie to the holder thereof, on demand at said Bank, without a previous demand at the Bank or place where the same is, on the face of such bill, note, check or draft, made payable. And if the Bank which issued the same shall neglect or refuse to pay, on demand made as aforesaid, any bill, note, check or draft, such Bank shall be liable to pay to the holder thereof the same penalties as are provided in and by an act, entitled "An act to enforce the payment of Bank notes:" *Provided however,* that nothing herein contained, shall extend to any check or draft drawn by the President or Cashier of any Bank within this Commonwealth, on any other incorporated Bank, either within or without this Commonwealth, for any sum exceeding one hundred dollars; but all such checks or drafts shall first be presented for payment at the Bank on which the same shall be drawn, and in default of payment, the holder shall be entitled to recover against the Bank which issued the same, the amount of such check or draft, with two per cent. per month on the amount thereof, Prompt pay-
ments.

Penalty.

Proviso.

from and after the time when such check or draft shall have been refused payment, as additional damages in any action against such Bank for the recovery of such check or draft.

SEC. 3. Be it further enacted, That the second section of this act, so far as respects notes, bills, checks or drafts already issued, shall have effect from and after the first day of June next.

[Approved by the Governor, December 13, 1816.]

CHAP. XCII.

An Act to incorporate the Provident Institution for Savings in the town of Boston.

SEC. 1. BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That his Honor William Phillips, John Phillips, Samuel Parkman, James Perkins, Thomas Dawes, John Lowell, Russel Sturgis, Jonathan Hunewell, Josiah Quincy, John D. Williams, James Prince, Thomas K. Jones, Richard Sullivan, Redford Webster, William Little, Samuel Snelling, Jesse Putnam, Esquires, Reverend Thomas Baldwin, D. D. Reverend William E. Channing, Reverend Charles Lowell, William Mackay, Elisha Ticknor, Jonathan Amory, jun. Samuel H. Walley, John L. Sullivan, John Bellows, Joseph Coolidge, jun. John Richards, Ozias Goodwin, John Dorr, Samuel May, Gedney King, William Ropes, Andrew Ritchie, Edward Tuckerman, jun. William Harris, David Greenough, Thomas Motley, Benjamin Smith, David W. Child, Gideon Snow, Edward Cruft, Jacob Hiler, Jonathan Phillips, William Cochran, Nathaniel G. Snelling, Lewis Tappan, and James Savage be, and they hereby are incorporated into a Society, by the name, style and title of "The Provident Institution for Savings in the town of Boston;" and that they, and such others as shall be duly elected Members of the said Corporation, as is in this act provided, shall

be, and remain a body politic and corporate, by the same name, style and title forever.

SEC. 2. *Be it further enacted,* That the said Society and Corporation shall be capable of receiving, from any person or persons disposed to obtain and enjoy the advantages of said Institution, any deposit or deposits of money, and to use and improve the same for the purposes, and according to the directions herein mentioned and provided.

Deposits.

SEC. 3. *Be it further enacted,* That all deposits of money received by the said Society, shall be by the said Society used and improved to the best advantage ; and the income or profit thereof, shall be by them applied and divided among the persons making the said deposits, their Executors or Administrators in just proportion, with such reasonable deductions, and the principal of such deposits may be withdrawn at such times and in such manner as the said Society shall direct and appoint.

Disposition of the funds.

SEC. 4. *Be it further enacted,* That the said Society and Corporation shall, at their annual meeting in December, have power to elect, by ballot, any other person or persons as Members of the said Society.

Annual meetings.

SEC. 5. *Be it further enacted,* That the said Society may have a common seal, which they may change and renew at pleasure ; and that all deeds, conveyances and grants, covenants and agreements made by their Treasurer, or any other person, by their authority and direction, according to their Institution, shall be good and valid ; and the same Corporation shall, at all times, have power to sue, and may be sued, and may defend, and shall be held to answer, by the name, style and title aforesaid.

General powers.

SEC. 6. *Be it further enacted,* That the said Society shall hereafter meet at Boston, sometime in the month of December annually, and as much oftener as they may judge expedient ; and any seven Members of the said Corporation, the President, a Vice President, Treasurer, or Secretary being one, shall be a quorum ; and the said Society, at their meeting in December annually, shall have power to elect and choose a President, Vice-President and all other such officers as to them shall appear necessary ; which officers, so cho-

Election of officers.

sen, shall continue in office one year, and until others are chosen in their room ; and all officers, so chosen, shall be under oath to the faithful performance of the duties of their offices respectively.

By laws.

SEC. 7. *Be it further enacted,* That the said Society hereby are, and forever shall be vested with the power of making by-laws for the more orderly managing the business of the Corporation ; *provided* the same are not repugnant to the constitution or laws of this Commonwealth.

First meeting.

SEC. 8. *Be it further enacted,* That his Honor William Phillips, Esq. be, and he hereby is authorized, by public notification, in two of the Boston newspapers, to call the first meeting of the said Society, at such time and place, as he shall judge proper.

[Approved by the Governor, December 13, 1816.]

CHAP. XCIII.

An Act, in addition to an act, entitled “ An act for incorporating certain persons therein named, by the name of the Trustees of the Church and Congregation in the second precinct in Pembroke.”

Additional trustees.

Proviso.

SEC. 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 second precinct in Pembroke, in the county of Plymouth, be, and they hereby are authorized, at any legal meeting, by them called for that purpose, to choose by ballot, two or more Trustees, in addition to the number now appointed, under an act, entitled “ An act for incorporating certain persons therein named, by the name of The Trustees of the Church and Congregation of the second precinct in Pembroke ;” *provided,* the whole number of Trustees shall not exceed nine, nor be less than five : and the Trustees, so chosen, as aforesaid, shall have all the powers and privileges, and be subject to all the duties and requirements of the present Board ; and all future compensation of said Board of Trustees for services, shall be paid by the precinct,

and shall not be taken from the fund, or its proceeds in their hands.

SEC. 2. *Be it further enacted*, That all future vacancies in said Board, shall be filled by said precinct, at any legal meeting of the same ; and a majority of the whole Board shall constitute a quorum for the transaction of business ; and so much of the act aforesaid, to which this is in addition, as is inconsistent with the provisions of this act, shall be, and the same is hereby repealed. Vacancies filled up..

[Approved by the Governor, December 13, 1816.]

CHAP. XCIV.

An Act in addition to the several acts concerning Probate Bonds.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the condition of the bond now by law required to be given by Administrators, before taking upon themselves that trust, shall be so far altered as to require Administrators (and Executors, in cases where by law they are now required to give bonds similar to those given by Administrators) to make a true and perfect inventory of all and singular the real estate, goods and chattels of the deceased intestate or testator : *Provided, however*, that all bonds which shall be given by Executors or Administrators, in the form heretofore provided, until the first day of June next, shall be, and hereby are declared to be good and valid, any thing herein contained to the contrary notwithstanding.

Inventories.

Proviso.

SEC. 2. *Be it further enacted*, That in cases where any Administrator shall have received the personal property of an intestate, and shall not have exhibited upon oath a particular inventory thereof, execution shall be awarded against him for such a part of the penalty of his administration bond as the Supreme Court of Probate shall, on a full consideration of all the circumstances of the case, judge reasonable ; any

Penalties.

thing in the second section of an act, entitled "An act for regulating proceedings on Probate Bonds, and directing their form in the Supreme Court of Probate," to the contrary notwithstanding.

Sureties.

SEC. 3. *Be it further enacted*, That whenever the sureties in any Probate Bond, given by Executors, Administrators or Guardians, or by Trustees appointed in and by any last will, or by Trustees appointed by a Judge of Probate, shall be evidently insufficient for the purpose of such bond, the Judge of Probate, on the petition of any person interested, and after giving notice to the principal and sureties in such bond, shall have authority to require, from time to time, new bonds, with sufficient surety or sureties in the case; and if such Executors, Administrators, Guardians or Trustees, shall not, within a reasonable time, give such new bonds, they shall be removed from office, and others appointed in their stead: *Provided always*, that the original bonds of such Executors, Administrators, Guardians and Trustees, shall, notwithstanding such removal from office, remain in force for all the purposes for which they were originally given.

Proviso.

[Approved by the Governor, December 13, 1816.]

CHAP. XCV.

An Act authorizing Judges of Probate to make allowances to Widows of persons deceased, whose estates are insolvent.

Allowance to widows.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That in the settlement of the estates of persons deceased, insolvent, whether the deceased person died testate or intestate, the widow shall be entitled to her apparel, and such other and so much of the personal estate as the Judge of Probate shall determine necessary, according to her quality and degree; and such part of the personal estate as the Judge may allow the widow, shall not be assets in the hands of the Executor or Administrator; and in cases

where such allowances shall have been made from intestate estates, represented to be insolvent, which ultimately appear to be solvent, the Judges of Probate be, and hereby are respectively authorized, by a subsequent decree, to make such further allowances to the widow, from the personal estate of her husband, having regard to what shall have been allowed, as aforesaid, as is provided in and by an act, entitled "An act regulating the descent and distribution of intestate estates."

SEC. 2. *Be it further enacted,* That all allowances heretofore made by Judges of Probate from the personal estates of insolvent persons to their widows, be, and hereby are confirmed; saving and excepting, however, cases in which any order or decree of a Judge of Probate, making such allowance, has been revoked or annulled in the Supreme Court of Probate.

Allowances confirmed.

[Approved by the Governor, December 13, 1816.]

CHAP. XCVI.

An Act to incorporate the second Society of Universalists in Boston.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Richard Faxon, John Brazer, Edmund Wright, Benjamin Russell, Thomas Wiley, Daniel C. Robinson, Martin Hersey, Nathaniel Hammond, Addison Bacon, William Barry, Levi Melcher, Elijah Loring, Caleb Wright, Pelatiah Rea, Daniel E. Powers, Joseph Badger, Samuel Hastings, Winslow Wright, Daniel Johnson, John Trull, and John Blunt, jun. and all others who may associate with them, be, and they hereby are incorporated as a Religious Society, by the name of The Second Society of Universalists in the town of Boston, with all the privileges, powers and immunities, to which other religious societies in this Commonwealth are entitled by law.

Persons incorporated.

SEC. 2. *Be it further enacted,* That the said Society shall be capable in law to purchase, hold and dispose

Proviso.

of any 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.

Assessments.

SEC. 3. *Be it further enacted*, That the Committee of the said Society, chosen at any legal meeting thereof, shall be authorized to raise, by assessment on each Member of said Society, such sum or sums of money as may be by them considered a proportionate part of the expenses of settling and maintaining such Minister or Ministers of the Gospel, as the Society may call and elect, and the contingent expenses of the Society; and generally to do and transact all business for the said Society as they may think fit and proper.

Meeting
choice of
officers.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the county of Suffolk, be, and he hereby is authorized to issue his warrant to some Member of said Society, requiring him to warn the members thereof to meet at such convenient time and place, in said town of Boston, as shall be therein directed, to choose a Moderator, a Clerk, a Treasurer and such other officers, Committee or Committees, as they shall think needful. And the Moderator, so chosen, and Moderators, chosen at any future meetings of the said Society, shall have authority to administer the oaths of office to the Clerk and any other Officers which the Society shall think proper to elect, and from whom the said Society may think it necessary and proper, by a vote in any of its meetings, to require an oath, for the faithful discharge of the duties of their office.

[Approved by the Governor, December 13, 1816.]

CHAP. XCVII.

AN Act in further addition to an act, entitled an act to incorporate the President, Directors and Company of the Mechanics' Bank in Newburyport.

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 pas-

sing of this act, the number of Directors in the Mechanics' Bank in Newburyport, shall be seven, four of whom shall be a quorum, any thing in the act to which this is in addition to the contrary notwithstanding.

[Approved by the Governor, December 13, 1816.]

CHAP. XCVIII.

An Act to prevent the destruction of Fish in the town of Pittsfield.

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, whosoever shall kill, take or catch any Pickerell or Trout in any pond, river or stream within the town of Pittsfield, other than by or with a hook, or hooks and line, shall forfeit and pay the sum of five dollars for each and every Pickerell or Trout so taken, to be recovered by any person who may sue for the same, to his own use, before any Justice of the Peace within the same county.

Penalty.

[Approved by the Governor, December 13, 1816.]

CHAP. XCIX.

An Act in addition to an act, entitled "An act for the preservation of Fish in Penobscot River and Bay, and the several streams emptying into the same."

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That all wears in the Penobscot River or Bay, or in the streams emptying into same, shall be, by the person or persons interested therein, entirely removed therefrom or demolished, on or before the fifth day of July annually; and in case the said person or persons, so interested in said wears,

Wears removed.

shall fail so to remove or demolish the same within the time prescribed, he, she or they shall forfeit and pay the sum of fifty dollars, recoverable by indictment before the Circuit Court of Common Pleas, sitting in the county where the offence occurs; the whole to be to the use of the same county : *Provided moreover*, it shall and may be lawful for any Fish Warden, and he is hereby authorized to remove or demolish any wear aforesaid, which shall remain after said fifth day of July annually.

Powers of Warden.

SEC. 2. *Be it further enacted*, That the Circuit Court of Common Pleas for the third Eastern Circuit, whenever sitting either in the county of Hancock or Penobscot, is hereby authorized and directed annually to appoint a suitable number of Fish Wardens, not exceeding ten, for the unincorporated places of the county contiguous to said river, and the streams emptying thereinto, and to assign to each of them their respective wards or districts; and the said Fish Wardens, so appointed by said Court, after being duly sworn to the faithful discharge of their trust, are to perform the same duties, to have the same powers, and to be subject to the same penalties, as other Fish Wardens are in the act to which this is in addition : and the said Court is further authorized to allow such Fish Warden, so appointed, to be paid out of the County Treasury of his County, one dollar for each and every day he shall be actually employed in the performance of his duties as a Fish Warden : *Provided* he render his account for services in writing, and on oath, before any allowance be made to him.

Duties of Warden.

SEC. 3. *Be it further enacted*, That in case any wear be erected or continued in said river or bay, or any of the streams emptying into the same, without the license of the Selectmen of the town contiguous to the place where the erection or continuation of such wear is contemplated, every person who shall be interested or concerned in the erection of such wear shall forfeit and pay one hundred dollars, to the use of the county in which the offence occurs, recoverable by indictment in any Court proper to try the same within the same county.

Penalties.

[Approved by the Governor, December 13, 1816.]

CHAP. C.

An Act to incorporate the Congregational Society in the town of Southbridge.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Daniel Morse, Joshua Harding, Samuel Newell, Oliver Plimpton, Jason Morse, Freeman Pratt, Frederick William Bottom, Fletcher Foster, Abel Mason, jun. Timothy Paige, George Sumner, Oliver Mason, jun. James Wheelock, Ralph Harding, Elbridge G. Harding, Salem Marsh, Calvin Ammidown, Joseph Clark, Abel Mason, Ralph Wheelock, Waterman Potter, Pliny Arnold, Ebenezer D. Ammidown, Asabel Prouty, Oliver Mason, Smith Foster, Duty Marsh, jun. Moses Mason, Henry Hooker, Abijah Richardson, Parker Morse, John Rider, Munson Morse, Enoch Bacon, Stephen H. Eastabrook, Corban Lyon, John Newhall, Jonathan Green, George Gleason, Nathaniel Marsh, David Atherton, Smith Ellis, Denison Wheelock, Duty Marsh, John Marsh, Alpheus Foster, Joseph Eaton, Moses Wheelock, Aaron Putnam, John Marsh, jun. Joel Walker, Dresser Bacon, Benjamin Walker, Hinsdale Foster, Davis Wheelock, Calvin Wheelock, Luther Wheelock, Chauncy Plimpton, Samuel Austin Groves, Samuel Lewis Newell, Bela Carpenter, 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 Congregational Religious Society in Southbridge, with all the powers and privileges which other religious societies enjoy, according to the laws and constitution of this Commonwealth.

Persons incorporated.

SEC. 2. *Be it further enacted,* That any person who may, at any time hereafter, actually become a Member of, and unite in religious worship with said Congregational 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

Membership.

Clerk of said Society, that he or she hath actually become a Member of, and united in religious worship with said Congregational 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 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 monies assessed or voted in the parish to which he or she belonged previous to that time.

Proviso.

SEC. 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 Congregational Society, and 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 such other 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 in such certificate, with his or her polls and estate, be considered as a Member of the Society with which he or she may so unite.

Secession.

SEC. 4. *Be it further enacted*, That any Justice of the Peace in the town of Southbridge, be, and he hereby is authorized and empowered to issue his warrant, directed to some suitable Member of said Society, requiring him to notify and warn the Members of said Society, qualified to vote in parish affairs, to meet at such time and place in the said town of Southbridge, as shall be appointed in said warrant, 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 necessary to be done in said Society.

Meeting to
choose officers.

[Approved by the Governor, December 13, 1816.]

CHAP. CI.

An Act to incorporate the Eastern River Lock and Sluice Company.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That John N. Swazey, Joseph R. Folsom, and Joseph Lee, together with such other persons as may be associated with them, and their successors, shall be a Corporation, by the name of The Eastern River Lock and Sluice Company; and by that name may sue and be sued, defend and be defended, prosecute and be prosecuted; shall have a common seal, which they may alter at pleasure, and shall enjoy all the privileges and powers, and do and suffer all such matters and things as are incident to similar incorporations.

Persons incor-
porated.

SEC. 2. *Be it further enacted,* That said Corporation be, and hereby are empowered, within the term of five years from the passing of this act, to make a Sluice and Lock or Locks, from the outlet of Eastern River Great Pond, so called, to the waters below the falls, at the head of the tide in the town of Orland, in the most suitable and convenient place for making the same; and to erect such dam or dams, as may be necessary for the safety and convenience thereof: *Provided* that nothing in this act shall interfere with the provisions of a law, passed on the twenty-second of February, one thousand eight hundred and fourteen, entitled "An act for the preservation of Fish in Penobscot River and Bay, and the several streams emptying into the same;" or any subsequent law enacted, or which may be enacted for that purpose.

Locks and Sluice-
ces to be made.

SEC. 3. *Be it further enacted,* That if any person or persons shall suffer any damage by means of said Lock or Sluice, and the parties cannot agree upon the amount of damages thus occasioned, nor upon some suitable person or persons to estimate the same, then in such case a disinterested Committee of three freeholders shall be appointed by the Circuit Court of Common Pleas

Damages.

Proviso,

for the third Eastern Circuit, when holden in and for the county of Hancock, to ascertain the damages; and the determination of the Committee, so appointed, shall be the measure of damages: *Provided however*, that if either party shall be dissatisfied with the report of said Committee, and shall, at the same session of the Court aforesaid, at which said report shall be made, apply to said Court for a trial by Jury, in the manner other like causes are determined, the Court aforesaid shall have power to determine the same by a Jury as aforesaid; and if the verdict of the Jury shall not give the party applying, a greater sum in damages, than the said Committee shall have awarded as aforesaid, the said Court shall award costs against the applicants; but if said decision shall be more favorable to the party applying, than the report of said Committee, the said Court shall render judgment accordingly, and issue execution in either case.

Waqton injuries.

SEC. 4. *Be it further enacted*, That if any person or persons shall wilfully or mischievously, in any manner, injure or destroy said Locks or Sluice, or any other works connected with them, or parts thereof, or divert or obstruct the waters, to the damage of the proprietors thereof, he, she or they shall pay treble the value of such damage, as said proprietors shall, before the Court and Jury, before whom trial shall be had, make to appear said proprietors have sustained, by means of said trespass; to be sued for and recovered, in any Court proper to try the same.

Rate of tolls.

SEC. 5. *Be it further enacted*, That a toll be, and is hereby granted and established, for the benefit of said proprietors, their successors and assigns, according to the rates following, viz.: For each thousand feet of boards, plank and scantling, board measure, twenty cents; for each cord of wood and bark, twenty cents; for each ton of timber, ten cents; for each thousand of staves, twenty cents; for each thousand of clapboards, ten cents; for each thousand of shingles, three cents; for each hundred of posts and rails, fifteen cents: And as soon as the said Locks and Sluice shall be completed, the said Corporation shall have power to lay and collect the tolls aforesaid, on all the several articles as they pass the same.

SEC. 6. *Be it further enacted*, That the persons named in this act or any two of them, shall have power to call the first meeting of said Corporation, giving each proprietor personal notice of the time and place of such meeting, seven days at least before the time appointed for said meeting; and said proprietors, when met as aforesaid, may agree upon the method of calling future meetings, elect officers, and do and transact such other things as they may deem necessary.

SEC. 7. *Be it further enacted*, That if the said Corporation shall not, within the said term of five years, erect and complete the said Locks and Sluice as aforesaid, then this act shall be void; and if the said Corporation at any future time after the said Locks and Sluice are completed, shall neglect to keep the same in suitable repair, for the space of one year, at any one time, then this act shall likewise become void and of no effect.

[Approved by the Governor, December 13, 1816.]

CHAP. CII.

An Act to incorporate the Trustees of the Ministerial Fund in the north parish in Berwick.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Joseph Fogg, Samuel Goodwin, Elijah Hays, Reuben Hays, Mark Libbey, Samuel Lord, Joseph Prime, John Staples, and Samuel Wentworth, be, and they are hereby appointed Agents and Trustees to sell the lands appropriated for the use of the Ministry in the north parish, in the town of Berwick, in the county of York; and the monies arising from the sale of said lands to put out at interest in the manner hereinafter directed; and the said Trustees are hereby made a body politic and corporate, by the name of The Trustees of the Ministerial Funds in the north parish in Berwick; and they and their successors in that office, shall have and use a common seal, and, by the name aforesaid, may sue and be sued.

in all actions real, personal and mixed, and prosecute and defend the same to final judgment and execution, and shall exercise all other powers and privileges incident to similar Corporations.

Annual elec-
tion of officers.

SEC. 2. *Be it further enacted,* That the said Trustees, and their successors in office, shall annually elect a President, and a Clerk who shall be sworn faithfully to record the doings of the said Trustees, and a Treasurer to receive and apply the monies belonging to the said Funds, as is directed in this act ; and also any other needful officers or agents, for the better managing their business ; and all such elections shall be by written votes.

Number and
powers of trus-
tees.

SEC. 3. *Be it further enacted,* That the number of the said Trustees shall never exceed nine nor be less than six, any five of whom may be a quorum for doing business ; and they shall have power, from time to time, to fill up vacancies in their number, happening by death, resignation or otherwise ; and they shall also have power to remove any one of their number, who by reason of age, infirmity, misconduct, or any other cause, may become unable or unfit to discharge his duty ; and to supply any vacancy, so occasioned, by a new choice from the inhabitants of said parish ; and the said Trustees, and each of them, shall be responsible to the said north parish in Berwick, for their personal misconduct or neglect, whether they be officers or not, and liable to prosecution for any loss or damage to the said Funds arising thereby ; and the debt or damage, recovered in such suit, shall be considered as belonging to said Funds, and applied accordingly ; and the said Trustees shall hold a meeting annually in March, and as often as the affairs of the said Fund may require ; which meetings shall be notified and called in such way and manner as the said Trustees at any meeting may order and direct ; and the Treasurer of the said Funds shall give bonds to the acceptance of the said Trustees, for the faithful performance of his duty, and be at all times responsible for the faithful application and expenditure of monies which may come into his hands, conformable to the true intent and meaning of this act, and for all negligence or misconduct of any kind, in his said office.

Treasurer to
give bonds.

SEC. 4. *Be it further enacted,* That the said Trustees be, and they are hereby authorized to sell and convey all the lands appropriated for the use of the Ministry in the said north parish, and to make, execute, acknowledge and deliver good and sufficient deeds thereof; which deed or deeds, subscribed by the Treasurer, and countersigned by the Clerk, with the seal affixed, shall be good and effectual in law to convey the fee simple from said parish to the purchasers, and all the monies arising from the Ministerial lands in said north parish shall be put to use, as soon as may be, and secured by mortgage on real estate to the full value of the property sold, or money loaned, or by two or more sureties with the principal, unless the said Trustees shall think it more expedient to invest the same in public funded securities or bank stock, at their discretion.

Powers of trustees.

SEC. 5. *Be it further enacted,* That it shall be the duty of the said Trustees to keep distinct accounts of the monies accruing from the sale of the said parish Ministerial lands, and of the interest arising therefrom respectively; which accounts, they and their successors in office shall exhibit to the said parish, at their annual meeting for the choice of parish officers; and the said Trustees and others, who may by them be employed in the business of the said Funds, shall receive no compensation from the monies of the said Funds, but a reasonable compensation may be made to them, and the Treasurer, or other officers or agents, by the parish, at their discretion; and the interest accruing on the monies arising from the sale of the said Ministerial lands, shall be appropriated and uniformly applied for the support of the Gospel Ministry in the said north parish in Berwick; and it shall never be in the power of the said parish to alienate or alter the appropriation of the said Funds provided in this act.

Records.

Compensation to officers.

SEC. 6. *Be it further enacted,* That any Justice of the Peace for the county of York, upon application therefor, is hereby authorized to issue a warrant, directed to one of the Trustees before-named, requiring him to notify and call the first meeting of the said Trustees, at such convenient time and place as shall be ap-

First meeting.

pointed in the said warrant, to organize the said Corporation by the election and appointment of its officers.

[Approved by the Governor, December 13, 1816.]

CHAP. CIII.

An Act for the more effectual regulation of the Market in the town of Salem, and for other purposes.

SEC. 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 Salem, for the time being, be, and hereby are authorized to make any rules and orders, not repugnant to the constitution or laws of this Commonwealth, for the due regulation and government of the Market-house of said town, and of the Market-carts, waggons, sleds, sleighs, and other vehicles or carriages, used for marketing in said town, and of the marketmen who frequent said town for the purpose of buying and selling provisions and other commodities in open market; and the said Selectmen be, and hereby are authorized to appoint, from time to time, suitable places in the streets, squares and other public places in said town, in which all waggons, carts, sleds, sleighs, or other vehicles or carriages containing provisions, wood, hay, barrels, or other commodities for sale in open market, shall stand, for the purpose of such sale; which rules and orders, when approved by the inhabitants of said town, in legal town-meeting assembled, shall be and become by-laws of said town, and shall be binding upon all persons whomsoever. And such rules and orders, when so approved, shall be published in all the newspapers printed in said town. And if any person or persons shall, after the same shall have been published as aforesaid, offend against any of such rules or orders, he, she or they shall, for each offence, forfeit and pay a sum not exceeding ten dollars, to be recovered on complaint of either of the Selectmen of said town, or of any person or persons who shall be appointed by them as Inspector or Inspectors of the Police of said town, before any

Rules & orders

Penalties.

Justice of the Peace for the county of Essex, resident in said town, or elsewhere in said county. And all fines and forfeitures, recovered on any such complaint, shall be paid to the Overseers of the Poor of said town, to be distributed among such poor, according to the discretion of the said Overseers.

SEC. 2. *Be it further enacted,* That in every such complaint under this act, as well as in all other complaints for breaches of any of the by-laws of said town, it shall be sufficient summarily to state the offence, and to conclude with an averment that the same is against the by-laws of the said town, without reciting the by-law or by-laws on which such complaint shall have been founded, or the time or manner in which the same was or were passed or approved.

Averment on
complaints.

SEC. 3. *Be it further enacted,* That until such rules and orders shall be made by the Selectmen of said town, and approved as aforesaid, the present by-laws of said town upon the same subject shall be binding to all intents and purposes upon all persons coming within the purview thereof. And for breaches of the same by-laws, the same remedies may be had and pursued, in the same manner as is provided in this act for breaches of the rules and orders hereafter to be made and approved as is herein provided.

Regulations.

[Approved by the Governor, December 13, 1816.]

CHAP. CIV.

An Act to authorize the sale of the Ministerial and School Lands, in the town of Cornville.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Joshua Woodman, Henry Morrell, James Folsom, Jonathan Collins, Chandler Dow, Joseph Parsons, and Thomas Flanders, be, and they hereby are appointed as Trustees to sell all the Ministerial and School lands in the town of Cornville in the county of Somerset, except the lands reserved for the first settled Minister in said town; and

Trustees.

the monies arising from the sale of said lands, to put out at interest, in the manner hereinafter directed; and the said Trustees are here made a body politic and corporate, by the name of The Trustees of the Ministerial and School Funds in the town of Cornville; and they and their successors in that office shall have and use a common seal, and, by the name aforesaid, may sue and be sued, in all actions real, personal and mixed, and prosecute and defend the same to final judgment and execution; and shall exercise all other powers and privileges, incident to similar Corporations.

Body Politic.

Powers.

Officers.

Records.

Annual Election.

Number of trustees.

Removal from office.

Responsibility.

SEC. 2. *Be it further enacted,* That the said Trustees and their successors in office shall annually elect a President, and a Clerk to record the doings of said Trustees, and a Treasurer to receive and apply the monies belonging to the said Funds, as is directed in this act, also any other needful officers or agents for the better managing their business. And all such elections shall be by written votes, and the inhabitants of said Cornville, who are qualified to vote in town affairs, at their annual town-meetings for the choice of town officers, shall have the privilege to elect four persons, as associates with the before-named Trustees; and after the said Corporation shall be duly organized according to the provisions of this act, one of the said four associates, chosen as aforesaid, shall annually retire by lot, and the vacancy, so made, shall be supplied by a new election, so that one new Member of the said Corporation may be elected annually forever.

SEC. 3. *Be it further enacted,* That the number of said Trustees shall never exceed eleven, nor be less than seven, any six of whom may be a quorum for doing business; and they shall have power, from time to time, to fill up vacancies in their number, happening by death, resignation or otherwise; and they shall also have power to remove any one of their number, who, by reason of age, infirmity, misconduct, or any other cause, may become unable or unfit to discharge his duty, and to supply any vacancy, so occasioned, by a new choice from the inhabitants of said town; and each of the said Trustees shall be responsible to the said town of Cornville for their personal misconduct or neglect, whether they be officers or not, and liable to prosecu-

tion for any loss or damage to the said Fund, arising thereby ; and the debt or damage, recovered in such suit, shall be considered as belonging to said Funds, and applied accordingly ; and the said Trustees shall hold a meeting annually in March, and as often as the affairs of the said Funds may require, which meeting shall be notified and called in such way and manner as the said Trustees, at any meeting, may order and direct ; and the Treasurer of said Fund shall give bond to the acceptance of the said Trustees for the faithful performance of his duty ; and the Clerk shall be sworn to the faithful discharge of his trust.

Annual meet-
ings.

SEC. 4. *Be it further enacted*, That the said Trustees are hereby authorized to sell and convey all the Ministerial and School lands in the said town of Cornville, which were reserved in its grant and location, excepting the lot usually reserved for the first settled Minister as aforesaid, and to make, execute, acknowledge and deliver good and sufficient deeds thereof ; which deed or deeds, subscribed by the Treasurer and countersigned by the Clerk, with the seal of said Trustees affixed, shall be good and effectual in law to convey the fee simple from said town to the purchaser ; and all the monies arising from the Ministerial and School lands in the said town of Cornville, shall be put to use, as soon as may be, and secured by mortgage on real estate to the full value of the property sold, or money loaned, by two or more sureties with the principal ; unless the said Trustees shall think it more expedient to invest the same in public funded securities, or bank stock, which they may do at their discretion.

Trustees may
sell and convey
lands.

SEC. 5. *Be it further enacted*, That it shall be the duty of the said Trustees to keep distinct accounts of the monies accruing from the sale of the said School lands, from those of the Ministerial lands, and of the interest arising therefrom, respectively ; which accounts they and their successors in office, shall exhibit to the town at their annual meeting for the choice of town officers ; and the said Trustees and others, who may by them be employed in the business of the said Funds, shall receive no compensation from the monies of the said Funds, but a reasonable compensation may be made to them ; and the Treasurer, or other officers or

Separate ac-
counts.

Compensation
to officers.

Appropriation
of interest.

agents, by the town, at their discretion ; and the interest accruing on the monies coming from the sale of the said Ministerial lands shall be appropriated and uniformly applied for the support of the Gospel Ministry in the town of Cornville. And the interest accruing on the monies coming from the sale of the said School lands, shall be appropriated and uniformly applied for the support of instruction in the public free Schools in the said town of Cornville ; and it never shall be in the power of the said town to alienate or alter the appropriation of the said Funds, provided in this act.

First Meeting.

SEC. 6. *Be it further enacted*, That any Justice of the Peace for the county of Somerset, upon application therefor, is hereby authorized to issue a warrant, directed to one the Trustees before-named, requiring him to notify and call the first meeting of the said Trustees, at such convenient time and place, as shall be appointed in the said warrant, to organize the said Corporation, by the election and appointment of its officers.

[Approved by the Governor, December 14, 1816.]

CHAP. CV.

An Act to incorporate the West-Cambridge Baptist Society.

Persons incor-
porated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That James Frost, Benjamin Locke, Nathaniel Goddard, Isaac Cutter, Gershom Swan, Philemon R. Russell, Aaron Cutter, Samuel Jones, Timothy Swan, Samuel Cutter, Isaiah Jenkins, William Locke, James Locke, William Locke, jun. Elkanan Blanchard, Elizabeth Williams, Mary Cutter, Peter Swan, and Philemon R. Russell, jun. together with their families and estates, and such other persons as may hereafter join them and their successors, be, and they are hereby incorporated into a Religious Society, by the name of The West-Cambridge Baptist Society, with all the powers, rights, privileges and immunities, and subject to all the duties to which other

Powers.

Religious Societies within this Commonwealth are by law and the constitution respectively subject and entitled.

SEC. 2. *Be it further enacted*, That said Society, so incorporated, shall have power to receive, by donation or otherwise, and to purchase, hold and enjoy such real and personal estate, as they may deem necessary for the due support of religious worship in said Society; *provided* the same shall not exceed in value the sum of thirty thousand dollars. May hold real estate.

SEC. 3. *Be it further enacted*, That James Frost of Cambridge, Benjamin Locke, of West-Cambridge, and Philemon R. Russell of Charlestown, be, and they hereby are appointed Trustees, to receive and manage any donations, legacies or devises, for the use and benefit of the said Society; and the said Trustees, or any two of them are authorized to appoint a Treasurer; and the said Trustees and said Treasurer shall give bond to the said Society, to be approved by said Society at a legal meeting thereof, for the faithful execution of their trust; and the said Trustees and Treasurer shall be accountable to said Society; and shall, as often at least as once in every year, pay over to the Treasurer of said Society, when required by their vote, the interest or proceeds of any estate or funds held by them for the use and benefit of said Society: *Provided however*, that if any donation, legacy or devise shall be expressly limited by the donor or testator thereof, to Trustees by him or her particularly named, the same shall enure to the use and benefit of said Society, in such manner and under such limitations as shall be consistent with the intention of such donor or testator. Trustees to appoint other officers.

Provide.

SEC. 4. *Be it further enacted*, That whenever any vacancy shall happen in the Board of Trustees above-named, by death, resignation or otherwise, the same shall be forthwith filled by the said Society by ballot, at a meeting, to be called for that purpose, by any Justice of the Peace agreeably to the provisions of this act, or the by-laws of the said Society. Vacancies filled up.

SEC. 5. *Be it further enacted*, That Thomas Clark, Esq. of Watertown shall have power to appoint and notify the first meeting of said Society, for the purpose of organizing the same, by the choice of a Clerk and First meeting.

other proper officers, and of establishing such by-laws as may be necessary for the future convenient management of the concerns of the said Corporation.

Annual meet-
ings.

SEC. 6. *Be it further enacted*, That it shall be the duty of the Clerk of the said Society, on his being elected to that office, to take an oath before some Justice of the Peace for the faithful discharge of the duties of his office, and to notify the Members of said Society to meet annually in the months of March or April, to elect proper officers, and to transact the business of the Society ; and all other meetings which shall be necessary according to the provisions of this act, by giving such notice as shall be directed by the by-laws of said Society.

[Approved by the Governor, December 14, 1816.]

CHAP. CVI.

An Act authorizing the Protestant Episcopal parish of St. Andrews, in the county of Plymouth, to sell certain lands.

Power to sell
lands.

SEC. 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 of the Protestant Episcopal parish of St. Andrews, in the county of Plymouth, for the time being, be, and they are hereby authorized to make sale of two pieces of land lying in the town of Scituate, in said county, containing seven acres and six rods, granted said parish, by Addington Davenport, at public auction, at any time and place they may think proper, giving thirty days previous notice of the time and place of said sale, by posting up, in some public place in the town of Hanover and Scituate, notifications thereof ; and said Wardens are hereby authorized to make and execute good and sufficient deeds of said real estate to the person or persons who shall bid the most therefor, at said auction ; and the person or persons to whom said deed or deeds shall be executed as aforesaid, shall, by virtue thereof, be seized of said real estate.

SEC. 2. *Be it further enacted,* That the money arising from the sale of said real estate, when received by said Wardens, shall be paid over to the Trustees of the fund, for the support of religious worship in said parish, and be added to said fund, and considered hereafter as part of the same; and the interest accruing on the money which may be produced by the sale of said lands, shall be annually appropriated for the support of the Gospel Ministry in the said Episcopal Parish of St. Andrews, and for no other purpose whatever.

*Appropriation
of money*

[Approved by the Governor, December 14, 1816.]

CHAP. CVII.

An Act to incorporate the First Congregational Parish in Woburn.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all the inhabitants of the town of Woburn, with all the lands in said town, (except such inhabitants and such lands as do by law belong to some other parish or religious society, or are exempt by law from parish charges in said town of Woburn) be, and they are hereby incorporated into a parish, by the name of The First Congregational Parish in Woburn, subject to all the duties, and vested with all the rights and privileges, to which parishes are by law entitled.

*Privileges
granted.*

SEC. 2. *Be it further enacted,* That the votes and proceedings of the said town of Woburn relative to parish business, and the votes and proceedings of a parochial nature of the said inhabitants, hereby incorporated, under whatever name they may have acted, are hereby confirmed and made valid to all intents and purposes, as if the same votes and proceedings had been given and transacted in a legal meeting of an incorporated parish. And the said First Congregational Parish shall be deemed and taken to be successor to the said town of Woburn, as far as relates to parochial proceedings aforesaid; and successor to said inhabitants here-

Confirmation

Proviso.

tofore acting as a parish or society, in all their parish rights, and subject to all contracts of a parochial nature, which may have been made either by said town or said inhabitants hereby incorporated; *provided, however,* that nothing in this act shall take from the town of Woburn aforesaid any rights or property to which they are now legally entitled.

First Meeting.

SEC. 3. *Be it further enacted,* That the first meeting of the said parish shall be convened by a warrant to be issued by any Justice of the Peace in the county of Middlesex, directed to any principal Member of said parish, requiring him to warn the Members of said parish to meet at a suitable time and place, to be appointed in said warrant.

[Approved by the Governor, December 14, 1816.]

CHAP. CVIII.

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 from and after the passing of this act, John Platts of Rowley, in the county of Essex, shall be allowed to take the name of Luther Platts Palmer; that Zerubbabel Kemp of Marblehead, in the same county, shall be allowed to take the name of Henry Kemp; that Tirzah Newcomb of Greenfield, in the county of Franklin, shall be allowed to take the name of Tirzah Smead; that Amelia Greenough of Boston, in the county of Suffolk, shall be allowed to take the name of Laura Ann Greenough; that Gideon Snow, jun. of said Boston, shall be allowed to take the name of Gideon Theodore Snow; that Lemuel Billings of said Boston, shall be allowed to take the name of Henry Lemuel Billings; that Ira Blanchard of Weymouth, in the county of Norfolk, shall be allowed to take the name of Ira Henry Thomas Blanchard; that Joseph Cabot of said Boston, shall be allowed to take the name of Joseph Sebastiau Cabot; that John Rice

of Salem, shall be allowed to take the name of John Parker Rice; that Asahel Plympton of said Boston, shall be allowed to take the name of Alexander Plympton; that Nathaniel Emmons, son of Samuel Emmons of said Boston, shall be allowed to take the name of Nathaniel Henry Emmons; that James Moulton of Westborough, in the county of Worcester, shall be allowed to take the name of Elijah Russell; and that George Lyman, son of Theodore Lyman of said Boston, shall be allowed to take the name of George Williams Lyman; 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.

[Approved by the Governor, December 14, 1816.]

CHAP. CIX.

An Act concerning Jurors in the county of Suffolk.

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 Clerks of the Supreme Judicial Court within the county of Suffolk, and for the counties of Suffolk and Nantucket, shall not be required to issue any writ of *venire facias*, to the respective Constables ^{Writ of Venire facias.} in the towns in said county of Suffolk, to summon any Traverse Jurors to attend at the term of the Supreme Judicial Court which is holden annually in the month of March, nor at any law term of the said Court within said county of Suffolk, any act or law to the contrary notwithstanding: *Provided, however,* that the said Supreme Judicial Court may at any time direct the Clerks of said Court to issue one or more writs of *venire facias*, to the respective Constables of the towns within said county of Suffolk, to summon Traverse or other Jurors to attend said Court at any term thereof in said

Proviso.

county of Suffolk, whenever the same shall be deemed expedient by the said Supreme Judicial Court.

[Approved by the Governor, December 14, 1816.]

CHAP. CX.

An Act in addition to an act, entitled “An act to enable certain Banks in this Commonwealth to settle and close their concerns.”

Prolongation of
time.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That all the Banks mentioned in the act entitled “An act to enable certain Banks in this Commonwealth to settle and close their concerns,” shall be, and they hereby are continued bodies corporate, for all the purposes for which the said act was passed, for the further term of three years from the passing of this act; and that the said act be, and the same is hereby continued in force until the expiration of the said term of three years.

[Approved by the Governor, December 14, 1816.]

CHAP. CXI.

An Act in addition to an act, entitled “An act for the relief of Poor Debtors.”

Writs may be
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 first day of January next, whenever any person shall sue out a writ of execution, upon a judgment founded on a former judgment, which original judgment was rendered in a suit founded on contract, the Clerk of the Court, or Justice of the Peace, granting such writ of execution, shall so vary the form of the execution, that the same shall not run against the body

of the debtor, and such debtor shall not be liable to be arrested, imprisoned, or committed to gaol, upon any such execution, unless the amount of the debt, or damage, for which the original judgment was rendered, shall exceed the sum of five dollars.

[Approved by the Governor, December 14, 1816.]

CHAP. CXII.

An Act in addition to an act entitled "An act for the due regulation of Licensed Houses."

SEC. 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, which will be in the year of our Lord one thousand eight hundred and seventeen, no person shall presume to be a Confectioner within the town of Boston, in the county of Suffolk, except such person be first duly licensed, according to law, by the Justices of the Court of Sessions, of the same county, in Court assembled, on pain of forfeiting the sum of fifty dollars. And if any person shall at any time presume to be a Confectioner within the town of Boston, without licence therefor, duly had and obtained according to law, or if any Confectioner in said town shall presume to sell any spirituous liquors, or any mixed liquors, part of which is spirituous, or shall suffer any person to be drinking spirituous liquors in his or her house, store, or other place of business, or if any Confectioner or Victualler, as herein after described, shall keep open his or her house, store or other place of business, and entertain any person therein after ten of the clock of the evening of any working day, or on any part of the Lord's day or evening, such Confectioner or Victualler, in anywise so offending, shall, on conviction thereof, forfeit and pay for each offence a fine of ten dollars, with costs of prosecution.

Regulation of
confectioners'
shops.

SEC. 2. *Be it further enacted,* That it shall be the duty of the Selectmen of the town of Boston, to certify, from time to time, to the said Court of Sessions,

Victuallers.

what number of Victuallers the said Selectmen judge necessary in the said town of Boston, for the public convenience, who shall not be required to furnish accommodations for horses or cattle, or lodgings for travellers or other persons, and shall make return to the said Court of the names and places of business of all persons who may be so approved by them as Victuallers of the description aforesaid; and the said Court of Sessions may thereupon license such persons as Victuallers as aforesaid, in the manner and for the term of time as set forth with respect to Innholders and other licenced persons in the act to which this is in addition.

Licenses.

SEC. 3. *Be it further enacted*, That no person shall presume to exercise the trade or business of a Confectioner, within the said town of Boston, unless he or she shall have been first recommended as a suitable person therefor by the Selectmen of the said town of Boston to the Court of Sessions, and shall have been licensed by the said Court of Sessions therefor, in like manner and for the same term of time as is provided in the act to which this is in addition, for Innholders and Retailers. And in all licenses hereafter to be granted to any Victualler, Confectioner, Innholder, or Retailer of spiritous liquers, within the said town of Boston, the street, lane, alley or other place within the said town, shall be specified where such licensed person shall carry on and exercise his or her respective employment, and such license shall not protect such person for carrying on and exercising his or her said employment in any place which is not therein so specified. And every person, so as aforesaid licensed, shall, before he or she shall commence or carry on and exercise his or her employment, cause a sign to be fixed upon a conspicuous place on the front of his or her house, shop, or other place of business, with his or her name painted, and with the business of Innholder, Retailer, common Victualler or Confectioner, for which he or she shall have been so licensed, thereon expressed; and no license shall protect any person in the exercise of his or her said employment, until he or she shall have complied with this provision.

Signs.

SEC. 4. *Be it further enacted*, That the Selectmen

of the town of Boston be, and hereby are authorized and empowered to appoint from time to time so many prudent and judicious persons, as Tythingmen of the said town, as in their opinion the public good may require, and for such term of time as they may think fit, and the same to remove from office at their pleasure. And the said Tythingmen, so appointed, shall be sworn to the faithful discharge of the duties of their said office, before they shall enter upon the same; and it shall be the duty of the said Tythingmen, at all times, carefully to inspect all licensed houses, shops or other places within the said town of Boston, and of all offences against this act, and of all disorders or offences which shall at any time come to their knowledge to have been committed therein, duly to inform, so that prosecutions may be thereupon duly commenced; and such Tythingmen are hereby authorized and empowered to enter into any licensed house, shop or other place, and into any rooms or apartments of the same upon the Lord's day, to the end that they may ascertain whether the laws regulating the same are duly observed; and in case any person having a license, or any other person under him or her, or having charge of such licensed house, shop or other place, shall refuse to admit any such Tythingman into the same, or into any rooms or apartments therein, such licensed person, or other person under him or her, so refusing, shall, upon conviction thereof, forfeit and pay a fine of ten dollars, with costs of prosecution; and the license of such person shall thereupon be forfeited; nor shall a license to such person be renewed, except upon the recommendation of the Selectmen to the Court of Sessions, who may thereupon renew the same if they shall think fit so to do.

Tythingmen.

Fines and forfeitures.

SEC. 5. *Be it further enacted*, That all fines and penalties, which are specified in this act, or forfeitures incurred under the same, or under the act to which this is in addition, within the town of Boston, shall be prosecuted for and recovered by indictments in the Municipal Court for the town of Boston; and all monies so paid and received, shall be for the use of the county of Suffolk; and the Clerk of the said Court, and likewise of the Supreme Judicial Court, to which any judgment of the said Municipal Court may be carried by appeal,

Application of Fines.

shall certify to the Selectmen of the town of Boston within ten days after any conviction shall be had in the same against any person for any breach of this act, or of the act to which this is in addition, and of final judgment rendered thereon, the names and offences of all persons so convicted, and in all cases of such convictions as aforesaid, and of judgments rendered thereon, the person so convicted shall, in addition to the fine or penalty incurred thereby, likewise forfeit his or her said license; which however may be renewed upon recommendation of the Selectmen, by the Court of Sessions, in manner as is herein before provided. *Provided, however,* that nothing herein contained shall be considered as affecting in any degree the force and validity of any existing license, or the right of persons to receive and accommodate boarders and lodgers, but the law respecting the same is to continue as though this act had not passed.

Forfeit of licenses.

Proviso.

[Approved by the Governor, December 14, 1816.]

CHAP. CXIII.

An Act authorizing the sale of certain lands in the town of Westfield, and for other purposes.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That William Shepard, Samuel Fowler, Isaac Welles, Jedediah Taylor, Azariah Moseley, William Moseley, Frederick Fowler, and William Atwater, be, and they are hereby incorporated into a body politic, by the name of The Trustees of the Ministerial Fund in the town of Westfield, and they and their successors shall continue a body politic and corporate forever; and they may sue and be sued in all actions real, personal and mixed, and prosecute or defend the same to final judgment and execution; and they are authorized to receive and hold any funds accruing from the sale of any lands, which have been or shall be hereafter appropriated or granted for the use of the Congregational Ministry in said town, or any*

Persons incorporated.

funds accruing for said purpose in any manner whatever, not exceeding in the whole the amount of ten thousand dollars, in trust for the use and benefit of said Ministry; and the interest arising therefrom to be forever appropriated towards the support of a Congregational Minister in said town.

SEC. 2. *Be it further enacted*, That the Trustees aforesaid shall forever hereafter hold a meeting in the town of Westfield, in the month of March annually, the meeting to be warned by posting up notice thereof in one or more public places in the said town of Westfield, fifteen days at least before the time of said meeting: at such meeting, the major part of the Trustees present may elect a Treasurer, with whom the money or securities for money constituting the fund, may be deposited, and who shall, under the control and by the order of the Trustees, or the major part of them, receive in or deliver up, such money 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 empowered to choose a Clerk annually, to keep a record of the proceedings and doings 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.

Annual meetings.

Officers to be elected.

SEC. 3. *Be it further enacted*, That the said Trustees be, and they are hereby empowered to sell the tract or tracts of land aforesaid, or any part thereof, by public or private sale, the approbation of the town, and the consent of the Congregational Minister for the time being having been first obtained, and place the proceeds of the sales on interest, with good security, for the benefit of said fund.

Trustees may sell lands.

SEC. 4. *Be it further enacted*, That the Trustees aforesaid, and their successors in office, be, and they hereby are invested with sufficient power to receive all subscriptions, grants, appropriations and donations, whether real or personal, that may be hereafter made for the purpose of supporting a Congregational Minister in said town; and place all the money in their hands as Trustees, on interest with good security at their dis-

Donations.

cretion; and apply the whole of the interest arising from any funds in their hands, or any part thereof, towards the support of the Congregational Ministry in said town; or for enlarging the fund, as the said town from time to time may order and direct, but not in anywise to lessen or make use of any part of the principal of said fund.

Reports of proceedings.

SEC. 5. *Be it further enacted*, That the Trustees shall, at any time, when required by said town, make a report in writing of their proceedings, disbursements, receipts, and the state of the fund, and lay the same before said town, for their inspection; and said town shall have power to remove any Trustee who shall be guilty of any breach of trust; and it shall be the duty of the Trustees immediately to elect a new member to supply the vacancy.

First meeting.

SEC. 6. *Be it further enacted*, That any Justice of the Peace for the county of Hampden, upon application made to him by any Trustee before named, is authorized to issue his warrant to any Trustee before named, requiring him to notify and warn the first meeting of said Trustees.

[Approved by the Governor, December 14, 1816.]

CHAP. CXIV.

An Act for regulating the Fishery in the town of Gloucester.

WHEREAS the town of Gloucester, in the county of Essex, have purchased of Zachariah Stevens, Esq. and opened a passage-way through his Mill-dam, for the fish called Alewives, into the Cape Pond, so called, and conveyed into it a number of said fish, at a considerable expense, whereby a great increase has arisen:

SEC. 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 fish called Alewives, shall be under the care and management of a Committee of said town, to

consist of five persons, to be chosen at the annual town meeting in March or April, who shall be sworn to the faithful discharge of their duty, and shall distribute the fish that may be taken by them, or any person or persons under them, as equally as circumstances will admit, to such persons as shall apply for the same; and for the fish so supplied, the Committee aforesaid shall demand a sum not exceeding fifty cents for each hundred of fish, so delivered, and account with the Treasurer of said town for the proceeds thereof weekly, and settle their final account on or before the last day of September annually; and the money arising therefrom shall be paid over to the Treasurer of said town, and appropriated to the use of the said town; and the said Committee shall have a reasonable allowance for their services, and lay their accounts before the Selectmen of said town, for approbation and allowance, on or before the last day of November annually.

SEC. 2. *Be it further enacted*, That the said Committee, or either of them, shall have full power and authority to remove from or out of the rivers, brooks or streams, leading to the said Pond, any obstructions that may be made to the free passing of said fish into the said pond, or repassing from thence into the sea; and the said Committee, or either of them, (or of such person or persons as shall be employed by them) going on the land of any person or persons for this purpose shall not be deemed or held guilty of trespass. 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: *Provided however*, that the said fish shall not be taken any more than three days in each week, at the discretion of the Committee, and only between the rising and the setting of the sun, on said days: *And provided also*, that the said Committee, or any other person under them, shall not be authorized to appoint any such place for fishing on the lands of John Manning, Esq. without his consent.

SEC. 3. *Be it further enacted*, That no person shall

catch or take any of the said fish in any river, brook, or stream leading to, or from the said pond, without the direction of the said Committee, or the major part of them, in writing; and whoever shall presume at any time hereafter to take, kill, or haul on shore any of the said fish, with seines or drag nets in either of the rivers, or ponds, brooks or streams through which the said fish pass into the said Cape 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 said pond, or shall obstruct the said Committee, or either of them, (or those persons employed by them,) in the execution of their duty, in all and every of these cases, the offenders shall, for each offence, forfeit and pay a sum not exceeding twenty dollars, nor less than five dollars with costs of suit.

SEC. 4. *Be it further enacted,* That it shall be the duty of the said Committee, or either of them, and they are hereby vested with full power and authority to sue for and recover in the name of the Treasurer of said town, from time to time, all fines and forfeitures incurred by any breach of this act, before any Justice of the Peace for the county of Essex; and any Justice of the Peace of the town of Gloucester may hear and determine any complaint under this act, to the amount of twenty dollars, 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 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; and all such fines shall be to the use of 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 half 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 Gloucester, or of his being one of the Committee aforesaid.

Recovery of
fines.

SEC. 5. *Be it further enacted*, That it shall be the duty of the Committee aforesaid to take care that a sufficient passage be kept open annually for the young Alewives to pass from the said pond to the sea.

[Approved by the Governor, December 14, 1816.]

CHAP. CXV.

An Act to incorporate the Corban Society.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Mary Mason, Sarah Dunn, Isabella Homes, Susan Huntington, Margaret C. Welsh, Mary Codman, Margaret Phillips, Hannah B. Tyler, Elizabeth Rogers, Phebe Cutler, Martha Ropes, and their associates to be elected into the Society from among the annual subscribers to the same institution, be, and they hereby are incorporated into a Society, by the name of The Corban Society, to aid and assist Candidates for the Gospel Ministry with the means of instruction and subsistence; and for this purpose 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 for 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, and the same to improve, lease, exchange, or sell and convey for the sole benefit of the said institution; *provided*, that 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 two thousand dollars.

Persons incorporated.

Powers and privileges.

Proviso.

SEC. 2. *Be it further enacted*, That every married woman belonging to said Society, who shall, with the consent of her husband, receive any of the money or other property of said Society, shall thereby render

Liability.

her said husband accountable therefor, to said Society: And every woman, whether sole or married, who shall subscribe and pay to the funds of said Society, the sum of two dollars annually, and be voted in by a majority of the Directors, shall become a Member of said Society; liable, however, to be removed, whenever she shall refuse or neglect to pay her annual subscription.

Annual election
of officers.

SEC. 3. *Be it further enacted,* That said Society shall meet in Boston, on the last Monday in September annually, for the purpose of electing, by ballot, from their Members, a President, Vice-President, Secretary, Treasurer, and nine Assistants; all which officers shall hold their said offices for one year, and until others shall be elected to succeed them; and the Directors for the time being, shall publish the time and place of each annual meeting, in two of the newspapers, or by written notifications, at least seven days before the time of holding the same; and at all such annual meetings, twelve Members shall constitute a quorum; the Directors shall meet on the last Monday in December, March and June, also on their own adjournments, and at the call of the President; and any seven of them shall constitute a quorum. Any Member may be dismissed at an annual meeting by the voice of two thirds of the Members present, the dismissal having been proposed at the preceding annual meeting.

Dismissals.

Qualifications of
president.

SEC. 4. *Be it further enacted,* That the Treasurer of said Society shall be a single woman, of the age of twenty-one years or upwards, and shall give bond with sufficient surety or sureties, to account annually, or oftener if required by said Society or the Board of Directors, for all money and other property of said Society coming into her hands, and in general to discharge the duties of her said office with fidelity.

Board of directors.

SEC. 5. *Be it further enacted,* That the Board of Directors for the time being, shall have the management and application of all the subscriptions, donations, funds and estate of the Society, to be appropriated solely for the use 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, except by their order; they shall likewise have authority, at their discretion, to aid such indigent young men as may be recommended to them, whom they may judge to be suitable objects of charity, to enjoy the benefits of the Institution. And the Directors 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 constitution or laws of this Commonwealth, or the by-laws of said Society.

Donations.

SEC. 6. *Be it further enacted,* That any writ or process against said Corporation may be served by the officers leaving an attested copy thereof with the Treasurer of said Society, or at her usual place of residence, thirty days before the return day thereof; and the said Treasurer, or any Agent, appointed for that purpose by the Society or by the Directors, may appear by Attorney, and defend or prosecute any suit in behalf of said Society.

May be sued.

SEC. 7. *Be it further enacted,* That all instruments of conveyance or contract, which may lawfully be made by said Society, if approved by the Board of Directors, shall be signed by the President or Vice-President, and countersigned by the Secretary, and if necessary, sealed by the common seal of said Society; and when so executed, shall bind the said Society and be valid in law.

Conveyances.

[Approved by the Governor, December 14, 1816.]

CHAP. CXVI.

An Act to establish a Fund for the support of the Ministry in the town of Wilton.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Joseph Webster, Isaac Hathaway, Jun. Timothy Woodward, Nathan Wing, Micah Covell, Silas Gould, all of the town of Wilton, be, and they are hereby constituted a body politic and corporate, by the name of the Trustees of the

Ministerial Fund in the town of Wilton; and the said Trustees in their said capacity, shall have power according to their best discretion, to sell the public lot of land in the said town, which, in the original grant thereof, was reserved for the support of the Ministry in the said town; and the monies arising from the said sale, to place at interest, in the manner provided by this act, which monies shall be a fund for the support of the Ministry in said town; and the number of the said Trustees shall never exceed nine, nor be less than six, any five of whom may be a quorum for doing business; and the said Trustees shall annually elect by written votes, a Chairman, and also a Clerk, to record and certify their doings, and a Treasurer to receive, keep, and apply the monies belonging to the said Ministerial Fund, as is herein directed; and the said Treasurer shall give bonds, with two sufficient sureties, for the faithful discharge of his trust; and the said Trustees may keep and use a common seal, subject to alteration at their pleasure, and by their corporate name aforesaid may sue and be sued, in any action, real, personal or mixed, and may prosecute and defend the same to final judgment and execution.

Powers of trustees & associates.

May sue and be sued.

Rotation of officers.

SEC. 2. *Be it further enacted,* That one of the said Trustees shall annually retire, beginning and proceeding accordingly by seniority of age, and such vacancy shall be supplied by election of the freeholders at their annual town meeting, for the choice of town officers; and in like manner any vacancy may be supplied, which may happen by death, resignation, misconduct, infirmity, removal out of the town, or any other cause, which in the judgment of the said freeholders, shall be sufficient for declaring and filling such vacancy, so happening, and they may also remove any officer or agent by them employed, when they may see sufficient cause.

May sell land.

SEC. 3. *Be it further enacted,* That the said Trustees be, and they are hereby empowered, at such time as in their discretion they may judge most suitable, to sell and convey the public lot, reserved for the use of the Ministry in the said town of Wilton; and to make, execute, acknowledge and deliver a good and sufficient deed or deeds thereof, which being signed by the Treasurer, and countersigned by the Clerk of the said Corpora-

tion, with their seal affixed, shall be good and effectual in law, to pass and convey the fee simple from the town to the purchaser; and the monies arising from the sale of the Ministry lot shall be put at interest as soon as may be, and secured by mortgage on real estate to the full value of the property sold, or money loaned, or by two or more sureties with the principal, unless the said Trustees shall think it more expedient to invest the same in public funded securities or bank stock, at their discretion; and all donations, grants, bequests or legacies which may be hereafter made and given to the said fund, for the support of the Ministry in the said town of Wilton, shall be appropriated to the same purpose, in the manner and within the restrictions and provisions made in this act; and the interest and profits only arising from the said funds, shall be used and applied for the benefit of the Ministry in the said town; and it shall never be in the power of the said town to alienate, alter, or vary the appropriations of the said funds. And the said Trustees and all the other Officers of the said Corporation, for the services they may perform, shall receive no compensation out of the said funds, interests, or profits aforesaid, but a reasonable compensation for such services may be paid to them by the said town when they may see cause.

Appropriation
of funds.

SEC. 4. *Be it further enacted*, That the said Trustees and each of them, severally, 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 to the said funds arising thereby: and the debt or damage recovered in such suit shall be considered as belonging to the said funds, and applied accordingly. And at every annual meeting of the said town, in the month of March or April, the Trustees shall exhibit a true and fair statement of their doings, and of the condition of the said funds.

Responsibility
of trustees.

SEC. 5. *Be it further enacted*, That any Justice of the Peace for the county of Kennebec, is hereby empowered upon application therefor, to issue a warrant, directed to one of the Trustees named in this act, requiring him to notify and warn a meeting of the said Trustees to meet at such convenient time and place as shall be appointed in the said warrant, to organize the

Warrant for
meetings.

said Corporation, by the election and appointment of its officers ; and the said Corporation when duly organized, may adopt and settle the way and means of calling and notifying future meetings.

[Approved by the Governor, December 14, 1816.]

CHAP. CXVII.

An Act to apportion and assess a Tax of one hundred and thirty-three thousand three hundred and forty-two dollars, and thirty-two cents ; and to provide for the reimbursement of twenty-eight thousand four hundred and twelve dollars, paid out of the public Treasury, to the Members of the House of Representatives, for their attendance at the two last sessions of the General Court.

[Approved by the Governor, December 14, 1816.]

COMMONWEALTH OF MASSACHUSETTS.

Secretary's Office, March 21st, 1817.

I hereby certify, that the LAWS contained in this pamphlet, passed at the session of the General Court, beginning the 13th of November, and ending the 14th of December, 1816, have been examined and compared with the originals in this office, and appear to be correct, excepting in one instance, viz. :—page 32 $\frac{1}{2}$, 12th line from bottom, instead of "Salem Academy," it should read "Salem Street Academy."

ALDEN BRADFORD,

Secretary of the Commonwealth.

LAWS

OF THE

COMMONWEALTH OF MASSACHUSETTS,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION, WHICH COMMENCED ON THE 28th OF MAY,
AND ENDED ON THE 18th OF JUNE, 1817.

CHAP. I.

An Act to set off certain land from Malden, and annex
it to Medford,

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 hereinafter described, heretofore situated in the town of Malden, in the county of Middlesex, with the inhabitants thereon, be set off from the said town of Malden, New Boundaries. and annexed to the town of Medford, in said county; and shall hereafter be considered as a part of said town of Medford, viz. beginning at the boundary line between said towns, at the point where the creek running from Creek Head, so called, crosses said boundary line, thence running in a southeasterly direction by said creek, pursuing the course thereof, to a stake on the southerly side thereof, in the land of Nathan Holden, bearing south fifty degrees east, and distant from the place of beginning, in a straight line, about one hundred and twenty-eight rods, thence south six degrees west across the Bradbury farm, so called, about two hundred rods, to a stake in the line between said farm and land of Richard Dexter, thence south nine degrees east, so as to divide the land of said Dexter, and passing in a straight line between said Dexter's land and land of Benjamin

Proviso.

Tufts, about one hundred and thirty rods, to Mystic River, at a stake; thence westerly, by Mystic River, to the old dividing line between said towns, and thence by said old line to the place of beginning: *Provided however*, that said lands, and the inhabitants thereon, shall be holden to pay all such taxes as have been lawfully assessed or granted by said town of Malden, in the same manner as they would have been holden if this act had not been passed.

[Approved by the Governor, June 10, 1817.]

CHAP. II.

An Act to cede to the United States the jurisdiction of a site for a Light House on the west chop of Holmes' Hole.

Cession of Land to United States.

Proviso.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the United States may purchase any tract of land, not exceeding four acres, which shall be found necessary for the Light House, authorized by Congress to be built on the west chop of Holmes' Hole, on the island of Martha's Vineyard, and may hold the same during the continuance of the use and appropriation aforesaid: *Provided*, That this Commonwealth shall retain, and does hereby retain concurrent jurisdiction with the United States, in and over said land, so far as that all civil and criminal processes, issued under the authority of this Commonwealth, or any officer thereof, may be executed on any part of said land, or in any building which may be erected thereon, and for the punishment of all crimes and misdemeanors against the laws of this Commonwealth, committed upon said land, in the same way and manner as if the jurisdiction had not been granted as aforesaid.

[Approved by the Governor, June 11, 1817.]

CHAP. III.

An Act to cede to the United States part of the island of Petit Manan, near Naraguagus River, whereon to erect a Light House.

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 soil of the island of Petit Manan as lies to the southward of the bar which connects the southern with the northern part of said island, being the property of this Commonwealth, be, and hereby is ceded to the United States of America, for the purpose of erecting a Light House on the same: *Provided* that this Commonwealth shall retain, and does hereby retain concurrent jurisdiction with the United States, in and over said land, so far as that all civil and criminal processes, issued under the authority of this Commonwealth, or any officer thereof, may be executed on any part of said land, or in any building which may be erected thereon, and for the punishment of all crimes and misdemeanors against the laws of this Commonwealth, committed upon said land, in the same way and manner as if this grant had not been made.

Cession of Land
to United States.

Proviso.

[Approved by the Governor, June 11, 1817.]

CHAP. IV.

An Act to continue in force an act, entitled "An act to incorporate Stephen Higginson and others, into a company, by the name of the Boston 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 act, entitled, "An act to incorporate Stephen Higginson and others, into a company, by the name of the Boston Marine Insurance

Company," passed on the thirteenth day of February, in the year of our Lord one thousand seven hundred and ninety-nine, excepting the tenth section thereof, with all the powers and privileges granted by the said

Extension of Act. act, shall be and remain in force for the term of twenty years from the thirteenth day of February, in the year of our Lord one thousand eight hundred and nineteen: *Provided always*, that the capital stock of the said company shall continue to be three hundred thousand dollars; and that the said company shall not be allowed to insure on any one risk a greater amount than thirty thousand dollars; and *provided also*, 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.

Proviso.

[Approved by the Governor, June 11, 1817.]

CHAP. V.

An Act to alter the name of the town of Buckstown.

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 Buckstown, in the county of Hancock, be, and the same

Change of town's name. is hereby altered to the name of Bucksport; and the said town shall henceforth be known and called by the name of Bucksport.

[Approved by the Governor, June 12, 1817.]

CHAP. VI.

An Act in addition to an act, entitled "An act to reduce the Capital Stock of the Boston Bank."

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the number of shares in the

Corporation, called and known by the name of the President, Directors and Company of the Boston Bank, shall be twelve thousand ; any thing in the act entitled an act to reduce the Capital Stock of the Boston Bank, to the contrary notwithstanding. Shares limited.

[Approved by the Governor, June 12, 1817.]

CHAP. VII.

An Act in addition to an act, entitled “ An act to cede to the United States the jurisdiction of scites for Light Houses on Race Point, Nashaun Island and Point Gammon.”

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That if the Superintendant of Light Houses in Massachusetts, or persons employed for the United States, and the owner or owners, or his or their Agent or Agents, of such tract of land as shall be found necessary and convenient for such Light House as the United States may cause to be built near Tarpaulin Cove, on Nashaun Island, cannot agree in a sale and purchase thereof, such Agent or person employed, may apply to the Court of Common Pleas, which may at any time be holden within and for the county of Dukes’ County, and the said Court is hereby authorized and empowered to cause the value of said land, together with the said damages which the owner or owners thereof may sustain by the erection of said Light House, to be appraised by a jury to be summoned by the Sheriff of said county, or his deputy, for that purpose ; which jury shall be sworn to the faithful discharge of their trust, and shall proceed to view and set off by metes and bounds said tract of land, or such part thereof as they shall find necessary and convenient for such Light House, and shall return their verdict to the said Court. And in case the said Court shall not then be in session, shall seal up their verdict and deliver the same to the said Sheriff or his deputy, who shall make return thereof to the said Court, at the next term to be holden in, and for

Disputes settled by Court Common Pleas.

said county ; which verdict of the jury being accepted by the said Court, and the amount of such verdict being paid to the owner or owners of the land so appraised and set off by the Jury, or if the owner or owners shall not appear, or shall refuse to receive such amount in money as the said Court shall order, then the amount of the appraisement aforesaid, shall be lodged in the office of the Treasurer of the county of Dukes' county, to be received by the owners, or any person legally authorized to receive the same ; and the tract of land so appraised and set off shall be vested in the United States, and shall be taken, possessed and appropriated for the purposes aforesaid : *Provided*, that all charges of such application and appraisement shall be paid by the United States : *and provided*, that the land which may be set off for the purposes aforesaid shall not exceed the quantity of four acres in the whole : *and provided*, that this Commonwealth shall retain, and does hereby retain concurrent jurisdiction with the United States, in and over said land, so far as that all civil and criminal processes issued under the authority of this Commonwealth, or any officer thereof, may be executed on any part of said land, or in any building which may be erected thereon, and for the punishment of all crimes and misdemeanors against the laws of this Commonwealth, committed upon said land, in the same way and manner as before the passing of this act.

Proviso.

[Approved by the Governor, June 12, 1817.]

CHAP. VIII.

An Act to alter and establish the times and places for holding the Courts having cognizance of Sessions business, in the county of York.

SEC. 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 times and places for holding the Courts of Common Pleas, in the county of York, sitting in conjunction with the Session Justices of said

county, with cognizance of all the Session business therein, shall be as follows, to wit: At York on the third Monday of April, and at Alfred on the second Monday of September, annually; and all petitions, processes, matters and things, now pending in the Court of Sessions, or Court having cognizance of Session business in said county, and all parties and persons interested therein, shall be heard, have day, acted upon and determined at said Alfred, on the second Monday of September next.

SEC. 2. *Be it further enacted,* That all laws heretofore made for fixing the times and places for holding the Courts of Sessions, or for holding Courts having cognizance of Session business within said county, inconsistent with the provisions of this act, be, and the same are hereby repealed. Laws repealed.

[Approved by the Governor, June 13, 1817.]

CHAP. IX.

An Act fixing the terms at which the Circuit Court of Common Pleas for the Middle Circuit, may transact the business of a Court of Sessions.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Circuit Court of Common Pleas for the Middle Circuit, when duly organized as a Court of Sessions, may and shall, at every term thereof, except the term thereof holden at Ipswich, within and for the county of Essex, in December annually, hold jurisdiction as a Court of Sessions, and do and perform all things which by law they are authorized to do, any law to the contrary notwithstanding. Jurisdiction of Court.

SEC. 2. *Be it further enacted,* That whenever it may be necessary to adjourn said Court, they may, if the public interest require it, adjourn to any other place in the county, where by law such Court may be holden.

[Approved by the Governor, June 13, 1817.]

CHAP. X.

An Act to alter the time of holding the Circuit Court of Common Pleas, within and for the county of Lincoln.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Circuit Court of Common Pleas, now holden at Wiscasset, within and for the county of Lincoln, on the second Monday in May annually, shall, from and after the passing of this act, be holden at said Wiscasset, on the fourth Monday of April annually, instead thereof; and the Justices of the said Court shall have jurisdiction of all Session business at the term of the said Court, by this act established, in like manner as at the terms holden at Topsham and Warren, for the same county.*

Terms of Court altered.

SEC. 2. *Be it further enacted, That all writs, recognizances, warrants, complaints and every other process, precept, matter and thing, and all parties or persons that have been or may be required or directed to appear and attend, and all actions, indictments, suits, informations, appeals, matters and things, which shall or may be pending in the said Court, now holden at Wiscasset, on the second Monday in May as aforesaid, shall henceforth be returned to, entered, appear and attend, have day, be heard, tried and determined in said Court, at the term thereof by this act established, to be holden at Wiscasset, in said county, on the fourth Monday of April annually.*

Business returned.

[Approved by the Governor, June 13, 1817.]

CHAP. XI.

An Act to alter the times of holding the Circuit Court of Common Pleas, and Court of Sessions, within and for the county of Penobscot.

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

the authority of the same, That the Circuit Court of Common Pleas, and Court of Sessions, within and for the county of Penobscot, shall, from and after the time this act shall be in force, be holden at Bangor, within and for the said county, on the first Monday of January, on the second Monday of May, and on the third Monday of September annually, instead of the times now appointed by law, for holding said Courts. Removal of Court.

SEC. 2. *Be it further enacted,* That this act shall have full force and effect, from and after the twentieth day of July next, and not before; and all writs, recognizances, warrants, complaints and every other process, precept, matter and thing, returnable to said Courts on the second Tuesday of November next, and all parties and persons that have been or may be required or directed to appear and attend at the time or term last mentioned, and all actions, indictments, suits, informations, appeals, matters and things, which shall or may be pending in said Courts, or either of them in said county, on the said twentieth day of July next, shall be returned to, entered, appear and attend, have day, be heard, tried and determined in the said Courts, respectively, at the term thereof, appointed by this act, to be holden on the third Monday of September next. Transfer of Return.

SEC. 3. *Be it further enacted,* That all acts and parts or clauses of acts, which are or may be repugnant to, or inconsistent with the provisions of this act, be, and the same are hereby repealed, from and after the said twentieth day of July next: *Provided however,* that any thing done pursuant to those acts or clauses thereof, prior to the day last mentioned, shall be as good and valid in law to all intents and purposes, as if this act were never passed: *And provided moreover,* that the Session business cognizable by said Court, in conjunction with the Sessions Justices thereof, have day, be done, and performed, only at the aforementioned terms in January and September annually, and not at the May term before expressed. Repeal of Acts. Proviso.

[Approved by the Governor, June 13, 1817.]

CHAP. XII.

An Act to incorporate the town of Brooksville.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That those parts of the towns of Castine, Penobscot, and Sedgwick, included in the following boundaries, viz. : beginning at the water on the line between Castine and Penobscot, there bounded by the waters of the harbour of Castine, and by Castine river, to land of John Walker, on the southerly side of said river; thence on the line of said lot, including the same to the water; thence from the outlet of Walker's Pond, so called, south westerly, to the southerly line of Isaac Billings' land; thence, on said southerly line, to the sea; thence running by the sea shore round Cape Rosier, and by the shores of Castine harbour, to the first-mentioned bounds; together with the inhabitants thereon, be, and are hereby incorporated into a town, by the name of Brooksville; and the said town is hereby vested with all the privileges and immunities which other towns do, or may enjoy by the Constitution and laws of this Commonwealth: *Provided*, that the inhabitants within the boundaries aforesaid, shall be holden to pay to the several towns, to which they have heretofore belonged, their several proportions of all taxes voted by said towns, together with all state and county taxes, apportioned on said towns, before the passing of this act.

SEC. 2. *Be it further enacted*, That in all state taxes, which shall hereafter be granted by the General Court of this Commonwealth, until a new valuation shall be settled, one eighth part of the taxes which would have been set to the town of Sedgwick, one fifth part which would have been set to the town of Penobscot, and one fifth part which would have been set to Castine, according to the last valuation, shall be taken from said towns and set to the said town of Brooksville.

SEC. 3. *Be it further enacted*, That William Abbot, Esquire, be, and he is hereby authorized to issue a

Boundaries.

Rights and Privileges.

Proviso.

Disposition of Taxes.

warrant, directed to some suitable inhabitant of said town of Brooksville, requiring him to notify the inhabitants thereof, to meet at such time and place as shall be appointed in said warrant, for the election of all such officers as towns are entitled to choose in the months of March or April annually.

Warrant for first meeting.

[Approved by the Governor, June 13, 1817.]

CHAP. XIII.

An Act to extend the powers and duties of Sheriffs, Coroners, and Constables, in certain cases.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Sheriffs, Deputy Sheriffs, Coroners, and Constables be, and they hereby are authorized and empowered to make service and return of all writs and processes to them duly directed, in which towns or districts, of which they are inhabitants, are parties or interested, any law, usage or custom to the contrary notwithstanding.

Return.

[Approved by the Governor, June 13, 1817.]

CHAP. XIV.

An Act in addition to the several laws now in force respecting School Districts.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That each and every School District in this Commonwealth, is hereby made a body corporate, so far as to bring and maintain any action, on any agreement, made with any person or persons, for the non performance thereof, or for any damage done to their School Houses; and be liable to have any action brought and maintained against them for the non performance of any contract by them made.

Schools incorporated.

SEC. 2. *Be it further enacted,* That the said corporation shall have power to take and hold in fee simple, May hold estates. or otherwise, any estate, real or personal, which has been or may be given by any person or persons, for the purpose of supporting a school or schools in said district, and to apply the same for the purposes aforesaid, and may prosecute and defend any suit or suits relative to the same.

[Approved by the Governor, June 13, 1817.]

CHAP. XV.

An Act to set off the town of Guilford from the county of Somerset, and annex the same to the county of Penobscot.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this act, the town of Guilford, in the county of Somerset, be, and the same is hereby set off from said county of Somerset, and annexed to the county of Penobscot: *Provided however,* that the inhabitants of said Guilford shall be holden to pay their proportion of all legal taxes which have been assessed, or by the General Court ordered to be laid on said Guilford, in the same manner as though this act had never been passed. Town set off.

[Approved by the Governor, June 14, 1817.]

CHAP. XVI.

An Act further regulating the Fishery in Merrimack River.

SEC. 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 Fish Warden, Sheriff, Deputy

Sheriff, Grand Juror, or Constable, who may find a seine, net, pot, or any other machine for catching salmon, shad, or alewives, at any place between the banks of Merrimack river, in this Commonwealth, upon any day other than those on which said fish may be taken by law, shall have a right to take such seine, net, pot, or other machine, and dispose of them in the same way and manner as is prescribed by the said act for unlawful fishing. Forfeitures.

SEC. 2. *Be it further enacted,* That if any person or persons shall be found at any place between the banks of said river with a seine, net, or other machine, for catching any of said fish, in his or their possession, upon any day when it is not lawful to catch said fish, he or they shall forfeit and pay a fine of ten dollars, for each and every such offence, to be recovered and appropriated to the sole use of the Fish Warden, Sheriff, Deputy Sheriff, Grand Juror, or Constable, who shall prosecute for the same. Penalties.

[Approved by the Governor, June 14, 1817.]

CHAP. XVII.

An Act to establish a Ministerial Fund in the town of Sudbury.

SEC. 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 Sudbury, for the time being, and the Deacons of the Church, for the time being, in the said town of Sudbury, be, and they are hereby appointed and incorporated as Trustees, by the name of the Trustees of the Sudbury Ministerial Fund; and by that name they and their successors in office shall be, and continue a body politic 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 belong to the like corporations. And the said Trustees and Trustees. May sue and be sued.

May elect other officers.

their successors may annually elect one of their number as President, and a Clerk to record the doings of said Trustees, and a Treasurer to receive and pay the money belonging to 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.

May sell and convey lauds.

SEC. 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 Sudbury, which have been and are appropriated to the support of the ministry in 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 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 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 by two or more sufficient sureties, with the principal; 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 lands, which shall be subscribed by the Treasurer, with their seals thereto affixed, and by him duly acknowledged; and when so executed and delivered, shall be good and effectual in law to pass and convey all the rights of said town in and to said real estate, to the purchaser thereof.

Compensation.

SEC. 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 addition of the said fund; 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 funds, at the annual meeting in March or April.

SEC. 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.

Warrant for first meeting.

[Approved by the Governor, June 14, 1817.]

CHAP. XVIII.

An Act in addition to an act, entitled "An act to incorporate the First Baptist Society in York."

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 second section of the act, entitled "An act to incorporate the First Baptist Society in York," as requires a certificate of admission to be approved of by the settled Minister of said society, be, and the same is hereby repealed.

Act repealed in part.

[Approved by the Governor, June 14, 1817.]

CHAP. XIX.

An Act establishing the Massachusetts Steam Navigation Company.

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

*the authority of the same, That John H. Andrews, with such other persons as have already associated with him, or may hereafter associate with him, and their successors, be, and they hereby are made and constituted a body politic and corporate, by the name of the Massachusetts Steam Navigation Company, for and during the term of thirty years after the passing of this act; and by that name may sue and be sued. in all actions, real, personal and 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 corporation, shall thereafter, in respect thereto, cease to be a member of said corporation; and the assignee thereof shall be, with respect thereto, thenceforward a member of said corporation, with all the rights, and subject to all the duties, penalties and payments which the assigner thereof was or might have been vested with or liable to.*

Term.

Powers.

Proviso.

SEC. 2. Be it further enacted, That said corporation shall have power, and is hereby authorized to erect and build any Steam Boats in any part of this Commonwealth, where the individual proprietors in their private capacities might lawfully do the same; and also navigate any Steam Boats in any waters where the individual proprietors might lawfully do the same, as shall appear to said corporation to be for the benefit of the same.

Authorized to build steam boats.

*SEC. 3. Be it further enacted, That said corporation may be lawfully seized and possessed of such real estate as may be necessary and convenient for establishing and carrying on the business of said corporation, and of as much personal estate as shall be actually employed by said corporation; *provided,* that such real estate shall not exceed the value of thirty thousand dollars, and the personal estate three hundred thousand dollars.*

May hold estates.

Proviso.

SEC. 4. Be it further enacted, That the property of said corporation shall be, and hereby is, divided into one hundred and forty-four shares, and shall be numbered in progressive order, beginning at number one; and every original member thereof shall have a certifi-

Number of shares.

cate under the seal of the corporation, and signed by the Treasurer, certifying his property in such shares as shall be expressed in said certificate.

SEC. 5. *Be it further enacted*, That any two of the proprietors may, and they hereby are empowered to call a meeting of the proprietors, by a notification published in the Salem Gazette and Essex Register, at least seven days previous to said meeting; at which meeting a Clerk shall be chosen, whose duty it shall be, fairly and truly to enter and record in a book or books, for that purpose to be provided and kept, this act, and all the rules, by-laws, votes and proceedings of said corporation, which book or books shall at all times be subject to the inspection of any person for that purpose appointed by the Legislature; and the said Clerk shall be sworn to the faithful discharge of the duties of his office; and at the same meeting, the proprietors shall elect a Treasurer, and such number of Directors to manage the prudential business of said corporation as to them shall seem expedient; and such Directors, as well as those which at any meetings hereafter may be chosen, shall have power, from time to time, to assess such taxes on the proprietors of the shares in said corporation as they shall deem to be necessary; and on the neglect or refusal of any proprietor to pay such tax, to sell so many of his or her shares at vendue, as will pay his or her taxes, after advertising the sale of such share or shares in one of the public papers in Salem and Boston for the space of ten days at least, previous thereto, and the overplus, (if any there be) after the payment of the taxes and the charges of sale, to be paid to the owner of the share or shares, so sold; and the proprietors may at said meeting, or at any other meeting, elect any other officers, which to them may seem necessary, for carrying into effect the object of their institution; and may agree upon a mode of calling future meetings of the proprietors, and also make any reasonable rules and by-laws, not repugnant to the constitution and laws of this Commonwealth.

First meeting for choice of officers.

Officers' duties.

SEC. 6. *Be it further enacted*, That the Directors appointed, shall hold their offices for the term of one year, and until others are elected in their room: *Provided*, that if any Director ceases to be a member of this

Term of office.

corporation during the time for which he was elected, or resigns, the corporation at a legal meeting, may elect another person in his room.

SEC. 7. *Be it further enacted,* That any share may be alienated by the proprietor thereof, by a deed 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 way, except in the cases hereafter provided: And any person 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 aforesaid, certifying the property of such share to be in the purchaser.

SEC. 8. *Be it further enacted,* That any share in said corporation may be attached on original process, or levied upon by execution, at the suit of any creditor of the proprietor of such share, by the officer having the process to execute, giving to the Treasurer or leaving at his place of abode, a certificate in writing, shewing that he hath attached or taken in execution, such proprietor's share, at the suit of such creditor; and the officer may proceed to sell the same at public auction, as he might by law sell any goods or chattels of such proprietor, attached or levied upon, to satisfy the execution of the creditor: And the officer may make and execute a deed of such proprietor's share to the highest bidder; and the purchaser producing to the Treasurer a deed under the hand and seal of such officer, acknowledged and recorded as aforesaid, shall be entitled to a certificate from the Treasurer, executed as aforesaid, certifying the property of such share to be in the purchaser; and the Treasurer shall have recorded in a book to be kept for that purpose, a schedule of the names of all the members of said corporation—of the several shares of which each proprietor is owner, and the numbers annexed to such shares; and such book shall be open to the inspection of any Sheriff, Deputy Sheriff, or Coroner, having a process to execute against any proprietor, or to the inspection of any other person when demanded, upon payment of twenty-five cents for each inspection: And in any action to be brought, or in any judgment to be rendered against said corporation, the plaintiff not being able to find any property of the corporation to attach on mesne process, or whereon

May alienate shares.

Shares may be attached.

to levy his execution, shall have the right of attaching or levying his execution on any of the individual members of the corporation and their estate, real or personal, in the same manner as if the action had been brought and the judgment rendered against them in their individual capacity.

SEC. 9. *Be it further enacted,* That when any proprietor shall die possessed of any share or shares in said corporation, his Executor or Administrator, upon producing to the Treasurer such deceased proprietor's certificate or certificates, shall be entitled to receive a new certificate, executed in form aforesaid, certifying the property of such share or shares to belong to such Executor or Administrator, who shall hold such share or shares as personal estate of such deceased proprietor, and shall or may sell and dispose of the same at public auction, or otherwise, in the same manner as by law he might sell and dispose of any chattels of such deceased proprietor; and such Executor or Administrator shall and may execute and acknowledge a deed or deeds of such share or shares, and the purchaser producing to the Treasurer the certificate or certificates, executed in form aforesaid, certifying such share or shares to belong to such purchaser. And such Executor or Administrator, who shall not have sold such share or shares, shall immediately after the settling the estate of such deceased proprietor, deliver the certificate or certificates by him received, to the heir or legatee of such deceased, who shall, upon producing the same to the Treasurer, be entitled to a new certificate or certificates, executed in the form aforesaid, certifying the property of such share or shares to be in such heir or legatee.

SEC. 10. *Be it further enacted,* That the time and place of all public sales of any share or shares, shall be made known at least seven days before such sale, by publishing the same in one of the public newspapers of Salem and Boston.

SEC. 11. *Be it further enacted,* That at all meetings of the corporation, each member shall be entitled to one vote for each share owned by him; *provided,* that no person shall be entitled to more than fifteen votes.

[Approved by the Governor, June 16, 1817.]

Shares of proprietors deceased.

Advertisement of public sales.

Votes.

CHAP. XX.

An Act to incorporate the First Baptist Society in the town of Ipswich.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Samuel Appleton, Samuel G. Appleton, Timothy Appleton, Charles Simonds, William Dennis, Frederick Mitchell, Jacob M. Farnum, Joseph L. Ross, James Caldwell, Moses Graves, Josiah Symonds, Daniel Ross, Jun. John Lord, Robert Stone, Daniel W. Low, Nathaniel Perkins, Major Woodbury, Samuel Stone, Simeon Spafford, Amos Jones, Francis Hovey, John Hovey, Levi Hovey, and Joseph Hovey, with their polls and estates, be, and they are hereby incorporated by the name of the First Baptist Society in Ipswich, with all the privileges, powers and immunities to which other religious societies are entitled by the constitution and laws of this Commonwealth.*

Persons incor-
porated.

Powers.

Membership.

SEC. 2. *Be it further enacted, That any person in the said town of Ipswich, or in the adjoining towns, who may at any time hereafter desire to become a member of said Baptist Society, and give in his or her name to the clerk of the town or parish to which he or she may belong, with a certificate signed by the Minister or Clerk of said Baptist 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 town or parish meeting, to be held in the month of March or April, 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 belonged previous to that time.*

Proviso.

Secession.

SEC. 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 or parish in which he or she may reside, and shall give in his or her name to the Clerk of said Bap-*

tist Society, with a certificate, signed by the Minister or Clerk of the parish or 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 society fourteen days previous to their annual meeting in March or April, and shall pay his or her proportion of all monies voted or assessed in said Baptist Society previous thereto, shall from and after giving such certificate, with his or her polls and estates, be considered as a member of such other parish or society to which he or she may so unite.

SEC. 4. *Be it further enacted,* That any Justice of the Peace, in the town of Ipswich, upon application therefor, is hereby authorized to issue a warrant, directed to some suitable member of said Baptist Society, requiring him to notify and warn the members thereof, to meet at such time and place as shall be appointed in said warrant, to choose all such officers, and transact all such business as parishes are by law entitled to choose and transact in the month of March or April, annually.

Warrant for first meeting.

[Approved by the Governor, June 16, 1817.]

CHAP. XXI.

An Act in addition to an act, entitled "An act for establishing the Second Massachusetts Turnpike Corporation."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Second Massachusetts Turnpike Corporation be, and they are hereby authorized and empowered to remove the Gate erected on said road, from the place where it now stands, to Deerfield River Bridge, on said road.

Gate removed.

SEC. 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, within two miles of the west end of said road, where the corporation may judge most convenient.

Gate erected.

SEC. 3. *Be it further enacted,* That from and after the passing of this act the said corporation be, and they are hereby authorized and empowered to demand and receive from all persons travelling on said road, the following rates of toll, at each of said Gates, viz. :
 To receive toll. For every coach, phaeton or other four wheel carriage, drawn by two horses, twenty-five cents. and for each additional horse, six and one quarter cents; for each cart or waggon, drawn by two oxen or horses, twelve and one half cents, for each additional ox or horse, six and one quarter cents; for each curricule, sixteen cents; for each chaise, chair or sulkey, twelve and one half cents; for all four wheel carriages drawn by one horse, seven cents; for each sleigh or sled, drawn by two oxen or horses, ten cents, for each additional ox or horse, four cents; for each sleigh, sled or cart, drawn by one horse, seven cents; for each man and horse, six and a quarter cents; for all sheep or swine, three cents by the dozen; for each foot passenger over the Bridge crossing Deerfield river, two cents.

Rates of toll.

[Approved by the Governor, June 16, 1817.]

CHAP. XXII.

An Act to incorporate the Master, Wardens and Members of the Grand Lodge of Massachusetts.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Francis J. Oliver and his associates, and their successors be, and they hereby are incorporated and made a body politic, by the name of the Master, Wardens, and Members of the Grand Lodge of Massachusetts, with power to have a common seal, to sue and be sued, to make and ordain from time to time, by-laws, rules, and regulations for the government and management of the corporation; Powers, *provided,* the same be not repugnant to the constitution and laws of this Commonwealth; and that they have all the privileges usually given by acts of incorporation to charitable societies. Proviso.

SEC. 2. *Be it further enacted*, That the said corporation may take by purchase, gift, grant, or otherwise, and hold real estate, not exceeding the value of twenty thousand dollars, and personal estate, not exceeding the value of sixty thousand dollars, for charitable uses. May hold estate.

SEC. 3. *Be it further enacted*, That Francis J. Oliver be, and he is hereby authorized to call the first meeting of said corporation, by advertisement, in two of the newspapers printed in Boston, three weeks previous thereto, and appoint the time and place thereof, at which meeting the mode of calling future meetings shall be regulated. Call first meeting.

SEC. 4. *Be it further enacted*, That this act may be amended, revised, or terminated at the pleasure of the Legislature.

[Approved by the Governor, June 16, 1817.]

CHAP. XXIII.

An Act authorizing the First Parish in Freeport to rebuild or repair their Meeting House.

SEC. 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 Parish in Freeport may, and hereby are authorized to choose and appoint three disinterested freeholders, neither of whom shall be inhabitants of said town of Freeport, to appraise, under oath, the value of said meeting house, and make a true estimate of the same in writing, with the value of each pew in the same; and the same estimate or appraisal to deliver to the Clerk of said parish, to be by him recorded on the parish books, with the whole amount at which said meeting house shall be appraised, and the amount of each pew, or part of a pew, so appraised as aforesaid. May choose appraisers.

SEC. 2. *Be it further enacted*, That said parish shall be, and hereby are authorized to take down said meeting house and rebuild the same, or repair said meeting house,

as to them shall appear best; and at the expiration of eighteen months from the time they shall so take down, or commence the repair of said meeting house, they shall be holden to account with and pay to each individual to whom said Committee shall appraise or award the value of his or their pew, the full amount due him or them for the same, and on refusal, or neglect, shall be liable to an action by him or them for that amount.

SEC. 3. Be it further enacted, That whenever said parish shall repair or rebuild said meeting-house, they shall have full right and authority to dispose of the same, and the pews and room in the same, in such way and manner as they shall judge best for the interest of the parish; and all agreements, covenants and contracts made by them to repair or rebuild said house, and to dispose of the same, when repaired or rebuilt, shall be good and effectual in law, to all intents and purposes whatever.

[Approved by the Governor, June 16, 1817.]

CHAP. XXIV.

An Act in further addition to an act, entitled, "An act to incorporate Isaac Story and others into a company, by the name of the Marblehead 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 two 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 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 of incorporation of said company to the contrary notwithstanding: *Provided however,* that nothing in this act shall

Further time allowed to pay instalments.

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.

[Approved by the Governor, June 16, 1817.]

CHAP. XXV.

An Act to incorporate the Trustees of the Lexington Ministerial Fund.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Joseph Fiske, Isaac Hastings, Jonas Bridge, James Brown, and Abijah Harrington, Esquires, he, and they are hereby constituted a body politic and corporate, by the name of the Trustees of the Lexington Ministerial Fund, and they and their successors shall so continue a body politic and corporate, by that name forever; and by the same 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 may make such orders, rules, regulations, and by-laws as may be proper for the government of the Trustees, not repugnant to the laws of this Commonwealth; and may always have a common seal, and all deeds sealed with said seal, subscribed by the said Trustees, and duly acknowledged, shall be valid in law.

Persons incorpo-
rated.

SEC. 2. *Be it further enacted,* That the number of 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 Chairman; and the Trustees shall, at their annual meeting, which shall be in the month of March, appoint a Treasurer and Clerk, who shall be sworn to the faithful performance of their duty; and the Treasurer shall give bonds with sufficient sureties, to the acceptance of the said Trustees, faithfully to do and perform all the duties of his office; and the said town of Lex-

Number of Trust-
tees.

Vacancies.

ington, at any legal meeting thereof, shall have power to remove any of said Trustees, who may become unfit, from age, infirmity or misconduct, to discharge their duties, and to supply the vacancies so made; and also such vacancies as may be occasioned by death, by a new Trustee, from the members of the Congregational society in said town, at any meeting called for that purpose; and the said Trustees shall annually receive such compensation out of the said fund, for any services they may perform, as the town may deem just and reasonable.

Compensation.

SEC. 3. *Be it further enacted,* That all unimproved lands, tenements and hereditaments, all monies, chattels, rights or credits, which at any time heretofore have been given, granted, devised or appropriated for the support of the gospel in said town of Lexington, be, and are hereby assigned to, confirmed and vested in the said Trustees, to every intent and purpose whatever, as fully and amply as if the same had been given or granted to the corporation hereby created; and full power and authority is hereby given to them, to enter upon all lands and tenements, heretofore given or granted for the purposes aforesaid; and upon such entry the said corporation shall be deemed and taken to be seized and possessed thereof, to every intent and purpose whatever; and the said Trustees shall and may demand from any person whomsoever, all monies, securities or other property whatever, which have at any time heretofore been given for the purposes aforesaid; and in their corporate name to have and maintain any action for the recovery thereof, and also to receive any donation that may be hereafter given to the said Ministerial fund; and it shall be the duty of the said Trustees to use and improve such estate as shall be vested in them by this act, with due care and vigilance, so as best to promote the intention of the donors thereof; and shall always loan upon interest the money belonging to the said fund, 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 five hundred dollars, without a mortgage on real estate to double the amount

Money loaned.

of the sum loaned, as collateral security for the payment thereof, with interest annually; or they may vest such parts thereof in the funded debt of the United States or this Commonwealth, or in the stocks of any incorporated bank, as they may judge expedient. Vest money in stock.

SEC. 4. *Be it further enacted,* That if said Trustees shall fail to pay the annual income of said fund to the settled Minister of the first Congregational society in said town, for and towards his salary, or to defray the expense of public worship, when they shall be destitute of a settled Minister, pursuant to the votes and directions of said town, within thirty days after the same shall become due, and payable as aforesaid, or neglect to make report annually in the month of May, 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 and disbursements made by them the preceding year; they shall severally forfeit for each offence, the sum of thirty dollars, and the further sum of thirty dollars per month afterwards, until they shall make payment of such claims, when it is in their power to do so. Forfeiture.

SEC. 5. *Be it further enacted,* That when the income of said fund shall be more than sufficient to pay the Congregational Minister his salary, or to defray the expense of public worship, when they shall be destitute of a settled Minister, it shall be the duty of said Trustees, to put out the same at interest; and when the income of said fund shall amount to four hundred dollars more than to pay said Congregational Minister his salary, or to defray the expenses of public worship, when they shall be destitute of a settled Minister, then the surplus shall be paid by said Trustees to the town Treasurer; and is hereby appropriated for the maintenance of schools in said town, as shall be annually agreed upon by them, in the month of May.

SEC. 6. *Be it further enacted,* That said Trustees shall be amenable to said town, for negligence or misconduct, in the management of said fund, 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 Trustees amenable to the town.

persons of said Trustees, and goods and estates, jointly and severally, for such negligence or misconduct, and recover adequate damage therefor; and any sum so recovered, shall be deemed for the benefit of said fund, and shall be paid to the said Trustees accordingly.

Recover damage.

SEC. 7. *Be it further enacted*, That the Treasurer of 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 sureties for the payment of money, and all evidences of property belonging to the said 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 proceedings, together with a fair and regular statement of the property and evidences of property, in his hands, annually in the month of March, and as often as he may be thereto required; and he shall deliver 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 a further sum of forty dollars per month, for such failure or neglect afterward.

Treasurer to render account.

SEC. 8. *Be it further enacted*, That the Clerk of said corporation 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, in a book kept for that purpose, and shall certify all his proceedings when thereunto required; and he shall call and notify meetings of the corporation, when directed by one of the Trustees, by verbal notice, or such other way as the said Trustees may order and direct, 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 required, all the records and documents in his hands, in good order and condition, he shall forfeit and pay a fine of fifty

Certify proceedings.

dollars, and thirty dollars for every month's detention afterwards.

SEC. 9. *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, Issue warrant. directed to either of the aforesaid Trustees, requiring him to notify and warn a meeting of 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.

[Approved by the Governor, June 16, 1817.]

CHAP. XXVI.

An Act to incorporate the Damariscotta Congregational Society, in the town of Nobleborough.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That George Barstow, Benjamin Barstow, Junior, James Barstow, Samuel Ballard, Nathaniel Bryant, Junior, Israel Chapman, 2d, Nathaniel Clapp, Stephen Coffin, Nathaniel Church, Daniel Day, Robert Day, David Dennis, Ebenezer Farley, Jesse Flint, Junior, John Glidden, Junior, Joseph Glidden, Simon Handley, Jacob Harrington, Harry Hazelton, Joel How, Junior, Job Hussey, Solomon Hutchins, Richard Jennings, William Melcher, Junior, Joseph Merrill, William Metcalf, George Reid, Jacob Sleeper, Francis Tufts, James Turnbull, John Turnbull, William Turnbull, Richard Wilkin-son, and William 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 for religious purposes only, as a religious society, by the name of the Damariscotta Congregational Society; and for this purpose shall have all the powers and privileges, Persons incorpo- rated. and be subject to all the duties and disabilities of other religious societies, according to the Constitution and laws of this Commonwealth. Powers and privi- leges.

SEC. 2. *Be it further enacted*, That any person in the said town of Nobleborough, being of any other religious denomination, who may desire to join with the said Congregational society, shall declare such desire and intention in writing, to the Minister, Deacons, or Clerk of the said society, (for the time being,) and shall also give a copy of the same declaration to the Clerk of the town, fifteen days before the annual town or society meeting, and shall receive a certificate of admission, signed by the said Minister, Deacons, or Clerk, (for the time being,) that he or she has united with the said Congregational society, such person, with his or her polls and estate, shall be considered from the date of said certificate, as members of the said Congregational society.

Proviso.

SEC. 3. *Be it further enacted*, That when any member of the said Congregational society, may see cause to secede therefrom, and to unite with any other religious society in the said town, the same forms and process, *mutatis mutandis*, shall be had and done as is prescribed in the second section of this act, and shall have the same effect; *provided however*, that in every case of secession from one religious society, and joining another, every such person shall be holden to pay his or her proportion or assessment of all parish or society taxes and expenses remaining due, and unpaid at the time of such secession.

Issue warrant.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the county of Lincoln, is hereby empowered, upon application therefor, to issue a warrant directed to a member of said Congregational society, requiring him to notify and warn the members thereof, to meet at such convenient time and place as shall be appointed in said warrant, to organize the said society, by the election of its officers.

[Approved by the Governor, June 16, 1817.]

CHAP. XXVII.

An Act to annex a certain tract of land to the town of Dalton. *Union*

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 gore of land, lying between the towns of Waldoborough and Union, in the county of Lincoln, and bounded by said Waldoborough on the south, and by said Union on the north and east, with the inhabitants living on the same, be, and it hereby is annexed to the said town of Union: And the said town of Union shall hereafter extend to, Boundaries. and be bounded by the said town of Waldoborough, the whole distance from the town of Warren to the town of Putnam.

[Approved by the Governor, June 16, 1817.]

CHAP. XXVIII.

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

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the polls and estates and property of the present members of the said second parish in Dorchester, and all other persons who may hereafter become members of said second parish, and the property they shall respectively hold or occupy on the first day of May annually, in the town of Dorchester, shall be taxable in said second parish, and in that Property taxed. only, for parochial purposes.

SEC. 2. *Be it further enacted,* That whenever any person, being an inhabitant of said Dorchester, shall desire to become a member of said second parish, such membership shall be certified by a Committee of said second parish, chosen for that purpose, and filed with the Clerk of the town or parish to which he or she belongs, and the certificate of such Committee may be as Certificate. follows: We certify that _____ of the town of Dorchester, is a member of the Second Parish in Dorchester; dated this _____ of _____ A.D. 18____ Committee. The said

certificate to be filed as aforesaid, on or before the first day of May, annually; and such person or persons, paying his or her proportion of all monies voted in the religious society to which he or she belonged, previous to his or her joining said second parish, shall, from and after giving such certificate, with his or her polls and estates, be considered as a member of said second parish.

SEC. 3. *Be it further enacted,* That if any member of said second parish shall see cause, or be inclined to leave said parish, and join in worship with any other religious society in said town of Dorchester, or in any other town of which he or she may be an inhabitant, shall give his or her name to the Clerk of said second parish, signed by the Minister or Clerk of the parish, or other incorporated society with which he or she may unite, that he or she has actually become a member of, and united in religious worship in such other parish or other incorporated society, before the first day of May, annually, and shall pay his or her proportion of all monies voted in said society, to be raised previous thereto, shall, from and after giving such certificate, with his or her polls and estate be considered as a member of the society to which he or she may so unite.

Income of land
divided be-
tween parishes.

SEC. 4. *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 Ministers of the gospel in the town of Dorchester, shall be annually divided between the first, second and third religious societies, in the same proportion that the members of each parish shall collectively bear to each other in the state tax, which shall be assessed from time to time in the town of Dorchester, to be annually compared and ascertained by the assessors of the three parishes, and to be drawn from the town treasury accordingly.

SEC. 5. *Be it further enacted,* That all the ministerial taxes, assessed and collected within the town of Dorchester, on estates belonging to non-residents shall be divided between the first, second and third religious

societies, in the ratio established for the division of the income of the ministerial land and property.

[Approved by the Governor, June 16, 1817.]

CHAP. XXIX.

An Act to repeal an act, entitled “An act to incorporate certain persons as Trustees of an Academy, in the town of Lynn, in the county of Essex.”

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the act, entitled “An act to incorporate certain persons as Trustees of an Academy, in Lynn, in the county of Essex, be, and the same is hereby repealed: *Provided nevertheless,* Act repealed. that the said corporation shall be holden to pay and discharge all debts, which they, in their corporate capacity, may have contracted; and to fulfil all contracts, which they have made, as though this act had not passed.

[Approved by the Governor, June 16, 1817.]

CHAP. XXX.

An Act in addition to an act, entitled “An act to establish the Taunton and South Boston Turnpike Corporation.

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 shall travel on the road of said Corporation, with any horses, carriages, or any other thing liable to pay toll for passing the gates on said road, and shall turn off the same when coming near to either of the gates thereon, with intent to avoid paying the toll, and then come on said road again, notwithstanding it may have been where

Penalties for
refusing pay-
ment of toll.

the turnpike was made on the old road, shall be liable to all the penalties provided by law, for refusing or avoiding the payment of toll: *Provided*, any part of said travelling on either side of the gate, be on that part of the turnpike not made on the old road.

[Approved by the Governor, June 16, 1817.]

CHAP. XXXI.

An Act in further addition to an act, entitled, "An act for establishing a Corporation by the name of the Sixth Massachusetts Turnpike Corporation."

Gate establish-
ed.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the gate, erected on the Sixth Massachusetts Turnpike road in the town of Rutland, be, and hereby is established where the same is now placed; and that the Sixth Massachusetts Turnpike Corporation have a right to receive thereat the same toll as established in the act, to which this is in addition: *Provided*, that the inhabitants of Barre and Petersham shall be compelled to pay but half toll in going to and returning from Worcester.

[Approved by the Governor, June 16, 1817.]

CHAP. XXXII.

An Act to set off a part of the town of Penobscot, and annex the same to the town of Castine.

Part of town
set off.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That that part of the town of Penobscot, in the county of Hancock, hereafter described, and the inhabitants thereon, be annexed to the town of Castine, in said county, viz.: that part of said Penobscot lying between Penobscot and Castine rivers, and southerly and westerly of the following lines, viz.:

beginning at the first narrows in Castine river, on the northerly line of Lot Number sixty, laid out to Pelatiah Freeman, deceased, and surveyed by John Peters and John Peters, Jun. ; thence on the northerly line of said Lot Number sixty, north-westerly to the centre line ; thence northerly on the centre line, to the southerly line of Lot Number twenty-two ; thence westerly to the easterly end of Lot Number twenty-three ; thence northerly on the head or easterly end of Lot Number twenty-three, and continuing the same course to the stream which empties into Morse's Cove, so called ; thence down said stream to said Cove.

SEC. 2. *Be it further enacted*, That the inhabitants of the said part of the town of Penobscot, by this act annexed to the said town of Castine, shall be holden to pay such taxes as have been assessed, or ordered to be assessed on them by the said town of Penobscot, previous to passing of this act. Holden to pay taxes.

SEC. 3. *Be it further enacted*, That in all state taxes, which shall hereafter be granted by the General Court of this Commonwealth, until a new valuation shall be settled, one quarter part of the taxes which would have been set to the town of Penobscot, according to the last valuation, shall be taken therefrom and set to the town of Castine.

SEC. 4. *Be it further enacted*, That no person who is now supported wholly or in part, by any town in this Commonwealth, shall, by the passing of this act, thereby gain a settlement in said town of Castine.

[Approved by the Governor, June 16, 1817.]

CHAP. XXXIII.

An Act to annex Jacob Man, and his estate, to the First Parish in Wrentham.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Jacob Man, with his family and estate, be, and hereby are set off from the north parish, and annexed to the first parish in the town of Wrentham: *Provided however*, that the said

Holden to pay
taxes.

Jacob Man shall be holden to pay his assessment of all parish or society taxes and expenses, legally assessed, and not paid prior to the date of this act.

[Approved by the Governor, June 16, 1817.]

CHAP. XXXIV.

An Act in addition to the several acts concerning the curing, packing, and exportation of Smoked and Pickled Fish.

Fish to be in-
spected.

Justice to issue
warrant.

Fish detained.

SEC. 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 smoked fish shall be put on board of any boat, vessel, or carriage of conveyance, within this Commonwealth, with intent to sell or export the same, unless said fish shall have been inspected, and the casks and boxes containing the same, shall have been branded agreeably to the provisions of this act, and those to which this is in addition, it shall be lawful for any Justice of the Peace, in the same county, upon complaint made to him, to issue his warrant to the Sheriff, or his Deputy, or to any Constable of the town, where such boat, vessel, or carriage of conveyance may be, requiring them respectively, to seize and secure said fish, and carry the same to the Inspector General, or one of his Deputies, which ever may be nearest the place where said boat, vessel, or carriage may be; and said Inspector General, or Deputy Inspector, is hereby authorized and required, to open and inspect, and to pack and brand the same, in the same manner as is prescribed in the act to which this is in addition, passed the ninth day of February, in the year of our Lord one thousand eight hundred and eight. And it shall be lawful for said Inspector General, or Deputy Inspector, to detain the said fish, until the expenses and charges of seizure, inspection, packing, and all other charges arising from such seizure, shall be paid. And it shall be the duty of every person, when required, to give necessary aid to the officer having such warrant, on pain of forfeiting five dollars for his

refusal, to be recovered by action of debt, or on the case, before any Court proper to try the same; and by any person who will prosecute therefor.

SEC. 2. *Be it further enacted*, That the fees for Inspector's fees. inspecting, packing, and branding smoked herrings and alewives, in the manner prescribed in the act passed on the ninth day of February, in the year of our Lord one thousand eight hundred and eight, to which this is in addition, shall be five cents for each box, to be paid by the purchaser, one cent of which shall be allowed to the Inspector General.

SEC. 3. *Be it further enacted*, That no pickled or smoked fish, which shall be brought into this Commonwealth, from any other state or government, shall be sold, or offered for sale, before the same shall have been regularly inspected, according to the provisions of this act, or the acts to which this is in addition. And each and every person, who shall buy or sell, or offer for sale, any pickled or smoked fish, which shall be brought into this Commonwealth, from any other state or government, before the same is regularly inspected as aforesaid, shall severally forfeit and pay five dollars for each and every hundred pounds weight, so bought or sold; to be recovered by any person who shall prosecute for the same, by action of debt, or on the case, before any Court proper to try the same. Forfeiture.

[Approved by the Governor, June 16, 1817.]

CHAP. XXXV.

An Act declaring and confirming the incorporation of the First Congregational Society, in Salem.

SEC. 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 may hereafter be the proprietors of the pews, in the meeting-house, in Salem, in the county of Essex, in which the reverend John Prince officiates as Pastor, be, and they hereby are, declared and confirmed to be a body politic and corporate, by the name of Proprietors of pews made a body politic and corporate.

the First Congregational Society in Salem; and the said corporation shall be, and hereby are, deemed in law to be seized of the same meeting-house, with the land under and adjoining the same; and also of all other lands, tenements, and hereditaments belonging to, and possessed and enjoyed by the said proprietors, together with the privileges and appurtenances to the same belonging; and the said corporation shall be, and they hereby are further authorized and empowered to take and hold any other estate, as well real as personal, the annual income whereof shall not exceed the sum of five thousand dollars.

May hold estate.

SEC. 2. *Be it further enacted*, That all gifts, grants, devises, and bequests, which have been, or shall be hereafter made to and for the use of said Congregational society, shall be under the care and management of the Committee hereinafter mentioned, or of such other Committee, or Trustees, as the said corporation shall appoint for that purpose; and all such gifts, grants, devises, and bequests, shall be faithfully appropriated, according to the intention of the donors thereof: And it shall never be in the power of said corporation to alienate or to alter the appropriation of such gifts, grants, devises, and legatees.

Meet annually.

Choose Moderator, Clerk, &c.

Proviso.

SEC. 3. *Be it further enacted*, That the said corporation shall meet annually, as the said proprietors have heretofore been used to do; and shall also hold other meetings, the same being duly warned, in maner hereinafter mentioned; at such other times as shall be necessary: And at such annual meetings, after having chosen a Moderator, shall choose a Clerk, who shall be sworn to the faithful discharge of the duties of his office; and also a Treasurer, and a Committee of five persons, and such other officers as shall be necessary, who shall all continue in office during the year, and until others shall be chosen in their stead: *Provided however*, that, if for any cause such annual meeting should not be holden, then the said officers may be chosen at any meeting, duly warned, for that purpose. And the said Committee, or a major part of them, shall have full power to manage the affairs of said corporation, in like manner as the Committees of said proprietors have heretofore been used to manage the affairs of said soci-

ety; and shall further have the like power and authority, as are by law vested in the Assessors and Committees of precincts or parishes.

SEC. 4. *Be it further enacted*, That all sums of money for the settlement and maintenance of a Pastor, or Pastors, for the repairs and alterations of the meeting-house, for defraying the expenses of public wor-^{Expenses.}ship, and for other uses of said corporation, shall be assessed and collected in the manner heretofore used and accustomed by said proprietors; and in default of payment thereof, the said corporation shall have the like remedies as the said proprietors have heretofore had and exercised: *Provided nevertheless*, that the said corporation may, at any meeting duly warned for that purpose, determine upon any other manner of assessing and collecting such monies, as they may think advisable.

SEC. 5. *Be it further enacted*, That the said corporation shall be entitled to all the privileges heretofore^{Privileges.} in fact enjoyed by said proprietors, and shall be bound by all contracts heretofore in fact made by said proprietors, as well with their present Pastor as with other persons, and shall be subject to all the duties to which the said proprietors have heretofore in fact been subject.

SEC. 6. *Be it further enacted*, That the meetings of^{Meetings.} said corporation shall be warned in such manner as said corporation shall at any annual meeting determine, and the first meeting of said corporation which shall be holden after the passing of this act, shall be holden on the second Monday of November next, and shall be warned in the like manner as the said proprietors have been used to warn their annual meetings.

[Approved by the Governor, June 16, 1817.]

CHAP. XXXVI.

An Act to establish a Ministerial Fund in the town of Bloomfield, and to incorporate the Trustees, for the management thereof.

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

the authority of the same, That Bryce M'Lellan, John Kimball, Pickard Jewitt, Seth Wyman, Junior, John Weston, Solomon Stewart, and Brooks Dascomb, be, and they are hereby constituted and made a body politic and corporate, by the name of the Trustees of the Ministerial Fund, in the town of Bloomfield, with all the powers and privileges incident, and usually given to corporations, of a like nature and purpose.

SEC. 2. Be it further enacted, That the said Trustees shall, forever hereafter, in the month of March or April, annually, and at such other times as may be found necessary for the regular doing of their business, hold meetings in the said town of Bloomfield, at such time and place, as a majority of the said Trustees, for the time being, shall appoint and direct, by advertisement, posted up in some public place in said town, seven days at least, before such meeting; and at the said annual meeting, the said Trustees shall appoint a President to preside in their meetings; a Clerk to record their votes and proceedings, in a book or books, for that purpose to be provided and kept; and a Treasurer to receive and apply the monies, as is herein directed: And when any vacancy shall happen, by the death, resignation, or removal out of the town, of any Trustee, such vacancy shall be supplied by an election from the freeholders, at the next annual town meeting which may be held thereafter. And the said Trustees, for the time being, shall have power to remove any one of their number, who may from age, infirmity, misconduct, or other cause, have become incapable of discharging the duties of a Trustee.

SEC. 3. Be it further enacted, That it shall be the duty of the said Trustees, and their successors in office, to receive and manage all monies now raised and appropriated as a fund, for the support of the ministry, in the said town of Bloomfield; and also to receive, manage, and improve all such estate, real, personal, and mixed, as may be hereafter added to the said fund, for the purpose aforesaid, by gift, grant, devise, or otherwise, by operation of law, not exceeding in the whole, the amount or value of ten thousand dollars, in such way and manner, as in their judgment will best

Annual meeting for choice of officers.

Vacancy supplied.

Power of Trustees.

Duty of Trustees.

obtain and secure the end of the investments of the said funds, and this act of incorporation.

SEC. 4. *Be it further enacted,* That all monies 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 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 monies in public funded securities, or bank stock, as they may judge best; and the interest only of the said fund, shall be applied to, and for the support of the Congregational Minister, (for the time being,) settled in the said town; or the said annual interest, or income, may remain for a longer time in the hands of the 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 ten thousand dollars: And the said town shall not have power to alienate or change the appropriation of the said fund, for the support of such Congregational Ministers, as aforesaid, or to alter, or diminish the principal thereof; if by such alienation, alteration, or diminution, the said principal shall be reduced to a less sum than ten thousand dollars.

SEC. 5. *Be it further enacted,* That the said Treasurer, before entering on the duties of his said office, shall give his bond to the said Trustees, and their successors in office, with sureties to the satisfaction of the said Trustees, for the faithful discharge of the duties of his 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 fund, to be accountable therefor; and shall annually 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 thereof as they shall order and direct; and shall deliver over to his successor in the same office, all the books, papers,

property, and evidences of property, in his hands, in good order and condition ; and the said Trustees shall every year, at the annual town meeting, in March or April, exhibit to the town a statement of their accounts with the Treasurer, expressing the receipts and payments, with the state of the funds ; and the said town may, at their discretion, appoint Auditors to examine said accounts and vouchers, and report to the town the state of said funds.

Accountability
of Trustees.

SEC. 6. *Be it further enacted*, That the said Trustees, and their successors, shall be accountable to the said town of Bloomfield, for the faithful use and application of the said fund, and shall be liable, each one in his own private property and person respectively, for any embezzlement, negligence, or misconduct in his said capacity as a Trustee ; and the said town of Bloomfield may commence and prosecute to final judgment and execution, on 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 actions, shall be applied to increase the said ministerial fund ; and whenever judgment shall be rendered against any one or more of 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 so happening, shall be supplied in the same manner as is before provided, in the second section of this act.

Compensation.

SEC. 7. *Be it further enacted*, That the Trustees and the other officers, for any services they may perform, shall be entitled to no compensation out of any money arising from the said fund ; but a reasonable compensation may be made to them by the said town as they may think just ; and the said Trustees and their successors, and each of them, whether they be officers or not, shall be responsible to the said town of Bloomfield, for their personal neglect and misconduct, and shall be liable to prosecution for any loss or damage resulting thereby to the funds aforesaid, and the debt or damage recovered in such suit, shall be added to the said fund.

SEC. 8. *And be it further enacted*, That any Justice

of the Peace, for the county of Somerset, upon application therefor, is hereby empowered to issue a warrant, Justice to issue warrant. directed to one of the Trustees named in this act, requiring him to notify and warn the first meeting, at such convenient time and place as shall be appointed in the said warrant, to organize the said Corporation, by the election and appointment of its officers; and being so met, may agree upon and settle the mode of calling future meetings, and also to do any other business which may then properly come before them.

[Approved by the Governor, June 16, 1817.]

CHAP. XXXVII.

An Act to incorporate a number of persons, by the name of the Methodist Society in Dresden.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Turner Barker, Henry Barrett, Samuel Bishop, Gilmore Blen, Harrison Blen, Edmund Bridge, Charles Call, Obadiah Call, Obadiah Call, Junior, James H. Clancy, John Goud, James Goud, William Goud, Louis Houdlette, Louis Houdlette, Jun. George Houdlette, Francis Houdlette, Philip Houdlette, William Lewis, Charles Mayer, Charles Mayer, Jun. Gideon Meserve, Reuben Meserve, Daniel Palmer, Samuel Patterson, James H. Patterson, John Polereczky, Joshua Pray, James Pushore, Jacob Reed, Jonathan Reed, David Reed, John Rittal, James Rittal, Francis Stilphen, George Stilphen, Charles Thayer, George Theobold, John Turner, John Turner, Jun. James Turner, Clarkson Turner, Levi Woodward, and Samuel Woodward, 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 Methodist Society in Dresden, with all the powers and privileges which are exercised and enjoyed, Persons incorporated. and subject to all the duties and disabilities of other Power and privileges.

religious societies, according to the Constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted,* That any person belonging to any other religious society in the said town of Dresden, who may desire to become a member of the said Methodist society, shall declare his or her intention in writing to the Minister or other senior presiding officer of the said society, for the time being, and shall also deliver a copy of the same declaration to the Town Clerk, fifteen days before the annual town meeting; and if such person doth receive and can produce a certificate of admission to membership, signed by the Minister, or other senior presiding officer of the said Methodist society, for the time being, such person, with his or her polls and estate, from the date of such certificate, shall be considered as members of the said Methodist society; and the said certificate shall operate and have the effect to exonerate such person from taxation for the support of the ministry of any other religious denomination, in the said town.

Certificate.

SEC. 3. *Be it further enacted,* That when any member of the said Methodist society in Dresden, may see cause to leave the same, and to unite with any other religious society in the said town, the same form and process shall be had and done, *mutatis mutandis*, as is prescribed in the second section of this act, and shall have the same effect: *Provided however,* that in every case of secession from one society and joining another, every such person shall be holden in law to pay his or her proportion of all parish or society taxes and expenses, legally assessed or remaining due and unpaid at the time of such secession.

Secession.

SEC. 4. *And be it further enacted,* That any Justice of the Peace, for the county of Lincoln, is hereby empowered, upon application therefor, to issue a warrant, directed to a member of the said Methodist society, requiring him to notify and warn the members thereof to meet at such convenient time and place as may be appointed in the said warrant, to organize the said society, by the election and appointment of its officers.

Warrant for first meeting.

[Approved by the Governor, June 16, 1817.]

CHAP. XXXVIII.

An Act respecting the support of Public Worship in the town of Pittsfield.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all laws heretofore made and passed, by force of which the Union Parish, in the town of Pittsfield, in the county of Berkshire, was erected and does now exist as a distinct body politic, be, and the same are hereby repealed: *Provided nevertheless,* that said Union Parish, and also the First Parish, so called, in said town, shall still continue to exist so far as to enable either of them to carry any legal contract by either of them respectively, heretofore made with their Ministers, or any other persons, into execution; and to sue for and recover any debts due to them, and that they severally shall remain liable to be sued for any debts due from them, in the same manner as if this act had not been made. Laws repealed.
Proviso.

SEC. 2. *Be it further enacted,* That for the future, the inhabitants of said Union Parish and said First Parish, so called, therein shall and may unite, and shall have power, and be held as a town or parish to choose settle, and make provision for the support of a public teacher, or teachers of piety, religion, and morality, and of the public worship of God in said town, in the same way and manner as other towns are authorized and held by law to do, and as the said town of Pittsfield was authorized and held to do previous to its division into parishes, any law, usage or custom to the contrary notwithstanding. Public teachers.

SEC. 3. *Be it further enacted,* That the articles of agreement entered into by said parishes, as the foundation of their union, be, and the same are hereby ratified and confirmed, and declared to be binding upon said town: *Provided however,* that the said articles of agreement are not contrary to the Constitution and laws of this Commonwealth. Articles confirmed.
Proviso.

[Approved by the Governor, June 16, 1817.]

CHAP. XXXIX.

An Act to incorporate certain persons for the purpose of opening a Canal from the head of Norset Cove to Boat Meadow Creek.

SEC. 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, Nehemiah Smith, Asa Higgins, Freeman Hopkins, Richard Sherman, Barnabas Doane, Edward C. Clark, and their associates and successors, shall be a corporation and body politic, for the purpose of opening and keeping open a canal from Norset Cove to Boat Meadow Creek, under the name of the Proprietors of the Eastham and Orleans Canal; 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 may and shall have full power and authority to make, have and use a common seal, and the same to break and renew at pleasure.

Persons incorporated.

May sue and be sued.

SEC. 2. *Be it further enacted*, That if it shall so happen that any individual or body corporate shall be damaged in his or their lands or marsh adjoining said canal, by cutting and keeping open the same, the damages so done shall be recompensed by the proprietors thereof, in such sums or proportions thereof as shall be ordered by the Circuit Court of Common Pleas, for the county of Barnstable, upon an inquiry into the same by a jury summoned for that purpose, at the expense of said proprietors of said canal, if any damage shall be assessed by said jury.

Damages.

SEC. 3. *Be it further enacted*, That it shall be the duty of said proprietors to make and keep in good repair, at all times, good and sufficient bridges over said canal, where any county, town or private roads now are, or hereafter may be laid out across the same, for the passage of teams, and every thing else necessary for the public convenience.

Bridges.

SEC. 4. *Be it further enacted,* That the said proprietors shall have full power to build any wharf or wharves which may be necessary to facilitate the transportation through the same. May build wharves.

SEC. 5. *Be it further enacted,* That if the said proprietors shall refuse or neglect, for the space of three years after the passing of this act, to open and complete said canal, then this act shall be void and of no effect.

SEC. 6. *Be it further enacted,* That the said canal shall be kept open for boats and rafts and other water craft, and for all persons who may want to pass or transact business therein, they paying to said proprietors the following toll, viz: Every boat, of the burthen of one ton, ten cents; and the same proportion for vessels of a larger size; lumber twenty-five cents per thousand feet; salt or grain one cent per bushel; for each barrel six cents; and in the same proportion for all other kinds of lumber or merchandize. Rates of toll.

SEC. 7. *Be it further enacted,* That Jonathan Bascom, Esq. be, and he is hereby empowered and directed to issue his warrant to one of the proprietors aforesaid, requiring him to notify a meeting of the proprietors in manner as the law directs; and the proprietors, at said meeting, shall choose a Clerk, who shall be sworn to the faithful discharge of his duty, and all other needful officers, for managing the business of said proprietary, which they shall have power to choose from time to time, afterwards, as necessary; and said proprietors shall agree on a method for calling future meetings. Proprietors to choose officers.

[Approved by the Governor, June 16, 1817.]

CHAP. XL.

An Act repealing in part, an act in addition to an act, entitled, "An act for the preservation of Fish in Penobscot river and bay, and the several streams emptying into 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 first section of an act in addition to an act, entitled, "An act for the preservation of fish in Penobscot river and bay, and the several streams emptying into the same," so far as it relates to any wear or wears which are or may be erected in Penobscot river or bay, southerly of Sandy Point, so called, on the westerly side of said river, and the northerly line of Penobscot, on the easterly side of said river, be, and the same is hereby repealed.

Act repealed.

[Approved by the Governor, June 16, 1817.]

CHAP. XLI.

An Act to incorporate the First Congregational Society in Hampden, in the county of Penobscot.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John Crosby, Jedediah Herrick, John Godfrey, Reuben Young, Jonathan Haskins, Ebenezer Crosby, William Crosby, Charles Godfrey, Abel Hardy, Samuel Hardy, Amos Hardy, Robert Wheeler, Benjamin Crosby, John Wheeler, Elias Dudley, Daniel Wheeler, John Crosby, Junior, John Wallace, and Levi Holt, with their families and estates, together with such others as may hereafter associate with them, and their successors, be, and they hereby are incorporated, as the First Congregational Society in Hampden, in the county of Penobscot, for religious purposes only, 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.

Certificate.

SEC. 2. *Be it further enacted,* That any person who may be desirous of becoming a member of the said first Congregational society, and shall declare such intention in writing, given to the Clerk of said society, ten days prior to the annual parish meeting, in March or April, and shall receive a certificate thereof, signed by the said Clerk, that he or she has actually become a member of, and united in religious worship

with the said first Congregational society, such person shall be considered, with his or her polls and estate, as a member of said society: And when any member of said first Congregational society, shall desire to leave the same, and unite in religious worship with any other religious society in said town, and shall give notice of such intention, in writing, to the Clerk of said society, and shall also give in his or her name to the Clerk of such other society, ten days previous to the annual meeting of said society, in March or April, such person shall have from the Clerk of said society, a certificate thereof, and be considered as released from the society, from the date of said certificate: *Provided however,* that every such person shall Proviso. always be holden to pay his or her proportion of all parish charges in the said society, as may be voted or assessed thereby, and not paid previous to leaving the same.

SEC. 3. *Be it further enacted,* That the said society may purchase, receive by gift, or otherwise, and hold real and personal estate, the annual income of which, shall not exceed two thousand dollars, for the purpose of building a meeting-house, and supporting public worship therein; and may also ordain and establish such by-laws and regulations as to them shall seem necessary and convenient for the government of May establish by-laws and regulations. the said society, and the management of their ministerial fund; *provided,* such by-laws and regulations shall be in nowise contrary to the laws and Constitution of this Commonwealth.

SEC. 4. *Be it further enacted,* That any Justice of the Peace for the county of Penobscot, upon application therefor, be, and hereby is authorized and empowered to issue his warrant to some member of Justice to issue warrant. said first Congregational society, requiring him to notify and warn the members thereof, to meet at such convenient time and place as shall be appointed in said warrant, for the election of such officers as parishes are by law required to choose, at their annual parish meetings; and to transact such other parochial business as may be authorized in said warrant.

[Approved by the Governor, June 16, 1817.]

CHAP. XLII.

An Act making provision for the payment of the remaining two fifth parts of the balance of the debt due from the Commonwealth, for loans for defence in the late war.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Treasurer of this Commonwealth be, and he hereby is directed and empowered to pay, on, and at any time after the tenth day of September next, two fifth parts of the balance of the debt which may remain due from this Commonwealth, on notes issued in conformity to an act passed the twenty-eighth day of February, in the year of our Lord one thousand eight hundred and fifteen, entitled, "An act relating to loans, made to defray expenses incurred by the Commonwealth, during the late war, and for other purposes;" in addition to the interest which then shall have accrued thereon: *Provided*, a certain resolve, passed on the seventh day of December, in the year of our Lord one thousand eight hundred and sixteen, authorizing the sale of the public stocks belonging to this Commonwealth, in the Union Bank, shall have been carried into effect, and so much of the money as may arise from said sale, is hereby appropriated to this purpose.

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Treasurer empowered to pay monies.

SEC. 2. *Be it further enacted,* That the Treasurer of this Commonwealth be, and he hereby is authorized and empowered to pay, on, or after the said tenth day of September next, out of any monies in the Treasury, not otherwise appropriated, the balance which may remain of said debt for defence in the late war, after applying the monies to be received at the Union Bank as aforesaid; and the two fifth parts of the debt aforesaid, shall cease to bear interest from the said tenth day of September next.

[Approved by the Governor, June 16, 1817.]

CHAP. XLIII.

An Act to reduce the Capital Stock of the Saco Bank.

SEC. 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 Monday of July next, the capital stock of the corporation created by an act of the Legislature, passed on the twenty-third day of June, in the year of our Lord one thousand eight hundred and twelve, by the name of the President, Directors and Company of the Saco Bank, be, and the same is hereby reduced to the sum of one hundred thousand dollars. Stock reduced.

SEC. 2. *Be it further enacted,* That the number of shares in said bank, shall, from and after the said first Monday of July next, be one thousand, and that each share shall be of the estimated or nominal value of one hundred dollars.

SEC. 3. *Be it further enacted,* That no dividend of the capital stock of said bank, as now existing, shall be made, until proof shall have been made to the satisfaction of the Governor and Council, or of Commissioners by them appointed at the expense of said corporation, that there now exists in said bank, funds belonging to said corporation sufficient to pay all notes in circulation, and all deposits and other demands, existing against the same, beyond the sum then to be reduced; and that nothing contained in this act shall be construed to effect the liability of the corporation, or the individual stockholders, as established by the original act incorporating said bank, or any other existing law; and the said corporation shall be holden to pay into the treasury of this Commonwealth their proportion of the tax now required by law to be paid upon the existing capital of said bank, until the same shall be actually reduced as aforesaid, and all arrearages of taxes unpaid. Commissioners to be appointed. Holden to Pay taxes.

SEC. 4. *Be it further enacted,* That the liability of the President, Directors and Company of the Saco Bank, to loan to the Commonwealth, shall be in proportion to the sum of the capital of said corporation, when reduced as aforesaid.

[Approved by the Governor, June 17, 1817.]

CHAP. XLIV.

An Act to annex certain land to Mount Washington, and certain land to Egremont.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the section of land lying within the incorporation of Egremont, at the south west corner thereof, including the lands of Jesse Coe and Nathan Soles, and the lands of others, with their families and estates, be, and they are hereby set off from the said town of Egremont, and annexed to the said town of Mount Washington, by the metes and bounds here described, viz. : beginning at the south west corner of Egremont, thence north twenty degrees east, four hundred and fifty-six rods in Egremont west line, to a heap of stones ; thence east thirty-two degrees south, one hundred and eighty-six rods to a heap of stones, being the north east corner of Jesse Coe's lot ; thence south thirty-four degrees east, five hundred and ten rods, to the south line of said Egremont ; thence west eight and an half degrees north, six hundred and eight rods, to the bounds first mentioned ; containing nine hundred and twenty-nine acres and one fourth of an acre.

Boundaries.

SEC. 2. *Be it further enacted,* That the section of land lying within the said town of Mount Washington, commonly called Willard's Hollow, by the metes and bounds here described, viz. : beginning at a heap of stones, where the south line of said Egremont intersects the east line of said Mount Washington ; thence west eight and an half degrees north, three hundred and two rods, to a heap of stones in the south line of said Egremont ; thence south thirty-four degrees east, four hundred rods, to a heap of stones ; thence east twenty degrees north, one hundred and forty rods, to the east line of said Mount Washington ; thence north fifteen degrees west, two hundred and forty rods, to said Egremont south line, the place of beginning ; containing three hundred and eighty-six acres and an half acre, be, and hereby is set off from the said town of Mount Washington, and annexed to the said town of Egremont : *Provided however,* that the lands hereby annexed to

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the towns of Egremont and Mount Washington, and the inhabitants dwelling thereon, and all non-residents, shall be holden to pay all taxes assessed upon them respectively, in the respective towns to which they formerly belonged, prior to the passing of this act. Holden to pay taxes.

[Approved by the Governor, June 17, 1817.]

CHAP. XLV.

An Act establishing the compensation of certain Officers of the Militia.

SEC. 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 Aids de Camp of Major Generals, the Brigade Majors and Adjutants of the Militia shall severally receive compensations for their services from the treasury of this Commonwealth, according to the following rates, viz. : each Aid de Camp, for recording any general or division order, twelve and an half cents; Compensation. for each copy of the same which it may be his duty to make, twelve and an half cents; and for conveying said copies to the commanding officers of the brigades composing his division, five cents for every mile which he must necessarily travel for that purpose. Each Brigade Major, for recording each general, division or brigade order, twelve and an half cents; for each copy of the same which it may be his duty to make, twelve and an half cents; for inspecting a regiment, seventy-five cents; for making a brigade return, one dollar and fifty cents; and five cents for every mile which he must necessarily travel for the purpose of inspecting the several regiments or corps composing his brigade, and of distributing the copies aforesaid, and blanks among the commanding officers of such regiments or corps. Each Adjutant, for recording each general, division, brigade or regimental order, twelve and an half cents; for each copy of the same which it may be his duty to make, twelve and an half cents; for every mile which he must necessarily travel to distribute blanks and copies of orders among the captains or commanding offi-

cers of the companies composing his regiment, four cents; for making the annual regimental return, one dollar; and for making a roster, one dollar.

Accounts to be
examined.

SEC. 2. *Be it further enacted*, That all accounts for the military services referred to in this act shall be presented for examination and allowance to the General Court, and no such account shall be by them allowed, unless it shall be accompanied by a certificate of the commanding officer of the division, brigade, regiment or battalion, (as the case may require) stating the distance which the officer, presenting his account, must necessarily travel for the purpose or purposes mentioned in his account, and also that the services therein charged have been performed.

[Approved by the Governor, June 17, 1817.]

CHAP. XLIV.

An Act in addition to an act making provision for the holding of a term of the Supreme Judicial Court in the counties of Franklin and Hampden, and for altering the time of holding the same in the counties of Hampshire and Berkshire.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Supreme Judicial Court now by law to be holden by three or more Justices thereof, at Northampton, in the county of Hampshire, and for the counties of Hampshire, Franklin and Hampden, shall have cognizance of all offences committed, as well in the counties of Franklin and Hampden, as in the county of Hampshire, when the person or persons charged therewith are confined in goal, in either of the counties of Franklin or Hampden, in the same way and manner as though the act to which this is in an addition, had not been passed; and Jurors to attend said Court shall be summoned also in like manner: *Provided however*, that whenever a continuance shall be had on an indictment found for an offence committed in either of the counties of Franklin or Hampden, such continuance shall be had to the term of said

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Court next to be holden in the county where such offence is alleged to have been committed; and such indictment shall be remitted to the office of the Clerk of that county accordingly.

SEC. 2. *Be it further enacted,* That the expenses of Jurors, and other expenses incident to said Court, to be holden as aforesaid, shall be borne equally by each of said three counties; and the respective Treasurers of the counties of Franklin and Hampden, are directed to pay to the Treasurer of the county of Hampshire, their respective proportions thereof, accordingly. Expenses divided.

[Approved by the Governor, June 17, 1817.]

CHAP. XLVII.

An Act to authorize an extension of the limits of the State Prison.

SEC. 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, with the advice of Council, be, and he hereby is authorized to purchase, or take for the use of the Commonwealth, as is hereinafter provided, for the purpose of extending the limits of the State Prison, the whole or any part of the lands lying between the present boundaries of the State Prison, and a road to be laid out from the abutment of the Prison Point Bridge, or dam, to the street in Charlestown; and when said lands shall be so purchased or taken, the limits of the State Prison shall extend all over such land. Limits extended.

SEC. 2. *Be it further enacted,* That if the Directors of the State Prison, under the direction of the Governor and Council, who are hereby authorized for this purpose, and the owner or owners of the land herein provided to be taken for the use of the Commonwealth, cannot agree on the sum which the Commonwealth shall pay for the lands so taken, then, in that case, the value of the land shall be ascertained and determined by a Traverse Jury, within and for the county of Middlesex, under the direction of the Justices of the Circuit

Value to be ascertained.

Court of Common Pleas, within and for said county of Middlesex, at any term thereof holden within six months after the said land shall be taken for the use of the Commonwealth, as aforesaid, and the Jury that may be empannelled to ascertain the value of said lands, shall be under oath, truly and justly to appraise the value thereof; and shall, under the direction of the Sheriff of said county of Middlesex, go on the premises and view the same, and return their verdict into the said Court. And his Excellency the Governor, with the advice and consent of Council, is hereby authorized to draw his warrant on the treasury for such sum as may be necessary to pay the value of said lands purchased, or taken as aforesaid, as the same may be mutually agreed on by the parties, or determined by a verdict of a Jury, as herein before described.

[Approved by the Governor, June 17, 1817.]

CHAP. XLVIII.

An Act to annex Benjamin Shaw and others, with their families and estates, to the town of Bowdoinham.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Benjamin Shaw, Loring Webber, William Webber, Gideon Perry, David Perry, John Mitchell, Samuel Webber, Joseph Webber, Dummer Mitchell, Stephen Webber, George Webber and Stephen Webber, Jun. with their families and estates, together with all other persons living within that part of the town of Litchfield, which lies on the eastwardly side of Cabosa Pond, shall be, and they are hereby set off from the town of Litchfield, and annexed to the said town of Bowdoinham, and shall forever hereafter be subject to all the duties, and entitled to all the privileges of citizens and inhabitants of Bowdoinham: Provided however, that until a new valuation of polls and estates shall be taken and made, the said town of Bowdoinham shall be liable to pay over to the said town of Litchfield one fifteenth part of the state*

tax, which hereafter may be assessed on the same town, and also one fifteenth part of all debts which have already accrued for the support of paupers in the same town, or which hereafter may accrue for the support of any persons who are now paupers, and for whose support the said town now is, and hereafter may be chargeable. Shall support paupers.

SEC. 2. *Be it further enacted,* That the dividing line between the towns of Litchfield and Bowdoinham, shall in future extend from the south easterly corner of Litchfield, near the southerly end of Cabosa Pond, and thence north eastwardly along the eastern shore of said Pond, to the north easterly line of the said town of Litchfield.

[Approved by the Governor, June 17, 1817.]

CHAP. XLIX.

An Act authorizing the United States to make a Draw in the Old Bridge, between Cambridge and Brighton, in the county of Middlesex.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the United States of America be, and they hereby are authorized and empowered to make, at their own expense, a good and sufficient draw and passage way in the old bridge over Charles River, between Cambridge and Brighton, in the county of Middlesex; and also to erect such piers on either, or both sides of said bridge, as may be necessary to secure the bridge, and to facilitate the passage of vessels through the same. May erect piers.

SEC. 2. *Be it further enacted,* That said draw shall not be less than twenty feet wide, with a leaf or leaves of sufficient length and breadth, and every requisite for raising the same; and the leaf or leaves, and all other parts of said draw, which serve as a portion of the bridge, for the accommodation of travel over the same, shall always be maintained and kept in repair by the towns of Cambridge, West Cambridge, Lexington and Brighton, which now have to support said bridge; but

Bridge to be kept in repair.

all the machinery necessary for raising the draw, and also the piers on the sides of the bridge, as aforesaid shall be furnished and kept in repair by the said United States, so long as they shall have occasion for a draw in said bridge.

[Approved by the Governor, June 17, 1817.]

CHAP. I.

An Act in further addition to an act, entitled, "An act for the due regulation of weights and measures," and for the more easy recovery of fines and penalties, within the town of Boston, in the county of Suffolk.

SEC. 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 the duty of the Sealer of weights and measures within and for the town of Boston, to be provided with a house or office, and to which all persons using scale beams, steelyards, weights or measures, within the town of Boston, in trade, for the purpose of buying or selling any article, shall be required, after notice thereof shall have been given in two or more of the newspapers published within the said town, to send annually their scale beams, steelyards, weights and measures, for the purpose of having the same tried, proved and sealed, as is provided in and by the act aforesaid, to which this is in addition; and the said Sealer shall be entitled to demand and receive therefor such fees as are allowed in and by the said act.

Notice to be given.

Sealer authorized to examine weights and measures.

SEC. 2. *Be it further enacted,* That the said Sealer is hereby authorized and required to go to the houses, stores and shops of all such merchants, innholders, traders, retailers, and of all other persons living or residing within the said town of Boston, using beams, steelyards, weights or measures, for the purpose of buying and selling, as shall neglect to bring or send the same to the house or office of the Sealer aforesaid; and there, at the said houses, stores and shops, and having entered the same with the assent of the occu-

pant thereof, to try, prove and seal the same, or to send the same to his said house or office, to be tried, proved and sealed, and shall be entitled to demand and receive therefor double the fees he would be entitled to demand and receive for the same, if such beams, steelyards, weights and measures had been sent to his said house or office, with all expenses attending the removal and transportation of the same; and if any such person or persons shall refuse to have his, her, or their beams, steelyards, weights; or measures so tried, proved and sealed, the same not having been tried, proved, and sealed, within one year preceding such refusal, he, she, or they, shall forfeit and pay ten dollars for each offence; the one moiety to the use of the said town of Boston, and the other moiety of the same, to the Scaler. And if any such person, or persons, shall use any beam, steelyard, weight, or measure, which shall not conform to the public standard, the same not having been tried, proved and sealed within one year preceding such use of the same, he, she or they shall forfeit and pay ten dollars for each offence, the one moiety to the use of said town of Boston, and the other moiety of the same to the informer. And if any such person or persons shall alter any beam, steelyard, weight or measure, after the same shall have been tried, proved and sealed, so as that the same shall by such alteration be made not to conform to the public standard, and shall fraudently make use of the same, he, she, or they shall forfeit and pay fifty dollars for each offence, the one moiety to the use of the said town of Boston, and the other moiety of the same to the informer.

SEC. 3. *Be it further enacted,* That all fines, forfeitures and penalties accruing within the said town of Boston, under this act, or for the breach of any by-law of the said town, which is now in force, or which may hereafter be duly enacted and made, may be recovered by indictment, information or complaint, in the name of the Commonwealth, in any Court competent to try the same; and all fines so recovered and paid shall be appropriated to the uses for which the same are now by law ordered to be applied; reserving, however, in all cases to the party complained of and prosecuted, the

Double fees.

Forfeitures.

Forfeitures and penalties to be recovered by law.

right of appeal to the next Municipal Court, in the town of Boston from the judgment and sentence of any Justice of the Peace, in which case the judgment of the said Municipal Court shall be final; and to the next Supreme Judicial Court, to be holden within the county of Suffolk, and for the counties of Suffolk and Nantucket, from the judgment of the Municipal Court where the indictment or information originated in the same, such party recognizing with sufficient surety or sureties, to the satisfaction of the Court, to enter and prosecute his, her, or their said appeal, and to abide the final judgment thereon.

Shall not appeal
from judgment.

SEC. 4. *Be it further enacted,* That when any person, who upon a conviction before a Justice of the Peace, for any offence mentioned in this act, or for the breach of any by-law of the town of Boston, shall be sentenced to pay a fine, and shall not appeal from said judgment, or if upon claiming an appeal, shall fail to recognize as aforesaid, and upon not paying the fines and costs so assessed upon him, shall be committed to prison; there to remain, until he or she shall pay such fines and cost, or be otherwise discharged according to law; such persons shall not be holden in prison for a longer term than ten days; and at the expiration of that term, the Keeper of the said gaol is hereby authorized to release such person from confinement.

SEC. 5. *Be it further enacted,* That all fines and penalties, which shall be hereafter recovered for any offences, which shall hereafter be committed against the act of this Commonwealth, which was made and passed on the fourteenth day of December, in the year of our Lord one thousand eight hundred and sixteen, entitled, "An act in addition to an act, entitled, an act for the due regulation of licensed houses," shall be appropriated, the one moiety to the town of Boston, and the other moiety of the same to the informer, any thing to the contrary in that act notwithstanding.

Act repealed.

SEC. 6. *Be it further enacted,* That the seventh section of the act aforesaid, to which this is in addition, be, and the same is hereby repealed, so far as respects the said town of Boston.

[Approved by the Governor, June 17, 1817.]

CHAP. LI.

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, Dudley Atkins Tyng, Junior, of Cambridge, in the county of Middlesex, shall be allowed to take the name of Dudley Atkins: James Chever, the third, of Salem, in the county of Essex, shall be allowed to take the name of James W. Chever: Thomas Smith shall be allowed to take the name of Thomas Tarlton Smith: Edward Loring Davis, of Barnstable, in the county of Barnstable, shall be allowed to take the name of Lothrop Davis: George Kuhn, son of Jacob Kuhn, of Boston, in the county of Suffolk, shall be allowed to take the name of George Horatio Kuhn: Leonard Cummings Smith, of Leominster, in the county of Worcester, shall be allowed to take the name of Crowninshield Van Jerome Smith: Names altered. John Platts Palmer, of Rowley, in the county of Essex, shall be allowed to take the name of John Platts: Luther Platts, of said Rowley, shall be allowed to take the name of Luther Platts Palmer: William Greenough, of Boston aforesaid, shall be allowed to take the name of William Hardy Greenough: Catharine Hay Weld, of the same Boston, shall be allowed to take the name of Catharine Weld Hay: John Frost, of said Cambridge, shall be allowed to take the name of John Henry Augustus Frost: Oliver Blackman Everett, of Dedham, in the county of Norfolk, shall be allowed to take the name of Oliver B. Everett: Eliza Rider, of said Salem, shall be allowed to take the name of Eliza Rider Atkinson: Mary Fuller, of said Boston, shall be allowed to take the name of Ann Mary Fuller Weld: Thomas Weld, of said Boston, shall be allowed to take the name of Thomas Greenleaf Weld: Samuel Heywood, of said Boston, shall be allowed to take

the name of Samuel P. Heywood : William Ward, of said Boston, merchant, shall be allowed to take the name of William Haven Ward : Charles Treadwell, Junior, of said Salem, shall be allowed to take the name of Francis Charles Treadwell : Nathan Webber, of Gloucester, shall be allowed to take the name of Edward Webber : Francis Fay, Junior, of Southborough, shall be allowed to take the name of Francis Ball Fay : Barnabas Blankinship, of Rochester, shall be allowed to take the name of Barnabas B. Nye : Laurens Bascom, of Southampton, shall be allowed to take the name of Henry Laurens Bascom : John Gifford, of Westport, in the county of Bristol, shall be allowed to take the name of John Winslow Gifford : Names altered. Harriot Bowers, of Billerica, shall be allowed to take the name of Silence Bowers : Samuel Tenney, Junior, of Newburyport, shall be allowed to take the name of Samuel Newell Tenney : Harriot Swett, of Dracut, shall be allowed to take the name of Harriet Swett Varnum : And the several persons before mentioned, from and after the passing of this act, shall be known and called by the names, which by this act, they are respectively allowed to take and assume, as aforesaid ; and said names shall, forever hereafter, be considered as their only proper and legal names, to all intents and purposes.

[Approved by the Governor, June 17, 1817.]

CHAP. LII.

An Act to establish the Penobscot Canal Corporation.

Persons incor-
porated. SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Barker, James Bartlett, Joseph Carr, Stephen S. Crosby, Thomas A. Hill, Luther H. Hills, Stephen Kimbal, Jacob McGaw, and Joseph Treat, and such other persons as may hereafter associate with them, be, and hereby are created a body politic and corporate, by the name and style of the Penobscot Canal Corporation.

SEC. 2. *Be it further enacted,* That the said corporation shall be governed by a Board of Directors, not exceeding five, any three of whom shall make a quorum to transact business; and by such other officers and agents as the said corporation, by their by-laws shall designate and appoint; and at their first meeting, they may elect the Board of Directors, who shall remain in office until the annual meeting of said corporation, which shall be in the month of June or July, on such day, and at such place, as may be ordered by said corporation.

Shall be governed by a Board of Directors.

SEC. 3. *Be it further enacted,* That the said corporation shall have power to survey, lay out, and make a Canal from the waters of Pushaw Pond, in the county of Penobscot, to the Penobscot River, with a suitable number of locks, to commence at such point on said Pond, pass in such direction, and terminate at such place on said river, as they may designate; and for the purpose aforesaid, they shall have power to purchase, and take in fee simple, a parcel of land, not more than twenty rods wide, wherever the said Canal may pass; and any other lands and buildings, not exceeding one hundred thousand dollars in value; and of holding any personal estate, not exceeding fifty thousand dollars; and the said real estate, or any part thereof, they may sell and transfer, and they may sue and be sued, in all proper Courts, and may prosecute and defend any action to final judgment and execution; may have and use a common seal; and may have and exercise all such corporate powers as may be necessary and proper for a Canal corporation. And wherever the said Canal may pass over the land of said Commonwealth, the same is hereby given and granted to the said corporation, to hold to them in fee simple: And where the said corporation cannot agree with, and purchase of any other corporation, or individual, over and through whose lands the said Canal may pass, then they may apply by petition to the Court of Common Pleas for the third Eastern Circuit, when holden within and for the county of Penobscot, therein setting forth, by a proper description, the quantity of land they want; and that they are unable to purchase the same by agreement, and requesting the said Court to

Have power to purchase land.

May file petition.

have the same valued ; and may file the same petition in the office of the Clerk of the Judicial Courts for said county, and may take out a summons from him, under the seal of said Court, with a copy of said petition annexed thereto, returnable at the next term of said Court ; which summons shall be served at least thirty days before the setting of said Court, to which it is returnable ; and being duly served and returned by the Sheriff of said county, or his Deputy, the same may be entered with the other actions in said Court ; and the said Court shall thereupon proceed to inquire, and by the verdict of a jury, at the bar of said Court, to ascertain the value of the land taken from any individual, or corporation, for the purposes aforesaid ; and the same verdict, being allowed and recorded, shall be conclusive on all parties ; and the amount so ascertained, being paid or tendered to said corporation, and if not accepted, left with the said Clerk, for the use of the party entitled, or his, or their legal representative, shall operate a transfer of the estate so taken, and vest the same in said corporation, in fee simple ; and thereupon, they may enter upon, use, occupy, and enjoy the same forever : And the said Court, and all officers who may perform any service on any such application, shall be entitled to the same fees as are by law taxable in civil actions ; and the said corporation may join in said application, any one or more individuals, whose lands may be taken, and the said jury shall, in each case, return separate verdicts for each several respondent ; and if in the opinion of the said Court, it may be necessary, they may, upon the motion of any party, direct a view of the premises by the jury.

Jury may re-view premises.

SEC. 4. *Be it further enacted,* That for the purposes of completing the said Canal, and making the same useful to said corporation, and beneficial to the public, they shall have power to take and use the waters of said Pond, and any streams that may run in the direction of said Canal, by erecting dams, locks, mills, sluices, or any manufactories, to the working of which, water may be necessary, and to make and maintain a dam on the stream, called Pashaw stream, below the confluence of Dead River with said stream, which runs from said Pashaw Pond, at such place or places,

as the said corporation may find convenient and necessary, for the purpose of flowing the waters of said Pond, for the use of said Canal, mills, or factories; subject however, to payment of damages to the party injured, by the erection of said mills and dams, and by the flowing of any waters, to be ascertained by a jury, under oath, in case the parties cannot agree upon the amount and payment of damages.

SEC. 5. *Be it further enacted*, That said corporation may at any legal meeting, to be holden within one year from the passing this act, divide their capital stock, grant or franchise, into as many shares as they may see fit; and the same shares shall be deemed and taken to be personal estate, and transferable in such manner as said corporation, by their by-laws may determine and fix; and the same shall be subject to attachment and sale, in such manner as the law provides: And at all meetings after such division, the votes shall be taken by shares, in the scale following, viz: From one to five shares inclusive, one vote for each share; from five to ten, one vote for every two shares; from ten to twenty, one vote for every five shares; from twenty to forty, one vote for every ten shares; from forty to one hundred, one vote for every twenty shares; and one vote for every fifty shares over and above the first hundred. And the said corporation shall have power to make such rules, regulations, and by-laws, (not repugnant to the laws of the Commonwealth,) as they may see fit; and any deeds, sealed with the seal of said corporation, executed in such manner as the said by-laws may ordain, and duly acknowledged and recorded, shall be valid in law.

SEC. 6. *Be it further enacted*, That a toll shall be, and hereby is granted and established, for the benefit of said corporation, according to the rates following, viz: For all planks, boards, joists, or other sawed stuff, floated on rafts or otherwise, through said Canal, ten cents a mile for each thousand feet, board measure; for clapboards, ten cents a thousand; for shingles, two cents a thousand; for staves, ten cents a thousand; for cord wood and bark, ten cents a cord for each mile; for all timber, masts, and logs, five cents a ton for each

May divide stock.

Shall have power to make rules, regulations and by-laws.

Rates of toll.

mile ; and for other lumber in proportion to the above rates ; for all kinds of goods, or provision carried in boats, or on rafts, ten cents a ton for each mile ; for all boats or rafts, ten cents for each lock the same may pass, in addition to the toll aforesaid ; which toll shall commence, and be payable, when any three miles of said Canal shall be passable for any of the articles aforesaid ; and the said corporation shall have a lien upon the same articles, and shall have power to detain the same for the payment of the toll aforesaid, until payment is made ; and at the expiration of twenty days from the time said toll became due, may raise the same by public or private sale of so much of said article or articles, as is sufficient therefor ; or the said corporation may sue for and collect said toll by action, in any Court proper to try the same : *Provided however,* that the Legislature may at any time regulate the toll on said Canal.

Proviso.

SEC. 7. *Be it further enacted,* That this act in all legal proceedings, shall be deemed and taken to be a public act : And if said corporation shall not make and complete said Canal in all parts thereof, within ten years from the passing of this act, and so make the same appear to the Governor and Council of this Commonwealth, for the time being, then this act, and all grants and immunities thereby given, shall be void.

Shall make and keep open dams.

SEC. 8. *Be it further enacted,* That said corporation shall be held at all times, to make and keep open at such dams as they may erect on any stream, sufficient sluice ways for the passage of fish, pursuant to the existing laws, under the penalties therein provided.

SEC. 9. *Be it further enacted,* That any five or more, of the persons named in this act, may call and order the first meeting of those incorporated, by causing notice to be given of the time, place, and purposes thereof, in any newspaper printed within the county of Penobscot, ten days previous to said meeting ; and at said meeting, may proceed to organize said corporation, who may then make its by-laws, designate and choose its officers, determine their qualifications, define their powers and duties, and fix on the mode of call-

ing future meetings, and all other matters and things that may be necessary for the management of the concerns of said corporation.

[Approved by the Governor, June 17, 1817.]

CHAP. LIII.

An Act, in addition to an act, entitled "An act to incorporate the President, Directors and Company of the Bangor Bank."

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 the President, Directors and Company of the Bangor Bank," passed in the year of our Lord one thousand eight hundred and fourteen, shall be, and the same is hereby declared to be in full force and operation, excepting, that whereas the time fixed by the said act, for paying in the capital stock has elapsed, the same may, and shall be paid in, one quarter part thereof, on or before the first day of January next; one quarter part thereof, on or before the first day of April next; one quarter part thereof, on or before the first day of July, which will be in the year of our Lord one thousand eight hundred and eighteen, and the remaining quarter part thereof, on or before the first day of October, then next following.

Extension of
time for paying
in capital stock.

[Approved by the Governor, June 17, 1817.]

CHAP. LIV.

An Act authorizing the President, Directors and Company of the Springfield Bank to increase the amount of their Capital Stock.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by

Capital stock
increased.

the authority of the same, That from and after the passing of this act, the capital stock of the President, Directors and Company of the Springfield Bank, shall be one hundred and fifty thousand dollars; the number of shares to be increased one half of the number as at present established by law; and that the sum necessary to complete the said capital, shall be paid in, one half on the first day of August next, and the other half on the first day of January next, any thing in the several acts to which this is in addition, to the contrary notwithstanding. *Provided nevertheless,* that before the said corporation shall proceed to do business upon the additional capital, a certificate signed by the President and Directors of said corporation, verified by the oath of the Directors, and attested by the Cashier, that the same has been actually paid into the said bank, in gold or silver coin, shall be filed in the office of the Secretary of this Commonwealth.

Proviso.

[Approved by the Governor, June 17, 1817.]

CHAP. LV.

An Act, in further addition to an act, entitled "An act to incorporate the President, Directors and Company of Hampshire Bank."

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 one year from and after the first day of March last past, be allowed to the President, Directors and Company of the Hampshire Bank, for the payment into the said bank, of the fourth instalment of the capital stock thereof, any law to the contrary notwithstanding.

Farther time
allowed.

[Approved by the Governor, June 17, 1817.]

CHAP. LVI.

An Act, in addition to the several acts relating to the proprietors of Mills, on Charles River.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Clerk of the proprietors of mills, on Charles River, or in case of his absence, death, inability, or refusal to act, any other officer, or any principal member of the said corporation, be, and is hereby authorized to call any meetings of the said corporation, (upon application therefor, by any one or more of the said proprietors,) by publishing notice thereof, and of the time and place for holding the same, in some public newspaper printed in Boston, or by giving written notice thereof to the respective proprietors in person, or leaving the same at their last and usual place of abode, seven days at least before the time appointed for such meeting; and all meetings of the said proprietors, which have been had in pursuance of notice from the Clerk of the said corporation, are hereby made valid; and all the doings of the said proprietors, at any such meeting, are hereby confirmed; *provided*, ^{May call meetings.} the making valid the proceedings of such meetings, ^{Provis.} and confirming the doings of the said proprietors thereat, shall not affect the interests or rights of persons not members of said corporation; and the affidavit of the Clerk of the said proprietors, and of any other person who may call any meeting, or who has, or shall have given or served any notice of the meeting of the said proprietors, made before any Justice of the Peace, within six months from the making of this act, or from the time of holding any meeting, shall in all cases be admitted as evidence of the fact it shall contain, concerning the manner and time of calling and notifying the meeting of the said proprietors, to which such affidavit may relate.

SEC. 2. *Be it further enacted*, That any corporation which is, or may become owner of any mills, on Charles River, may be admitted a member of the corporation of the proprietors of mills on Charles River,

and may act and be represented at the meetings, and in all affairs of the said proprietors, and be served with the notice of meetings, by and through the Clerk of such corporation, owner as aforesaid, or by and through any other person or persons for that purpose appointed.

[Approved by the Governor, June 17, 1817.]

CHAP. LVII.

An Act to extend the provisions of an act, entitled, "An act to prevent the destruction of fish in the town of Pittsfield."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all the provisions of an act, entitled, "an act to prevent the destruction of fish in the town of Pittsfield," be, and the same are hereby extended to the towns of Lanesborough and Richmond.

Act extended.

[Approved by the Governor, June 18, 1817.]

COMMONWEALTH OF MASSACHUSETTS.

Secretary's Office, August 15th, 1817.

The Laws printed in this pamphlet, passed by the Legislature, at their session beginning May 28th, and ending June 18th, 1817, have been compared with the originals in this office, and appear to be correct,—excepting the word "*Dalton*," near the bottom of the 416th page, which should be *Union*.

ALDEN BRADFORD, *Secretary of the Commonwealth.*

L A W S

OF THE

COMMONWEALTH OF MASSACHUSETTS,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION, WHICH COMMENCED ON THE 14th DAY OF
JANUARY, AND ENDED ON THE 24th OF FEBRUARY, 1818.

CHAP. LVIII.

An Act regulating the hunting of Deer.

SEC. 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 shall hunt or kill any deer, except his own tame^r deer, or deer kept in his park, or on his island, between the first day of January and the first day of August in any year, he shall forfeit the sum of twenty-one dollars for every deer so killed; to be recovered by action of debt in any Court proper to try the same; one moiety thereof to the use of the person suing for the same, and the other moiety to the use of the town within which such offence shall be committed.

SEC. 2. *Be it further enacted,* That all former acts on this subject be, and they hereby are repealed.

[Approved by the Governor, January 27, 1818.]

CHAP. LIX.

An Act to establish an Academy in the town of Bangor, by the name of the Young Ladies' Academy.

Location.

SEC. 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 Bangor, in the county of Penobscot, an Academy, by the name of the Young Ladies' Academy, for the purpose of promoting the education of youth, particularly females, in the English and other languages, together with writing, arithmetic, needle-work and geography, rhetoric, history, music, and the art of speaking, and such other of the liberal arts and sciences as the Trustees hereinafter provided, shall order and direct.

Trustees.

SEC. 2. *Be it further enacted,* That the Reverend Harvey Loomis, Reverend Thomas Williams, Honorable Samuel E. Dutton, and William D. Williamson, Jacob McGaw, Joseph Carr, and Moses Patten, Esquires, Joshua P. Dickinson, M. D. and Captain Elishib Adams, be, and they hereby are nominated and appointed Trustees of said Academy, and they are hereby incorporated into a body politic, by the name of the Trustees of the Young Ladies' Academy in Bangor; and they and their successors shall be and continue a body politic and corporate, by the same name forever.

Powers.

SEC. 3. *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 may prosecute and defend the same to final judgment and execution, by their name aforesaid, either by themselves or their agents.

Duties.

SEC. 4. *Be it further enacted,* That the said Trustees and their successors be, and they hereby are made the Governors and Visitors, as well as the Trustees of said Academy, in perpetual succession forever, to be continued in the way and manner hereafter specified, with full power and authority to elect such preceptors,

instructresses and teachers of the said institution, as they shall judge necessary and convenient, and to make and ordain such laws, orders and rules, not repugnant to the laws of the Commonwealth, for the good government of said Academy, as to them shall seem fit and requisite.

SEC. 5. *Be it further enacted*, That the number of the Trustees aforesaid shall not, at any one time, be more than fifteen, five of whom, at least, shall be necessary to constitute a quorum for transacting business. Limitation of Trustees.

SEC. 6. *Be it further enacted*, That as often as the number of the Trustees of said Academy shall be less than fifteen, the Trustees for the time being shall have power, and it shall be their duty to nominate, elect and appoint other suitable persons as Trustees, until that number shall be complete. Vacancies to be filled up.

SEC. 7. *Be it further enacted*, That the Trustees aforesaid and their successors be, and they hereby are rendered capable in law, to take and hold by gift, grant, devise, bequest, or otherwise, any lands, tenements, or other estate, real or personal: *Provided*, the annual income thereof doth not exceed five thousand dollars: and all deeds and instruments, which the said trustees may lawfully make, shall be sealed with their corporate seal, and shall bind the said Trustees, and their successors, and be valid in law. May hold real or personal estate.

SEC. 8. *Be it further enacted*, That any one of the said Trustees, being a Justice of the Peace, be, and he is hereby authorized and empowered to appoint the time and place for holding the first meeting of said Trustees, and notify them thereof. First meeting.

[Approved by the Governor, January 27, 1818.]

CHAP. LX.

An Act to incorporate the Hampshire Education Society.

SEC. 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, Enoch

Persons incor-
porated.

Hale, Nathaniel Smith, Josiah Dwight, William Porter, and Vinson Gould, together with those who may have associated, and who may hereafter associate with them, be, and they hereby are incorporated and made a body politic, by the name of the Hampshire Education Society; and the society aforesaid shall have perpetual succession, and may have a common seal, which it shall be lawful for them to alter 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, the annual income and profits whereof shall not 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 shall be differently appropriated by the donors, or by a vote of the society, agreeably to their constitution) 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 aiding indigent young men of talents and hopeful piety, in acquiring a learned and competent education for the gospel ministry.

Powers,

Regulation of
funds.

Officers chosen.

By-laws.

SEC. 2. *Be it further enacted*, That the said society may choose a President, Vice President, Clerk, Treasurer, and such other officers as they shall see fit; and may at their first meeting, under this incorporation, by the vote of two thirds of their 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.

SEC. 3. *Be it further enacted*, That the society aforesaid may, at all times, under the name, style and

title aforesaid, sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution, and may appoint an agent or agents to prosecute and defend suits with power of substitution; and it shall be lawful for the said society to make sale of any estate or personal property, given or purchased as aforesaid, or in any other way, or right accruing to them, in their corporate capacity, (unless that which is given be otherwise expressly ordered or appropriated by the donor) and convey the same by deed or other legal instrument duly executed; and when the property to be conveyed is real estate, under the hand of the Treasurer 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.

May sue and be sued.

May sell real estate.

Proviso.

SEC. 4. *Be it further enacted*, That Josiah Dwight, Esquire, be, and he hereby is authorized, by notification in the Hampshire Gazette, printed in Northampton, to appoint the time and place of the first meeting of said society.

[Approved by the Governor, January 27, 1818.]

CHAP. LXI.

An Act explanatory of an act, entitled “An act for the orderly solemnization of Marriages.”

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That any marriage which has been, or which shall hereafter be solemnized by any Minister or Justice of the Peace, agreeably to the provisions of the act, entitled “An act for the orderly solemnization of Marriages,” in any plantation, which at the time of passing said act, was included within the counties of Cumberland or Lincoln, shall be deemed and taken to be legal to all intents and purposes, as if the said counties, or either of them, had not been divided. And every Justice of the Peace, or Minister, who shall hereafter solemnize any such marriage, shall transmit a certificate thereof to the Clerk of the Circuit

Court of Common Pleas for the county in which said plantation is situated, to be recorded by said Clerk, in a book to be by him kept for that purpose.

[Approved by the Governor, January 27, 1818.]

CHAP. LXII.

An Act to incorporate certain persons by the name of The Associated Instructors of Youth, in the town of Boston, and elsewhere.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Ebenezer Pemberton, Daniel Staniford, Jonathan Snelling, Thomas Payson, Joseph Mulliken, Lawson Lyon, Jonathan Huntington, Benjamin Gleason, Benjamin Holt, John Haskell, Proctor Pierce, Ephraim H. Farrar, John R. Cotting, Amos Clarke, Benjamin Chamberlain, their associates, and such others as may hereafter join them, be, and they hereby are incorporated into a body politic, by the name of The Associated Instructors of Youth, in the town of Boston, and elsewhere, with power to sue and be sued, to plead and be impleaded, to make and use a common seal, and to alter and renew the same at pleasure, and to exercise and enjoy all such rights, powers, and privileges, as are common to similar bodies corporate

Persons incor-
porated.

Powers.

May hold real
estate.

May bestow
premiums.

SEC. 2. *Be it further enacted,* That the said corporation shall have power to receive, and take by grant, gift, or otherwise, property, real, personal, and mixed, not exceeding in amount or value, the sum of fifty thousand dollars, and to hold and manage the same at their pleasure, as a fund, towards the relief and support of superannuated and other indigent instructors of youth, their widows, and children; for instituting and granting premiums to excite and reward emulation and improvement among instructors and scholars; and for any other similar purposes of charity, to which the said corporation may apply the same.

SEC. 3. *Be it further enacted*, That the said corporation shall have power, at any regular meeting of the same, to make such constitution and by-laws for the government of the same, as they may find necessary; *provided*, that nothing in such constitution, or by-laws, shall be repugnant to the constitution or laws of the Commonwealth. Powers.

SEC. 4. *Be it further enacted*, That at any regular meeting of the said corporation, they may proceed to elect such officers as shall be found necessary for the government and orderly conducting the affairs of the same, according to the constitution and laws of said corporation; and that Thomas Payson, Esquire, be, and he is hereby empowered and directed to call the first meeting of the same, within twenty days after the passing of this act, by giving notice of the time and place of holding the same, in one or more of the public newspapers printed in the town of Boston, three days at least, prior to the holding of the same. Choice of officers.
First meeting.

[Approved by the Governor, January 27th, 1818.]

CHAP. LXIII.

An Act vesting further powers in the Supreme Judicial Court, respecting amendments on review, and the return of writs of *venire facias*.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That in any action of review, pending in the Supreme Judicial Court, the Justices thereof shall have power to order any amendment of the original writ, record or proceedings, in any part thereof, upon such terms and conditions as they may consider just and reasonable, any law to the contrary notwithstanding. Amendment of writs.

SEC. 2. *Be it further enacted*, That any one, or more, of the said Justices, shall hereafter hold a Court, and be competent to the trial by jury, of any real or feigned issue, which may arise upon any appeal, which may be made, or taken, from the decree of any Court Justices Court.

of Probate, and such Justice or Justices shall have the same power over any such appeal, and may proceed to make a final decree therein, and exercise the same jurisdiction over any appeal depending upon such issue, as all the Justices of said Court may now do; any law to the contrary notwithstanding; subject however to all such exceptions and such proceedings thereon, as are now provided by law, in the trial of issues in fact before said Court, when holden by one, or two of the Justices thereof.

SEC. 3. *Be it further enacted*, That the Justices of the Supreme Judicial Court shall have power to order the writ of Venire Facias, which may be issued either for the Grand or Traverse Jurors to attend the same Court, to be returned on such day of the term of said Court, when holden for any county, as they may judge will best serve the purposes of justice, and facilitate the business of said Court.

[Approved by the Governor, January 29, 1818.]

CHAP. LXIV.

An Act to incorporate the Institution for Savings, in the town of Salem and its vicinity.

SEC. 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, Joseph Story, Benjamin Pickman, Jacob Ashton, Joseph White, Moses Townsend, Jonathan Neal, Joseph Peabody, Benjamin Pickman, junior, Nathan Robinson, Nathaniel Bowditch, David Cummins, William Silsbee, Gideon Barstow, John Osgood, Willard Peele, Dudley L. Pickman, William Fettyplace, John W. Treadwell, Stephen White, and Leverett Saltonstall, together with such as have associated with them, be, and they hereby are incorporated into a society, by the name of the Institution for Savings, in the town of Salem, and its vicinity; and that they and such others, as shall be duly elected members of the said corporation, as is in this act provided, shall be, and re-

Writs of Venire Facias.

Persons incorporated.

main a body politic and corporate, by the same name forever.

SEC. 2. *Be it further enacted,* That the said society and corporation shall be capable of receiving from any person or persons disposed to obtain and enjoy the advantages of said institution, any deposit or deposits of money, and to use and improve the same for the purposes, and according to the directions herein mentioned and provided. Deposits.

SEC. 3. *Be it further enacted,* That all deposits of money received by the said society, shall be by the said society used and improved to the best advantage; and the net income or profit thereof shall be by them applied and divided among the persons making the said deposits, their executors or administrators, in just proportion; and the principal of such deposits may be withdrawn at such reasonable times, and in such manner, as the said society shall direct and appoint. Dividends.

SEC. 4. *Be it further enacted,* That the said society and corporation shall, at their first meeting, and at their annual meetings in January, have power to elect, by ballot, any person or persons, as members of the said society. Election of members.

SEC. 5. *Be it further enacted,* That the said society may have a common seal, which they may change and renew at pleasure; and that all deeds, conveyances and grants, covenants and agreements made by their Treasurer, or any other person, by their authority and direction, according to their institution, shall be good and valid; and the said corporation shall, at all times, have power to sue and be sued, and may defend, and shall be held to answer by the name aforesaid. May sue and be sued.

SEC. 6. *Be it further enacted,* That the said society shall hereafter meet at Salem, at such time in the month of January annually, and at such other times as the society or the President thereof may direct, and any seven members of the said corporation, the President, a Vice President, Treasurer or Secretary being one, shall be a quorum; and the said society, at their meeting in January, annually, shall have power to elect and choose a President, and all other such officers as to them shall appear necessary; which officers, so chosen, shall continue in office one year, and until others Choice of officers.

are chosen in their stead ; and the Treasurer and Secretary, so chosen, shall be under oath to the faithful performance of the duties of their offices respectively.

SEC. 7. *Be it further enacted,* That the said society hereby are, and forever shall be vested with the power of making by-laws for the more orderly managing the business of the corporation ; *provided* the same are not repugnant to the constitution or laws of this Commonwealth.

SEC. 8. *Be it further enacted,* That John Osgood, Willard Peele, and Stephen White, or any two of them, be, and they hereby are authorized, by public notification, in the two newspapers printed in Salem, to call the first meeting of the said society, at such time and place as they shall judge proper.

[Approved by the Governor, January 29, 1818.]

CHAP. LXV.

An Act authorizing the President, Directors and Company of the Nantucket Pacific Bank to increase the amount of their Capital Stock.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the President, Directors and Company of the Nantucket Pacific Bank be, and they are hereby allowed to increase the capital stock of said bank, one hundred thousand dollars, in addition to the sum allowed by their act of incorporation ; the said additional sum to be subject to the same rules, restrictions and limitations, as are stated in the original act, to which this is in addition ; and the stockholders of said bank, for the time being, shall have a prior right to subscribe said sum, in proportion to the several shares held by them respectively, at the time of said subscription.

SEC. 2. *Be it further enacted,* That fifty thousand dollars, of the above named additional sum, shall be paid into the said Bank, in ninety days after the passing of this act, and the remaining sum of fifty thousand dol-

By-laws.

First meeting.

Right of Stockholders.

Time of paying in stock.

lars, on or before the first Monday of October next : *Provided nevertheless*, that before the said corporation shall proceed to do business upon the said additional capital, a certificate, signed by the President and Directors of said Corporation, verified by the oath or affirmation of the Directors, and attested by the Cashier, that the same has been actually paid into the said bank, in gold or silver coin, shall be filed in the office of the Secretary of this Commonwealth. Proviso.

[Approved by the Governor, January 29, 1818.]

CHAP. LXVI.

An Act in addition to an act, entitled, "An act to incorporate a number of persons, by the name of the Methodist Society in Dresden."

SEC. 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 section of an act, entitled "An act to incorporate a number of persons, by the name of the Methodist Society in Dresden," be, and the same is hereby repealed. Section repealed.

SEC. 2. *Be it further enacted*, That George Goodwin, Samuel G. Johnson, Stephen Twycross, Rowland Johnson, Solomon Blanchard, Edward Austin, Isaac Lilly, Benjamin Prescott, James Carney, Benjamin Goodwin, Moses Call, John Kidder, Edward Kidder, Stephen Marson, junior, Daniel Cate, Benjamin Cate, John Hathorn, junior, John Bickford, Samuel Allen, John Hathorn, John Alexander, James Stone, William Mayers, George Mayers, junior, John M'Gown, Ebenezer Parker, Amos Allen, Nathaniel Benson, Thomas Lines, Benjamin Kidder, William O'Brien, junior, William O'Brien, James O'Brien, Charles O'Brien, Samuel Allen, William Blair, John Blair, Ebenezer Hatch, William Hinckley, Reuben Hatch, Peter Allen, James White, John Webb, William Costolow, Amos Reed, junior, Benjamin Webb, Robert Lilly, Zebadiah Perkins, Jethro Hatch, Benjamin Robbins, Francis White, John White, Simeon Hatch, William Barker, Persons incorporated.

Benjamin Gray, Converse Reed, George Allen, John Allen, Daniel Robbins, John Siegars, James Bugnon, Samuel Alley, Aaron Bickford, George Bickford, Asa Dinsmore, Robert Bickford, John W. Barker, James Call, Richard Kidder, Joseph Fogg, Joseph McGown, David Call, Philip Call, and James T. Stilphen, 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, and the act to which this is in addition, be, and they are hereby incorporated as a religious society, by the name of the Methodist Society in Dresden, with all the powers and privileges, which are exercised and enjoyed, and subject to all the duties and disabilities of other religious societies, according to the constitution and laws of this Commonwealth.

[Approved by the Governor, January 29, 1818.]

CHAP. LXVII.

An Act to annex John Cooper 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 from and after the passing of this act, John Cooper, of West Springfield, in the county of Hampden, with his polls and estate, be, and is hereby set off from the First Parish, and annexed to the Second Parish in said town: *Provided nevertheless,* that the said John Cooper shall be holden to pay all taxes legally assessed on him, by the First Parish, prior to the passing of this act.

Condition of
secession.

[Approved by the Governor, February 2, 1818.]

CHAP. LXVIII.

An Act in addition to an act, entitled “An act to incorporate the President, Directors, and Company of the Pawtucket Bank,” and of the several acts in addition thereto.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the third and fourth instalments of twenty-five dollars on each share of the capital stock of the Pawtucket Bank, in lieu of being paid in, at the time by law now prescribed, may, respectively, be paid in at the discretion of the stockholders of said bank, at any time within one year from the passing of this act, any thing in the several acts to which this is in addition, to the contrary notwithstanding.

Payment of
Stock extended

[Approved by the Governor, February 2, 1818.]

CHAP. LXIX.

An Act in addition to an act, entitled “An act in addition to the several laws now in force, providing for the collection of Taxes.”

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 may be lawful for any Town Treasurer, who may also have been chosen a Collector, as well as Treasurer, as is provided for in the act to which this is in addition, to issue his warrant to the Sheriff of the county, or his Deputy, or to any Constable of the same town, directing them to distrain the person or property of any person or persons, who may be delinquent in the payment of taxes, after the expiration of the time fixed for the payment thereof, by any vote of such town, subject to the same provisions as are directed by the act regulating the collection of taxes

Delinquents of
Taxes dis-
trained.

in the town of Boston, passed on the twelfth day of March, in the year of our Lord one thousand eight hundred and eight.

[Approved by the Governor, February 2, 1818.]

CHAP. LXX.

An Act respecting the packing of Pickled Fish.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so much of the fourth section of an act, entitled "An Act to prevent fraud and deception in the packing of pickled fish, and to regulate the size and quality of the casks, and the sale and exportation thereof, within and from this Commonwealth, and to repeal all laws heretofore made on this subject," passed on the sixth day of March, in the year of our Lord one thousand eight hundred and ten, as requires small fish to be packed edgewise in casks, be, and the same is hereby repealed.

Act repealed
in part.

[Approved by the Governor, February 2, 1818.]

CHAP. LXXI.

An Act authorizing the President, Directors, and Company of the Merrimack Bank to increase the amount of their Capital Stock.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the President, Directors, and Company of the Merrimack Bank be, and they are hereby allowed to increase the capital stock of said bank, fifty thousand dollars, in addition to the sum allowed by their act of incorporation; the said additional sum to be subject to the same rules, restrictions and limitations as stated in the original act, to which this is in addition: And the stockholders of said bank,

for the time being, shall have the exclusive right to subscribe said sum, in proportion to the several shares held by them respectively, at the time of said subscription.

SEC. 2. *Be it further enacted*, That twenty-five thousand dollars of the above named sum shall be paid into the said bank, on or before the first Monday of ^{Time of paying in Stock.} April next; and twenty-five thousand dollars on or before the first Monday of October next: *Provided* ^{Proviso} *nevertheless*, that before the said corporation shall proceed to do business upon the said additional capital, a certificate, signed by the President and Directors of said corporation, verified by the oath of the Directors, and attested by the Cashier, that the same has been actually paid into the said bank, in gold or silver coin, shall be filed in the office of the Secretary of this Commonwealth.

[Approved by the Governor, February 2, 1818.]

CHAP. LXXII.

An Act to set off part of the town of Paris, and to annex the same to Hebron.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the following described tract of land, with the inhabitants thereon, be set off from the town of Paris, in the county of Oxford, and annexed to the town of Hebron, in the same county, by the following lines, to wit:—beginning at the south-east ^{Boundaries.} corner of Paris, thence running northerly the breadth of lot number one, and seventy rods on number two, to a ledge of rocks, being the bound of Amos Bryant's land, both in the ninth range of lots in said town; thence westerly on the line of said Bryant's land, which is a ledge, to the most westerly corner, which is a pile of stones standing on the said ledge; thence due west to the end of said lot; thence southerly on the line of said lot to its south-west corner; thence westerly between number one and number two, in range number

Rights & privileges confirmed

eight, the length of those lots, and thirty-six rods between number one and number two, in range number seven; thence by a right angle to Hebron line: And the said tract of land, with the inhabitants thereon, is hereby set off from the town of Paris, and annexed to the town of Hebron; and the said inhabitants shall hereafter be considered inhabitants of the said town of Hebron, and shall there enjoy all the civil rights and privileges, and shall be subject to all their civil duties and requisitions, in like manner with the other inhabitants of said town.

Taxes to be paid.

SEC. 2. *Be it further enacted*, That the said inhabitants shall be holden to pay all taxes heretofore legally assessed the present year, on them by said town of Paris, in the same manner as if this act had not passed.

[Approved by the Governor, February 2, 1818.]

CHAP. LXXIII.

An Act for the due regulation of Licensed Houses in the town of Bath.

Regulation of Licenses.

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 act, entitled "An act in addition to an act, entitled an act for the due regulation of licensed houses," passed on the fourteenth day of December, in the year of our Lord one thousand eight hundred and sixteen, shall have the same force and effect, to all intents and purposes, within the limits of the town of Bath, as it now has within the town of Boston; and the same proceedings shall in all respects be had within the limits of the said town of Bath, as are enjoined and authorized by said act, within the town of Boston, any law heretofore passed to the contrary notwithstanding: *Provided however*, that all fines and forfeitures incurred by any breach of this act, shall be prosecuted before any Court within and for the county of Lincoln, proper to try the same; and all fines and

Proviso.

forfeitures so paid and received, shall be for the use of said county, and be paid over to its Treasurer accordingly.

[Approved by the Governor, February 2, 1818.]

CHAP. LXXIV.

An Act to incorporate the Proprietors of the New-England Museum and Gallery of Fine Arts.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Ethan A Greenwood, Peter B. Bazin, John Dwight, and Samuel Jackson, with their associates, successors and assigns, shall be, and hereby are made a corporation, by the name of the New-England Museum and Gallery of Fine Arts, for the purpose of establishing said institution in the town of Boston; 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 Court of Record, or any other place whatsoever; and also to make, have, and use a common seal, and the same to alter or renew at pleasure; and also to appoint a Treasurer and Clerk, with such other officers as they may think expedient; and also to establish and put into execution such by-laws and regulations as to them shall appear necessary and convenient for the government of said corporation and the prudent management of their affairs; *Provided* the same be not repugnant to the laws of this Commonwealth.

SEC. 2. *Be it further enacted,* That said corporation are hereby made capable in law to hold and possess, for the purposes aforesaid, real estate to the amount of fifteen thousand dollars, and personal estate to the amount of twenty-five thousand dollars.

[Approved by the Governor, February 3, 1818.]

CHAP. LXXV.

An Act concerning the Union and Boston Banks.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the seventh section of an act, entitled "An act to incorporate the President, Directors and Company of the Union Bank," passed on the twenty-third day of June, in the year of our Lord one thousand eight hundred and twelve, and also the seventh section of an act, entitled "An act to incorporate the President, Directors and Company of the Boston Bank," passed on the twenty-third day of June, in the year of our Lord one thousand eight hundred and twelve, be, and the same hereby are repealed.

Parts of acts
repealed.

[Approved by the Governor, February 3, 1818.]

CHAP. LXXVI.

An Act to repeal certain acts prohibiting the passing of Bank Notes in certain cases.

SEC. 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 fourth section of an act, entitled "An act requiring the several incorporated banks in this Commonwealth, to adopt the Stereotype Steel Plate, in certain cases, and for other purposes," passed on the fourth day of March, in the year of our Lord one thousand eight hundred and nine, and also an act, entitled "An act in addition to an act requiring the several incorporated banks in this Commonwealth to adopt the Stereotype Steel Plate, in certain cases, and for other purposes," passed on the twenty-eighth day of June, in the year of our Lord one thousand eight hundred and nine, be, and the same are hereby repealed.

Acts repealed.

SEC. 2. *Be it further enacted,* That the President and Directors of all the banks, which now are or may be hereafter incorporated under the authority of the Le-

gislature of this Commonwealth, shall have the power to issue and emit bills of the denomination of one, two, and three dollars, to the amount of twenty-five per centum of their capital stock actually paid in, any thing in their respective acts of incorporation to the contrary notwithstanding.

Emission of small bills.

SEC. 3. *Be it further enacted*, That no bank or banking company whatever, within this Commonwealth, shall, at any time, make or issue any bill or bills whatever, wherein a fractional part of a dollar is expressed, under a penalty of one hundred dollars for every bill so made and passed, to be recovered by action of debt in any Court proper to try the same, to the use of the person who shall sue therefor.

Penalty for fractional parts of a dollar.

[Approved by the Governor, February 3, 1818.]

CHAP. LXXVII.

An Act explanatory of an act, entitled "An act regulating the choice of Town Officers and Town Meetings."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That whenever the inhabitants of any town or district are legally assembled to act on any subject relating exclusively to parishes, no person who is not a member of said parish, and liable to be assessed for parochial charges, shall be permitted to vote in such meetings.

Qualification of voters.

[Approved by the Governor, February 3, 1818.]

CHAP. LXXVIII.

An Act to incorporate the town of China.

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

Separate town.

Boundaries.

the town of Harlem, in the county of Kennebec, together with a part of the towns of Fairfax and Winslow, in said county, as described within the following bounds, with the inhabitants thereon, be, and they are hereby incorporated into a separate town, by the name of China: beginning at the north-west corner of the town of Harlem, thence southerly on the line between the towns of Harlem and Vassalborough, to the centre of Twelve Mile Pond, thence south-easterly to the south-west corner of lot numbered thirty-five, in said town of Harlem, thence east south-east to the east line of the said town of Harlem, thence northerly on said east line to the north-east corner of said town of Harlem, thence west north-west on the dividing line between said towns of Harlem and Fairfax, to the south-west corner of a lot of land in said Fairfax, numbered thirty, thence northerly to the north-east corner of lot numbered eighty-eight, in said Fairfax, thence west north-west to the south-west corner of lot numbered eighteen, thence northerly to the south east corner of lot numbered seven, thence west north-west to the outlet of Mud Pond in Winslow, thence southerly, by said stream and Mud Pond, to the original north line of said Harlem, thence west north-west to the bounds first mentioned.

Arrears of taxes must be paid.

SEC. 2. *Be it further enacted*, That the said town of China shall pay all arrears of taxes which have been assessed upon them, together with their proportion of all debts owed said towns of Harlem, Fairfax and Winslow, prior to the date of this act; and that all questions relative to property already existing shall be adjusted and settled in the same manner as if this act had not been passed; and that the military stores of said towns of Harlem and Fairfax shall be estimated and divided in the same proportion that each town paid at the time of the purchase thereof; and that no pauper shall be sent from one town to another of said towns for support, after the passing of this act, but each town shall support its own poor.

Paupers.

Division of taxes.

SEC. 3. *Be it further enacted*, That all future state or county taxes, levied on said towns of Harlem and China, previous to a new valuation, shall be assessed in the proportion of three eighths to Harlem and five

eighths to China; and also that one twentieth part shall be taken from the valuation of Fairfax, and added to said town of China.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the county of Kennebec be, and he hereby is empowered, to issue his warrant, directed to a freehold inhabitant of said town of China, requiring him to notify and warn the inhabitants thereof qualified to vote in the choice of town officers, to meet at such time and place as shall be expressed in the said warrant, to choose all such officers as other towns within this Commonwealth are by law required to choose at their annual town meetings.

Election of
town officers.

[Approved by the Governor, February 5, 1818.]

CHAP. LXXIX.

An Act to establish the Union Wheel Factory Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Mellen Battle, Benjamin Bass, Warren White, and Benjamin White, together with such other persons as now are, or may hereafter be associated with them, their successors and assigns be, and they hereby are made a corporation, by the name of the Union Wheel Factory Company, for the purpose of making wheels, pumps, blocks, screws, shives, and for the turning of wood and iron generally, in the town of Natick, in the county of Middlesex, and Boston, in the county of Suffolk; 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 incor-
porated.

Powers and
privileges.

SEC. 2. *Be it further enacted*, That the said corporation may lawfully hold and possess such real estate, not exceeding the value of thirty thousand dollars, and personal estate not exceeding the value of fifty

Capital Stock.

thousand dollars, as may be convenient and necessary for the carrying on of the manufactures aforesaid.

[Approved by the Governor, February 7, 1818.]

CHAP. LXXX.

An Act to incorporate the Attleborough City Manufacturing Company.

Persons incor-
porated.

Powers and
privileges.

May hold real
estate.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Joel Read, Lemuel May, Carlos Barrows, Squire French, Ebenezer Draper, and Nathaniel Allen, 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 Attleborough City Manufacturing Company, for the purpose of manufacturing cotton yarn, on the Seven Mile River, (so called) in the town of Attleborough, 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 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."*

SEC. 2. *Be it further enacted, That said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of thirty thousand dollars, and such personal estate, not exceeding the value of forty thousand dollars, as may be necessary and convenient for carrying on the manufactory of cotton yarn in said town of Attleborough.*

[Approved by the Governor, February 7, 1818.]

CHAP. LXXXI.

An Act incorporating the South Congregational Society in Barnstable.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Joseph Phinney, Paul Phinney, William Phinney, Solomon Phinney, Alvan Phinney, James Crosby, Job Childs, Ephraim Lewis, Levi Kelley, Thomas Lewis, Joseph Lewis, James Lewis, Edward Lewis, Freeman Kelley, Benjamin Jacob Childs, Eleazer Bearse, Ebenezer Case, Gershom Bearse, John Bearse, Moses H. Bearse, Eli Hinckley, Allen G. Drody, Silvanus Alexander, Moses Sturgess, Timothy Crocker, Lot Bearse, Benajah Berry, Timothy Bearse, Josiah Bearse, Allen Hallet, Ebenezer P. Bearse, Freeman Bearse, Samuel Pitcher, Peter Norris, Elisha Hall, Luther Hall, Ebenezer Case, junior, Lot Case, James Hathaway; junior, Seth Bassett, Henry Bassett, Samuel Sturgess, John Sturgess, John Sturgess, junior, Lot Sturgess, David Linnell, John Richardson, Richard Phinney, Thomas Phinney, Lewis Crosby, Silvanus Hinckley, Benjamin Hathaway, Levi Hinckley, and George Hinckley, with their polls and estates, be, and they are hereby incorporated into a society, by the name of the South Congregational Society in Barnstable, with all the privileges and immunities which other parishes in this Commonwealth are by law entitled to.

Persons incorporated.

SEC. 2. *Be it further enacted,* That any inhabitant of the town of Barnstable, who may wish to become a member of said South Congregational Society, may, on or before the first day of March, in the year of our Lord one thousand eight hundred and twenty, join said society, and become a member thereof, he applying to the Clerk of said South Congregational Society, and entering his intention with him, and delivering to the Clerk of the parish he is about to leave, a certified copy of his intention. And any member of said South Congregational Society, who may wish to join either of the other congregational societies in Barnstable, on or before the first day of March, in the year of our

Secession.

Lord one thousand eight hundred and twenty, may become a member of either of said societies, by the like proceedings.

Membership.

SEC. 3. *Be it further enacted,* That all persons, who may hereafter settle in the said town of Barnstable, and purchase the estates of members of said South Congregational Society, shall thereby become members of said South Congregational Society, and shall have the liberty of joining either of the other congregational societies in said town, within one year next afterward, by leaving a certified copy of his or her intention, as is provided by the second section of this act. And all other persons, who may hereafter settle in said town of Barnstable, may join said South Congregational Society, within one year next afterwards, by a similar proceeding.

May join church in one year.

SEC. 4. *Be it further enacted,* That when any person, an inhabitant of said town of Barnstable, shall arrive at the age of twenty-one years, and may wish to join said South Congregational Society, of which he or she is not a member, he or she shall be allowed one year next afterward, to join said South Congregational Society, in the same way and manner as is provided in the second section of this act; and all persons who may wish to leave said South Congregational Society, when they shall arrive at the age of twenty-one years, shall be allowed one year next afterwards, to join either of the other congregational societies, in the same manner.

May call meetings and choose officers.

SEC. 5. *Be it further enacted,* That David Scudder, Esquire, or any other Justice of the Peace for the county of Barnstable, be, and hereby is authorized, (upon application made for that purpose.) to issue his warrant, directed to some member of said South Congregational Society, requiring him to warn the members of said society, qualified by law to vote in parish affairs, to assemble at some suitable time and place, as shall be expressed in said warrant, to choose such officers as parishes by law are required to choose, in the month of March or April annually, and to transact all other matters and things necessary to the well being of said society.

[Approved by the Governor, February 7, 1818.]

CHAP. LXXXII.

An Act to establish the Thomaston Marble Manufacturing Company.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Sullivan Dwight and John Dwight, 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 Thomaston Marble Manufacturing Company, for the purpose of manufacturing marble on new and improved plans, in all its various forms and branches, from marble or lime quarries, in said town of Thomaston; 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 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."

SEC. 2. *Be it further enacted,* That said corporation shall have power to build and erect suitable mills and other works for the manufacturing of marble or lime rock as aforesaid, and to purchase and to hold marble and lime quarries for the purpose aforesaid, within said town of Thomaston.

SEC. 3. *Be it further enacted,* That said corporation may be lawfully seized and possessed of such real estate within said town, necessary for said business, not exceeding the value of seventy thousand dollars, and personal estate, not exceeding thirty thousand dollars, as may be necessary and convenient for carrying on the manufacturing aforesaid.

[Approved by the Governor, February 9, 1818.]

CHAP. LXXXIII.

An Act in addition to an act, entitled “An act to incorporate the Trustees of the Standish School Fund.”

Justice to warn
first meeting.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That any Justice of the Peace for the county of Cumberland, upon application therefor, is hereby authorized to issue his warrant, directed to one of the Trustees named in the act, entitled “An act to incorporate the Trustees of the Standish School Fund,” requiring him to notify and call the first meeting of said Trustees, at such convenient time and place as shall be appointed in the said warrant, for the purpose of organizing the said corporation, by the election and appointment of its officers.

Section re-
pealed.

SEC. 2. *Be it further enacted,* That the fourth section of the act, to which this act is in addition, be, and the same hereby is repealed.

[Approved by the Governor, February 9, 1818.]

CHAP. LXXXIV.

An Act in addition to the several laws now in force, to secure to owners their property in logs, masts, spars, and other timber.

Extension of
timber act.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the same provisions, contained in the first section of the act, entitled “An act in addition to an act, entitled An act to secure to owners their property in logs, masts, spars, and other timber,” which is applied to Saco river, shall, after the passing of this act, be also extended to Presumscot river.

Section of act
repealed.

SEC. 2. *Be it further enacted,* That the third section of the said act, to which this is in addition, be, and the same is hereby repealed.

SEC. 3. *Be it further enacted,* That the owner or owners of any logs, or other timber, or their agents, shall have liberty at all times, in a peaceable manner, to enter any mill, or any mill brow, boom, or raft of logs or other timber, in search of any logs or other timber, which they may suspect to be there; and any person or persons who shall prevent such search, shall forfeit and pay for each and every such offence, a fine not less than twenty-five dollars, nor more than one hundred dollars, to be recovered by action of debt in any court proper to try the same, in the name of the person who thus sustains the damage, and to be for his use. May search mills, &c.

SEC. 4. *Be it further enacted,* That if any person shall be found to have in his saw mill or on his mill brow, lying on said Presumscot river, or on the rivers, streams or ponds emptying into the same, any mill log, or mast marked with the mark of the proper owner, and which does not belong to the person who shall thus be found to have the same in possession as aforesaid, shall, for each and every log or mast so found, forfeit and pay the sum of twenty dollars, to be recovered by action of debt before any Justice of the Peace in the county where the offence is committed, for the use of the proper owner of said log or mast who shall sue for the same. Fines for detention of logs.

[Approved by the Governor, February 9, 1818.]

CHAP. LXXXV.

An Act to repeal the act granting the privilege of Review in Civil Actions.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the act passed the twenty sixth day of February, in the year of our Lord one thousand seven hundred and eighty-seven, entitled "An act granting the privilege of review in civil actions," be, and the same is hereby repealed: *Provided how-* Act repealed.
ever, that the said act, and all the provisions thereof, Proviso.

shall be and remain in force, as to all actions in which an appeal has already been entered from the judgment of any Court of Common Pleas.

[Approved by the Governor, February 9, 1818.]

CHAP. LXXXVI.

An Act to incorporate the First Baptist Society in the town of Bath.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That* Elijah Low, George W. Barton, William Bourk, John Blake, John Clifford, Ebenezer Colson, George Coombs, Isaac Crooker, Joshua B. Cushing, David Dexter, Jonathan Dresser, Joseph Dyer, Coburn Emerson, Ebenezer Emery, Joseph Hayes, James Foster, James Haley, Thomas Haley, David Haynes, Philip Higgins, Simeon Higgins, Noah Innis, John Lane, Daniel Allen, William Low, John Lemont, William Lemont, James McLellan, George Marston, John Matthews, Joseph Mitchel, 1st, Joseph Mitchel, 2d, John Mitchel, Edmund Mores, Stephen Morse, William Morse, Samuel Noble, Edward H. Page, junior, Joseph Parsley, David Percy, Daniel Peterson, John Ranks, Benjamin Riggs, George Riker, Thomas D. Robinson, William Rouse, Joseph Sewall, Oliver Snowman, Samuel Stanwood, Thomas P. Stetson, John B. Swanton, Joshua Thornton, John Todd, Fobes Turner, junior, James Wakefield, Timothy W. Waldron, David Walker, Edmund Warren, Benjamin White, Joseph White, William Whitney, Gamaliel Whittemore, Joshua Wingate, junior, Dunham Whitham, Henry Wyer, and Hezekiah Wyman, with their polls and estates, together with such other persons of the baptist denomination, as may hereafter associate with them for religious worship, be, and they are hereby incorporated as a religious society, for the purposes of social worship, according to the faith and order of the religious denomination of baptists, by the name of the First Baptist Society in Bath, with all the

Persons incor-
porated.

corporate powers and privileges of other religious societies, according to the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted,* That any inhabitant living in either of the adjacent towns, who may hereafter desire to join in religious fellowship with the said Baptist Society in Bath, shall have a right so to do, by declaring such desire and intention in writing, and delivering the same to the Minister, or Clerk of the said Baptist Society, fifteen days before the annual meeting thereof, and shall also deliver a copy of the same to the Town Clerk, or to the Clerk of any other religious society, with which such person has been before connected, fifteen days before the annual meeting thereof: and if such person can produce a certificate of admission, signed by the Minister and Clerk of said society, purporting that he or she has united with and become a member of said Baptist Society, such person, from the date of said certificate, with his or her polls and estate, shall be held and considered members of the said First Baptist Society in Bath, and shall be exempted from taxation, towards the support of any other religious society, in the town or parish where such person may dwell.

Regulations for becoming members.

SEC. 3. *Be it further enacted,* That when any member of said First Baptist Society in Bath, may see cause to secede therefrom, and to unite with any other religious society in the town of Bath, or in either of the adjoining towns, the same forms and process of a written declaration and certificate shall be made, required, and given, mutatis mutandis, as is prescribed and required 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, or assessment of all parochial or society debts and expenses, which have been voted and assessed, and not paid prior to such secession.

Secession.

Proviso.

SEC. 4. *Be it further enacted,* That any Justice of the Peace for the county of Lincoln be, and he is hereby empowered, upon application therefor, to issue a warrant, directed to a freehold inhabitant of the said town of Bath, belonging to said society, requiring him

Meeting called for choice of officers.

to notify and warn the members of the said First Baptist Society, to meet at such convenient time and place as shall be appointed in the said warrant, to organize the said society, by the election and appointment of its officers.

[Approved by the Governor, February 9, 1818.]

CHAP. LXXXVII.

An Act for giving further remedies in Equity.

SEC. 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 Justices of the Supreme Judicial Court shall have power and authority to hear and determine in equity, all cases of trust arising under deeds, wills, or in the settlement of estates; and all cases of contract in writing, where a party claims the specific performance of the same, and in which there may not be a plain, adequate, and complete remedy at law; and the bill or complaint in such cases may be inserted in a writ of attachment or original summons, returnable to the same court, and such writ be served on the adverse party as other writs of attachment, or original summons are by law to be served, or the same may be otherwise brought according to the course of proceedings in the Courts of Chancery. And the said Justices of the Supreme Judicial Court shall have authority to issue all such writs and processes, as may be necessary, or proper to carry into effect the powers hereby granted: and to make, from time to time, all necessary rules and orders for the convenient and orderly conducting of the said business, *provided* the same be not repugnant to the constitution and laws of this Commonwealth; *and provided also* that the cases of contract, to which this act shall apply, shall be to such only as shall be hereafter made in writing.

Equity cases.

S. J. Court may
issue writs, &c

[Approved by the Governor, February 10, 1818.]

CHAP. LXXXVIII.

An Act establishing the Compensation of Witnesses.

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, each and every witness duly summoned to attend at the Supreme Judicial Court, or any Court of Common Pleas or Sessions, shall be entitled to one dollar for each and every day's attendance at either of said courts as a witness.

[Approved by the Governor, February 10, 1818.]

CHAP. LXXXIX.

An Act concerning Constables.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all unincorporated plantations, which shall from time to time, be ordered by the General Court to pay any part or proportion of the public taxes, shall be and they hereby are fully vested with the same rights and powers of choosing Constables, as towns by law possess; and the powers, duties, oath and responsibilities of such Constables in plantations, shall be the same as of those in towns.

[Approved by the Governor, February 10, 1818.]

CHAP. XC.

An Act to authorize the town of Hingham to sell certain real estate.

SEC. 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

May sell land
and pass deeds.

town of Hingham, at any legal meeting or meetings, by them to be held, may, from time to time, appoint a committee of three discreet freeholders, inhabitants of said town, who shall have power, during their continuance in office, to sell and pass deeds of any or all such pieces and parcels of land, held by the said inhabitants as aforesaid, to any person or persons, his, her or their heirs and assigns, for such consideration as shall be agreed upon; which deed and deeds, duly executed, acknowledged and recorded, shall pass good titles to the purchaser or purchasers, his, her or their heirs and assigns, so that neither the said inhabitants, nor the said proprietors or their legal representatives shall ever have, claim, demand, or recover the same, or any part of the said lands.

Appropriation
of funds to
schools, &c.

SEC. 2. *Be it further enacted*, That the money which shall be received for the sale of said lands, after deducting therefrom all expenses which shall be incurred in the transaction of the business, shall constitute a fund, the interest of which shall be applied, exclusively, to the support of public schools, and the maintenance of the poor of said town. And the Selectmen and Treasurer of said town, for the time being, shall be Trustees of said fund, place the same at interest, and apply said interest, as received, to the purposes aforesaid.

[Approved by the Governor, February 10, 1818.]

CHAP. XCI.

An Act to annex Alexander Rice to the second parish in the town of Kittery.

Conditional
set off.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Alexander Rice, of the town of Kittery, in the county of York, with his polls and estate, be, and they hereby are set off from the first parish, and annexed to the second parish in said town: *Provided* the said Alexander Rice shall

pay his full proportion of all parish charges due from him to the said first parish, prior to the passing of this act

[Approved by the Governor, February 10, 1818.]

CHAP. XCII.

An Act to incorporate the President, Directors and Company of the Suffolk Bank.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Samuel R. Miller, Patrick T. Jackson, Eliphalet Williams, William Lawrence, Daniel P. Parker, George Bond, Edmund Munroe, 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 Suffolk Bank, and shall so continue from the third Wednesday in April 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.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation shall consist of the sum of five hundred thousand 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 fifteenth day of April next; one fourth part thereof on or before the fifteenth day of July next; one fourth part thereof on or before the fifteenth day of October next; and the residue on or before the fifteenth

Persons incor-
porated.

Rights, &c.

Capital Stock.

Time of pay-
ment.

day of January next. 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, 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 or silver in their vaults, shall amount to one fourth part of the whole capital stock, 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 a majority 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.

May hold real estate.

Proviso.

Disposition of Stock.

Inspection of vaults.

Location.

Loans to State.

SEC. 3. *Be it further enacted*, That the said bank shall be established and kept in the town of Boston.

SEC. 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.

SEC. 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 of the 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 the choice of the first Board of Directors, and such other officers as they shall see fit to choose.

Meeting for
choice of offi-
cers.

SEC. 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 two hundred and fifty 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.

State subscrip-
tion.

SEC. 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.

State Directors.

SEC. 8. *Be it further enacted*, That the said bank shall not receive and issue as currency, or take by way of general deposit, or trade or traffic in, or in any man-

Shall not traf-
fic in foreign
bills.

ner receive or purchase, any bills, promissory notes, or other negotiable paper of any incorporated or unincorporated bank of any state, territory, colony or province, whatsoever, except such as may be issued by the bank of the United States or some of its branches, or by some of the banks within this Commonwealth.

Penalties.

SEC. 9. *Be it further enacted*, That should the said bank offend against the provisions of the preceding section, it shall forfeit and pay a sum equal to the whole amount of the bills so received, taken and issued as aforesaid, to be recovered in any court of competent jurisdiction, by bill, complaint or information, the one half for the benefit of the Commonwealth, and the other for the benefit of him or them who shall sue or prosecute for the same.

[Approved by the Governor, February 10, 1818.]

CHAP. XCIII.

An Act to establish the Cony Female Academy.

Location.

SEC. 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 Augusta, in the county of Kennebec, an Academy, by the name of the Cony Female Academy, for the purpose of promoting the education of youth, and more especially females.

Trustees.

SEC. 2. *Be it further enacted*, That the Honorable Samuel S. Wilde, the Honorable Nathan Weston, junior, Samuel Cony, Ruel Williams, and Daniel Stone, Esquires, be, and they are hereby incorporated into a body politic, by the name of the Trustees of the Cony Female Academy; and they and their successors shall be and continue a body politic and corporate, by the same name forever.

May sue and be sued.

SEC. 3. *Be it further enacted*, That the said Trustees and their successors, shall have a 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 pro-

secute and defend the same to final judgment and execution, by the name of the Trustees of the Cony Female Academy; and may appoint an agent or agents, to prosecute and defend such suits.

SEC. 4. *Be it further enacted*, That the said Samuel S. Wilde 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, to be continued in the way and manner hereafter specified, with full power and authority to elect all 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 the Commonwealth, for the good government of said academy, as to them shall seem fit and requisite.

General powers.

SEC. 5. *Be it further enacted*, That the number of Trustees aforesaid, shall not, at any one time, be more than five, nor less than three, a majority of whom shall be necessary to constitute a quorum for transacting business.

Number of Trustees.

SEC. 6. *Be it further enacted*, That as often as one or more of the Trustees of said academy 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, the Trustees then surviving, shall elect one or more persons to fill up the vacancy or vacancies.

Vacancies to be filled up.

SEC. 7. *Be it further enacted*, That the Trustees aforesaid shall be deemed and taken in law to be and stand seized in fee simple and in possession of all the estate which was conveyed to them on the twenty-fifth day of December, one thousand eight hundred and fifteen, by the Honorable Daniel Cony, of Augusta, in trust for the use and support of a female academy; and they and their successors shall be, and they are hereby rendered capable in law to take and hold by gift, grant, devise, bequest or otherwise, any other lands, tenements or estates, real or personal: *Provided*, that the annual income of the said real estate shall not exceed one thousand dollars, and the annual income of the said personal estate shall not exceed the sum of three thousand dollars. And all deeds

Donations.

Limitation of interest.

and instruments which the said Trustees, or a major part of them may lawfully make and subscribe, shall be sealed with the seal of said corporation, and shall be valid in law to pass the estate therein conveyed.

First meeting. SEC. 8. *Be it further enacted*, That the Honorable Samuel S. Wilde be, and he is hereby authorized and empowered to appoint the time and place for holding the first meeting of said Trustees, and notify them thereof.

[Approved by the Governor, February 10, 1818.]

CHAP. XCIV.

An Act to incorporate the Proprietors of Rowe's Wharf, in the town of Boston.

Persons incor-
porated.

May sue and
be sued.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Israel Munson, John French, John Perry, all of Boston aforesaid, and their associates, successors and assigns, be, and they hereby are constituted a body politic and corporate, by the name of the Proprietors of Rowe's Wharf; and the said corporation, by the same name, are hereby declared and made capable in law to sue and be sued, to plead and be impleaded; to have a common seal, and the same to alter and renew at pleasure; to make rules and by-laws for the regulation and management of the estate hereinafter described, consistent with the laws of the Commonwealth, and generally to do and execute whatever by law shall appertain to bodies politic.

May hold real
estate.

SEC. 2. *Be it further enacted*, That the said corporation be, and hereby is declared capable to have, hold and possess certain real estate, situate in said Boston, bounded and described as follows, to wit: westerly on Battery March Street, there measuring two hundred and twenty feet, more or less, northerly by India Wharf and by the flats before the same, easterly on the channel, there measuring two hundred and fifty-four feet, more or less, and southerly by a thirteen feet high-way leading from the water to Fort Hill, or how-

over otherwise bounded, together with all the rights, privileges and appurtenances thereof; *provided* the lawful proprietors thereof shall legally convey the same to said corporation; and the said corporation shall have power to sell, grant and alien, in fee simple or otherwise, their corporate property, or any part thereof, within the said described limits, and lease, manage and improve the same according to the will and pleasure of the said corporation, to be expressed at any legal meeting: *Provided always*, and it is hereby well understood, that nothing herein contained shall be construed into any grant or confirmation of title to land in the said associates or corporation, or into any authority to extend the dimensions of said wharf beyond the title and authority, which the present proprietors thereof now have and possess in this behalf.

SEC. 3. *Be it further enacted*, That the said corporate property shall be divided into shares, not exceeding two hundred in number, as the said corporation may find to be most expedient; and said shares shall be divided among the several proprietors according to the interest and portions which they may respectively have in the said corporate property; and certificates of such shares shall be signed by the President of the corporation, and issued to the proprietors accordingly; and the shares in said corporation shall be transferable by endorsement on the back of said certificates; and the property in such shares shall be vested in the assignee or vendee thereof. when a record shall be made thereof by the Clerk of the corporation, and new certificates shall be issued accordingly; and such shares shall in all respects be considered as personal estate.

SEC. 4. *Be it further enacted*, That the said corporation shall have power, from time to time, to assess such sums of money as may be deemed necessary for rebuilding or repairing any buildings whatever, or other property of said corporation, or necessary for the building of any new wharves, or tenements, within the aforesaid limits, or for the improvement and good management of the corporate estate agreeably to the true intent and meaning of this act. And in case any proprietor shall refuse or neglect to pay any assessment, the said corporation may cause such of the shares of such pro-

prietor, as may be sufficient therefor, to be sold at public auction, after ten days notice, to the highest bidder; and after deducting the amount assessed and unpaid, together with the charges of sale, the surplus, if any, shall be paid over to such proprietor; and the purchaser of such share or shares, so sold, shall be entitled to and receive a certificate of the share or shares by him purchased accordingly.

SEC. 5. *Be it further enacted*, That the corporate property which the said corporation shall have and hold, at one time, in virtue of this act, shall not exceed in value the sum of two hundred thousand dollars; and in all meetings of the members of said corporation, for the transaction of business, each member or proprietor shall be entitled to one vote for every share by him held in said corporation: *Provided always*, that no one member shall ever be entitled to more votes than shall be equal to one third part in value of the corporate property; and *provided further*, that no assessment shall be made at any meeting, unless the same shall be agreed to by two thirds at least in number and value of those present or represented at such meeting; nor unless public notice shall have been given, at least ten days previous to such meeting, of the purpose of such meeting, by publication thereof in one or more newspapers printed in Boston. Proprietors may appear and act at any meeting by proxy in writing.

SEC. 6. *Be it further enacted*, That either of them, the said Munson, French, or Perry, may call a meeting of said corporation, by advertising the same in any of the newspapers printed in Boston, ten days at least before the time of meeting; and that the said corporation may, at such or any other meeting, agree on the mode of calling future meetings, and shall elect a President and Clerk, and may elect all such other officers as said corporation may think fit for conducting and managing the corporate affairs and estate, and the same may change and remove as said corporation shall see fit.

[Approved by the Governor, February 10, 1818.]

Sale of delinquent shares.

Limitation of corporate property.

Regulation of votes and assessments.

First meeting.

CHAP. XCV.

An Act to incorporate the Trustees of the Charity Fund in the First Parish in Portland.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Reverend Ichabod Nichols, Honorable Samuel Freeman, Honorable Woodbury Story, Honorable Matthew Cobb, Honorable Asa Clap, Honorable Prentiss Mellen, Robert Boyd, Esquire, Isaac Ilsley, Esquire, Nicholas Emery, Esquire, and Stephen Longfellow, junior, Esquire, and their successors, be, and they hereby are made a corporation and body politic, by the name of the Trustees of the Charity Fund, in the first parish in Portland; and by that name may sue and be sued, and prosecute and defend any actions at law or otherwise; may have and use a common seal, and agree upon and make such by-laws and regulations as they may think necessary for the management of the business of their office, not inconsistent with the laws of the land; and may take and hold any real or personal estate, not exceeding thirty thousand dollars in value; and may sell and pass deeds of any such real estate for accomplishing the objects hereafter mentioned; which deeds shall be good and effectual in law to pass such estate, being signed by any six of said Trustees, and sealed with the seal of the corporation.

Persons incorporated.

May sue and be sued.

May hold real & personal estate.

SEC. 2. *Be it further enacted,* That meetings of said Trustees may be called by giving personal notice to each member of the board, or by leaving a written notice at his house, at least one day before such meeting, which meetings may be adjourned from time to time; and any five of said Trustees shall constitute a quorum for transacting business, and the Trustees shall have power, at any meeting, to fill all vacancies which may happen in said board, by death, resignation or otherwise; and also to elect a President, a Treasurer, and such other officers as they may think proper, who shall hold their offices until others are chosen in their stead: *Provided however,* that the Minister or Minis-

Notice of meetings.

Vacancies filled.

ters of said first parish, shall always, ex-officio, belong to said board ; and also that the Treasurer, before entering on the duties of his office, shall give bond to the satisfaction of the board, for the faithful performance of his duty.

SEC. 3. *Be it further enacted*, That the President of said board shall have power to call meetings of said Trustees, whenever he may think proper, and it shall be his duty to do it, when requested, in writing, by any five of said Trustees, or by any five of the subscribers, or donors to said fund : and in case of the death, absence or inability of the President, or any vacancy of his said office, meetings may be called by any other member of said board, when requested as above mentioned, notice being given as before provided.

SEC. 4. *Be it further enacted*, That it shall be the duty of said Trustees, for the time being, to place out at interest on good security, or invest in bank stock, or in the funds of the United States, or of this Commonwealth, the monies now composing said fund, or which may hereafter be added thereto, by subscription, donation or otherwise, and apply the income only of such fund in assisting and relieving the poor and necessitous members of said parish, according to their best discretion, so as most effectually to answer the design of those who have created the said fund.

SEC. 5. *Be it further enacted*, That the Reverend Ichabod Nichols be, and he hereby is authorized to call the first meeting of said Trustees.

[Approved by the Governor, February 10, 1818.]

CHAP. XCVI.

An Act in addition to an act, entitled " An act to incorporate the Merchants' Insurance Company, in Boston."

SEC. 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 Merchants' Insurance Company, in Boston, shall be

Bonds to be given by Treasurer.

Meetings of Society.

Disposition and appropriation of stock.

First meeting.

augmented from one hundred thousand dollars, to one hundred and fifty thousand dollars, and that the additional stock shall be divided into five hundred shares, of one hundred dollars each; and shall be subscribed under the inspection of the President and Directors, or a committee appointed by said company; and shall be subject to the conditions, provisions and restrictions contained in said act, except as is hereinafter mentioned.

Augmentation of stock.

SEC. 2. *Be it further enacted*, That the fifty thousand dollars new stock, shall be paid in on or before the first day of May next, under such penalties as the President and Directors shall prescribe.

Time of paying in stock.

SEC. 3. *Be it further enacted*, That so much of the thirteenth section of said act, as limits the whole amount said company may have at risk, at any one time, be, and the same hereby is repealed.

Part of act repealed.

[Approved by the Governor, February 10, 1818.]

CHAP. XCVII.

An Act to incorporate the Executive Committee of the Massachusetts Baptist Education Society.

SEC. 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, D. D. Reverend Joseph Grafton, Reverend Elisha Williams, Reverend Charles Train, Reverend Jeremiah Chaplin, Reverend Lucius Bolles, and Reverend Daniel Sharp, together with the Secretary and Treasurer of the corporation, for the time being, are hereby formed into and constituted a body politic and corporate, by the name of the Executive Committee of the Massachusetts Baptist Education Society; and they and their successors shall be and continue a body politic and corporate by that name forever.

Persons incorporated.

SEC. 2. *Be it further enacted*, That the said committee shall have power to elect a Chairman, and such other officers as they may deem necessary; to have a common seal, and to alter the same at pleasure;

May choose officers, and make by-laws.

to make all such by-laws as may be necessary to promote the objects of the society, not incompatible with the laws of this Commonwealth, 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.

May hold real estate.

SEC. 3. *Be it further enacted,* That the said committee shall be, and they are hereby made capable in law of receiving any grants or devises of lands or tenements, in fee simple, or for a less estate, and also any donations or bequests of money, or other personal estate, which may have been made, or which may hereafter be made, by any person or persons whatever, and to use and improve the same for the purposes and according to the directions herein mentioned: *Provided,* that the said society shall at no time take, hold or possess, in real and personal estate, a greater amount than sixty thousand dollars, upon a just valuation.

Disposition of funds.

SEC. 4. *Be it further enacted,* That all grants, donations, devises and bequests of any real or personal estate to the said society, not exceeding in amount the sum of sixty thousand dollars, shall be used and improved to the best advantage; and the annual income thereof, together with the annual subscriptions and contributions, which shall be made to the said society, shall be applied annually to the assistance of such young men in their education for the ministry, as the executive committee shall determine to be fit subjects thereof.

May sell real estate.

SEC. 5. *Be it further enacted,* That the said executive committee, when seven of them, at least, shall deem it most for the advantage of the society, may sell and dispose of in fee simple, or otherwise, all or any of the real estate belonging to the society, and invest the same in funds, or may apply their personal estate in purchasing real estate, the proceeds of either being always applied to the object for which the said property was given.

Execution of debts.

SEC. 6. *Be it further enacted,* That all deeds, grants, covenants and agreements, to be made for, and in behalf of said society, shall be executed under the common seal of the same, and signed by the Chairman and Secretary.

SEC. 7. *Be it further enacted,* That the said exec-

utive committee shall not exceed nine, including the Secretary and Treasurer of the society, and shall be annually chosen by Trustees appointed by the Boston Baptist Association, and such others as shall unite with them for the same object.

Number of Executive committee.

SEC. 8. *Be it further enacted*, That the said society shall hold their annual meeting on the Thursday next after the third Wednesday in September, at such place as the Boston Baptist Association shall meet.

Annual meetings.

SEC. 9. *Be it further enacted*, That the Legislature shall have power, at any time hereafter, to alter, amend or wholly repeal this act, whenever in their opinion the public good may require it.

Powers to alter this act.

[Approved by the Governor, February 10, 1818.]

CHAP. XCVIII.

An Act to incorporate the town of Monroe.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the plantation heretofore called Lee, in the county of Hancock, as contained within the following described boundaries, be, and hereby is established as a town, by the name of Monroe, viz. beginning on the north line of the Waldo Patent, at the north-west corner of Frankfort, thence running south by Frankfort line, to Marsh river stream, thence westerly by said stream, to its confluence with Dead Brook, thence north, seventy degrees west, to the east line of the ten thousand acres, so called, thence south twenty degrees west, to the south-east corner thereof, thence by Swan Plantation and the town of Brooks, to the Plantation of Jackson, thence north twenty degrees east, by Jackson line to the north line of the Waldo Patent, thence eastwardly by said Patent line to the said corner of Frankfort. And the said town of Monroe is hereby vested with all the corporate powers and privileges, and shall also be subject to all the duties and requisitions of other corporate

Boundaries.

Corporate powers.

towns, according to the constitution and laws of this Commonwealth.

Choice of town
officers.

SEC. 2. *Be it further enacted*, That any Justice of the Peace for the county of Hancock be, and he is hereby empowered, upon application therefor, to issue a warrant, directed to a freehold inhabitant of the said town of Monroe, requiring him to notify and warn the freeholders and other inhabitants thereof, to meet at such convenient time and place, as shall be appointed in the said warrant, for the choice of such officers as towns are by law empowered and required to choose at their annual town meetings.

[Approved by the Governor, February 12, 1818.]

CHAP. XCIX.

An Act in addition to an act, entitled “An act for the protection of the Indians and their property, in that part of Dukes County known by the name of Christiantown.”

Indians in
Dukes County.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Guardians appointed in pursuance of the act, entitled “An act for the protection of the Indians and their property, in that part of Dukes County, known by the name of Christiantown,” be, and they hereby are required, within six months from the passing of this act, to file their account of guardianship, with the Circuit Court of Common Pleas for the County of Dukes County, which Court, after due notice to all parties concerned, shall settle and allow such account, in the same manner as Judges of Probate are now authorized to allow and settle the accounts of trustees. And the said Guardians shall hereafter, once in two years at farthest, settle a like account with the Court of Common Pleas, in manner above directed.

SEC. 2. *Be it further enacted*, That so much of the act above named, as authorizes the Indians at Chris-

tiantown, with consent of their Guardians, to sell and convey any part of their land, be, and the same hereby is repealed; and that from and after the passing of this act, no part of said lands, now holden by Indians, shall be sold without the consent of the Legislature.

[Approved by the Governor, February 12, 1818.]

CHAP. C.

An Act to set off William Hunnewell from the town of Charlestown, and annex him to the town of Cambridge.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That William Hunnewell, of Charlestown, in the county of Middlesex, with his family, polls and estate, be set off from the said town of Charlestown, and annexed to the town of Cambridge, in the said county of Middlesex: *Provided*, that the said Hunnewell shall be holden to pay his proportion of all sums of money granted by the town of Charlestown, prior to the passing of this act.

Conditional
set off.

[Approved by the Governor, February 12, 1818.]

CHAP. CI.

An Act respecting the Trustees of the Baptist Education fund.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That in all future meetings of the Trustees of the Baptist Education Fund, five members thereof shall constitute a quorum for the transaction of business, any thing in their act of incorporation to the contrary notwithstanding.

Number of
Trustees to
constitute a
quorum.

[Approved by the Governor, February 12, 1818.]

CHAP. CII.

An Act authorizing the town of Ellsworth to maintain a Free Bridge over Union River, 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 the town of Ellsworth shall have full power and right to maintain the bridge now standing over Union River, in said town, on the great post road between the Penobscot and Schoodick rivers, and to re-erect and keep the same in repair forever; and if any person or persons shall wilfully, maliciously, and contrary to law take up, remove, or in any way injure any part of said bridge, or shall be aiding and assisting in any such trespass, he shall, for every such offence, forfeit and pay to the aforesaid town of Ellsworth, double such damages as the said town shall, to the Justice, or Court and Jury, before whom the trial shall be, make it appear that it has sustained by means of the same trespass: *Provided*, that the said bridge shall be at least thirty-six feet in width, and that no toll shall ever be demanded for passing the same.

[Approved by the Governor, February 12, 1818.]

CHAP. CIII.

An Act to prevent the destruction of certain useful Birds at unseasonable times of the year.

WHEREAS there are within the Commonwealth, many birds which are useful and profitable to the citizens, either as articles of food, or as instruments in the hands of Providence to destroy various noxious insects, grubs and caterpillars, which are prejudicial or destructive to vegetation, fruits and grain; and it is desirable to promote the increase and preservation of birds of the above description, and to prevent the wanton destruction of them at improper seasons:

Right to maintain a Bridge.

Penalty for trespasses.

Preamble.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That hereafter it shall not be lawful for any person to take, kill or destroy, any of the birds called partridges and quails, at any time from the first day of March, to the first day of September in every year; and no person shall take, kill or destroy, any of the birds called woodcocks, snipes, larks and robins, at any time from the first day of March to the fourth day of July in each year; and if any person shall take or kill, or shall sell, buy or have in his possession after being killed, or taken, any of the birds aforesaid, within the times limited as aforesaid respectively, he shall forfeit and pay for each and every partridge, quail, or woodcock, so taken, killed or in his possession, two dollars; and for each and every snipe, lark or robin, so killed, taken, or in his possession, one dollar: the forfeitures aforesaid to be recovered by any person who will sue for the same, within one year from the time of the offence committed, to his own use, in an action of debt, in any Court having jurisdiction of the amount demanded; or said forfeitures may be recovered by complaint to any Justice of the Peace in the name of the Commonwealth, to the use of the county where the prosecution may take place; and on failure to pay such forfeiture and costs on conviction, the offender may be committed to prison for a term not less than five, nor more than fifteen days.

To prevent the destruction of birds, &c.

Penalties.

SEC. 2. *Be it further enacted,* That if any person shall shoot at or kill any of the birds aforesaid, or any other birds, upon lands not owned or occupied by himself, without license from the owner or occupant of such lands, at any time from the first day of March to the fourth day of July in each year, such person shall forfeit and pay to the occupant or owner of such lands, where he may shoot at, or kill such birds, ten dollars, as a penalty in addition to all other actual damages, to be recovered by the party injured, by an action of trespass, in any court having jurisdiction of the amount demanded: *Provided however,* that nothing in this act shall be construed to prevent the killing of crows, black-birds, owls, blue jays, and hawks, at any season of the year: *And provided also,* that the inhabitants of any

Provisos.

town in the Commonwealth may at their annual meeting in March or April in any year, by vote, suspend the operation of the prohibitions and restrictions contained in this act, in whole or in part, within such town, and for such term of time, not exceeding one year, as to them shall seem expedient.

[Approved by the Governor, February 12, 1818.]

CHAP. CIV.

An Act to establish the town of Perry, in the county of Washington.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Plantation numbered one, in the county of Washington, as contained within the following described boundaries, be, and the same is hereby incorporated and established as a town, by the name of Perry, viz. : easterly and southerly by the waters of Passamaquoddy Bay, northerly by Robinsonston, late township numbered four, in the same division of townships, and westerly by the township numbered two, incorporated the present session, by the name of Dennysville. And the inhabitants of the said town of Perry are hereby vested with all the powers and privileges, and shall be also subject to the duties and requisitions of other corporate towns, according to the constitution and laws of this Commonwealth.

Boundaries.

Powers and privileges.

SEC. 2. *Be it further enacted,* That any Justice of the Peace for the county of Washington, upon application therefor, is hereby empowered to issue a warrant, directed to a freehold inhabitant of the said town of Perry, requiring him to notify and warn the inhabitants thereof to meet at such convenient time and place, as shall be appointed in the said warrant, for the choice of such officers as towns are by law required and empowered to choose at their annual town meetings.

Meeting for choice of officers.

[Approved by the Governor, February 12, 1818.]

CHAP. CV.

An Act authorizing the President, Directors and Company of the Wiscasset Bank to reduce the amount of their Capital Stock.

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 President, Directors and Company of the Wiscasset Bank, shall be one hundred thousand dollars, the number of shares to be the same as at present established by law : *Provided however*, that no dividend of the capital stock of said bank, as now existing, shall be made, until proof shall have been made to the satisfaction of the Governor and Council, or of Commissioners by them appointed, at the expense of said corporation, that there exist in said bank funds belonging to said corporation, sufficient to pay all bills in circulation, and all deposits and other demands existing against the same, beyond the sum then to be divided : *Provided also*, that nothing herein contained shall be construed to affect the liability of the corporation, or the individual stockholders, as established by the original act incorporating said bank, or any other existing law : *Provided also*, that the said President, Directors and Company, shall be holden to pay into the treasury of this Commonwealth, their proportion of the tax now required to be paid by law upon the existing capital of said bank, until the same shall actually be reduced and paid.

[Approved by the Governor, February 13, 1818.]

CHAP. CVI.

An Act to establish the town of Mexico, in the county of Oxford.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Plantation here-

Boundaries.

tofore called Holmanstown, on the north side of Great Amariskoggin River, in the county of Oxford, as contained within the following described boundaries, be, and the same is hereby incorporated and established as a town, by the name of Mexico, viz. easterly by Webb's river, (the present bounds between Dixfield and said Holmanstown.) southerly by the river Great Amariskoggin, westerly by the town of Rumford, northerly by the townships or plantations numbered four and seven. And the inhabitants of the said town of Mexico, are hereby vested with all the powers and privileges, and shall be also subject to all the duties and requisitions of other corporate towns, according to the constitution and laws of this Commonwealth.

Powers and privileges.

Election of town officers.

SEC. 2. *Be it further enacted*, That any Justice of the Peace for the county of Oxford, upon application therefor, is hereby empowered to issue a warrant, directed to a freehold inhabitant of the said town of Mexico, requiring him to notify and warn the inhabitants thereof to meet at such convenient time and place, as shall be appointed in the said warrant, for the choice of such officers, as towns are by law empowered and required to choose at their annual town meeting.

[Approved by the Governor, February 13, 1818.]

CHAP. CVII.

An Act to annex Ephraim Dorman, with his family and estate, to the town of Harrington.

Conditional set off.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Ephraim Dorman, with his family and estate, be, and they hereby are set off from the town of Columbia, and annexed to the town of Harrington, and shall hereafter be considered a part thereof, there to do the duties, and enjoy the privileges equally with the other inhabitants of said town, as fully and completely as though the said Dorman, with his estate, had been originally included in the said town of Harrington: *Provided however*, that the said Dorman

shall be holden to pay all sums of money granted by the said town of Columbia, prior to the passing of this act, in the same way and manner he was before holden to pay the same, any thing in this act to the contrary notwithstanding.

[Approved by the Governor, February 13, 1818.]

CHAP. CVIII.

An Act in addition to an act, entitled “An act exempting certain Goods and Chattels of Debtors from attachment, and execution.”

SEC. 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, every citizen of this Commonwealth shall have a right to hold the following articles, altogether exempt from attachment on mesne process and execution, viz.—all cast iron stoves, and stoves made of sheet iron, used exclusively for the purpose of warming buildings : *Provided*, that not more than one such stove to each building, owned or occupied by the same person or family, shall be so exempted.

Description of goods exempted.

[Approved by the Governor, February 13, 1818.]

CHAP. CIX.

An Act to prevent the destruction of Pickerel, in the town of Great Barrington.

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, whoever shall kill, take or catch any pickerel, in any pond, cove, river, or stream, within the town of Great Barrington, other than by or with a hook or hooks and line, shall forfeit and pay the sum of five dollars, for each and every pickerel so taken, to

be recovered by any person who may sue for the same, to his own use, before any Justice of the Peace within the same county.

[Approved by the Governor, February 13, 1818.]

CHAP. CX.

An Act authorizing the Taxing of Pews in the First Parish Meeting House in Boothbay.

SEC. 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 parish in the town of Boothbay, in the county of Lincoln, be, and they hereby are empowered to raise the whole or any part of any sum of money, which the said inhabitants may, hereafter, at any legal meeting called for the purpose, vote to raise, for the purpose of repairing the out side of their meeting house, by a tax upon the pews on the lower, or ground floor, in said house.

Tax on Pews.

SEC. 2. *Be it further enacted,* That for the equitable apportionment of the taxes to be assessed on said pews, the inhabitants of said parish shall cause a valuation thereof to be made by a committee, to be chosen by them for that purpose; and the report of that committee, stating the numbers and value of said pews, shall, when accepted and recorded, be binding on all persons interested for the purposes of taxation as aforesaid; and the sums voted to be raised on said pews, shall be apportioned and assessed thereon by the assessors, for the time being, according to such valuation.

Assesment of taxes.

SEC. 3. *Be it further enacted,* That the assessors of said parish shall make out a fair list of the taxes assessed on pews, according to this act, and commit said list to the Treasurer of the parish, to receive and collect the taxes; and it shall be the duty of the Treasurer, as soon as may be, after receiving said list, to give notice thereof, by posting a copy of said list at said meeting house door, stating the number of each pew, and the amount of tax set against it, with a notifi-

Duty of Treasurer.

cation thereon written, for persons interested in said pews, to pay the tax upon the same, within thirty days from the date of said notification ; and if the tax upon any pew shall not be paid to the Treasurer within the thirty days, according to his notification as aforesaid, it shall be the duty of the Treasurer, and he is hereby empowered, to sell the pew upon which such tax or any part of it shall remain unpaid, at public auction, to the highest bidder ; and his certificate or bill of sale to the purchaser, recorded in the records of the parish, shall give to the purchaser a perfect right and title to said pew, and he shall afterwards be considered the legal owner thereof : *Provided however*, that the Treasurer shall, Proviso. after the expiration of said thirty days, give at least ten days notice of the time and place of vendue, by posting up one advertisement at said meeting house, and one at some other public place in said town, stating the number of the pew to be sold, and the tax due upon it.

SEC. 4. *Be it further enacted*, That in case an adjournment of the sale of pews, shall appear to the Treasurer to be necessary, he may adjourn his sales for a time, not exceeding four days at a time, until his sales are completed ; and in all cases, he shall pay over on demand, to the former owners of pews, the balance in his hands arising from the sales, after deducting the taxes due, and his reasonable charges for advertising and selling the same. Sale of Pews.

[Approved by the Governor, February 13, 1818.]

CHAP. CXI.

An Act to establish the Town of Dennyville, in the county of Washington.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Plantation, heretofore called Dennyville, or township numbered two, in the eastern division of the Lottery Townships, so called, in the county of Washington, as contained within the following described bounds, be, and the same is Boundaries.

hereby incorporated and established as a town, by the name of Dennysville, viz. — easterly, partly by the town of Perry, (or number one) incorporated the present session, and partly by Cobskook Bay, southerly by Cobskook Bay and River, westerly by Dennys River, and northerly by the township numbered three, unincorporated. And the inhabitants of the said town of Dennysville are hereby vested with all the powers and privileges, and shall be also subject to all the duties and requisitions of other corporate towns, according to the constitution and laws of this Commonwealth.

Powers and privileges.

SEC. 2. *Be it further enacted,* That any Justice of the Peace for the county of Washington, upon application therefor, is hereby empowered to issue a warrant, directed to a freehold inhabitant of the said town of Dennysville, 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 such officers as towns are by law required and empowered to choose at their annual town meetings.

Meeting for choice of officers.

[Approved by the Governor, February 13, 1818.]

CHAP. CXII.

An Act to incorporate the Suffolk Insurance Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the act passed in the year of our Lord one thousand eight hundred and three, entitled “An act to incorporate John Codman and others into a company, by the name of the Suffolk Insurance Company,” and all other acts made in addition thereto, be, and the same hereby are repealed.

Act repealed.

SEC. 2. *Be it further enacted,* That the persons now holding shares in the said Suffolk Insurance Company, together with all such persons as have agreed to associate themselves for the same purpose, and who shall become stockholders in the company hereinafter created, be, and they hereby are incorporated into a company and body politic, by the name of the Suffolk In-

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 or defend till 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.

Re-incorporation.

Powers and privileges.

SEC. 3. *Be it further enacted*, That the capital stock of said company, exclusive of premium notes and profits arising from said business, shall never exceed three hundred thousand dollars; and shall be divided into shares of thirty-three dollars, thirty-three and one third cents each; and the real estate, exclusive of mortgages, which the said company may hold, shall not exceed in value the sum of fifty thousand dollars.

Limitation of stock.

SEC. 4. *Be it further enacted*, That the stock, property, affairs and concerns of the said company, shall be managed and conducted by twelve 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 election, be stockholders, and citizens of this Commonwealth, and shall be elected on the second Monday of January in each and every year, at such time of the day, and in such place in the town of Boston, as a majority of the Directors for the time being shall appoint; of which election, public 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 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 stockholders shall be allowed more than thirty 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 second Monday of January, as aforesaid, it shall be lawful to choose them on any other day, in the manner herein prescribed.

Number of officers.

Public notice of election of officers.

May vote by proxy.

SEC. 5. *Be it further enacted*, That the Directors, when chosen, shall meet as soon as may be, after every

Presidency.

election, and shall choose out of their 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 herein before directed respecting annual elections of Directors.

Board of Directors.

SEC. 6. *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 and regulations shall not be repugnant to the constitution or laws of this Commonwealth.

Shares to be paid for in money.

SEC. 7. *Be it further enacted,* That the sums subscribed by the new stockholders, admitted by the old company, whose charter is hereby repealed, shall be paid in money, at such equal instalments, and under such penalties as the said company shall direct.

To notify meetings in the public papers.

SEC. 8. *Be it further enacted,* That Epes Sargent, Esquire, President of said corporation, is hereby authorized to call a meeting of the members of said company, as soon as may be, in Boston, by advertising the same for one week, in two of the newspapers printed in said town, for the purpose of their electing a first board of Directors, who shall continue in office until the second Monday of January, one thousand eight hundred and nineteen.

SEC. 9. *Be it further enacted*, That notwithstanding the repeal, contained in the first section of this act, of the act of incorporation, passed in the year of our Lord one thousand eight hundred and three, the said Suffolk Insurance Company shall be and continue in full force, so far as may be necessary to settle any depending risk, and all other outstanding affairs of said corporation; also for the recovery and settlement of any claims existing against said company.

Old accounts
to be settled.

[Approved by the Governor, February 13, 1818.]

CHAP. CXIII.

An Act to incorporate the President, Directors and Company of the Boston Merchants' Bank.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Samuel G. Perkins, Timothy Williams, Thomas Kilby Jones, William Dehon, William Sawyer, 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 Boston Merchants' Bank; and shall so continue from the fifteenth day of April next, until the first Monday in October, which will be in the year of our Lord one thousand eight hundred and thirty-one; and 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.

Persons incor-
porated.

Rights, &c.

SEC. 2. *Be it further enacted*, That the capital stock of said corporation shall consist of the sum of five hundred thousand dollars, in gold or silver, to be, besides such part as this Commonwealth may subscribe, in manner hereinafter mentioned, divided into shares of

Capital Stock.

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 fourth part thereof on or before the fifteenth day of July next, one fourth part thereof on or before the fifteenth day of October next, and one fourth part thereof on or before the fifteenth day of January next, 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 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 or silver, in their vaults, shall amount to one fourth part of the whole capital stock, 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 a majority 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

Time of payment.

May hold real estate.

Proviso.

Disposition of Stock.

Inspection of vaults.

capital, and to return a certificate thereof to the Governor.

SEC. 3. *Be it further enacted,* That the said bank Location. shall be established and kept in the town of Boston.

SEC. 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 Loans to State. 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.

SEC. 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. May call meetings and choose officers.

SEC. 6. *Be it further enacted,* That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe on State subscription. account of the Commonwealth, a sum not exceeding two hundred and fifty 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.

SEC. 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 State Directors.

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.

SEC. 8. *Be it further enacted,* That the said bank shall not receive and issue as currency, or take by way of general deposit, or trade or traffic in, or in any manner receive or purchase, any bills, promissory notes or other negotiable paper, of any incorporated or unincorporated bank, of any state, territory, colony or province, whatsoever, except such as may be issued by the bank of the United States, or some of its branches, or by some of the banks within this Commonwealth.

Shall not traffic in foreign bills.

Penalties.

SEC. 9. *Be it further enacted,* That should the said bank offend against the provisions of the preceding section, it shall forfeit and pay a sum equal to the whole amount of the bills so received, taken and issued as aforesaid, to be recovered in any court of competent jurisdiction, by bill, complaint or information, the one half for the benefit of the Commonwealth, and the other for the benefit of him or them who shall sue or prosecute for the same.

[Approved by the Governor, February 13, 1818.]

CHAP. CXIV.

An Act to incorporate the Thomastown Coal and Mineral Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John Gleason, Sullivan Dwight, Brown Stimpson, and Aaron Austin, together with such others 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 Thomastown Coal and Mineral Company, for the purpose of digging and searching for coals and minerals, and for the purpose of erecting any buildings and wharves, necessary for effecting the object of their incorporation; and they shall have all the powers and

Persons incorporated.

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."

SEC. 2. *Be it further enacted,* That said corporation may be lawfully seized and possessed of real estate in said town of Thomastown, not exceeding the value of one hundred thousand dollars, and personal estate not exceeding two hundred thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid. May hold real estate.

[Approved by the Governor, February 16, 1818.]

CHAP. CXV.

An Act in addition to an act, entitled "An act authorizing the President, Directors and Company of the Springfield Bank to increase the amount of their Capital Stock."

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 authorizing the President, Directors and Company of the Springfield Bank to increase the amount of their capital stock," passed the seventeenth day of June, in the year of our Lord one thousand eight hundred and seventeen, be, and the same is hereby declared to be in full force and operation; excepting, that whereas the time fixed by the said act, for paying in the additional capital stock, has elapsed, the same may and shall be paid in, one half part thereof on the first day of May next, and the other half on the first day of January next. Time of paying in Stock.

[Approved by the Governor, February 16, 1818.]

CHAP. CXVI.

An Act to establish the West Stockbridge and Alford Turnpike Corporation.

Persons incor-
porated.Course of the
road.General pow-
ers.

Proviso.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Sylvanus Tobey, Platt B. Tyler, John Burghardt, Elijah Andrus, and Amos Woodruff, 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 West Stockbridge and Alford Turnpike Corporation, for the purpose of making a turnpike road, from the Alford and Egremont turnpike, to the Housatonick river turnpike; beginning at the most convenient place in the town of Egremont, on the Alford and Egremont turnpike, thence west of John Sanford's store, thence to or near Abraham Race's barn, thence to Apollos Dorman's dwelling house, thence to Erastus Hamlin's dwelling house, thence to or near the dwelling house of Sanford Fitch, thence near the west barn, so called, of James Picket, thence to West Stockbridge meeting house, thence north to a stone bridge, near the house of Benjamin Lewis, thence north to the Housatonick river turnpike, in the town of West Stockbridge; 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, passed on the sixteenth day of March, in the year of our Lord one thousand eight hundred and five, and any acts which have been passed in addition thereto: *Provided however*, that if the said corporation shall neglect to complete the said turnpike road for the space of three years from the passing of this act, the same shall be void and of no effect.

[Approved by the Governor, February 16, 1818.]

CHAP. CXVII.

An Act to incorporate the New England Glass Company.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Amos Binney, Edmund Munroe, Daniel Hastings, Demming Jarvis, and their associates, successors and assigns, be, and they are hereby made a corporation, by the name of the New England Glass Company, for the purpose of manufacturing flint and crown glass, of all kinds, in the towns of Boston and Cambridge; 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. Powers and privileges.

SEC. 2. *Be it further enacted,* That said corporation may be lawfully seized and possessed of such real estate, not exceeding one hundred thousand dollars in value, and such personal estate, not exceeding two hundred thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid. May hold real & personal estate.

[Approved by the Governor, February 16, 1818.]

CHAP. CXVIII.

An Act to incorporate the Trustees of the Ministerial Fund in the First Parish in South Berwick.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Ichabod Goodwin, Ivory Hovey, Northend Cogswell, Edward P. Hayman, Thomas Leigh, William Hight, and William A. Hayes, Esquires, be, and hereby are incorporated into a body Persons incorporated.

politic, by the name of the Trustees of the Ministerial Fund in the First Parish in South Berwick; and they and their successors shall be and continue a body politic and corporate by that name forever; and they shall have a common seal, subject to be altered at their pleasure; and they may sue and be sued in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution, by the name aforesaid.

May sue and
be sued.

SEC. 2. *Be it further enacted*, That said Trustees and their successors shall annually elect a President, and Clerk to record the doings and transactions of the Trustees, at their meetings, and a Treasurer, to receive and apply the monies hereafter mentioned, as hereafter directed, and any other needful officers for the managing their business.

Choice of
officers.

Number of
Trustees.

SEC. 3. *Be it further enacted*, That the number of said Trustees shall never be more than seven, nor less than five, any four of whom shall be a quorum for transacting business; and they shall fill vacancies which may happen by death, resignation or otherwise, from the members of said parish; and they shall have power to remove any Trustee who may become unfit and incapable from age, infirmity, misconduct, or any other cause, of discharging their duty, and to fill the vacancy so made, by a choice from the members of the parish aforesaid; and the said Trustees shall annually hold a meeting in 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.

General pow-
ers.

First meeting.

SEC. 4. *Be it further enacted*, That any Justice of the Peace, in the county of York, be, and he hereby is authorized to fix the place and time for the first meeting, and to notify the Trustees thereof.

May sell and
convey lands.

SEC. 5. *Be it further enacted*, That the said Trustees be, and they hereby are authorized to receive all donations, legacies and bequests to them for the support of a Minister in said parish, and that they shall have power to sell and convey all such lands as they shall become seized of by bequest, mortgage, or by levying execution, and to make, execute and acknowledge a good and sufficient deed or deeds thereof, which deed

or deeds, subscribed by their Treasurer, and acknowledged by him, by direction of said Trustees, with their seal thereto affixed, shall be good and effectual in law, to pass and convey the fee simple to the purchaser, to all intents and purposes whatever.

SEC. 6. *Be it further enacted*, That all the monies which said Trustees shall receive, pursuant to this act, shall be put at interest, and secured by mortgage of real estate, to the full value thereof, or by sufficient sureties, with the principal, or invested in public funded securities, or bank stock, as, in the opinion of the Trustees, will be most for the benefit of all concerned.

May loan money on interest.

SEC. 7. *Be it further enacted*, That the Trustees shall apply the interest aforesaid, and the income of the stock aforesaid, to the support of the Congregational Minister now settled in said parish, or which may hereafter be settled therein: *Provided however*, that in all cases in which the donor or testator shall prescribe the manner in which the money, or other property, by them respectively given to said Trustees, or the interest or income thereof shall be appropriated, it shall be the duty of said Trustees, and they are hereby empowered, to appropriate the same in the manner prescribed by such donor or testator; and so long as the said parish shall remain without such settled Minister, the annual income and interest aforesaid, shall be put out at interest, and secured as aforesaid, to increase the said fund, until there shall be a settlement of such Minister as aforesaid. And it shall never be in the power of said parish to alienate or any wise alter the fund aforesaid.

Application of interest money.

SEC. 8. *Be it further enacted*, That the Treasurer shall give bond, with sufficient surety or sureties, in the penal sum of five thousand dollars, faithfully to perform his duty, and to be at all times responsible for the faithful application and appropriation of the monies which may come into his hands, conformably to the true intent and meaning of this act; and for all negligence or misconduct of any kind in his office.

Treasurer to give bonds.

SEC. 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,

Compensation to officers.

shall receive the same of said parish, as may be mutually agreed on.

Exhibition of
accounts.

SEC. 10. *Be it further enacted*, That the said Trustees shall exhibit to the parish, at their annual meeting in March or April, a regular and fair statement of their doings.

Personal re-
sponsibility.

SEC. 11. *Be it further enacted*, That the said Trustees and each of them, shall be responsible to the parish for their personal negligence or misconduct, whether they be officers or not, and be liable to a suit for any loss or damage arising thereby, the debt or damage recovered in such suit, to be for the use aforesaid.

[Approved by the Governor, February 16, 1818]

CHAP. CXIX.

An Act respecting the security of the town of Boston from damage by Fire.

Fire in Boston.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the provisions of an act, passed on the twenty-fifth day of June, in the year of our Lord one thousand eight hundred and eleven, allowing the erection of wooden buildings within certain limits in the district of South Boston, which act was to continue in force during five years, be, and they hereby are renewed and shall continue in force for the term of five years, from the first day of January of the present year.

[Approved by the Governor, February 16, 1818.]

CHAP. CXX.

An Act to define the powers, duties, and restrictions of Insurance Companies.

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

nies, which shall hereafter be incorporated under the authority of this Commonwealth, shall have power and authority 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 at 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 of such corporation, and shall be binding and obligatory upon the said companies, and have the like effect and force, as if under the seal of the said companies; 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 said companies respectively.

SEC. 2. *Be it further enacted,* That it shall be the duty of the Directors of all such companies, at such times as the charter or by-laws of said companies shall prescribe, to make dividends of so much of the interest arising from the capital stock and the profits of the said companies, as to them shall appear advisable; but the monies received and notes taken for premiums of risks, which shall be undetermined and outstanding at the time of making such dividends, shall not be considered as parts of the profits of said companies; and in case of any loss or losses, whereby the capital stock of the said companies 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 the sum arising from the profits of the business of the said companies, 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.

SEC. 3. *Be it further enacted,* That the said companies shall not directly nor indirectly deal or trade in buying or selling any goods, wares or merchandize, or commodities whatever; and the capital stock of said companies, 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, in either or all of them, and in such proportion as may be most for the interest of said companies, at the discretion of the President and Directors of said companies; or of such other person or persons as said companies shall, for such purpose, at any meeting appoint: *Provided however,* that the President and Directors of said companies, and of all other companies of insurance heretofore incorporated, shall have power to loan to any citizen of this state, any portion of their capital stock, not exceeding one half, on respondentia or bottomry: *Provided also,* that the sum loaned, on any one bottom at one time, including the sum insured in any other way upon the same bottom, shall not exceed ten per centum upon the capital stock of such companies; nor shall the same be loaned but with the assent of three fourths of the Directors of such companies; and such loans, together with the assent aforesaid, shall be entered at large in the records of said companies, and shall be laid before the stockholders at their meeting next following the said loan; and it shall be in the power of the Directors of said companies, in case they shall deem it more for the interest of the stockholders in said companies, than any of the investments above described, to loan any portion of their capital stock aforesaid, not exceeding two thirds of the whole amount, to any person or persons within this Commonwealth, either on mortgage of real estate within this Commonwealth, or on pledges of the public stocks of the United States, or of the bank of the United States, or of any other bank incorporated by the authority of this Commonwealth.

Shall not deal
in goods, &c.

Proviso.

May loan mo-
nocy.

Proviso.

SEC. 4. *Be it further enacted,* That in case of any loss or losses taking place, which shall be equal to the amount of the capital stock of the said companies, and the President or Directors, after knowing of such los-

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, which shall take place under policies so subscribed.

SEC. 5. *Be it further enacted*, That the President and Directors of such companies shall, previous to subscribing to any policy, and once in every year after, publish in two of the newspapers printed within this Commonwealth, one of which at least, shall be in the town of Boston, the amount of their stock, against what risk they mean to insure, and the largest sum they mean to take on any one risk.

Public notice
of stock.

SEC. 6. *Be it further enacted*, That the President and Directors of such companies shall, when and as often as required by the Legislature of this Commonwealth, lay before them a statement of the affairs of said companies, and submit to an examination concerning the same under oath.

Examination of
accounts.

SEC. 7. *Be it further enacted*, That the said companies shall never take, on any one risk, a sum exceeding ten per centum on the respective capital stocks of the said companies.

[Approved by the Governor, February 16, 1818.]

CHAP. CXXI.

An Act in addition to the several acts now in force for the preservation of Salmon, Shad and Alewives, within the counties of Cumberland, Lincoln, Kennebec and Oxford.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the fines mentioned in the fourth section of an act, passed on the first day of March, in the year of our Lord one thousand seven hundred and ninety-eight, shall henceforth be as followeth, viz.: for each and every salmon, caught contrary to the provisions of said act, and particularly described in said fourth section, by any person living or being within the counties of Cumberland, Lincoln, Ken-

Regulation of
Fines.

nebec, Oxford and Somerset, the person so offending, shall forfeit and pay the sum of four dollars for each and every salmon; for each and every shad, taken in like manner, one dollar, and for each and every alewife, fifty cents.

Forfeiture of
Seines.

SEC. 2. *Be it further enacted*, That, in addition to the fines mentioned in the fifth section of the act aforesaid, the net, seine, or other machine, set in the manner, and for the purpose described in said fifth section, together with the boat, shall be forfeited, and be disposed of according to the law passed on the twenty-second day of February, in the year of our Lord one thousand seven hundred and ninety-four, entitled "An act prescribing the mode of recovering forfeitures of personal property, liable thereto by law, and also pecuniary forfeitures."

Regulation of
Wears, &c.

SEC. 3. *Be it further enacted*, That any person owning or occupying wears or hedges, on any of the rivers, streams, bays, coves, or ponds of water within the counties aforesaid, from and after the tenth day of July, in each year, shall have an open space in each wing, curve, trap or pound of said hedge or wear, in which salmon, shad or alewives, are at any time taken, ten feet wide from top to bottom, in the deepest water, so as effectually to let all the fish, of every species, have a free passage out, without being caught or taken; and the same passage ways or spaces to be kept open through the remainder of the year, so that all the small fish, or spawn, as well as the large fish, shall have a free passage to the sea: and if any owner or occupier of any wear or hedge, within the counties aforesaid, shall neglect or refuse to make and keep open such passages or spaces therein, after the tenth day of July, in each year, such person or persons, so offending, shall forfeit and pay a fine of ten dollars, for each day he or they shall thus neglect their duty.

Fines.

Nets not to
drag on bottom.

SEC. 4. *Be it further enacted*, That every person who shall drift or drag any net or seine in the waters of Kennebec river, at Merry-meeting bay, or in the Amareskoggen river, emptying into the same, so as to scrape from the bottom, disturb or destroy any of the spawn or young of the salmon, shad or alewives, at any season of the year, he or they, so offending, shall forfeit

and pay a fine of ten dollars for each and every offence, and shall moreover forfeit the net or seine and boat so used, to be disposed of according to the law passed on the twenty-second day of February, seventeen hundred and ninety-four.

SEC. 5. *Be it further enacted*, That if any owner or occupier of any wear or hedge within the counties aforesaid, between the twentieth day of April and tenth day of July, annually, shall refuse or neglect to keep open a free passage in each wing, curve, trap or pound in said hedge, where fish are at any time taken, in the deepest water or channel, at least six feet wide, and six feet high from the bottom of the flats, from sun rise on Saturday to sun rise on Monday of each week, so as to let every species of fish pass out without being taken, he or they, so offending, shall forfeit and pay, for each offence, the sum of twenty dollars.

Passages for fish to be kept open.

SEC. 6. *Be it further enacted*, That all fines and forfeitures incurred by any breach of this act, shall inure one half thereof, to the officer or person who shall prosecute for the same, and the other half to the use of the town within which the offence is committed.

Disposition of forfeitures.

[Approved by the Governor, February 16, 1818.]

CHAP. CXXII.

An Act to incorporate the Agricultural Society of Maine.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Jesse Appleton, Isaac Adams, John Abbot, William Abbot, Phineas Ashman, William H. Bordman, James Bridge, Thomas Bond, Benjamin Brown, E. Brown, John Blake, J. Black, J. Bennock, G. Bixby, B. Bryant, N. Blackwell, Supply Belcher, John Burnham, Oliver Bray, Daniel Cony, John Chandler, David Cobb, R. Cobb, Thomas Cobb, Nathan Cutler, Parker McCobb, William Crosby, Francis Carr, Philip Coombs, Eleazer Coburn, Henry Dearborn, John Davis, Pitt Dillingham,

Persons incorporated.

S. E. Dutton, R. Dodge, S. Dore, I. Dane, Williams Emmons, Nicholas Emery, Thomas Eldred, H. W. Fuller, A. Fletcher, B. P. Field, William Gray, R. H. Gardiner, Benjamin Green, A. Gilman, Ezekiel Goodale, M. Greenleaf, I. Godfrey, junior, Z. Gilman, M. L. Hill, I. Hook, junior, A. Howard, G. Herbert, C. B. Hall, Jedediah Herrick, W. A. Hayes, D. Harding, junior, N. Hanson, Richard Harnden, Isaac Ilsley, L. Jarvis, Caleb Jewett, A. Jones, D. Johnson, William King, Martin Kinsley, James Lloyd, Stephen Longfellow, S. Longfellow, junior, Samuel Longfellow, Joseph Lamson, Lothrop Lewis, I. Loring, Cyrus Libby, Richard Lord, John Low, T. Leavitt, Thomas Leigh, Prentiss Mellen, A. Mann, John Merrick, B. McLellan, Jacob McGaw, I. Moulton, William Moody, John May, I. Nelson, I. G. Neil, Joseph North, William Prescott, J. Parker, S. M. Pond, J. Peirce, Nathaniel Peirce, O. Peirce, Chandler Robbins, John Richards, Jesse Robinson, Samuel Redington, William Sullivan, David Sears, Calvin Selden, Richard Sawtell, James Starr, junior, Thomas W. Smith, Daniel Sewall, J. W. Seaver, T. Sibley, Benjamin Shaw, William Sylvester, S. Stephenson, Israel Thorndike, Israel Thorndike, junior, Samuel Thatcher, S. Thayer, Jonathan Tucker, Benjamin Vaughan, Charles Vaughan, William O. Vaughan, Samuel S. Wilde, Thomas L. Winthrop, Joshua Wingate, Joshua Wingate, junior, John Ware, Nathan Weston, junior, E. T. Warren, Peleg Wadsworth, Reuel Williams, Lemuel Williams, George W. Wallingford, D. Wood, James L. Wood, Abiel Wood, S. A. Whitney, John Wilson, George Watson, P. H. Washburn, James Waugh, William D. Williamson, S. Williamson, James Bowen, Benjamin Butman, John Brewer, John Balkam, James Bailey, Moses Carlton, Nathaniel Coffin, William Chamberlain, John Cooper, James Campbell, John Dole, Erastus Foote, Ebenezer Farley, Benjamin Hasey, James W. Head, Joshua Head, Josiah Harris, Stephen Jones, Ebenezer Inglee, Theodore Lincoln, James Malcom, Benjamin Orr, William H. Page, Benjamin Riggs, James Rogers, Thomas Ruggles, Dummer Sewall, Josiah Stebbins, Peleg Tallman, Ebenezer Thacher, Jacob Townsley, David Wash,

and Ephraim Whitney, together with such others, as shall become members thereof, be, and they are hereby incorporated into, and made a body politic and corporate forever, by the name of "The Agricultural Society of Maine," for the purpose of promoting useful improvements in agriculture and manufactures.

SEC. 2. *Be it further enacted,* That the said corporation be, and they are hereby declared capable in law, of purchasing, taking, and holding in fee simple, or any less estate, by gift, grant, devise, or otherwise, any lands, tenements, or other estate, real and personal; *provided* the annual income of the said real and personal estate shall not exceed the sum of thirty thousand dollars; and also to sell, alien, devise or dispose of the same estate, real and personal, not using the same in trade or commerce.

May hold real or personal estate.

SEC. 3. *Be it further enacted,* That said corporation shall have full power and authority to have and use a common seal, and the same to break, renew and alter, at pleasure; that it shall be capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of record, in all actions, real, personal and mixed; and to do and execute all and singular such other matters and things that to them shall and may appertain to do.

May sue and be sued.

SEC. 4. *Be it further enacted,* That the said corporation may make, establish and put in execution, such laws and regulations, as may be necessary to the government of said corporation; *provided* the same shall in no case be repugnant to the laws and constitution of this Commonwealth; and for the well governing of said corporation, they shall have such officers as they shall, hereafter, from time to time, elect and appoint; and such officers as shall be designated by the laws and regulations of said corporation, for the purpose, shall be capable of exercising such power for the well governing and ordering the affairs of the said corporation, and calling and holding such occasional meetings for the purpose, as shall be fixed and determined by the said laws and regulations.

By-laws.

Proviso.

SEC. 5. *Be it further enacted,* That the place of holding the first meeting of said society, shall be in the town of Hallowell, and that the Honorable Samuel S.

First meeting.

Wilde be, and he hereby is authorized to fix the time for holding said meeting, and to notify the same to the members of the said society, by causing the same to be published in such newspapers as he may think expedient, thirty days before the time appointed for holding said meeting.

[Approved by the Governor, February 16, 1818.]

CHAP. CXXIII.

An Act in addition to an act, entitled "An act to incorporate the Eastern River Lock and Sluice Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the corporation established by an act passed on the thirteenth day of December, in the year of our Lord one thousand eight hundred and sixteen, entitled "An act to incorporate the Eastern River Lock and Sluice Company," be, and they hereby are authorized to hold and be possessed of real estate, not exceeding the value of ten thousand dollars, and of personal estate not exceeding the same amount.

May hold real estate.

[Approved by the Governor, February 16, 1818.]

CHAP. CXXIV.

An Act to incorporate the Howard Benevolent Society.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Thomas Vose and his associates, together with such others as may become subscribers to the same institution, in the manner hereinafter provided, be, and they are hereby incorporated into a society, by the name of the Howard Benevolent Society; and by that name shall be a corporation forever; with power to have a common seal, to make con-

Persons incorporated.

tracts 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; 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 twenty thousand dollars, and the annual income of the whole estate of said society shall not exceed ten thousand dollars.

Powers and
privileges.

Provisos.

SEC. 2. *Be it further enacted*, That every person who shall subscribe and pay to the funds of said society, a sum not less than one dollar and a half 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.

Annual sub-
scription.

SEC. 3. *Be it further enacted*, That the said society shall meet annually in Boston, in the month of October, at the time and place their committee may appoint, and shall elect from their members, by ballot, a President, Secretary, Treasurer, and not less than ten, nor more than fourteen persons, who, together with the President, Secretary and Treasurer, shall constitute the standing committee, who shall meet discretionally to make pecuniary appropriations, and transact such business as may require their attention; all which officers shall hold their respective offices one year, and until others shall be elected to succeed them, except in case of vacancy by death or resignation, in which case the committee shall have power to fill such vacancy until the ensuing annual election; and five of them shall form a quorum. The society shall also meet in January and April, at the time and place the committee shall appoint, who shall give notice of all meetings of the society, by advertisements in two or more of the newspapers printed in Boston, at least seven days before each meeting.

Annual meet-
ing in Boston.Pecuniary ap-
propriations.

SEC. 4. *Be it further enacted*, That the committee, for the time being, shall have the management and

Disposition of
Funds, &c.

application of all the subscriptions, donations, funds and estate of the society, to be appropriated solely for the uses of the society; *provided* such regulations are not repugnant to the laws of this Commonwealth, or the by-laws of this society; and no sale or transfer of any real or personal estate of the society shall be valid, unless approved by the committee.

May sue and
be sued.

SEC. 5. *Be it further enacted*, That any writ or process against said corporation, may be served by the officer 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 committee, 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 the society, shall be approved by the committee, and signed by the President, 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.

Notice of
meeting.

SEC. 6. *Be it further enacted*, That Thomas Vose be, and he is hereby authorized 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 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.

[Approved by the Governor, February 16, 1818.]

CHAP. CXXV.

An Act establishing the Hampshire, Franklin and Hampden Agricultural Society.

SEC. 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, Noah

Webster, Epaphras Hoyt, Samuel Lathrop, Thomas Longley, Josiah Dwight, Jacob Bliss, Jonathan Smith, Enos Foote, Moses Porter, Elijah H. Mills, Solomon Smead, William Wells, Elihu Hoyt, Isaac C. Bates, Pliny Arms, Jonathan H. Lyman, Perry Babcock, Abner Gibbs, Robert Sessions, Joseph Cummings, junior, Azariah Mosely, and Enos Smith, together with those who shall hereafter associate with them, and their successors, be, and they are hereby made a corporation, for the promotion of agriculture and the domestic arts, by the name of the Hampshire, Franklin and Hampden Agricultural Society; and for this purpose shall have the same powers and privileges, and be subject to the like duties and restrictions, as the other incorporated agricultural societies in this Commonwealth; and the said corporation may lawfully hold and possess real estate, not exceeding twenty thousand dollars, and personal estate, the annual income whereof shall not exceed five thousand dollars.

Persons incor-
porated.Powers and
privileges.

SEC. 2. *Be it further enacted*, That said Joseph Lyman be, and he hereby is authorized to notify and call the first meeting of the society aforesaid, for the purpose of organizing said society, and the establishment of rules and by-laws for the government of the same, by giving public notice of the time and place of holding said meeting, two weeks successively in the public newspapers printed in Northampton, Greenfield, and Springfield.

First meeting.

[Approved by the Governor, February 19, 1818.]

CHAP. CXXVI.

An Act to annex Asa Webb, with his polls and estate, to the Union Religious Society in the towns of Weymouth and Braintree.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Asa Webb, with his polls and estate, be, and they hereby are set off from the Reverend Mr. Norton's parish, in the town of

Weymouth, and annexed to the Union Religious Society in the towns of Weymouth and Braintree; there to enjoy all the parochial privileges of the said Union Religious Society, and to pay his proportion of all necessary charges that may arise therein, for the purposes aforesaid: *Provided nevertheless*, that the said Asa Webb shall be holden to pay all taxes now assessed, or that may be assessed for any sums of money now granted by the said Reverend Mr. Norton's parish.

Conditional
set off.

[Approved by the Governor, February 19, 1818.]

CHAP. CXXVII.

An Act to incorporate a Society for removing Obstructions in Kennebec River.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Samuel Redington, Thomas Bond, James McLellan, William H. Page, Parker McCobb, Robert Howard, Reuel Williams, Moody Thurlow, Rufus Gay, Peter Grant, Thomas Agry, Pitt Dillingham, and Moses Palmer, with such as already have, or may hereafter associate with them, their associates, assigns and successors, be, and they are hereby made a corporation, by the name of the Lincoln and Kennebec Society, for removing obstructions in Kennebec river, and rendering the navigation thereof more safe and convenient. And the society aforesaid, may have a common seal, which it may be lawful for them to change, break, alter, or make new at pleasure; and may purchase or receive by gift or devise, any real estate, not exceeding six thousand dollars, and also subscriptions, donations and bequests of money, or any other personal estate, the annual income of which shall not exceed three thousand dollars; and said society shall be, and hereby are made capable in law, to sue and be sued, plead and be impleaded, in any court of record, or other place whatever, and to ordain and establish such by-laws and regulations as to them shall appear necessary for the government of said

Persons incor-
porated.

General pow-
ers.

corporation, and for the prudent management of their affairs; *provided* such by-laws and regulations shall Proviso. in no wise be contrary to the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted,* That Reuel Williams, Esquire, is hereby authorized to issue a warrant, directed to one of the members before named, requiring him to notify and warn the first meeting of said society, by giving thirty days notice in the newspapers printed at Hallowell, to be held at such place, and at such convenient time as he shall direct and appoint in said warrant, to organize the said society, by electing the necessary officers, and forming rules and regulations for the good government of said society. May call meeting and choose officers.

[Approved by the Governor, February 19, 1818.]

CHAP. CXXVIII.

An Act for altering the times for holding the Supreme Judicial Court within the several counties of Middlesex and Worcester.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the term of the Supreme Judicial Court, now by law appointed to be holden at Concord, within and for the county of Middlesex, on the first Tuesday of April, shall hereafter be holden at Concord as aforesaid, on the fourth Monday in March; and the term of said Court, now by law appointed to be holden at Worcester, within and for the county of Worcester, on the second Tuesday of April, shall hereafter be holden at Worcester as aforesaid, on the second Tuesday next after the fourth Monday of March, annually; and the said Court, to be holden last as aforesaid, may in all judicial proceedings, from time to time, be designated and expressed by such Tuesday of the month as will be the Tuesday on which said Court is to be holden pursuant to this act. Change of Terms.

SEC. 2. *Be it further enacted,* That all writs, appeals, petitions, and processes, of what kind soever the

General Regu-
lations.

same may be, which were returnable to, or are now pending in the Supreme Judicial Court, at the times heretofore appointed by law for holding the same within said counties of Middlesex and Worcester; and all parties and persons that may be required or directed to appear and attend at the aforesaid times and places, before the passing of this act, shall be returned to, entered, appear, attend, and have day, be tried and determined in said Court, at the respective times and places established by this act, pursuant to the true intent and meaning thereof.

[Approved by the Governor, February 19, 1818.]

CHAP. CXXIX.

An Act in addition to an act, entitled "An act relative to Timber lodged on lands adjoining the Saco River, and the waters connected with the same."

Four years al-
lowed.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the term of four years shall henceforth be allowed the owners of all logs and other timber carried by the freshets, or otherwise lodged upon any unimproved lands adjoining the Saco river, or the ponds or waters connected with said river, to remove such logs and timber from said lands; within which time the owner or owners aforesaid, shall have the right to remove said logs or other timber from such unimproved lands.

SEC. 2. *Be it further enacted,* That the provisions mentioned in the first and second sections of the act, entitled "An act relative to timber lodged on lands adjoining the Saco river, and the waters connected with the same," shall conform to this extension of time, so far as it respects the removal of said logs and timber from unimproved lands.

[Approved by the Governor, February 19, 1818.]

CHAP. CXXX.

An Act regulating the sale of Salt and Grain.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of May next, no person or persons shall sell within this Commonwealth any salt, Indian corn, wheat, rye or buck wheat, barley or oats, unless the quantity so sold be first weighed; and in order to ascertain the mean or true weight of every quantity sold, the vender shall be required to weigh ten measures at least in every one hundred bushels sold; five measures at least in every fifty bushels sold, and two measures at least in every less quantity than fifty bushels sold; and any person or persons, who shall, after the said first day of May next, vend or sell any salt, Indian corn, wheat, rye or buck wheat, barley or oats, unless the same be first weighed and sold by weight as aforesaid, he, she or they, shall forfeit and pay the sum of two dollars for each and every bushel of the same, and after the same rate for any greater or less quantity so sold; to be recovered by an action of the case, by the person for his sole benefit, who shall first sue therefor, before any court proper to try the same: *Provided*, that this act shall not be construed to extend to the case of any sales of any quantity of any of the articles aforesaid, where the vender and purchaser shall appoint a third person to admeasure or ascertain the weight or quantity of the same, or otherwise shall mutually agree thereon: *And provided further*, that it shall not be construed to extend to any sales of the articles aforesaid, not exceeding ten bushels, where the purchaser shall not require the same to be weighed.

Salt and grain
to be weighed.

Provisos.

SEC. 2. *Be it further enacted*, That from and after the passing of this act, a bushel of salt shall be deemed and considered to be seventy pounds; a bushel of Indian corn or rye, fifty-six pounds; a bushel of barley or buck wheat, forty-six pounds; a bushel of oats, thirty pounds; a bushel of wheat, sixty pounds, as the standard weight and measure of the same, in all purchases and sales thereof in this Commonwealth.

Standard
weights.

[Approved by the Governor, February 19, 1818.]

CHAP. CXXXI.

An Act regulating the Practice of Physic and Surgery.

SEC. 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, from and after the first day of July next, who shall commence the practice of physic and surgery within this Commonwealth, not having received a medical degree from some College or University, or not having been duly licensed by some Medical Society, or College of Physicians, or by three Fellows of the Massachusetts Medical Society, to be designated in each county of this Commonwealth, by the Counsellors of said society, shall take the benefit of law for the recovery of any debt, or fees, accruing for his professional services.

Medical degree necessary to recover debts.

SEC. 2. *Be it further enacted,* That the Counsellors of the Massachusetts Medical Society shall, at the annual meeting of said society, appoint three persons in each county of this Commonwealth, with power to examine candidates for the practice of physic and surgery, and to grant licenses as aforesaid, and the persons so appointed, shall be governed by the laws and regulations of said Medical Society.

Licenses.

SEC. 3. *Be it further enacted,* That any person, who may hereafter be licensed to practice physic and surgery within this Commonwealth, shall deposit a copy of such license with the Clerk of the town, district or plantation, in which such licentiate may reside; and until such license shall be so deposited, those physicians and surgeons who may neglect the same, shall be subject to the disqualifications prescribed in the first section of this act, in the same manner as if no license had been granted. And it shall be the duty of said Clerk to file such copy in his office, with a certificate thereon, attested by him, of the day and year when the same was so deposited, for which he shall be entitled to receive from the licentiate who may deposit the same, the sum of fifty cents, and no more.

Licenses to be deposited with Town Clerks.

[Approved by the Governor, February 19, 1818.]

CHAP. CXXXII.

An Act to incorporate the First Congregational Parish in Milton.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all the inhabitants of the town of Milton, with all the lands in said town, (except such inhabitants and such lands as do by law belong to some other parish; or religious society, or are exempt by law from parish charges in said town of Milton,) be, and they are hereby incorporated into a parish, by the name of the First Congregational Parish in Milton, subject to all the duties, and vested with all the rights and privileges, to which parishes are by law entitled.

Designation of First Parish.

SEC. 2. *Be it further enacted,* That the said First Congregational Parish shall be deemed and taken to be successor to the said town of Milton, as far as relates to parochial proceedings, and successor to said inhabitants heretofore acting as a town, parish, or society, in all their rights and immunities of a ministerial or parochial nature; and all the duties, contracts, and undertakings of that description, now binding on the inhabitants of said town, shall devolve on and be obligatory on said parish; *provided* that nothing herein contained, shall be construed to divert the use of the ministerial lands in said town, from the intention of the donors, as expressed in the original appropriation thereof, or as altering or affecting the title of any such real estate.

Shall enjoy Parish Rights.

SEC. 3. *Be it further enacted,* That the first meeting of the said parish shall be convened, by a warrant to be issued by any Justice of the Peace in the county of Norfolk, directed to any principal member of said parish, requiring him to warn the members of said parish, to meet at a suitable time and place, to be appointed in said warrant, for the election of such officers as parishes are by law required to choose at their annual parish meetings, and to transact such other parochial business as may be authorized in said warrant.

Justice to warn first meeting.

[Approved by the Governor, February 19, 1818.]

CHAP. CXXXIII.

An Act to establish the Town of Swanville.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same. That the plantation, or tract of land, called Swan's Tract, in the county of Hancock, as contained within the following described boundaries, with the inhabitants thereon, be, and the same hereby is incorporated and established as a town, by the name of Swanville, viz.—beginning at the south-east corner of said Swan Plantation, running south sixty-eight degrees west, five miles and one hundred and sixty-three rods, to the south-west corner of said plantation, thence north twenty-four degrees west, three miles and eighty-seven rods, to the north-west corner of said plantation, thence north fifty-six degrees east, to Frankfort line, thence south, to the first mentioned bounds. And the said town of Swanville is hereby vested with all the corporate powers and privileges, and shall also be subject to all the duties and requisitions of other corporate towns, according to the constitution and laws of this Commonwealth.

Boundaries.

Powers and privileges.

SEC. 2. *Be it further enacted*, That any Justice of the Peace for the county of Hancock, upon application therefor, is hereby empowered to issue a warrant, directed to a freehold inhabitant of the said town of Swanville, requiring him to notify and warn the freeholders and other inhabitants thereof, qualified to vote in town affairs, to meet at such convenient time and place as shall be appointed in the said warrant, for the choice of such town officers as towns are by law required to choose at their annual town meetings.

Meeting for choice of officers.

[Approved by the Governor, February 19, 1818.]

CHAP. CXXXIV.

An Act to establish a Fund for the support of the Gospel Ministry in the town of Bloomfield.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Bryce McLellan, Eleazer Coburn, Brooks Dascomb, Benjamin Shepard, and Pickard Jewitt, he, and they are hereby appointed and incorporated as Trustees, by the name of the Trustees of the Ministerial Fund in the town of Bloomfield; and by that name, they and their successors in office, shall be and continue a body politic 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, necessarily incident to, and usually given to like corporations; and the number of the said Trustees shall not exceed five, nor be less than three; and they shall annually elect one of their number to act as Chairman, and a Clerk to record the doings of the said Trustees, and a Treasurer, to receive and pay the money belonging to the said fund, according to the provisions of this act, who, before he commences the duties pertaining to the said office of Treasurer, shall give bond to the said Trustees, for the faithful discharge of said trust, 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 said office; and the said Trustees shall have power, from time to time, to remove any of their number, who by reason of age, infirmity, misconduct, or any other cause, may become unfit to discharge their duties; and the vacancies, so occasioned, shall be supplied by the freeholders, at the town meeting next ensuing.

Persons incorporated.

Powers and privileges.

Removals.

SEC. 2. *Be it further enacted,* That the said Trustees be, and they are hereby empowered to sell and

Creation and
disposition of
funds.

convey such part or proportion of the lot of land which now belongs to the town of Bloomfield, which, in the original grant to the town of Canaan, was reserved for the use of the ministry in 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 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 when the said Trustees may 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, by two or more sufficient sureties, with the principal; 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 change or alienate the appropriation of the fund aforesaid. And the said Trustees are hereby empowered to make and execute a good and sufficient deed or deeds, of the said lot of land, which shall be signed by the said Treasurer, in behalf of the said Trustees, and by him duly acknowledged and delivered; and when so executed and delivered, shall be good and effectual in law, to pass and convey all the right of the said town, in and to said real estate, to the purchaser thereof.

Sale of real
estate.

Compensation
to officers.

SEC. 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 said fund; and the debt or damage, recovered in such suit, shall be to the use and addition of the said fund: 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 funds, at the annual town meeting.

Liability.

SEC. 4. *Be it further enacted,* That upon application to any Justice of the Peace for the county of Som-

erset, he is hereby empowered to issue a warrant, directed to one of the Trustees named in this act, requiring him to notify and warn the first 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 election of its officers; and when so met, they may agree upon and adopt the means and manner of calling future meetings, and such rules and regulations as they may think needful and proper to conduct the business of the said corporation.

First meeting.

[Approved by the Governor, February 19, 1818.]

CHAP. CXXXV.

An Act to annex William Cleverly, and others, to the Union Religious Society in the towns of Weymouth and Braintree.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That William Cleverly, and William Hancock, both of Braintree, in the county of Norfolk, with their polls and estates, be, and hereby are set off from the Reverend Mr. Storrs' parish, in Braintree, and annexed to the Union Religious Society in the towns of Weymouth and Braintree; and that Nathaniel Richards, junior, Phebe Richards, and Dorcas Bates, with their polls and estates, be, and hereby are set off from the first and second parishes in the town of Weymouth aforesaid, and annexed to the Union Religious Society in the towns of Braintree and Weymouth aforesaid, whereof the Reverend Jonas Perkins is pastor; *provided* that the aforementioned William Cleverly, William Hancock, Nathaniel Richards, junior, Phebe Richards, and Dorcas Bates, shall previously pay their proportion of taxes assessed upon them, and due to the aforementioned first and second parishes in Weymouth, and the Reverend Mr. Storrs' parish in Braintree.

Conditional set off.

[Approved by the Governor, February 19, 1818.]

CHAP. CXXXVI.

An Act for the preservation of the Fish, called Alewives, in Mattapoissett 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, any person or persons, who shall aid, assist or abet in the unlawful taking of any of the fish, called alewives, in Mattapoissett river, in Rochester, shall incur and be liable to the same forfeiture or forfeitures, as the person or persons actually taking said fish, to be recovered in the same manner.

[Approved by the Governor, February 19, 1818.]

CHAP. CXXXVII.

An Act to incorporate the Hawes Place Congregational Society in Boston.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Zephaniah Wood, Rufus Harrington, Thomas Hammond, Peleg Holmes, Lemuel B. Spear, Adam Bent, Abel Hewins, David Williams, William Briggs, junior, Theophilus Curtis, Daniel Hobbs, Job Souther, Isaac Thoms, Phineas Mosely, with 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 Hawes Place Congregational Society in Boston; and the said society is hereby invested with all the powers and privileges, and subjected to the same duties and requisitions as other religious societies are invested and subject to, according to the laws and constitution of this Commonwealth.

SEC. 2. *Be it further enacted,* That any person, who may at any time hereafter desire to become a mem-

Persons incor-
porated.

Powers and
privileges.

ber of said Hawes Place Congregational Society, shall declare his or her desire and intention thereof in writing, and deliver the same to the Minister or Clerk of said society, such person shall, from the time of delivering such declaration, be considered a member of said society.

Declaration for
becoming
Members.

SEC. 3. *Be it further enacted*, That when any member of the aforesaid society may think proper to secede therefrom, the same course and process shall be had and done, as is prescribed in the second section of this act: *Provided however*, that in every case of secession, every such person shall be holden to pay his or her proportion or assessment of all parish or society taxes, legally voted by the society, prior to his or her secession therefrom, in manner above pointed out.

Secession.

Proviso.

SEC. 4. *Be it further enacted*, That the three first persons mentioned in the first section of this act, or either of them, is hereby authorized to notify and warn the members of this society of the time and place for holding the first meeting, by advertising the same in one or more newspapers printed in the town of Boston, the last publication to be at least three days previous to the time of holding said meeting.

First meeting.

[Approved by the Governor, February 19, 1818.]

CHAP. CXXXVIII.

An Act to incorporate the British Charitable Society.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Richards, John Grew, Henry Wainwright, William Wells, John Sowdon, and John Bacon, and their associates and their successors, be, and they are hereby incorporated, and made a body politic, by the name of the British Charitable Society; with power to have and use a common seal, to sue and be sued, to ordain and make, from time to time, by laws and rules for the government and management of the corporation; *provided* the same be not repugnant to the constitution and laws of this Com-

Persons incor-
porated.

Proviso.

monwealth; and that they have all the privileges usually given by acts of incorporation to charitable societies.

May hold real & personal estate.

SEC. 2. *Be it further enacted*, That the said corporation may take by purchase, gift, grant, or in trust, or otherwise, and hold real estate, not exceeding the value of twenty thousand dollars, and personal estate not exceeding the value of sixty thousand dollars, for charitable purposes.

Notice of meeting.

SEC. 3. *Be it further enacted*, That John Richards be, and is hereby authorized to call the first meeting of said corporation, by advertisement in one of the newspapers printed in Boston, and appoint the time and place thereof, at which meeting by-laws may be passed, and the mode of calling other meetings regulated.

SEC. 4. *Be it further enacted*, That this act may be amended, revised or terminated, at the pleasure of the Legislature.

[Approved by the Governor, February 20, 1818.]

CHAP. CXXXIX.

An Act respecting the Fishery in Penobscot River and Bay.

Property seized to be libelled.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all property, seized under the act, entitled "An act for the preservation of fish in Penobscot river and bay, and the several streams emptying into the same," be libelled and proceeded with conformably to an act, entitled "An act for prescribing the mode of recovering forfeitures of personal property liable thereto by law, and also pecuniary forfeitures," passed on the twenty-second day of February, in the year of our Lord one thousand seven hundred and ninety-four: *Provided however*, that in all cases, where no claimant appears, before the property seized is libelled, an appraisal thereof shall be deemed unnecessary, and the same so seized by any person, of whatever amount, may be libelled and proceeded

with before a Justice of the Peace, with right of appeal, as provided in the act last mentioned.

SEC. 2. *Be it further enacted*, That all property, seized under the act first mentioned, shall be libelled within six months from the time of seizure; in default whereof, the person making such seizure shall be deemed and taken to be a trespasser. Time of libelling.

[Approved by the Governor, February 20, 1818.]

CHAP. CXL.

An Act in addition to the several acts defining the powers and duties of Turnpike and Bridge Corporations.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That every Turnpike and Bridge Corporation within this Commonwealth, shall be allowed to demand and receive, at each gate, at which they are allowed to receive whole toll, and at all other gates in that proportion, for each waggon or carriage, with four wheels, drawn by one horse only, according to the following rates of toll, that is to say, for every such carriage, the body or seats of which shall be placed on springs, and covered with cloth, canvass, or leather, and used for the conveyance of persons and personal baggage only, the same toll they are allowed to demand and receive for a chaise; for every such carriage without springs, the same toll they have a right to demand and receive for a cart drawn by one horse; and for all other carriages of four wheels drawn by one horse, for the conveyance of persons and personal baggage, that rate of toll, which is or shall be the nearest the mean sum, in cents, between the two rates of toll above specified, as the same are, or shall be established, at each of such gates respectively. Regulation of Bridge and Turnpike Tolls.

[Approved by the Governor, February 20, 1818.]

CHAP. CXLI.

An Act in explanation of an act, entitled “An act for the orderly solemnization of Marriages.”

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all marriages (between persons who may or might lawfully enter into that relation) which have been or may hereafter be solemnized by any stated ordained Minister of the Gospel, in the town, parish, district, or plantation, within or over which such Minister, at the time, was, or may be settled, and where one of the parties resided, or shall reside, shall be, and be considered valid in law, notwithstanding such Minister, at the time, shall reside, or may have resided without the limits of the town, district, parish or plantation, within or over which he is, or was so settled. And it shall be sufficient that the certificate of any marriage, so solemnized, shall be lodged with the Clerk of the town, district or plantation, within or over which such Minister is so settled.

[Approved by the Governor, February 20, 1818.]

CHAP. CXLII.

An Act for facilitating Trials in Civil Causes.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That whenever, in any action before the Supreme Judicial Court, or any Circuit or other Court of Common Pleas, it shall appear to said Courts, that an investigation of accounts, or an examination of vouchers, is necessary for the purposes of justice between the parties, it shall be lawful for the said Courts to appoint an Auditor or Auditors, to state the accounts between the parties, and to make report thereof to the Court as soon as may be; and the report

Auditors to be appointed.

so made, shall, under the direction of said Court, be given in evidence to the Jury; subject, however, to be impeached by evidence from either party; and the said Court shall award reasonable compensation to such Auditor or Auditors, which shall be taxed in the bill of costs, to be recovered by the party prevailing in the suit, as in other cases.

[Approved by the Governor, February 20, 1818.]

CHAP. CXLIII.

An Act in further addition to the act, entitled "An act empowering towns to restrain Cattle from running at large within their several limits."

SEC. 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 shall rescue any creatures, which may have been taken up for being at large, contrary to the provisions of the act, entitled "An act empowering towns to restrain cattle from running at large within their several limits," out of the hands of the field driver, or from the custody and possession of any other person, about to drive or convey them to the pound, for being at large, whereby the field driver, or other person shall be prevented from impounding such creatures, and the law evaded, every person so offending, shall forfeit and pay a sum, not less than one dollar, nor more than seven dollars, to be recovered by action of debt, in any Court proper to try the same, to the use of any such field driver or person from whom such rescue may be made as aforesaid.

Penalties for
resisting public
officers.

SEC. 2. *Be it further enacted,* That instead of the penalty of twenty-five cents, provided in and by the act aforesaid, for the respective animals therein described being at large, contrary to the provisions of the same act, the penalty for the same shall, after the passing of this act, be fifty cents.

Fines for cattle
going at large.

[Approved by the Governor, February 20, 1818.]

CHAP. CXLIV.

An Act to encourage the destruction of Bears, Wolves, and other mischievous animals.

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 any town, district or plantation, within this Commonwealth, qualified to vote in town affairs, at any meeting of the same legally warned for that purpose, to raise any sum of money they may think proper, and the money so raised, may be distributed in bounties, to encourage the destruction of bears, wolves, and other mischievous animals, or birds, in such sums as the town, district or plantation, which may levy the same, shall direct.

[Approved by the Governor, February 20, 1818.]

CHAP. CXLV.

An Act further to provide for the payment of costs in criminal prosecution.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all costs arising in criminal prosecutions in the Supreme Judicial Court, the Circuit Court of Common Pleas, and the Municipal Court for the town of Boston, shall be paid out of the treasury of the Commonwealth : and all fines and forfeitures, and all monies paid by force of any sentence in the Courts aforesaid, in criminal prosecutions, shall be there accounted for, in the manner which is provided in the act, entitled "An act providing for the payment of costs in criminal prosecutions, and for preventing unnecessary costs therein :"
Provided however, that nothing in this act shall be construed to authorize the taxing of other or higher fees in said Courts, than is now allowed by law.

[Approved by the Governor, February 20, 1818.]

CHAP. CXLVI.

An Act in addition to “An act regulating Bail in Civil Actions.”

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 any person, who may have become, or may hereafter become bail for any debtor or other person arrested upon civil process, to commit to the common jail in the county where such arrest was made, or in that to which the writ is returnable, the principal for whom he has become bound, leaving with the jailer or prison keeper of such county an attested copy of the writ or process, whereby the arrest was made, and of the return endorsed, within fifteen days after such commitment: and such jailer or prison keeper is hereby authorized and required to receive the person so committed into custody, in the same manner, as if he had been committed by the officer making the arrest; and the person so committed shall be entitled to the liberties and privileges of the prison limits upon the same terms and conditions, and under the same restrictions, as are provided in the several statutes, in such cases made and provided. And the bail so committing their principal shall ever after be discharged from the bail bond by them given: *Provided however*, that no person shall have the benefit of this act, unless he shall have committed his principal as aforesaid, before final judgment upon *scire facias*; and if the commitment shall have been made after the writ of *scire facias* shall have issued, he shall pay the costs of that suit before he shall be discharged: *And provided also*, that any bail, who shall claim a discharge under this act, shall have notified, in writing, the plaintiff in the original suit, or his attorney, of the time when and the place where the principal has been committed, within fifteen days from the time of such commitment.

Commitment of
the principal
exonerates the
bail.

Provisos.

[Approved by the Governor, February 20, 1818.]

CHAP. CXLVII.

An Act in addition to an Act, entitled "An act to provide for the Debt of 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 provisions of an act, entitled "An act to provide for the debt of this Commonwealth," passed on the first day of February, in the year of our Lord one thousand seven hundred and ninety-four, be extended and continued, for the purpose of loaning the several species of public paper therein mentioned, agreeable to the tenor thereof, until the first day of January, which will be in the year of our Lord one thousand eight hundred and twenty. And all such public papers as aforesaid, which shall not be presented at the treasury for the purpose of being loaned, agreeable to the provisions of the said act, on or before the said first day of January, which will be in the year of our Lord one thousand eight hundred and twenty, shall forever thereafter be barred.

[Approved by the Governor, February 20, 1818.]

CHAP. CXLVIII.

An Act in addition to an act, entitled "An act to enable Creditors to receive their just demands out of the goods, effects and credits of their Debtors, when the same cannot be attached by the ordinary process of law."

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That whenever any person, summoned as trustee of any debtor, shall, in his answers, disclose an assignment to another, of the goods, effects or credits of the principal in his hands, and the plaintiff in the suit shall object that the assignment

ought not to have any effect to defeat his attachment, and the Court shall think it just or convenient, that the assignee should become a party to the suit, the person, so stated to be assignee, may, for the purpose of trying the validity and effect of the assignment, become a party to the suit, upon his appearing voluntarily, and claiming to be so admitted, or by coming into Court, upon being notified for that purpose, by a summons, which the Court, where the action is pending, is authorized to issue, to be served and returned in such time and manner as the Court shall think the circumstances of the case may require; and if such supposed assignee shall not appear at the time and place named in such summons, his non-appearance shall be entered on the record; or the case may be continued to the next term, for further notice to the assignee, at the discretion of the Court: and if the supposed assignee does not appear in person, or by attorney, the assignment shall have no effect to defeat the plaintiff's attachment; and upon such assignee becoming a party to the suit, the validity of the assignment, or its effect on the case, shall be tried by the Court, or by a Jury, as the case may require: In which trial, in addition to the usual evidence in other cases, the original defendant may be admitted as a witness, upon the application of either party; and the Court may award legal costs for and against any of the parties, at its discretion; and either party may appeal from any judgment of the Court, as in other cases.

Assignees may be a party.

Defendant a witness.

SEC. 2. *Be it further enacted,* That when any supposed trustee shall, at the time of the service of the writ upon him, dwell in any other county than that in which the writ is returnable, he shall not be required to appear in person in the original suit, nor in any suit upon a writ of *scire facias* founded thereon; but such supposed trustee may appear by attorney, and declare whether he had any, and what goods, effects or credits of the principal in his hands or possession, at the time when the writ was served on him, and thereupon submit himself to an examination on oath: and if the plaintiff shall not see fit, further to examine such supposed trustee, his declaration, so made by attorney, shall be deemed and taken to be true: and if the plaintiff shall think

Trustee may appear by attorney.

proper to examine such supposed trustee on oath, the answers of the trustee, upon such examination, may be sworn to before any Judge of the Court of Common Pleas for the county in which the trustee may dwell, or before any Justice of the Peace; and in all cases, when any supposed trustee shall have appeared in Court and submitted himself to an examination on oath, in the manner prescribed by law, his answers, upon such examination, may be sworn to before any Judge of the Court of Common Pleas for the county in which the trustee may dwell, or before any Justice of the Peace; and such examination, being duly filed in the Court in which the writ is pending, shall, in every case, have the same effect, and shall be considered in the same manner, in all respects, as if the same had been sworn to in the Court in which the writ is pending.

[Approved by the Governor, February 20, 1818.]

CHAP. CXLIX.

An Act for the better regulation of Prisons.

SEC. 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 the duty of the Sheriffs of the several counties within this Commonwealth, to see that the gaols in their respective counties are kept in as cleanly and healthy condition as may be; and cause the walls thereof to be white-washed with lime in April or May in every year, and as often as the Court of Sessions shall order the same, at the expense of the county. They shall also see that strict attention is paid to the personal cleanliness of the prisoners, as far as may be.*

SEC. 2. *Be it further enacted, That it shall be the duty of every gaoler or prison keeper to keep prisoners committed for debt, separate and apart from felons, convicts, and prisoners committed upon charge of felony or other infamous crimes. And he shall also keep all minors who are committed to prison upon conviction or charge of any crime, and all prisoners in his custody*

Oath before
Judge or Jus-
tice.

Shall be kept
clean and
wholesome.

upon a first conviction or charge of any crime, as separate and distinct from those who are notorious offenders, or who have been convicted more than once of any felony, or other infamous crime, as the construction and state of their respective prisons will admit.

Debtors and
felons kept
apart.

SEC. 3. *Be it further enacted,* That no prisoner, who is confined in any gaol within this Commonwealth, either upon conviction and sentence for any crime, or upon charge of any crime before conviction, shall be allowed to have or drink any ardent or spiritous liquor, or any mixed liquor, part of which is spiritous, unless the physician, who is authorized to attend upon the sick in such prison, shall certify in writing, that the health of such prisoner requires it; in which case he shall be allowed the quantity prescribed by such physician, and no more.

Prisoners not
allowed spirit-
ous liquors.

SEC. 4. *Be it further enacted,* That any gaoler or prison keeper, who shall wilfully, negligently or unnecessarily cause or suffer prisoners of different descriptions to be confined and kept together in the prison under his care, contrary to the provisions of the second section of this act, or shall voluntarily or negligently suffer any prisoner, in his custody, upon conviction or charge of any crime, to have or drink any spiritous liquor, or mixed liquor, part whereof is spiritous, contrary to the provisions of the third section of this act, shall, in each case, forfeit the sum of twenty-five dollars for the first offence, to be recovered in an action of debt by any person who will sue for the same, to his own use, in any Court of Common Pleas, or by indictment in the same Court; in which case the forfeiture shall be to the use of the county. And for a second offence, such gaoler or prison keeper, shall forfeit the sum of fifty dollars, to be recovered in manner, and to the uses aforesaid; and shall also be removed from his office, and be rendered and become incapable of holding the office of Sheriff, Deputy Sheriff or Gaoler, for the term of five years. And it shall be the duty of the Grand Jurors of the said Court, diligently to inquire of, and truly to present all offences against the provisions of this act.

Gaolers' fines
for neglect of
duty.

[Approved by the Governor, February 20, 1818.]

CHAP. CL.

An Act in addition to an act, entitled “ An act establishing the North-West River Canal 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 North-West River Canal Corporation be, and they hereby are allowed a further term of three years in addition to the time allowed in an act, entitled “ An act in addition to act, entitled an act establishing the North-West River Canal Corporation,” passed on the thirtieth day of January, in the year of our Lord one thousand eight hundred and sixteen, to make and complete said canal, any thing in their act of incorporation to the contrary notwithstanding.

Further time allowed.

[Approved by the Governor, February 20, 1818.]

CHAP. CLI.

An Act to regulate the Fishery in Monatiquot River in the town of Braintree.

SEC. 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 Braintree, at their meeting in March or April annually, may, and they hereby are authorized to regulate the taking of the fish called alewives, shad and smelts, in Monatiquot river within said town, or to dispose of the privilege of taking the same, to their own use and benefit, in any manner or way that they may think proper, which sale shall not exceed three years, at one time ; and said regulations when made, shall remain in force for one year next ensuing, and afterwards, until new regulations, in manner aforesaid, shall be adopted by the town. And it shall be the duty of said town at their aforesaid meeting, annually, to choose

May dispose of privilege.

three discreet persons by ballot, whose duty it shall be to inspect said river, to cause the regulations respecting said fishery to be carried into effect, and to prosecute all violations thereof that shall come to their knowledge; and who shall also be sworn to the faithful performance of their duty, in like manner, and under like penalties, as other town officers: *Provided* that nothing herein contained shall be construed to prohibit the inhabitants of the town of Braintree from taking smelts for their use and consumption, or any of the inhabitants of the towns of Quincy or Weymouth, for the same purpose, two days in each week, to be agreed upon by the town of Braintree, at their annual meeting in March or April. Proviso.

SEC. 2. *Be it further enacted*, That the owners or occupiers of dams across said river shall, during the time said fish are passing up, constantly keep open a passage through, over or round their respective dams, sufficient for the passage of said fish, to the satisfaction of the Selectmen of the said town, for the time being, or a major part of them, under penalty of a sum, not less than twenty, nor more than fifty dollars, for each and every twenty-four hours that they shall neglect to open a passage as aforesaid, from and after said owner or occupier has been notified and required, in writing, by said committee, for the space of two days so to do. Passages for fish to be kept open.

SEC. 3. *Be it further enacted*, That if any person or persons shall make any wear across said river, or cause any obstructions to the free passage of said fish, contrary to the regulations of the town, the person or persons so offending, shall, for each offence, forfeit and pay a sum not exceeding fifty dollars, nor less than one dollar, at the discretion of the Court before whom the same may be tried. Penalties for making wears.

SEC. 4. *Be it further enacted*, That all penalties incurred by a breach of this act, may be prosecuted and sued for, before any Court of record proper to try the same, by any inhabitant of said town, being a freeholder; and no person shall be considered as disqualified from being a witness on any trial, that may be had pursuant to this act, by reason of his or her being an inhabitant of said town, (who is not a complainant,) or of being one of the committee aforesaid. May prosecute for penalties.

SEC. 5. *Be it further enacted,* That the town of Braintree shall cause to be given to every poor and necessitous family in said town, annually, two hundred of said alewives, and the Selectmen of the said town of Braintree, for the time being, shall or may determine what necessitous or poor family shall be entitled to the benefit of said fish.

SEC. 6. *Be it further enacted,* That all fines and penalties, recovered for a breach of this act, shall be one third part for the use of the complainant, and the other two thirds for the use of the town of Braintree.

SEC. 7. *Be it further enacted,* That the committee, chosen by virtue of this act, shall be compensated for their service by the town of Braintree, at such rate as the town may agree upon, at the time they are chosen.

SEC. 8. *Be it further enacted,* That an act, entitled "An act to regulate the taking of fish, called alewives, in Monatiquot river in the town of Braintree, passed on the first day of March, in the year of our Lord one thousand seven hundred and ninety-nine, and an act, entitled an act in addition to an act, entitled an act to regulate the taking of the fish, called alewives, in Monatiquot river, in the town of Braintree, passed on the twenty-eighth day of February, in the year of our Lord one thousand eight hundred and twelve, be, and hereby are repealed.

[Approved by the Governor, February 20, 1818.]

CHAP. CLII.

An Act to establish the Massachusetts Bay Canal Corporation.

PREAMBLE. WHEREAS a navigable Canal or Canals, connecting the waters of Buzzard's Bay, or those of the southern side of Cape Cod, with the waters of Barnstable Bay, will be of great public advantage, and essentially promote the commerce, not only of this state, but of the United States, and be the means, under Providence, of saving many lives and much property, otherwise exposed to the dangers of an intricate and haz-

ardous navigation: And whereas, in and by a resolve, passed on the eighth day of March, in the year of our Lord one thousand seven hundred and ninety-two, the aid and encouragement of the Legislature were promised to any person or persons who might thereafter apply for authority and power to effect the intentions and desires of the government in this behalf: And whereas application to this Legislature hath been made by Israel Thorndike, Thomas H. Perkins, Henry A. S. Dearborn, John T. Apthorp, William Tudor, junior, Uriah Cotting, Charles Davis, and Thomas M. Jones, for an act of incorporation, to carry into full effect the useful purposes aforesaid; and this Legislature, moreover, being satisfied of the public benefits to be derived from the completion and establishment of a Canal or Canals, connecting the said waters: Therefore,

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Israel Thorndike, Thomas H. Perkins, Henry A. S. Dearborn, John T. Apthorp, William Tudor, junior, Uriah Cotting, Charles Davis, and Thomas M. Jones, their associates and successors, be, and they hereby are made a corporation and body politic forever, by the name and style of the Proprietors of the Massachusetts Bay Canal, with all the powers, privileges and immunities incident to a corporation aggregate. And said corporation is hereby made capable in law, of having, holding, purchasing, and taking in fee simple, or in any less estate, by gift, grant, devise, or otherwise, any lands, tenements, hereditaments, or other estate, real, personal, or mixed, necessary for the making, upholding, and maintaining a navigable canal or canals, as aforesaid.

Persons incor-
porated.

Powers and
privileges.

SEC. 2. *Be it further enacted,* That said corporation shall have a common seal, and shall be capable in law, to prosecute and defend to final judgment and execution, any action or other process before any Court, Tribunal or Magistrate whatever, and to do and perform all such other acts, matters and things, as an aggregate corporation may, or of right can do. And they shall have power to make and establish such by-laws and regulations, as they may find necessary or useful for the well ordering and governing their officers, agents,

By-laws, &c.

servants, estates, rights, property and interest; and they shall have power to appoint a President, Treasurer, Secretary, and such other officers, agents and servants, as they may find necessary and convenient for them; and to invest them with such powers, and subject them to such duties as may be provided in and by the by-laws and regulations aforesaid; *provided* the same are not repugnant to the laws of this Commonwealth.

Location of
Canal.

SEC. 3. *Be it further enacted*, That said corporation shall have power to explore, mark, and lay out one or more parcels of land, not more than fifty rods wide, across the isthmus of Cape Cod, from Barnstable Bay to Buzzard's Bay, in any direction, through either of the towns of Sandwich, Barnstable, Wareham, or Plymouth; through and over any of which parcels of land they may dig, make and complete, a navigable canal or canals, of suitable depth for the passage of vessels, drawing ten or more feet of water; and for the purposes of supplying and maintaining said canal or canals, the said corporation is hereby authorized to take and use any water of and from any pond or ponds, rivers, and other water courses, as the same may be convenient or necessary; and to make, in any part of such canal or canals, and at the extremities thereof, on both or either the southern and northern sides of the said Cape, all such locks, flood-gates, docks, embankments, artificial harbors, basins, piers, wharves, and other works, as well above as below low water mark, as may be convenient or necessary for the purposes of this act.

Disputes on
value of land
settled.

SEC. 4. *Be it further enacted*, That when the said corporation cannot agree with purchase of any other corporation or individual, over and through whose lands the said canal or canals may pass, then they may apply by petition to the Circuit Court of Common Pleas, for the southern circuit, when holden within and for the county of Barnstable, therein setting forth, by a proper description, the quantity of land they want; and that they are unable to purchase the same by agreement, and requesting the said Court to have the same valued; and may file the same in the office of the Clerk of said court, and may take out a summons from

him under the seal of said Court, with a copy of said petition annexed thereto, returnable at the next term of said Court, which summons shall be served at least thirty days before the sitting of said Court, to which it is returnable; and being duly served and returned by the Sheriff of said county, or his Deputy, the same may be entered with the other actions of the said Court; and the said Court shall thereupon proceed to inquire, and by the verdict of a jury, at the bar of said Court, to ascertain the value of the land taken from any individual or corporation, for the purposes aforesaid; and the same verdict, being allowed and recorded, shall be conclusive on all parties; and the amount, so ascertained, being paid or tendered by said corporation, and if not accepted, left with the said Clerk, for the use of the party entitled to the same, or his or their legal representative, shall operate a transfer of the estate so taken, and vest the same in said corporation, in fee simple, and thereupon they may enter upon, use, occupy and enjoy the same forever: And the said Court, and all officers, who may perform any service on any such application, shall be entitled to the same fees as are by law taxable in civil actions; and the said corporation may join in the said application, any one or more individuals, whose lands may be taken; and the said jury shall, in each case, return separate verdicts for each several respondent; and if, in the opinion of the said Court, it may be necessary, they may, upon the motion of any party, direct a view of the premises by the jury.

SEC. 5. *Be it further enacted,* That if any person or corporation sustain damage in his or their lands or rights, by using, diverting or drawing off any pond or water course, or by overflowing any lands, in consequence of any act or thing done by said corporation; and the said corporation shall tender and offer to pay to the party injured as aforesaid, such sum as said corporation may deem a just and reasonable compensation; the same, if found to be sufficient, as hereinafter provided, shall be a bar to any further damages for such injury. Damages to be made good.

SEC. 6. *Be it further enacted,* That any person or corporation, who may sustain damage as aforesaid, may

Process of suit
for damages.

state his complaint in writing, directed to the Circuit Court, or other Court of Common Pleas, holden for the county in which such lands lie, at any term thereof, therein setting forth with legal certainty, the injury they have sustained ; and a true copy of such complaint being left with the President or Secretary of the said corporation, twenty days, at least, before the sitting of such Court, and being afterwards entered upon the docket, said Court may hold jurisdiction of such complaint, and give judgment and issue execution thereon ; and the said corporation may appear and plead to such complaint, any matter in bar, or abatement, or may traverse the facts therein set forth ; and the said Court, if an issue in law shall be joined thereon, shall proceed to determine the same ; and if an issue in fact shall be joined thereon, the same shall be committed to a jury at the bar of said Court, who shall try it and return their verdict thereon, and the same jury shall also inquire, and by their verdict ascertain, what damages the party complaining has suffered ; and if the said corporation shall not appear, the Court may, upon their default, proceed to inquire by a jury, and ascertain the damages any complainant has sustained. And the same proceedings shall be had respecting such damages as might have been had if the said corporation had appeared and answered to such complaint. And if the jury who may inquire of the damages, in any case where the party has appeared and pleaded in bar of damages, shall not by their verdict find a greater sum in damages than was tendered as aforesaid, then the respondent shall go free of such complaint. And if the said corporation shall have neglected to tender amends for any injuries done as aforesaid, before they shall be served with a copy of such complaint, then they may, at any Court, where such process may be pending, bring into the same Court, under a rule for that purpose, for the use of the party complaining, such sum, in satisfaction of the injuries complained of, together with the costs which may then have arisen ; and if the complainant will not accept thereof, and shall not afterwards by the verdict of the jury recover a greater sum in damages than shall have been paid into

the Court under such rule, then the party complained of shall go free of such complaint.

SEC. 7. *Be it further enacted,* That any party aggrieved at the judgment of any Court of Common Pleas, may appeal therefrom, to the next Supreme Judicial Court, to be holden within or for such county as aforesaid; and the party appealing shall, before the same be granted, enter into recognizance with one or more sureties, to prosecute his appeal, and to pay such additional costs and damages as may be awarded against him: and the Supreme Judicial Court shall proceed on such appeal, in all respects, as the Court having original jurisdiction thereof. Appeals.

SEC. 8. *Be it further enacted,* That if any person or persons, shall wilfully, maliciously, or contrary to law, take up, remove, break down, dig under, or otherwise injure any part of said canal or canals, or any work or works connected with, or appertaining to the same, or any part thereof, such person or persons, for every such offence, shall forfeit and pay to such corporation, a sum not less than fifty dollars, nor more than five thousand dollars, according to the nature and aggravation of injury done or committed: and such offender or offenders, shall further be liable to indictment for such trespass or trespasses, and, on conviction thereof, shall be sentenced to pay a fine to the use of the Commonwealth, of not more than one hundred dollars, nor less than twenty-five dollars. Penalties for
injuring the
Canal.

SEC. 9. *Be it further enacted,* That the stock and property of this corporation, shall be divided into ten thousand shares; certificates of which, shall issue under the seal of said corporation, and be signed by the President and Treasurer thereof; and the said shares shall be deemed and taken to be personal estate, and may be transferred by endorsement, and such transfer shall be recorded by the Secretary of said corporation. And the said corporation may make assessments on the shares, for the purpose of effecting the objects of the corporation; *provided however,* that the whole amount of the assessments on each share, after deducting the amount of all dividends previously declared thereon, shall not exceed the sum of fifty dollars. And in case the amount of fifty dollars, so assessed on each share, Number of
Shares.

Assessments.

will not supply the necessary funds, the corporation may raise the funds required, by selling any shares not subscribed for; or, by creating and selling any necessary number of shares, over and above the said ten thousand. And if the proprietor of any share or shares, shall neglect or refuse to pay any assessment, for the term of thirty days, after the same hath become due, the share or shares, on which there is a delinquency, may be sold at public auction; notice of the time and place of such sale, being given by the Treasurer of said corporation, in two public newspapers printed in Boston, three weeks at least, previous to the time appointed for such sale: and the proceeds of the sale shall be applied to the payment of the assessments due on the share or shares, so sold, with the incidental charges; and the surplus, if any, shall be paid to the former owner, or his legal representatives, on demand. And such sale shall give a good and complete title to the purchaser of such share or shares, and he shall receive a new certificate or certificates therefor; *provided however*, that if, before the actual sale of any such delinquent share or shares, the proprietor thereof pay the assessments due thereon, with interest from the time they became due, and all necessary and reasonable charges, the sale shall not proceed.

Delinquents
Shares may be
sold.

Rates of Toll.

SEC. 10. *Be it further enacted*, That said corporation shall be entitled to ask and receive of and from all vessels passing through said canal or canals, at and after the following rates: From each vessel chiefly laden with lumber, wood, fish, lime, plaster of paris, or stones, and each vessel in ballast, or empty vessel, not more than thirty cents per ton; from every vessel employed in the coasting trade, and chiefly laden otherwise than as aforesaid, not more than forty cents per ton; from every vessel bound to, or coming from any island in the West Indies, or other islands in the Atlantic Ocean, or to or from any of the British possessions in North America, not more than fifty cents per ton; from every vessel bound to, or coming from any port or place in Europe, Africa or the Atlantic Coast of South America, not more than eighty cents per ton; from every vessel bound to or coming from the Cape of Good Hope, or beyond said Cape, or round Cape Horn, not more than

one hundred and fifty cents per ton : the tonnage in all cases to be ascertained by the register, or coasting or fishing license of the vessel passing said canal or canals. And said corporation shall also be entitled to ask and receive of and from all boats and vessels under thirty tons burthen, and of and from all rafts of lumber, wood, and other articles, passing through said canal or canals, such reasonable toll, in proportion to the rates aforesaid, as may be fixed by the regulations of said corporation ; and shall also be entitled to ask and receive of and from every vessel, boat or raft, entering any artificial harbor appertaining to said canal or canals, and not passing through the same, such reasonable rates of dockage, anchorage and wharfage, as may be fixed by the regulations of said corporation. And in all cases the amount of toll, dockage, anchorage or wharfage, due from any vessel, boat, raft, or other thing or article, shall be a lien in favor of said corporation, on such vessel, boat, raft, or other thing or article, until the amount due as aforesaid be paid to said corporation.

SEC. 11. *Be it further enacted*, That it shall be the duty of said corporation to make and keep in good repair, at all times, good and sufficient bridges, with draws, over said canal or canals, where any county or town roads now cross the land which may be taken for the same, for the passage of teams, mail stages and carriages, and every thing else necessary for the public convenience, toll free. Free Bridges to be erect.d.

SEC. 12. *Be it further enacted*, That the stock and property of said corporation shall be exempted from all public taxes, until a dividend shall be made on the shares of said corporation, equal to an annual income of six per centum on the money actually expended by said corporation in making said canal or canals, and other works connected with, and appertaining to the same. Exemption of Taxes.

SEC. 13. *Be it further enacted*, That no grant, authority, or permission shall be given or granted to any person or persons, corporation or corporations, to make any canal, connecting the waters on the southern side of Cape Cod, with the waters on the northern side thereof, without the consent of the corporation hereby Rights secured.

created: *Provided however*, if the said corporation shall not complete a canal or canals, as aforesaid, passable for vessels drawing at least ten feet of water, within six years from and after passing this act, the same shall be void.

SEC. 14. *Be it further enacted*, That any four of the persons named in the first section of this act, may call the first meeting of said corporation, to be holden at such time and place as they may judge proper; of which meeting they shall give notice, by publishing the same in any two of the Boston newspapers, the first publication to be at least fourteen days previous to said meeting. And at all meetings of said corporation, one vote shall be allowed to a share, and one vote for every additional two shares, owned by the same proprietor; *provided*, no one proprietor shall be allowed more than forty votes; and absent proprietors may vote by proxy, duly authorized in writing.

[Approved by the Governor, February 20, 1818.]

CHAP. CLIII.

An Act granting further time to the Stockholders of the Lynn Mechanic's Bank for the payment of the second instalment of their Capital Stock.

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 twelve months, from the first Monday in January, in the year of our Lord one thousand eight hundred and eighteen, be, and the same is hereby allowed to the Stockholders of the Lynn Mechanic's Bank, for the payment of the remaining half of the capital stock of said corporation, the same to be divided into two equal instalments of twenty-five thousand dollars each: the first instalment to be paid on the first Monday in July, in the year of our Lord one thousand eight hundred and eighteen, and the remainder to be paid on the first Monday in January, in the year of our Lord one thousand eight hundred and nineteen; and that all other

acts, heretofore made respecting the times of payment of the capital stock of said bank, so far as the same are inconsistent with the provisions of this act, be, and the same are hereby repealed.

[Approved by the Governor, February 20, 1818.]

CHAP. CLIV.

An Act to revive and continue in force, an act, entitled
 “An act to establish a Corporation, by the name of
 the Woburn Turnpike Road and Dracut Bridge
 Corporation.”

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the act, entitled “An act to establish a corporation, by the name of the Woburn Turnpike Road and Dracut Bridge Corporation,” passed on the sixth day of March, in the year of our Lord one thousand eight hundred and ten, be, and the same is hereby revived and continued in force, for the term of five years from the passing of this act, for the purpose of enabling the persons therein named, their associates and assigns, to build and complete the said bridge over the said Merrimack river, agreeable to the provisions described in said act, any law to the contrary notwithstanding. Grant of further time.

SEC. 2. *Be it further enacted,* That Josiah Brown, Esquire, be, and he is hereby authorized and directed to notify and warn a meeting of said proprietors, to be holden sometime in the month of April or May 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 the said corporation, by publishing notification thereof, in one or more of the public newspapers printed in Boston, two weeks at least, before the holding of said meeting. Meeting for choice of officers.

[Approved by the Governor, February 20, 1818.]

CHAP. CLV.

An Act to provide for the repeal of the fifth section of an act, entitled "An act to establish a Town, by the name of North Brookfield."

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Austin Flint, of Leicester, Nathaniel Jones, of Barre, in the county of Worcester, and Joseph Cummings, of Ware, in the county of Hampshire, be, and they are hereby appointed a Committee to hear and consider the claim of Brookfield on the one part, and of North Brookfield on the other, under the fifth section of the "Act to establish a town, by the name of North Brookfield;" and thereupon, finally to determine whether the said town of North Brookfield ought on any ground whatsoever, in future, to pay any part of the expenses of maintaining the bridges and causeways in the town of Brookfield; and if any, then what part, and in what manner the same shall be paid, and when the liability of the said North Brookfield shall altogether cease: And, after duly notifying the said towns, and hearing them, touching the premises, to make their report in writing, under their hands, filing the same in the office of the Secretary of this Commonwealth.

Claims to be adjusted.

Conditional repeal of act.

SEC. 2. *Be it further enacted,* That from and after the time the report of said Committee, or of a major part of them, shall be made, and filed in the office of the said Secretary, the said fifth section of said act, incorporating the said town of North Brookfield, shall be repealed; and the duties and liabilities of said North Brookfield, resulting from the said section, shall altogether cease: and thenceforth, the said towns, Brookfield and North Brookfield, touching the subject matter of said incorporating act, shall be regulated and governed by the principles and provisions contained in the report of the said Committee. The expenses of the said Committee to be paid by the said towns, in such proportions as the said Committee shall determine:

Provided always, that nothing in this act shall be considered as relating to any claim for past expenses of maintaining the said bridges and causeway.

SEC. 3. *Be it further enacted*, That the whole re-^{Enforcement}port of said Committee may, and shall be enforced at ^{of Rule.} law, in any Court proper to try the same; *provided* the said parties do not voluntarily and completely perform the same, agreeably to its provisions and requirements.

[Approved by the Governor, February 20, 1818.]

CHAP. CLVI.

An Act relating to the Braintree and Weymouth Turnpike Corporation.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the turnpike road from Quincy meeting-house to Queen Ann's corner, as the same has been laid out and made by the Braintree and Weymouth Turnpike Corporation, and approved by the Supreme Judicial Court, agreeably to the provisions of the law of incorporation; and all the proceedings ^{Incorporation}relative to the laying out and making of the said road, ^{law confirmed.} be confirmed and made valid and effectual, to all intents and purposes whatsoever, any omission in the record of the oaths to the Surveyor and Committee notwithstanding.

SEC. 2. *Be it further enacted*, That any Justice of the Peace within the county of Norfolk be, and hereby is authorized to appoint a Committee of three disinterested persons, to appraise a small piece of land taken to make said road, which was omitted being appraised, in consequence of the owner's refusing to take ^{Committee of}any compensation for the same: and which Committee, ^{appraisement.} when appointed, shall be sworn to the faithful performance of their duty; and shall or may perform said business when called upon by either party, after giving proper notice of the same, and who shall be compensated for their trouble by said corporation.

[Approved by the Governor, February 20, 1818.]

CHAP. CLVII.

An Act to prevent the taking of Fish near the Dam, at the Canal at South Hadley Falls, on Connecticut River.

SEC. 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, at any time hereafter, shall take any salmon or shad, within one mile and a half of any part of the dam in Connecticut river, near the canal at South Hadley, with any net, seine, pot, scoop-net, or any other instrument or machine whatever: And if any person or persons, shall take or catch any salmon or shad, contrary to the true intent and meaning of this act, each person so offending, shall, for every such offence, forfeit and pay a fine of twenty dollars.

Fines.

SEC. 2. *Be it further enacted,* That all nets, seines, or other instruments, or machines, used in taking salmon or shad as aforesaid, shall be, and hereby are forfeited to any person or persons, who shall prosecute for the same, with costs of suit, to his or their own use, upon complaint or information to any Justice of the Peace, in and for either of the counties of Hampshire or Hampden; who may thereupon issue his warrant to seize the same, to be kept until trial of the said complaint or information, which the said Justices are hereby fully authorized to hear and determine.

Seines forfeited

SEC. 3. *Be it further enacted,* That all sums of money, forfeited by any breach of this act, shall, and may be sued for and recovered by action or information, with costs of suit, before any Justice of the Peace within the counties of Hampshire or Hampden; and one half of such fine shall enure to him or them, who shall sue or prosecute for the same; and the other half thereof, for the use of the county in which said action or information shall be prosecuted: And any person or persons, aggrieved at the sentence of any Justice of the Peace, given in pursuance of this act, may appeal therefrom to the next Circuit Court of Common Pleas, to be holden in the county in which judgment may be rendered.

Fines may be sued for.

[Approved by the Governor, February 20, 1818.]

CHAP. CLVIII.

An Act authorizing the President, Directors and Company of the Phoenix Bank, to increase the amount of their Capital Stock.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the President, Directors and Company of the Phoenix Bank, be, and they are hereby allowed to increase the capital stock of said bank, one hundred thousand dollars, in addition to the sum allowed by their act of incorporation: the said additional sum to be subject to the same rules, restrictions, and limitations, as are stated in the original act, to which this is in addition: And the stockholders of said bank, for the time being, shall have a prior right to subscribe said sum, in proportion to the several shares held by them respectively, at the time of said subscription.

SEC. 2. *Be it further enacted,* That fifty thousand dollars of the abovenamed additional sum shall be paid into the said bank, in ninety days after the passing of this act, and the remaining sum of fifty thousand dollars, on or before the first Monday of October next: *Provided nevertheless,* that before the said corporation shall proceed to do business upon the said additional capital, a certificate, signed by the President and Directors, and attested by the Cashier, that the same has actually been paid into said bank, in gold or silver coin, shall be filed in the office of the Secretary of this Commonwealth.

[Approved by the Governor, February 20, 1818.]

CHAP. CLIX.

An Act to incorporate the Hydraulic Machine Company.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Isaac Hull, William

Persons incor-
porated.

Payne, John Binney, Joseph Hall, junior, Edward Renouf, and Samuel Bridge, with such others as now are, or may be hereafter associated with them, their successors or assigns, be, and they hereby are constituted a corporation, by the name of the Hydraulic Machine Company, for the purpose of manufacturing Baker's Patent Elliptic Valve Boxes; 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."

May hold real
& personal es-
tate.

SEC. 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 one hundred thousand dollars, as may be necessary for the purposes aforesaid.

[Approved by the Governor, February 20, 1818.]

CHAP. CLX.

An Act to incorporate the First Universal Society in Attleborough.

Persons incor-
porated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Samuel Newell, John Titus, James Bott, George W. Robinson, William S. Robinson, Joseph A. Richards, Richard Robinson, James Holmes, Lemuel Fuller, Obed Robinson, Jabez Newell, Ebenezer Robinson, Manning Richards, Stephen Richardson, junior, Ira Richards, Avery Gilmore, Otis Robinson, James Robinson, Daniel Richardson, junior, Eliphalet Wilmarth, William George, James Draper, Milton Holmes, Jeremiah Ingraham, Eikanah Miller, Daniel Richardson, 4th, John Draper, junior, John Draper, Nathaniel Allen, Otis Ingraham, Levi Maxey, Charles Day, Ebenezer Bolkam, Thomas Cooper, Thomas Starks, Samuel Sanford, Samuel Newell, junior, Jabez Newell, 2d, Darius Briggs, Thomas Stanley, Obed Robinson, George El-

lis, Paul Draper, Jeremiah Pierce, Jesse Stanley, Samuel Cushman, junior, Asa Allen, William H. Earl, Jeremiah Ingraham, junior, Milton Barrows, Samuel Draper, George Bacon, Dan Carpenter, James Jackson, junior, Stephen Briggs, and William W. Pike, with their polls and estates, 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 Attleborough; 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.

Powers and immunities.

SEC. 2. *Be it further enacted,* That the said society be, and they are hereby authorized and empowered to raise by assessment on the pews and seats 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

Tax on Pews.

delinquent's assessment, with incidental charges, the Treasurer shall pay the overplus, if any there be, to such delinquent proprietor.

By-laws.

SEC. 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.

First meeting.

SEC. 4. *Be it further enacted*, That any Justice of the Peace in the county of Bristol 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 in the month of March.

[Approved by the Governor, February 20, 1818.]

CHAP. CLXI.

An Act authorizing the sale of the Ministerial Land in Falmouth, belonging to the Society of St. Paul's Church in Portland.

Wardens may
sell church
land.

SEC. 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 of St. Paul's Church in Portland, for the time being, be, and they are hereby authorized to sell and convey in fee simple, a lot of land laid out and granted by the proprietors of the town of Falmouth, in the county of Cumberland, for the benefit of the Minister of St. Paul's Church in said Portland, and to make, execute and acknowledge a good and sufficient deed thereof; which deed, subscribed by the Wardens, with their seal thereto annexed, shall be sufficient in law to transfer all the right, which said society have in said land, to the purchaser thereof.

SEC. 2. *Be it further enacted,* That the monies arising from the sale of said land, shall be put at interest, as soon as may be, secured by mortgage of real estate, to the full value of the estate sold, or by two or more sufficient sureties with the principal, unless said Wardens shall think fit to vest the same in bank stock, or in the funded stock of the United States: And the Wardens and Vestry of St. Paul's Church, for the time being, are hereby constituted a body politic and Trustees of the money arising from the sale of said land; and vested with power to demand, sue for and receive the same, and the interest accruing, and apply the proceeds to the support of the ministry in said society, agreeably to the intent of the original grantors.

Stock to be put
on interest.

[Approved by the Governor, February 20, 1818.]

CHAP. CLXII.

An Act to prevent the destruction of Shad and Alewives in the South River, so called, in the town of Marshfield.

SEC. 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 Marshfield, at their meeting for the choice of town officers, in March or April, annually, be, and they are hereby authorized and empowered to appoint three or more persons a Committee to superintend the taking of shad and alewives, at such places and on such days, as said inhabitants at said meeting shall direct; which Committee shall dispose of said fish, as said town shall order, and shall be allowed such compensation for all their said services, as said town shall think just and reasonable; and shall settle their accounts annually with the Selectmen of said town, and pay the balance into their hands for the use of said town.

Committee of
superintend-
ance.

SEC. 2. *Be it further enacted,* That the said Committee, or the major part of them be, and they are hereby authorized and empowered to cause to be made and

Sluice ways to
be kept open.

kept open, sufficient sluice ways, at proper times, for the passage of said fish up and down said river, through, round or over all dams for mills or other water works, which now are, or shall be hereafter made over said river in said town; and if any person or persons shall obstruct or impede the passage ways, allowed or authorized by said Committee, or a major part of them, for the passage of said fish up and down said river, or shall, by any means whatsoever, hinder the said fish from passing up and down said river, otherwise than is directed by this act, such person or persons, so offending, shall forfeit and pay for every such offence, a sum not exceeding one hundred dollars, nor less than fifty dollars.

Penalties.

Persons must
be authorized
to take fish.

SEC. 3. *Be it further enacted*, That if any person or persons, other than the said Committee, or such person or persons as shall be by them employed or permitted, shall take any of the said fish in said river, or any stream that belongs to it, at any time, or by any means whatever, each person, so offending, shall forfeit and pay a sum not exceeding ten dollars, nor less than five dollars, for every such offence.

Fines.

SEC. 4. *Be it further enacted*, That all penalties incurred by any breach of the provisions of this act, shall be sued for and recovered by the Treasurer of said town of Marshfield, for the time being, in any Court in the county of Plymouth, proper to try the same; and all sums of money so recovered, shall be appropriated to the use of said town; and in case any minor or minors shall offend against any part of said act, and thereby incur any or either of the penalties of this act, in all such cases, the parents, masters or guardians of such minors respectively, shall be answerable therefor; and in case of any prosecution of such minor or minors, for any of the aforesaid offences, the action shall be commenced against the parent, master, or guardian of such minor or minors respectively, and judgment shall be rendered against them, in such case, in the same manner as for his or their personal offence.

Parents and
Guardians ac-
countable for
Minors.

[Approved by the Governor, February 20, 1818.]

CHAP. CLXIII.

An Act to incorporate the President, Directors and Company of the Agricultural Bank.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Nathán Willis, Joseph Shearer, David Campbell, John B. Root, Thomas Gold, Theodore Hinsdale, junior, Lemuel Pomroy, Henry C. Brown, Samuel D. Colt, Josiah Bissell, Jonathan Allen, Timothy Childs, Henry H. Childs, and Phineas Allen, 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 Agricultural 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.

Powers and privileges.

Provide

SEC. 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 three instalments; the one half part of said capital stock to be paid in on the first day of June next, the one fourth part thereof, to be paid in on the first day of November next, and the remaining fourth part thereof, to be paid in on the first day of March, which will be in the year of our Lord one thousand

Capital Stock.

Proviso. eight hundred and nineteen, and as much sooner as the stockholders shall direct: *Provided* no stockholder shall be allowed to borrow at said bank, until he shall have paid in his full proportion of said instalments. 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 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 adviseable: *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.

May hold real estate.

Provisos.

Rules binding. SEC. 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 the bond required to be given by the Cashier, shall be in the penalty of ten thousand dollars, and that the number of Directors, to be annually chosen, shall be five, and three 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.

Number of Directors.

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

SEC. 5. *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 the 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. Legislative examination.

SEC. 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 Pittsfield Sun, printed at Pittsfield,) for the purpose of making, ordaining and establishing such by-laws, ordinances and regulations, for the orderly conducting of 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. First meeting.

SEC. 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 the debts due the same, of the monies deposited therein, and of the notes in circulation, and of the gold and 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. Semi-annual statements.

SEC. 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. Original amount of counterfeited notes to be paid.

State tax.

SEC. 9. *Be it further enacted*, That the said corporation, from and after the first day of June 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 the 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.

Proviso.

Appropriation
of funds.

SEC. 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 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, and subject to such forfeitures and rights of redemption, as is by law prescribed in other cases.

State Loans.

SEC. 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 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 twenty per centum of the capital stock actually paid in.

SEC. 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.

State may own
Stock.

[Approved by the Governor, February 20, 1818.]

CHAP. CLXIV.

An Act to establish a Ministerial Fund in the town of Canaan.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John Wyman, Wentworth Tuttle, Joseph Haskell, Nathaniel Hubbard, and Joseph Ireland, all of the town of Canaan, be, and they are hereby incorporated into a body politic and corporate, by the name of the Trustees of the Canaan Ministerial Fund; and by that name, they and their successors in office, shall be and continue a body politic 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 belong to, the like corporations. And the said Trustees and their successors, shall annually elect one of their number as President, and a Clerk to record the doings of said Trustees, and a Treasurer to receive and pay the money belonging to 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.

Persons incor-
porated.

Powers and
privileges.

Treasurer to
give bonds.

May sell ministerial lands.

Disposition of funds.

Trustees may execute deeds.

Vacancies to be filled up.

SEC. 2. *Be it further enacted,* That the said Trustees be, and they are hereby authorized and empowered to sell and convey all the land belonging to said town, lying in the town of Bloomfield, which, in the original grant of the town of Canaan, was reserved for the use of the ministry in 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 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 when the said Trustees may 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 by two or more sufficient sureties, with the principal; and the interest, and that interest 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 empowered to make and execute a good and sufficient deed or deeds, of the said lot of land, which shall be signed by the Treasurer, with their seal affixed thereto, and by the said Treasurer duly acknowledged and delivered; and when thus executed and delivered, shall be good and effectual in law to pass and convey all the right of the said town, in and to said real estate, to the purchaser thereof.

SEC. 3. *Be it further enacted,* That the number of Trustees shall never exceed seven, nor be less than five; any four of whom, shall constitute a quorum for doing business; and they shall have power to remove any one of their number, who by reason of age, infirmity, misconduct, or any other cause, may become unable or unfit to discharge his duty; and when any vacancy shall happen as aforesaid, or by the death, resignation or otherwise, there shall be a vacancy in said board of Trustees, the inhabitants of said town, at any legal town meeting held for that purpose, shall fill all vacancies thus created, from among the freeholders of said town. And the said Trustees, Treasurer, Clerk, or other officers, or persons employed by them, shall not be entitled to receive any 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 said fund ; and the debt or damage recovered in such suit, shall be to the use and addition of the said fund. 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 funds, at the annual town meeting, in the month of March or April.

Compensation
to officers.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the county of Somerset, upon application therefor, is hereby empowered to issue a 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.

First meeting.

[Approved by the Governor, February 20, 1818.]

CHAP. CLXV.

An Act in addition to the act, entitled “ An act establishing a Court of Common Pleas within and for the county of Suffolk, to be styled the Boston Court of Common Pleas.”

SEC. 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 office of Town Judge for civil actions, not exceeding twenty dollars, as established by the second section of the act, to which this is in addition, entitled “ An act establishing a Court of Common Pleas within and for the county of Suffolk, to be styled the Boston Court of Common Pleas,” shall be holden by some one Justice of the Peace for the county of Suffolk, to be designated and commissioned

therefor by the Governor and Council, as soon as may be, according to the constitution; and the person so commissioned, shall have all the authority, power, privileges and emoluments, with respect to the actions aforesaid, as are by said act conferred on the Judge of the Boston Court of Common Pleas; and all appeals from his judgments, shall lie to the Boston Court of Common Pleas: and he shall hold his Courts at the times, and proceed therein in the manner provided by said act; and shall have and enjoy all the fees which shall by law appertain to a Justice of the Peace, in all actions that may be brought before him.

Appeals.

SEC. 2. *Be it further enacted*, That from and after the said first day of March, so much of the act to which this is in addition, as may be repugnant to the provisions of this act, shall be repealed; and that the office of Recorder of said Town Court, shall then cease and be abolished; and the records of said Town Court, then remaining, shall be lodged in the Clerk's office of the said Boston Court of Common Pleas, which Clerk shall certify the same, whenever he shall be required thereto.

Acts repealed.

[Approved by the Governor, February 21, 1818.]

CHAP. CLXVI.

An Act to establish an Agricultural Society in Winthrop.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Alexander Belcher, Peleg Benson, David Foster, Charles Harris, Dean Howard, Nathan Howard, Joseph Metcalf, Issachar Snell, Joseph Tinkham, Enoch Wood, Elijah Wood, and Samuel Wood, 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 Winthrop Agricultural Society, for the promotion of agriculture, the mechanic arts, and manufactures; and for this purpose shall have the same powers

Persons incorporated.

and privileges, and shall also be subject to the like duties and restrictions as other incorporated agricultural societies within this Commonwealth; and the said corporation are hereby declared and made capable in law of purchasing and holding in fee simple, or any estate of a different tenure, whether by purchase, devise or otherwise, any lands, tenements or other estates, real or personal; *provided* that the annual income of the real estate shall not exceed the value of five thousand dollars, and the annual income of the personal estate shall not exceed three thousand dollars; and may also sell, alien or dispose of the same estate, real and personal, but not to use the same in trade or commerce.

General powers.

May hold real & personal estate.

SEC. 2. *Be it further enacted*, That the said corporation shall have power to keep and use a common seal, subject to alteration at their pleasure; and the said corporation is hereby made capable in law to sue and be sued, to plead and be impleaded, and to act and do 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 generally all such other matters as may appertain to them as a corporation. And the said corporation may also 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 contrary to the constitution and laws of this Commonwealth: and for the well governing the said corporation, they shall have power to elect and appoint such officers as they may think needful and proper; and all officers which may be legally appointed, in pursuance of the laws and regulations of the said corporation, for the purposes aforesaid, are hereby empowered to exercise such power, and discharge all such duties, as shall be provided for 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.

May sue and be sued.

Officers chosen.

SEC. 3. *Be it further enacted*, That any Justice of the Peace for the county of Kennebec, upon application therefor, is hereby empowered to issue a warrant, directed to one of the persons herein before named, re-

First meeting.

quiring him to notify and warn the first meeting of the said society, for the choice of the officers of the said corporation; and being duly organized, may at the same, or at any future meeting, agree upon and adopt the mode and means of notifying and holding future meetings; and a fair record of all their doings shall be recorded in a book or books, for that purpose to be provided and kept.

[Approved by the Governor, February 21, 1818.]

CHAP. CLXVII.

An Act to apportion and assess a Tax of One hundred and thirty-three thousand, three hundred and forty-two dollars, and thirty-two cents; and to provide for the reimbursement of twenty-one thousand, three hundred and ninety-six dollars, paid out of the public treasury, to the Members of the House of Representatives, for their attendance at the two last sessions of the General Court.

[Approved by the Governor, February 21, 1818.]

CHAP. CLXVIII.

An Act to establish the Worcester Agricultural Society.

SEC. 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, Oliver Crosby, Thomas Howard Blood, James Humphries, Stephen P. Gardner, Bezaleel Lawrence, John Thurston, Samuel Read, Simeon Draper, Seth Field, David Rice, Abraham Lincoln, and Samuel Sawyer, 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 Worcester Agricultural Society, for the promotion of agriculture, the mechanic arts and manufactures; and for this purpose shall have the same powers and privileges, and shall also be sub-

Persons incorporated.

Powers and privileges.

ject to the like duties and restrictions, as other incorporated agricultural societies within this Commonwealth: And the said corporation are hereby declared and made capable in law to purchase and hold in fee simple, or any estate of a different tenure, whether by purchase, devise or otherwise, any lands, tenements, or other estate, real or personal; *provided*, that the annual income of the real estate, shall not exceed the value of five thousand dollars, and the personal estate shall not exceed the value of three thousand dollars; and the said corporation may also sell, alien or dispose of the same estate, real and personal, but not to use the same in trade or commerce. Proviso.

SEC. 2. *Be it further enacted*, That the said corporation shall have power to keep and use a common seal, subject to alteration at their pleasure; and the said corporation is hereby made capable in law to sue and be sued, to plead and be impleaded, and to act and do 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 generally all such other matters as may appertain to them as a corporation: And the said corporation may also 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 contrary to the constitution and laws of this Commonwealth. May sue and be sued. And for the well governing the said corporation, they shall have power to elect and appoint such officers as they may think needful and proper: and all officers, which may be legally appointed, in pursuance of the laws and regulations of the said corporation, for the purposes aforesaid, are hereby empowered to exercise such power, and discharge all such duties as shall be provided for in the said laws and regulations. Proviso. And the said corporation may, from time to time, admit persons to become members thereof, as shall be provided for in their regulations. Choice of officers.

SEC. 3. *Be it further enacted*, That upon application to any Justice of the Peace for the county of Worcester, he is hereby empowered to issue a warrant, directed to one of the persons herein before named, requiring him to notify and warn the first meeting of First meeting

the said society, for the choice of the officers of said corporation; and being duly organized, they may, at the same or any future meeting, agree upon and adopt the mode and means of notifying and holding future meetings; and a fair record of all their doings shall be recorded in a book or books, for that purpose to be provided and kept.

[Approved by the Governor, February 23, 1818.]

CHAP. CLXIX.

An Act in addition to an act, entitled "An act to incorporate certain persons for the purpose of making a Canal, by the name of the Proprietors of the Hancock Brook Canal.

SEC. 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 five years allowed for making the Hancock Brook Canal, by the act, entitled "An act to incorporate certain persons for the purpose of making a canal, by the name of the Proprietors of Hancock Brook Canal," the further time of three years be, and hereby is granted to the said proprietors, for completing the Hancock Brook Canal aforesaid.

Extension of
time.

SEC. 2. *Be it further enacted,* That the fifth section of the act aforesaid, granting a toll on certain articles, be, and the same is hereby repealed; and in lieu thereof, the following shall be the rates of toll to be demanded and received by the said proprietors, viz.: for each mill log, eight cents; for each thousand of clapboards and shingles, at the rate of five cents for one thousand; for each thousand feet of boards, plank and slit work, at the rate of six cents for each thousand feet; for masts, spars, ranging and other timber, at the rate of six cents for each ton; as the aforesaid articles or either of them, shall be passed or repassed in said canal, after the same shall have been completed.

Tolls.

[Approved by the Governor, February 23, 1818.]

CHAP. CLXX.

An Act regulating the packing and selling of Paper, within this Commonwealth, and for repealing an act heretofore made, on that subject.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all paper, excepting paper of foreign manufacture, press paper, bonnet paper, and such paper as is usually sold by weight, which from and after the fifteenth day of March next, shall be made or offered for sale within this Commonwealth, shall be packed in reams, each ream containing twenty quires, and each quire twenty-four sheets, and on the centre of the face of each ream, shall be pasted a piece of substantial white paper, at least four inches square, having the name or names, of the manufacturer or manufacturers, and his or their place of residence, and also the words "one ream," legibly stamped thereon: *Provided however,* that printing paper may be packed in parcels of two reams each, and on the centre of the face of each parcel so packed, shall be pasted a piece of substantial white paper, at least four inches square, having the name or names, of the manufacturer or manufacturers, and his or their places of residence, and also the words "two reams," legibly stamped thereupon.

Name and residence labelled.

Proviso.

SEC. 2. *Be it further enacted,* That any and every person so making or offering for sale, or selling paper except as aforesaid, not packed and stamped as aforesaid, or who shall transport, or cause to be transported out of this Commonwealth, or shall put on board any vessel, or other carriage of conveyance, with intention to transport the same out of this Commonwealth, any paper, except as aforesaid, not packed and stamped as aforesaid, shall, for each offence, forfeit and pay the sum of four dollars for each ream, package or parcel so offered for sale, or sold, or which shall be transported out of this Commonwealth, or which shall be put on board of any vessel or other carriage of conveyance, with intention to transport the same out of this Commonwealth.

Fines.

SEC. 3. *Be it further enacted,* That the penalties in this act shall be recovered in an action of debt, in any Court having jurisdiction to try the same, one moiety thereof to the use of the county in which such offence shall be committed, the other moiety thereof to the use of the person suing for the same; and all such paper, not packed, or not stamped as aforesaid, shall also at all times, be liable to be seized to the use of any person who may seize the same; *provided* the person so seizing shall, within seven days after the seizure, commence his action as aforesaid, and shall prosecute the same to the recovery of the penalty aforesaid.

Penalties re-
covered.

SEC. 4. *Be it further enacted,* That an act, entitled "An act regulating the packing and selling of paper within this Commonwealth," passed the twenty-seventh day of February, in the year of our Lord eighteen hundred and thirteen, shall cease to be in force from and after the fifteenth day of March next; *saving however,* the right of commencing and prosecuting all actions for penalties which may arise from or by reason of said act, before said fifteenth day of March next.

Act of 1813
repealed.

[Approved by the Governor, February 23, 1818.]

CHAP. CLXXI.

An Act to secure the town of Boston from damage by Fire.

SEC. 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 house or 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 erected or built within the town of Boston, 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 unless the roofs of all such houses or buildings shall be entirely covered with slate, tile, or some incombustible composition, and the gutters secured effectually against fire; and no brick or stone wall shall be deemed sufficient,

Houses of wood
not to exceed
ten feet in
height.

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 additions which shall be made to houses or buildings already erected, and all houses or 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 Proviso. upon any wharf, marsh, or other place, where no sufficient foundation can be obtained, without unreasonable expense, on permission of the Firewards of said town, or the major part of them, in writing, wooden houses or buildings, of not more than two stories high, may be erected, which shall be covered on all sides with slate, tile, or lime mortar, and filled in with bricks laid in mortar, and the roofs and gutters shall be secured as before directed.

SEC. 2. *Be it further enacted,* That in all cases where one dwelling house, ware house, store, mill, stable or other building, above ten feet high, is separated from another dwelling house, or ware house, or store, Partitions. or mill, or stable, or other building, above ten feet high, by a partition, such partition shall be built of stone or brick, and shall be twelve inches thick in the lower story, and eight inches thick above the lower story, and shall be built up as far as may be necessary in order to cover or cap the same with flat stones above the roof; and such wall shall be entirely covered or capped with flat stones, at least two inches in thickness above the roof; and every person offending against this Penalties. section, shall forfeit and pay a sum not exceeding one hundred dollars, nor less than fifty dollars.

SEC. 3. *Be it further enacted,* That no wooden building more than ten feet high shall be removed from any part of the town of Boston, to any other place within the same town, without the permission of the Firewards of said town, or the major part of them, under such restrictions and provisions as they shall prescribe; nor shall any wooden building heretofore erected within the said town, and not now used as a dwelling house, be hereafter occupied as a dwelling house, or for any other purpose than that to which it is now applied, without the permission of the Firewards, as aforesaid. Removal and occupation of houses.

SEC. 4. *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 Boston, contrary to the true intent and meaning of this act, and every person owning such building so unlawfully erected, and any person who shall remove or alter, or cause to be removed or altered, any building as aforesaid, and every person who shall hereafter use and occupy as and for a dwelling house, any wooden building, heretofore erected within the said town, and not now used or intended for a dwelling house, or shall convert the same to any other purpose than that to which it is now applied, without permission first had and obtained from the Firewards of said town, or the major part of them; every person, in either wise so offending, 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.

SEC. 5. *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 contrary to the true intent and meaning of this act, the sum of fifty dollars annually, and every year, until such building or addition thereto shall be effectually secured against fire, and made to conform to the provisions of this act. And it shall be the duty of the Firewards of the said town of Boston, to return to the Assessors of said town annually, a list of all such houses or other buildings erected contrary to the provisions of this act, together with attested copies of the record of the conviction of any person or persons for such offence; and thereupon it shall be the duty of the said Assessors, to assess upon the owner or owners of the said building or buildings, the sum of fifty dollars for each and every successive year thereafter, until said house or building shall be made conformable to the provisions of this act, which sum shall be payable by the person or persons by whom said house or building shall be owned, and shall be collected in the same manner as other taxes are collected: *Provided nevertheless,* that no such house or building shall be subjected to such annual tax, until an attested copy of said conviction shall have been duly recorded in the

Repairs by
permission of
Firewards.

Fines and pen-
alties.

Proviso.

office of the Register of Deeds for the county of Suffolk, whose duty it shall be to receive and record the same.

SEC. 6. *Be it further enacted*, That if any person or persons shall, within the said town of Boston, roast or cause to be roasted, any cocoa, for the purpose of manufacturing the same into chocolate, in any building whatever, excepting such as may or shall be licensed for that purpose, by the major part of the Firewards of the town aforesaid, he, she or they, shall forfeit and pay, for every such offence, a sum not exceeding five hundred dollars, nor less than two hundred dollars.

No cocoa to be roasted without license.

SEC. 7. *Be it further enacted*, That all houses or buildings within the said town of Boston, which have been or which shall hereafter be erected in the manner described in this act, and which are now, or which may hereafter be covered with slate, tile, or other incombustible composition, shall continue to be so covered with slate, tile, or other incombustible composition, and shall be kept effectually secured against fire, in manner as is herein before described. And if any person or persons, being owner or proprietor of any house or other building, or having authority, or whose duty it shall be to repair the same, shall hereafter suffer his, her or their house or other building to remain in whole or in part uncovered with slate, tile, or other incombustible composition, for the space of thirty days after he, she or they shall have been notified to repair or cover the same, by the Firewards of the town of Boston, he, she or they shall forfeit and pay for such offence a sum, not exceeding one hundred dollars, nor less than twenty dollars, and shall be subject to a like fine for every thirty days afterwards, that such house or building shall be by him, her or them suffered to remain so uncovered, in the manner required by this act.

Covering of houses.

SEC. 8. *Be it further enacted*, That whenever any house or other building within the said town of Boston, hereafter erected, shall be found to have been erected contrary to the provisions of this act, the owner or owners of such house or building, or other person lawfully holden to keep the same in repair, shall be held and required to alter and make such house or building to conform to the provisions of this act. And any person

Penalties for neglect of repairs.

or persons as aforesaid, who shall suffer his, her or their house or other building to be and remain not conformable to the provisions of this act, for the space of thirty days, after he, she or they shall have been notified by the Firewards of the said town thereof, shall forfeit and pay for such offence, a sum not exceeding one hundred dollars, nor less than twenty dollars, and shall be subject to a like fine for every thirty days afterwards, that such house or building shall be by him, her or them suffered to remain out of repair, and exposed to fire as aforesaid, and not conformable to the provisions of this act.

Tar kettles to
be secured.

SEC. 9. *Be it further enacted*, That every tar kettle, which shall be made use of in said town, for the purpose of boiling tar, for the use of any rope walk, and every kettle, boiler or copper, for the use of any caulker, graver, ship carpenter, tallow chandler, soap boiler, painter, or other like artificer, shall be so fixed as to prevent all communication whatsoever between the contents of such kettle, boiler or copper, and the fire, and that the fire place under every such tar or other kettle, boiler or copper, shall be constructed with an arch built over the same and secured by an iron door, in such manner as to enclose the fire therein; and every person who shall erect any tar kettle or other kettle, boiler or copper, or use the same for any or either of the purposes aforesaid, contrary to the provisions of this act, shall for every such offence, forfeit and pay a sum not exceeding three hundred dollars, nor less than fifty dollars, according to the degree and aggravation of the same.

Penalty for
carrying fire in
the streets.

SEC. 10. *Be it further enacted*, That every person who shall carry any fire through the streets, lanes, or on any wharves in said town, except in some covered vessel, or who shall kindle a fire in any of the places aforesaid, without the permission therefor in writing, of one or more of the Firewards of said town, or shall smoke, or have in his or her possession, any lighted pipe or cigar, in any street, lane or passage way, or on any wharf in said town, 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 parent, guardian, master or mistress.

SEC. 11. *Be it further enacted,* That if any person shall have in his or her possession, in any rope walk, or in any barn or stable, within said town, any fire, lighted pipe or cigar, lighted candle or lamp, except such candle or lamp is kept in a secure lantern, the person so offending, shall forfeit and pay for each offence, a sum not exceeding one hundred dollars, nor less than twenty dollars. Penalty for exposing fire in barns, &c.

SEC. 12. *Be it further enacted,* That all and any of the penalties which are given in and by this act, or in and by a certain act, made and passed the fifteenth day of June, in the year of our Lord one thousand eight hundred and sixteen, entitled "An act regulating the storage, safe keeping, and transportation of gunpowder in the town of Boston," may be recovered by indictment, information, or complaint, in any Court proper to try the same; and in such indictment, information, or complaint, it shall not be necessary to set forth any more of said acts, than so much thereof as relates to and is necessary, truly and substantially to describe the offence alleged to have been committed. And it shall be the duty of each and every Fireward in the town of Boston, and they and each of them are hereby required to inquire after all offences which shall come to their knowledge, and which shall be committed against the true intent and meaning of this act, and shall cause the same to be duly prosecuted. Recovery of Fines.

SEC. 13. *Be it further enacted,* That it shall be lawful for any one or more of the Firewards of said town, to require and compel the assistance of all or any of the inhabitants of said town, and any other persons, who shall be present as spectators of any fire; and in any suit or prosecution therefor, it shall be lawful for them to plead the general issue, and give this act in evidence; and if any person shall disobey the lawful and reasonable command of any Fireward or Firewards, to aid in extinguishing such fire, or in rescuing property from destruction thereby, such person, so offending, shall be liable to a fine not exceeding twenty dollars, to be recovered in manner aforesaid. Duties and authorities of Fire Wards.

SEC. 14. *Be it further enacted,* That all acts heretofore passed to secure the town of Boston from damage by fire, be, and the same are hereby repealed, except- Repeal of former acts.

ing that such parts thereof as may be necessary to recover all fines and penalties, incurred upon the acts aforesaid, shall still remain in full force for that purpose.

SEC. 15. *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 use of the poor of the town of Boston, to be paid to the Overseers of the Poor thereof, and the other half to the Firewards of said town: *Provided however*, that whenever in the trial of any prosecution under this act, any one or more of the said Firewards shall be sworn and examined as a witness, or as witnesses therein, record thereof shall be made in Court, and the whole fine or penalty, in such case, shall enure to the use of the poor of the town of Boston, and be paid to the Overseers of the Poor thereof as aforesaid.

[Approved by the Governor, February 23, 1818.]

CHAP. CLXXII.

An Act in addition to an act, entitled "An act for altering the times for holding the Supreme Judicial Court within the several Counties of Middlesex and Worcester."

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 for altering the times of holding the Supreme Judicial Court within the several counties of Middlesex and Worcester," which passed the present session of the General Court, as provided for holding the said Court at Worcester, within and for the county of Worcester, on the second Tuesday next following the fourth Monday of March, be, and the same is hereby repealed; and that instead thereof, the said Court shall be holden within and for said county, on the third Tuesday next following the fourth Monday of March annually, any thing in the said act to the contrary notwithstanding.

[Approved by the Governor, February 23, 1818.]

CHAP. CLXXIII.

An Act to prevent the destruction of White Pine and other Forest Trees in this Commonwealth.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, if any person shall wilfully cut, fell, destroy, or carry away any white pine tree, or other tree which shall be at the time of cutting, felling or destroying the same, of the diameter of twenty-four inches, or upwards, at the height or distance of twenty-four inches from the ground, standing or growing on any tract of land within this Commonwealth, belonging either to the said Commonwealth, or to any body corporate, or to any individual or individuals, without leave or license therefor, every such offender, and every person present, aiding and abetting in the commission of such offence, or accessory thereto before the fact, by counselling, hiring or procuring the same to be committed, or accessory thereto after the fact, by aiding in removing the same after they are cut or felled as aforesaid, and being thereof duly convicted on indictment or information thereof, either before the Circuit Court of Common Pleas, or before the Supreme Judicial Court, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the common gaol, not exceeding one year, to be ordered by the Court before which the conviction may be had, according to the degree and aggravation of the offence. And if any person shall wilfully cut, fell or destroy any other tree of less diameter than twenty-four inches at the height or distance of twenty-four inches from the ground, standing or growing on any tract of land aforesaid, without leave or license therefor, every such offender, and every person present, aiding or abetting the commission of such offence, or accessory thereto before the fact, by counselling, hiring or procuring the same to be committed, or accessory thereto after the fact, by aiding and assisting in removing the same, after having been cut or felled as aforesaid, and being

Fines.

thereof duly convicted on indictment or information, before either of the Courts in this section mentioned, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the common gaol not exceeding six months, according to the degree and aggravation of the offence. And all persons so offending, shall moreover be liable to the Commonwealth, to the body corporate, or to the person or persons injured, as the case may be, in a sum equal to five times the value of all the trees which shall be wilfully cut, felled, destroyed or carried away, or removed as aforesaid; to be recovered by action of debt in any Court of competent jurisdiction: *provided* all prosecutions for breaches of this act, shall be commenced and prosecuted within two years from the time the offence shall have been committed, or the penalties shall have accrued, and not afterwards.

Proviso.

[Approved by the Governor, February 23, 1818.]

CHAP. CLXXIV.

An Act to establish the South boundary line of the town of Foxcroft, and the South boundary line of the town of Sebec.

SEC. 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 south boundary line of the town of Foxcroft, in the county of Penobscot, shall be a straight line, running east from the south-west corner of said town; and that the south boundary line of the town of Sebec, in the county of Penobscot, shall be a straight line, running from the south-west corner of said town of Sebec, east, to the south-east corner thereof; the said south boundary of said towns, respectively, being the same whereby the townships now called Foxcroft and Sebec, were originally laid out.

Boundaries.

SEC. 2. *Be it further enacted,* That all persons who are inhabitants, and dwelling southwardly of the said south boundary line of said towns, as hereby es-

established; and northwardly of the river Pisquataquis, within the township as originally laid out, now called Plantation Number Three, in the sixth range of townships north of the Waldo Patent, be, and such persons and their estates are hereby annexed to said plantation number three, any acts or resolves heretofore passed to the contrary notwithstanding.

Persons annexed.

[Approved by the Governor, February 23, 1818.]

CHAP. CLXXV.

An Act in addition to an act, entitled "An act to incorporate the Proprietors of the Fryeburg Canal."

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the real estate of the persons named in the first section of the act passed on the second day of March in the year of our Lord one thousand eight hundred and fifteen, entitled "An act to incorporate the proprietors of the Fryeburg Canal," shall be subject to be taken and set off on execution, to respond any damages which may be recovered by any individual by reason of opening said new channel, only so long as, and during the time the said persons shall own said real estate, any thing in the second section of said act to the contrary notwithstanding.

Damages to be responded.

SEC. 2. *Be it further enacted,* That all claims or right of action, which individuals may or shall have against said proprietors in their corporate or individual capacity, to make good the damages sustained by any person or persons by the opening of a new channel for the Saco river, within the town of Fryeburg, as authorized by the first section of the act aforesaid, or in consequence of opening the said new channel, shall be barred and cease, at the expiration of six years from and after the time the said Saco river shall have been turned, and taken its course through the said new channel.

Limitation of claims.

[Approved by the Governor, February 23, 1818.]

CHAP. CLXXVI.

An Act making further provision for the punishment of Convicts sentenced to hard labor, and the better regulation of the State Prison.

SEC. 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 the duty of the Warden of the State Prison to cause all the regulations, established by the Directors for the government and discipline of the convicts, to be strictly and promptly enforced; and he shall give immediate information to the Directors, of any failure or neglect of any officer to enforce strictly the discipline that may be established; and the Directors shall forthwith remove any officer who shall have been guilty of such neglect of duty.

Duties of Warden.

SEC. 2. *Be it further enacted,* That if any convict committed to said prison shall resist the authority of any officer, or refuse to obey his lawful commands, it shall be the duty of such officer immediately to enforce obedience, and for that purpose, to use such weapons and such aid as may be effectual. And if such convict, so resisting, shall be wounded, maimed, or slain, by such officer, or his assistants, they shall be indemnified and held guiltless.

Officers held guiltless.

SEC. 3. *Be it further enacted,* That convicts in solitary confinement, in execution of the sentence of any Court, or for the violation of the rules and regulations of the prison, shall, during such confinement, be fed with bread and water only, unless the Directors, in consequence of the written certificate of the physician, that the health of such convict requires other diet, shall otherwise direct.

Restriction of diet.

SEC. 4. *Be it further enacted,* That no convict, committed to said prison, shall be entitled to his discharge therefrom, until he shall have completed the full term of time for which he was sentenced, exclusive of the time he may have been in solitary confinement for any misconduct, or violation of the regulations of the prison.

Regulation of discharges

SEC. 5. *Be it further enacted,* That whenever any person, who shall be convicted of any crime, before any Court competent to try the same, the punishment whereof shall, by law, be confinement to hard labor for any term of years, shall have been before sentenced to a like punishment by any Court, of this, or any other of the United States, whether such convict shall have been pardoned, or not, he shall be sentenced to solitary imprisonment, not exceeding thirty days, and confinement to hard labor, not exceeding seven years, in addition to the punishment by law prescribed for the offence for which he shall be tried; and in case such convict shall have been before twice convicted and sentenced in manner aforesaid, he shall be punished by confinement to hard labor for life, and by solitary imprisonment as is herein before provided.

Punishment
for repetition
of offences

And whereas, at the time of indictment and trial of any persons charged with crimes, to be punished as aforesaid, it may not be known to the Grand Jury or to the Attorney of the Commonwealth, attending them on behalf of the Commonwealth, whether the person, so charged, has been before convicted or not—Therefore,

SEC. 6. *Be it further enacted,* That whenever it shall appear to the Warden of the State Prison, or the Directors thereof, that any convict, received into the same, pursuant to the sentence of any Court, shall have before been sentenced, by competent authority of this or any other state, to confinement to hard labor for term of life or years, it shall be the duty of the said Warden, and of the said Directors, or either of them, to make representation thereof, as soon as may be, to the Attorney or Solicitor General; and they or either of them shall, by information, or other legal process, cause the same to be made known to the Justices of the Supreme Judicial Court, at any term of said Court to be holden in Boston or Cambridge: and the said Justices shall cause the person or persons, so informed against, to be brought before them, in order, that if he deny the fact of a former conviction, it may be tried according to law, whether the charge contained in such information be true. And if it appear by the confession of the party, by verdict of the jury, or otherwise, according to law, that said information is true, the Court

Process of
criminal trials.

shall forthwith proceed to award against such convict, the residue of the punishment provided in the foregoing section; otherwise the said convict shall be remanded to prison, there to be held on his former sentence.

SEC. 7. *Be it further enacted,* That the Directors shall, as soon as may be, divide and arrange the convicts into three general classes, as they shall be distinguished by their behavior and merit, in regard to cleanliness, sobriety, submission, respectful deportment towards the officers, and industry and faithfulness in their work. The first class shall consist of those who are the most orderly and meritorious, and shall be dressed in cloth of the quality now used, but of one color only; and they shall be placed in the most comfortable lodging rooms at night, and allowed the use of lights, at such time during the evening as the Directors may think proper. In the dress of the second class, the trowsers only shall be of different colors; and they shall be allowed lights, not more than one evening in a week, in the discretion of the Directors. The dress of the third class shall be that now in use; and they shall not be allowed any lights at night. And it shall be the duty of the Warden to keep the said classes separate at night, and as far as possible during the day; and they shall not speak to any person of a different class, without permission of the Warden or Keeper. All convicts on entering the prison shall be placed in the third class, from which they may be advanced to the others, at the discretion of the Directors, upon the recommendation of the Warden; and for misconduct shall be liable in like manner to be degraded. And the Directors shall not consider an application to recommend for pardon any convict who shall not belong to the first class.

SEC. 8. *Be it further enacted,* That when any convict shall be discharged, who shall have uniformly conducted well, during his confinement, the Directors may give him a recommendation, or assist him in procuring employment, at his request, if they shall see fit. And every convict, previous to his being discharged, at the expiration of his sentence, on a second commitment, shall have the letters *Mass. S. P.* and also the year in figures, when his discharge shall take place, marked

Classification of
criminals.

Regulation of
dress.

Recommendations.

on the inner surface of the upper part of his left arm, by puncturing the skin, and rubbing some coloring matter on the same.

SEC. 9. *Be it further enacted*, That the present military guard shall be disbanded within two months ; Overseers to be Guards. and the Directors shall appoint such additional overseers as they may think necessary, for the secure keeping and employment of the convicts ; and assign them such duties as they may see fit.

SEC. 10. *Be it further enacted*, That so much of the third section of an act, passed on the first day of March, in the year of our Lord one thousand eight hundred and fifteen, entitled "An act in further addition to an act, entitled an act providing for the government and regulation of the State Prison," as relates to the annual salary of the Directors, be, and the same is hereby repealed ; Compensation to Directors. and that the provisions for the compensation of the Directors, contained in the twelfth section of an act, passed on the twenty-first day of June, in the year of our Lord one thousand eight hundred and eleven, entitled "An act providing for the government and regulation of the State Prison," be, and the same hereby are revived.

[Approved by the Governor, February 23, 1818.]

CHAP. CLXXVII.

An Act to empower Edward Kelleran and others, to build a Toll Bridge across St. Georges River, in Thomastown, in the county of Lincoln.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Edward Kelleran, John Gleason, John Paine, and William Pope, Persons empowered. together with such others as may hereafter associate with them, and their successors and assigns, be, and they are hereby empowered to build, maintain, and keep in repair a bridge over St. George's river, between Vose's wharf and the lime store, (so called) in the town of Thomastown ; and for this purpose shall have all the

Powers and
privileges.

powers and privileges incident and usually granted for building toll bridges, by the name of the Proprietors of the Thomastown Bridge; and by that name may sue and be sued, defend and be defended against, prosecute and be prosecuted to final judgment and execution, and do and suffer all such matters and things, as bodies politic may or ought to do and suffer.

Tolls,

SEC. 2. *Be it further enacted,* That for the reimbursing to the said proprietors the money they may expend in building and keeping in repair the said bridge, a toll is hereby granted and established for the sole benefit of the said proprietors, according to the following rates, viz. : for each foot passenger two cents; for one person and horse, six cents; for each horse and chaise, or sulkey, sixteen cents; for each waggon, cart, sled, or sleigh, drawn by one beast, eight cents; for each wagon, cart, sled or sleigh, drawn by two beasts, twelve cents, and three cents for each additional beast; for neat cattle in droves, or single, two cents each; and to each team one person, and no more, shall be allowed as a driver, to pass free from toll; but all persons going to, and returning from public worship, on the Lord's day, and all children going to, and returning from school, and all persons on military duty, shall pass free from toll.

Persons to
pass free of
toll.

Draw.

SEC. 3. *Be it further enacted,* That the said bridge shall be well built, of sound and durable materials, at least twenty-two feet wide, with sufficient rails on each side, for the safety of passengers; and shall also be provided with a draw, not less than twenty-six feet wide, for all vessels to pass through; and the said draw shall be raised, when required, for all vessels having masts, without any unreasonable delay, and without toll; and it shall be lawful for the proprietors of the said bridge to make the leaves of the said draw only sixteen feet long, instead of the width of the said bridge; and all vessels above fifty tons, having taken in a full load above the Narrows, and not stopping in Thomastown, shall receive two cents per ton: And if the said corporation should unreasonably neglect to build and keep in good repair the said bridge, on such neglect being made to appear to the Court of Sessions for the county of Lincoln, it shall be in the power of

the said Court to prohibit the said proprietors from demanding or receiving toll from any person or persons passing said bridge, until it is by them put into such repair, as shall be deemed sufficient by the said Court; and in case such neglect shall continue for the term of one year, after the adjudication of the said Court, the same shall operate to vacate this act, and render it null and void: And the said toll shall commence when the said bridge shall be fit and safe for carriages to pass over it, and shall continue to the said corporation and their successors, for the term of thirty years from the passing of this act, subject to alteration by the General Court; and the said proprietors shall moreover provide a sufficient sluice way, not less than forty feet wide, for the passage of rafts and gondolas, and leave the same always open: *And it is further provided*, that the said proprietors shall build and keep in good repair, a substantial and sufficient pier or wharf on each side of the said draw, for the use of vessels passing through the same; and in default of which, they shall forfeit and pay a sum not exceeding twenty dollars: *Provided however*, that if the said bridge, draw, pier, sluice way, and their appurtenances, are not built and completed within five years, then this act shall be null and void.

Responsibility
of Proprietors.

Term of act.

Sluices kept
open.

Proviso.

SEC. 4. *Be it further enacted*, That whenever any execution shall issue against said corporation, and the said corporation shall not, before the time, when such execution is returnable, shew the officer having the same, sufficient personal property to discharge and satisfy its amount, then in such case the judgment creditor may sue out another execution, which may be levied on the bodies and property of the corporators, or members of the said corporation; *provided however*, such subsequent execution shall not be so levied, unless the officer, having the prior execution, shall, before the same was returnable, have demanded payment of some member of said corporation, and have certified thereon such demand.

Proprietors
may be sued.

Proviso.

SEC. 5. *Be it further enacted*, That in case said corporation, or any appointed agent of theirs, shall neglect or refuse to open the draw of said bridge, at any time, by night or by day, or unreasonably detain any

Penalties.

vessel about to pass through the same, the said corporation shall forfeit and pay, for every such neglect, refusal, or unreasonable detention, a sum not exceeding fifteen dollars, nor less than one dollar, to be recovered in the name of the master or owner of such vessel, by action of debt, in any Court proper to try the same.

First meeting.

SEC. 6. *Be it further enacted*, That any three of the proprietors herein named, may call the first meeting of said proprietors, by posting up notifications, at least seven days before said meeting, in three public places in said Thomastown ; and at said first meeting the said proprietors may agree upon the mode and means of calling future meetings.

[Approved by the Governor, February 24, 1818.]

CHAP. CLXXVIII.

An Act to incorporate the Eagle Manufacturing Company, in the town of Wrentham.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Jonathan Adams, Josiah J. Fiske, Henry Fiske, Adams Foster, Nathaniel Thayer, and Davis Thayer, together with such others as may hereafter associate with them, their successors or assigns, be, and they are made a corporation, by the name of the Eagle Manufacturing Company, for the purpose of manufacturing cotton yarn and cloth, in the town of Wrentham, in the county of Norfolk ; and for this purpose shall have all the powers and privileges, and shall be subject to all the duties and requirements, prescribed and 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 ;" and also an act in addition to said act, passed at the present session of this General Court.

SEC. 2. *Be it further enacted*, That the said Eagle Company, in their corporate capacity, may lawfully hold and possess such real and personal estate as may

Persons incorporated.

Powers and privileges.

May hold real or personal estate.

be necessary and convenient for carrying on the said manufacture; *provided*, the value of such real estate shall not exceed fifty thousand dollars, and the value of such personal estate shall not exceed one hundred thousand dollars.

[Approved by the Governor, February 24, 1818.]

CHAP. CLXXIX.

An Act to incorporate the Proprietors of the Maine Flour Mills.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That* Thomas Agry, John Agry, Chandler Robbins, and William Oliver Vaughn, all of Hallowell, be, and hereby are, together with their associates, made, and they hereby are constituted a corporation and body politic, under the name of the Proprietors of the Maine Flour Mills, for the purpose of manufacturing corn and grain, of every description, into meal or flour; and with power and authority to do, in their corporate name^s and capacity, all things which are necessarily incident and proper to the purchasing and manufacturing of corn and grain into meal or flour, and vending thereof.

Persons incor-
porated.

General pow-
ers.

SEC. 2. *Be it further enacted, That* the said corporation be, and the same hereby is authorized and empowered to purchase and hold, in their corporate name, lands and tenements, within the county of Kennebec, not exceeding the value of thirty thousand dollars in the whole, and personal estate, not exceeding the value of twenty thousand in the whole, which may be suitable and necessary to carry into effect the purposes intended by this act.

May hold real
& personal es-
tate.

SEC. 3. *Be it further enacted, That* the corporate property shall be divided into five hundred shares, at one hundred dollars a share; and that the shares in said corporation shall be considered to be personal estate, and transferable in the same way and manner in

Number of
shares.

which turnpike shares and bridge shares are transferred on the books of the corporation.

SEC. 4. *Be it further enacted,* That the said corporation shall never be indebted, at any one time, in an amount exceeding twenty-five thousand dollars; and that whenever any execution shall issue against such corporation, on any judgment rendered in any civil action, and the said corporation shall not, within fourteen days after demand thereof made upon the President or Treasurer of the corporation, by the officer to whom the writ or execution has been committed to be served, shew to such officer sufficient estate to satisfy such execution, the officer may then levy the same upon the estate of any person or persons who were members of said corporation, at the time when the debt was contracted, for which such execution was issued.

SEC. 5. *Be it further enacted,* That it shall be the duty of said corporation to cause each and every barrel and half barrel, or other vessel containing flour, or meal, manufactured and prepared for sale, by this corporation, to be branded with the name of the said corporation, durably and legibly; and that the said corporation shall be liable to a penalty of two dollars for each and every barrel of flour which shall be offered for sale, from the manufactory of said corporation, without having been so branded; and said penalty may be recovered in any Court having jurisdiction in such cases, with costs, by the Selectmen of the town, in which such manufactory may be situated, for the use of the poor of the town.

SEC. 6. *Be it further enacted,* That if any person or persons shall counterfeit the brand of said corporation, or use the brand of said corporation, to mark any barrel or half barrel, or other vessel containing flour or meal, not manufactured by said corporation, or its agents or factors, or shall fraudulently use any barrel or half barrel, or other vessel which may have been lawfully branded by said corporation, and emptied of its contents, such person or persons so offending, shall forfeit and pay the sum of twenty dollars for each and every such offence, to be recovered by action of debt, in any Court proper to try the same; one half of which

Personal liability.

Marks and brands.

Fines.

sum shall be to the use of the person who shall sue for the same, and the other half to the use of the said corporation.

[Approved by the Governor, February 24, 1818.]

CHAP. CLXXX.

An Act to incorporate the Massachusetts Hospital Life Insurance Company.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Ebenezer Francis, David Hinckley, Thomas Morton Jones, Samuel Parkman, James Perkins, Thomas H. Perkins, William Prescott, John Phillips, Josiah Quincy, and their associates, are hereby created a body politic and corporate, by the name and style of the Massachusetts Hospital Life Insurance Company; and shall, by the same name and style, be capable of suing and being sued, and maintaining and defending any action to final judgment and execution; and shall be, in law, capable of purchasing, holding, improving and conveying any estate, real or personal, for the use of the said corporation; *provided* they shall not hold real estate beyond the value of one hundred thousand dollars, excepting such as may be taken on execution for debt. And the said corporation shall have power to ordain and establish, and put in execution, such by-laws, ordinances and regulations as shall be necessary for the government thereof.

SEC. 2. *Be it further enacted,* That the capital stock of the said corporation shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each; and the same shall be paid for or satisfied in manner following; that is to say—that each and every subscriber shall, within ten days after public notice given by the President and Directors chosen by the stockholders, in any two of the papers printed in the town of Boston, pay or cause to be paid, to the said President and Directors, for the

Instalments.

use of the said corporation, the sum of twenty dollars, in part of each share subscribed for, either in specie or in stock of incorporated companies or government securities, of the descriptions hereinafter provided, at the option of the President and Directors aforesaid; and the residue of the money, payable on each and every share, shall be paid to the President and Directors in such sum or sums, and at such time or times, as they, by public notice, shall, in their discretion, direct and appoint. And if any subscriber shall refuse or neglect to make the payments aforesaid, he or she shall cease to be deemed a subscriber or member of the said corporation, and his or her subscription shall be forfeited; and the shares so forfeited, may be sold by the corporation, in such manner as they may think proper: *Provided however*, that in case the amount of the said capital stock, actually paid in, shall at any time prove insufficient for the payment of the just debts due from the said corporation, each original stockholder shall be liable for the debts due by the said corporation, to an amount not exceeding that part of his original subscription, which shall, at such time, remain due and unpaid. And any creditor, who may have obtained an execution against said corporation, may have his full remedy against all and every the said stockholders, to the amount by them respectively due as aforesaid, in the same manner as if the same had been issued out against them personally.

Proviso.

Debts of Corporation.

Number of Directors.

Annual meetings.

SEC. 3. *Be it further enacted*, That for the well ordering of the affairs of the said corporation, there shall be thirteen Directors, a majority of whom, shall be citizens of this Commonwealth, and stockholders of the said corporation, elected by the stockholders, at their general meeting, to be held on the third Monday of January annually, for that purpose. And the Directors, at their first meeting after such election, shall choose one of their own number as President: The votes of the stockholders for Directors, being taken by ballot, each stockholder having one vote for each share he may hold; but no stockholder shall vote at any election for Directors, unless the share or shares, upon which he or she may claim to vote, shall have been standing in his or her name, in the books of the

said corporation, for at least three months previous to such election. In case of absence from the general meeting, any stockholder may be entitled to vote by proxy.

SEC. 4. *Be it further enacted*, That the Directors of the said corporation, for the time being, five of whom shall form a quorum, shall have power to appoint such officers, clerks, agents and other persons, as shall be necessary for the conducting and executing the business of the said corporation; and to allow the said persons so appointed, such compensation for their services respectively, as they shall deem reasonable; and generally to exercise all other powers and authority for well governing and ordering the affairs and funds of the said corporation.

Choice of officers.

SEC. 5. *Be it further enacted*, That it may be lawful for the said corporation to invest the capital stock thereof, and all monies received for premiums of insurance, and in any other way, in the funded debt of the United States, or of this Commonwealth, or in the stock of the bank of the United States, or of any of the banks incorporated within this Commonwealth, or in the purchase of ground rents, or mortgages on real estate; and also to sell and dispose of, and transfer all or any of the said stock or securities, and in like manner invest the proceeds thereof, at their discretion, as the safety or welfare of the said corporation, as the President and Directors thereof may deem expedient: *Provided*, that no part of the capital stock aforesaid, shall be divided without the assent of the Visitors and Trustees of the Massachusetts General Hospital, as well as of the Legislature of this Commonwealth.

Investment of Stock.

Proviso.

SEC. 6. *Be it further enacted*, That the President and Directors shall have full power, on behalf of the said corporation, to make insurances on lives, by sea and on land, and to contract for reversionary payments, and generally to make all kinds of contracts, in which the casualties of life and interest of money are principally involved; and to make, execute and perfect such and so many contracts, bargains, agreements, policies, and other instruments, as shall or may be necessary, and as the nature of the case shall or may require.

Insurance on lives.

SEC. 7. *Be it further enacted,* That the President and Directors shall, on the first Monday of January in each year, direct the books of the said corporation to be balanced and settled, up to the thirty-first day of the preceding December, and submit a copy of its balances to a Committee appointed by the Trustees of the Massachusetts General Hospital, who shall have power to verify the said balances with the books of the said corporation, and generally to inspect them; and on the third Monday of January of every year, the President and Directors of this corporation shall pay over to the said Trustees, for the use of the hospital, one third of the net profits which shall have arisen from the insurances on lives, made during the preceding year; and after this deduction, shall declare and divide so much of the remaining profits as to them shall appear safe and adviseable; and the dividend, so declared, shall be paid to the respective stockholders, agreeably to such rules as the President and Directors shall make for that purpose: *Provided* that in case the Trustees of the hospital fail to signify to this corporation its appointment of a Committee, that then the President of this corporation shall invite the President of the hospital to inspect the books, and submit to him the list of balances, and pay him, for the use of the hospital, the aforesaid third of the net profits, which shall have arisen from the insurance on lives.

Annual statement of accounts.

Dividends.

SEC. 8. *Be it further enacted,* That so long as this corporation shall well and truly pay to the General Hospital the aforesaid share of profit, it shall not be lawful for any persons or corporation within the Commonwealth, to make insurance on lives upon land, unless empowered so to do, by any future legislature of this Commonwealth. And whenever any persons or corporation shall hereafter be thus empowered, the obligation of this corporation, to pay the Trustees of the General Hospital, for the use of said hospital, the third part of the net profits, which may thereafter arise on insurance on lives, shall cease; unless the same obligation shall be imposed on such persons or corporation thus hereafter empowered.

Exclusive privileges.

SEC. 9. *Be it further enacted,* That the shares of the said corporation shall be assignable and transfer-

able according to such rules and regulations as the President and Directors shall, for that purpose, ordain and establish, and not otherwise. Shares transferable.

SEC. 10. *Be it further enacted,* That this corporation shall not have power to pay over any sums to the heirs of those who shall die by the hand of justice, or by suicide, or in consequence of a duel.

SEC. 11. *Be it further enacted,* That it shall be the duty of the Directors of the corporation hereby created, once in each year, to make a full, fair and explicit statement of all their real estate, funds and investments of every kind whatever, which shall be subscribed and verified by the oath of a majority of the Directors; and on or before the tenth day of January, annually, to deliver the same to the Secretary of the Commonwealth, who shall cause the same to be laid before the Governor and Council. And the General Court, or either branch of the Legislature, shall have power, by their Committee, to examine the records and doings of the said corporation; and for this purpose, shall have access to all their buildings, offices and places of business, and to all places of deposit of their files, records and proceedings. Legislature may examine records.

SEC. 12. *Be it further enacted,* That any two or more persons, named in this act of incorporation, may call the first meeting of the stockholders, at such time and place as they may think proper, by advertising the same in any two public newspapers, at least ten days previous to the time of meeting; at which meeting, the stockholders may proceed to elect Directors, and to transact such other business as may come before them. First meeting.

[Approved by the Governor, February 24, 1818.]

CHAP. CLXXXI.

An Act in addition to an act, entitled "An act prescribing the mode of taking depositions, and administering oaths and affirmations."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That whenever any depo-

sition is to be taken before any Justice of the Peace in the cases provided in the first and second sections of the act, entitled "An act prescribing the mode of taking depositions, and administering oaths and affirmations," such notice shall first be given to the adverse party, living twenty, or more than twenty miles from the place of caption, as is prescribed by said act to be given, if he shall live within that distance: *Provided nevertheless*, that the notification to the adverse party may be issued by the Justice, before whom the deposition is to be taken, or by any other Justice of the Peace within the Commonwealth, *mutatis mutandis*, at the election of the party at whose request such deposition is to be taken; *and provided further*, that notice may be given verbally, by the Justice taking said deposition, or notice may be dispensed with, if the adverse party, or his attorney shall, in writing, waive the same. And when the adverse party is not present at the taking of such deposition, the Justice taking the same shall certify that he was duly notified.

Proviso.

Certificate of depositions.

SEC. 2. *Be it further enacted*, That where any deposition shall be taken in perpetual remembrance of a thing, the Justices taking the same shall certify the names of all persons, whom they notified of the taking thereof.

Acts repealed.

SEC. 3. *Be it further enacted*, That this act shall take effect and be in force, on and after the first day of May next; and that on and after that day, so much of the act aforesaid, as is repugnant to the provisions of this act, shall be, and hereby is repealed.

[Approved by the Governor, February 24, 1818.]

CHAP. CLXXXII.

An Act directing the mode of selling Real Estate lying within this Commonwealth, belonging to persons living without the same.

SEC. 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 pass-

ing of this act, the Supreme Judicial Court, and the Courts of Common Pleas, be, and they are hereby authorized and empowered to grant license to, and authorize Executors of the last will and testament, and Administrators upon the estate of persons deceased, who resided out of this Commonwealth, owning real estate within the same, at the time of their decease; and also Guardians of minors, persons non compos mentis, or persons given to excessive drinking, idleness, gaming, or debauchery; such minors, or other persons, not living within this Commonwealth, but owning real estate within the same, to sell and convey such real estate lying within this Commonwealth, in the same way and manner, and under such conditions, restrictions and limitations, as are now provided by law, for the sale of real estate by Executors, Administrators and Guardians, within this Commonwealth: And all proceedings necessary to be had before any Judge of Probate within this Commonwealth, respecting such sale, shall be had before the Judge of Probate within and for the county where such real estate may be situated.

Courts to grant license.

SEC. 2. *Be it further enacted,* That whenever any Executor, Administrator or Guardian, has been duly appointed, and approved by any Judge of Probate, or any Court having probate jurisdiction in any other state, a certified copy of such appointment and approval, filed in any Probate office in this Commonwealth, shall be sufficient evidence of such appointment and approval, and entitle such Executor, Administrator or Guardian, to all the rights and powers, incident to such appointment, as far as it respects the sale of real estate as aforesaid, which he might or could have, if he was appointed and approved as Executor, Administrator or Guardian, by a Judge of Probate in this Commonwealth; and any bond required by law, previous to such sale of real estate, may, in such cases, be given to, and approved by the Judge of Probate, or Court having probate jurisdiction, by whom, or before which the original letters of administration or guardianship were granted, or the will was approved: and a certified copy of such bond, approved as aforesaid, filed with the Judge of Probate in this Commonwealth, to

Powers of Executors.

whom any application may be made by virtue of this act, shall be sufficient, and thereon no additional bond shall be required in this Commonwealth.

[Approved by the Governor, February 24, 1818.]

CHAP. CLXXXIII.

An Act in addition to an act, entitled "An act defining the general powers and duties of Manufacturing Corporations."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That whenever any action shall be commenced against any manufacturing corporation, that may hereafter be created, or whenever any execution may issue against such corporation, on any judgment rendered in any civil action, and the said corporation shall not, before the day on which the said execution is returnable, after demand thereof made upon the President, Treasurer or Clerk of such corporation, by the officer to whom the writ or execution against such corporation has been committed to be served, shew to the same officer sufficient personal estate to satisfy any judgment that may be rendered upon such writ, or to satisfy and pay the creditor the sums due upon such execution, then, upon such neglect and default, upon the issuing of an alias execution, the officer, to whom such execution may be committed for service, may serve and levy the same writ and execution, upon the body or bodies, and real and personal estate or estates of any member or members of such corporation; or upon the body or bodies, and upon the estate real and personal of any person or persons, who were members of said corporation, at the time when the debt or debts accrued, upon which such writs or executions may have issued.

Alias executions.

[Approved by the Governor, February 24, 1818.]

CHAP. CLXXXIV.

An Act further regulating Parish and Precinct Meetings.

SEC. 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 each respective parish and precinct, of twenty-one years of age, who shall be liable to pay to either state, town or county taxes, exclusive of the poll or polls, a sum equal to two thirds of a single poll tax, shall have a right to vote in all parish or precinct meetings, in the parish or precinct to which they belong.

SEC. 2. *Be it further enacted*, That, at all parish or precinct meetings, the Clerk of the parish or precinct shall preside in the choice of a Moderator.

[Approved by the Governor, February 24, 1818.]

CHAP. CLXXXV.

An Act regulating and restricting Appeals from the several Courts of Common Pleas.

SEC. 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 appeal shall be allowed from the judgment of any Court of Common Pleas in this Commonwealth, in any personal action, wherein the sum demanded for debt or damage, or the value of the property in dispute in case of replevin, as estimated in the bond, shall respectively not exceed seventy dollars.

Appeals under
seventy dollars.

SEC. 2. *Be it further enacted*, That in any personal action, wherein the demands for debt or damage shall exceed the above named sum of seventy dollars, if the plaintiff in such action shall appeal to the Supreme Judicial Court, and, upon the trial of such appeal, shall not recover more than seventy dollars, he shall not be entitled to his costs on the appeal, but the

Trials of ap-
peals.

defendant shall be entitled to his costs, and shall have a separate judgment and execution therefor; unless the same shall be set off against the judgment which the plaintiff may recover: which set-off the said Court is authorized to order, on motion therefor; *provided however*, that if the Supreme Judicial Court shall certify that there was reasonable cause for such appeal, the plaintiff may thereupon recover his costs of the appeal.

Double costs.

SEC. 3. *Be it further enacted*, That whenever an appeal shall be made by the defendant in any action, on which judgment may be rendered in any Court of Common Pleas, for a sum not exceeding seventy dollars, if the plaintiff prevail on the appeal, he shall recover against the defendant double the costs arising in the Court appealed unto, unless the debt or damages shall be so reduced, as to render it proper, in the opinion of the Court, that he should have appealed; in which case single costs only shall be allowed, at the discretion of the said Supreme Judicial Court.

Trespases.

SEC. 4. *Be it further enacted*, That all actions of trespass shall, for the purposes of this act, be deemed and taken to be personal actions, excepting those in which the title to real estate shall, by the pleadings, be brought into question.

Exceptions
may be made.

SEC. 5. *Be it further enacted*, That it shall be lawful for any party, thinking himself or herself aggrieved by any opinion, direction or judgment of any Court of Common Pleas, in any matter of law, to allege exceptions to the same, which exceptions being reduced to writing in a summary mode, and being presented to the Court, before the adjournment thereof, and found conformable to the truth of the case, shall be allowed and signed by the presiding Judge or Justice of said Court, and thereupon all further proceedings in such action in said Court shall be stayed; and the party making such exceptions shall enter such action at the Supreme Judicial Court, at the next term thereof for the same county, and shall produce there a copy of all the papers, as in case of appeal. And the said Supreme Judicial Court shall have cognizance thereof, and consider and determine the same action, in the same manner as they are authorized to do in respect to ac-

tions on which questions of law are reserved, in any of the modes prescribed by law, by any one Justice of the Supreme Judicial Court ; and shall render judgment and issue execution thereon ; or may grant a new trial at the bar of said Court, as law and justice shall require : *Provided*, that when any party, alleging exceptions as aforesaid, shall fail to enter the action, at the first succeeding term of the said Supreme Judicial Court for the same county, and complaint thereof shall be made, by the adverse party, as is provided in cases of appeal, or whenever the said Supreme Judicial Court shall determine, that any exceptions, alleged in manner aforesaid, are frivolous, and intended only for delay, the said Supreme Judicial Court shall award double the costs of that Court, against the party making the exceptions. But when the exceptions shall not appear to have been made for delay only, although they may, by the said Supreme Judicial Court, be deemed insufficient for arresting judgment, the said Court shall, in such case, award only single costs against the party making the exceptions, and shall increase any damages recovered in the Court, before which such exceptions were allowed, so as that interest, at the rate of six per cent. per annum, be allowed to the time of rendering the final judgment.

SEC. 6. *Be it further enacted*, That nothing in this act shall be construed to deprive any party of his or her right to a writ of error, for any error appearing of record in any action, or to prevent any party aggrieved by the opinion or judgment of any Court of Common Pleas, rendered upon any issue of law, or case, stated by the parties, (and where it is not agreed, that the decision of such Court shall be final,) from appealing therefrom to the Supreme Judicial Court, as heretofore : *Provided*, that no right be reserved or allowed, to waive the pleadings or statement of the case joined or made, in the said Court of Common Pleas ; but the Supreme Judicial Court shall decide the cause upon the same pleadings, or state of the case, upon which the judgment appealed from, was founded. And that all acts and parts of acts, heretofore made, which are inconsistent with, or repugnant to any of the provisions of this act, be, and they are hereby repealed.

[Approved by the Governor, February 24, 1818.]

CHAP. CLXXXVI.

An Act concerning Poor Prisoners, and other persons.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Justices, before whom any prisoner may appear, for the purpose of taking the poor debtor's oath, shall have power to adjourn their proceedings to any convenient time, on the same, or the following day, until the examination shall be completed: *Provided however*, that they shall not adjourn more than twice upon the same examination, nor more than twenty-four hours at one time: And the execution creditor, or his attorney, attending such examination, may propose to the debtor such interrogatories in writing, pertinent to the inquiry, as he may see fit; which interrogatories shall be answered in writing, before the said Justices, by the debtor; and, if required by the creditor or his attorney, shall be by him signed and sworn to, before the said Justices proceed to administer the oath to discharge such debtor from imprisonment. And the said creditor or attorney shall have a right to receive the said interrogatories and answers, certified by the said Justices, for which he shall pay them the same fees (travelling fees excepted,) as for taking a deposition of the same length. And each Justice shall receive of the debtor one dollar for each day they shall be necessarily employed in said examination, besides fifty cents to the Justice who shall issue the notification to the execution creditor, and the same travelling fees as for taking depositions. And if it shall not clearly appear upon the interrogatories and answers, and the other evidence produced by the debtor and creditor, that such debtor is entitled to his discharge, the said Justices shall not administer the said oath to him, notwithstanding he may offer to take it.

SEC. 2. *Be it further enacted*, That no person who is committed to prison upon execution for debt, and who shall have obtained the liberty of the yard, upon

Adjournment.

Proviso.

Interrogatories.

Fees.

giving bond for that purpose, shall be chargeable to any town or district, as a pauper, for a longer time than forty-five days after he shall have given bond as aforesaid. Limitation of charges for confinement. And if the execution creditor, or other person to be notified of the intention of such debtor to take the said oath, shall reside in the same county, or within fifty miles of said prison, such debtor shall not be so chargeable beyond the space of forty days: *Provided nevertheless*, that no such debtor shall be chargeable to any town or district, for his support, more than four days after he has obtained the liberty of the yard, until he shall make oath before some Justice of the Peace of the same county, that, by reason of his poverty, he is unable to pay for his board, and that he cannot procure employment, within the prison limits, whereby he can support himself; or that, by reason of bodily indisposition, he is unable to support himself by labor. And such Justice shall also certify, that he has fully inquired into the truth of the declaration of such prisoner, and believes the same to be true.

SEC. 3. *Be it further enacted*, That the Overseers of the Poor of any town, in which there is a county gaol, are hereby authorized and directed, at their discretion, by their order in writing, to set to work, under their own direction, or the direction of any other suitable person, any debtor, committed to prison upon mesne process or execution, and actually chargeable to any town or district in this Commonwealth, for his support, Debtors obliged to work. whether such prisoner shall have the liberty of the yard, or not. And the order of said Overseers shall remain in force, until they shall revoke the same, or such prisoner shall provide for himself: *Provided however*, that no prisoner shall be required to labor more than is necessary to pay the expense of his support. And no prisoner shall be chargeable to any town or district, as a pauper, while such order of the Overseers respecting him shall remain in force, except for the deficiency of his earnings to pay the expense of his support.

SEC. 4. *Be it further enacted*, That no person who is committed to gaol on execution, or mesne process, and who shall apply to the Overseers of the Poor for relief, shall be permitted to have and use any spirituous Denied spirituous liquors

liquors, without the consent of the said Overseers. And if the keeper of any gaol, or other person, shall give, sell or deliver to any such prisoner, or to any other person for his or their use, any spirituous liquors, without the consent, in writing, of the said Overseers, or one of them, first had and obtained, shall forfeit and pay for each offence, a sum not less than five, nor more than ten dollars, to be recovered by complaint to any Justice of the Peace for the same county; one moiety thereof to him who shall prosecute for the same, the other moiety to the use of the poor of the town where the gaol is situated. And it is hereby made the duty of the Sheriff, Gaoler and Overseers of the Poor to prosecute for all offences which may come to their knowledge, against the provisions of this section.

SEC. 5. *Be it further enacted*, That the inhabitants of any town or district within this Commonwealth, who have incurred expense for the support of any pauper, whether he was legally chargeable to them by means of his settlement, or not, may recover the same against such person, his executors or administrators, in an action of assumpsit, for money paid, laid out, and expended for his use.

SEC. 6. *Be it further enacted*, That upon the death of any pauper, who, at the time of his decease, shall be actually chargeable to any town or district within this Commonwealth, the Overseers of the Poor of such town or district, may take into their possession all the personal property belonging to such pauper. And if no administration shall be taken upon the estate of such pauper within thirty days after his decease, said Overseers may sell so much of such property, as may be necessary to repay the expenses incurred for such pauper. And if any part of such property shall be withheld from said Overseers, they shall have the same remedy for the recovery of such property, or the value thereof, that an administrator of the estate of said pauper might have in like case.

SEC. 7. *Be it further enacted*, That this act shall take effect, and be in force, on and after the first day of June next.

[Approved by the Governor, February 24, 1818.]

Actions of Assumpsit.

Overseers may sell property of paupers.

CHAP. CLXXXVII.

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, Calvin Bailey, son of Calvin Bailey, of Hanover, in the county of Plymouth, shall be allowed to take the name of Bernard Calvin Bailey; Edward Jenkins, of Scituate, in the same county, shall be allowed to take the name of Edward Henry Jenkins; Lory Jones, of Greenwich, in the county of Hampshire, shall be allowed to take the name of Lorenzo Baldwin Jones; John Deblois, son of Stephen Deblois, of Boston, in the county of Suffolk, shall be allowed to take the name of John A. Deblois; Thomas Smalley Delano, of the same Boston, shall be allowed to take the name of Nathaniel Lewis Nickerson; Thomas Carter, of Newburyport, in the county of Essex, shall be allowed to take the name of Thomas Duncan Carter; George Carter, of the same place, shall be allowed to take the name of George Duncan Carter; Ithamar Beard, junior, of Littleton, in the county of Middlesex, shall be allowed to take the name of Ithamar Ames Beard; Pliny Cutler, the 2d, of said Boston, shall be allowed to take the name of Henry Pliny Cutler; John Ward, of said Boston, merchant, shall be allowed to take the name of John George Ward; Henry Gray, of said Boston, shall be allowed to take the name of Henry D. Gray; Emery Brigham, of Southborough, in the county of Worcester, shall be allowed to take the name of Emery Cushing Brigham; Thomas Williams, of Boston, aforesaid, shall be allowed to take the name of Thomas Kendall Williams; Henry Hale Gay, son of Mary Gay, of Dedham, in the county of Norfolk, shall be allowed to take the name of George Henry Gay; Larkin Newton, of said Southborough, shall be allowed to take the name of Henry Martial Pinkney; Samuel Putnam, junior, of Salem, in the

county of Essex, shall be allowed to take the name of Samuel R. Putnam ; Washington Thayer, of said Boston, shall be allowed to take the name of George Washington Thayer ; John Parker McQuillin, of Beverly, in the county of Essex, shall be allowed to take the name of John Hills Parker ; Thomas R. Amory, of Boston, aforesaid, shall be allowed to take the name of Thomas C. Amory ; Job Williams, son of Gideon Williams, of Taunton, in the county of Bristol, shall be allowed to take the name of Francis Job Williams ; Adolphus Frederick Packard, of Springfield, in the county of Hampden, shall be allowed to take the name of Frederick Adolphus Packard ; Jacob Thompson Wild, of Boston, aforesaid, shall be allowed to take the name of James Thompson Wild ; John Low, junior, of said Boston, shall be allowed to take the name of John Vaughan Low ; Charles Adams, of said Boston, shall be allowed to take the name of Charles Frederick Adams ; Josiah Trott, of Woolwich, shall be allowed to take the name of Josiah Winship Trott ; Nathan Foster, of Boston, aforesaid, silk dyer, shall be allowed to take the name of Nathan Orris Foster ; Daniel Rogers, junior, of Gloucester, in the county of Essex, shall be allowed to take the name of Daniel W. Rogers ; Harriet Walker, of Boston, aforesaid, shall be allowed to take the name of Harriet Walker Boardman ; Francis Shaw Blake, son of Sarah Blake, of Boston, shall be allowed to take the name of Edward Blake ; Lucy Ann Bradlee, daughter of Josiah Bradlee, of said Boston, shall be allowed to take the name of Lucy Hail Bradlee ; Edward Augustus Holyoke Turner, shall be allowed to take the name of Edward Augustus Holyoke ; and the said several persons shall hereafter be called and known by the names, which, by this act, they are severally and respectively allowed to take as aforesaid ; and the same shall be considered as their only proper and legal names.

[Approved by the Governor, February 24, 1818.]

CHAP. CLXXXVIII.

An Act concerning Plates for printing Bank Notes.

SEC. 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 plates used by any incorporated bank within this Commonwealth, for the purpose of making impressions of bills or notes issued by such bank, shall at all times be kept in the vaults of said bank, when not in actual use for making impressions of bills or notes as aforesaid. And whenever the same plate or plates shall be wanted for the purposes aforesaid, the same shall not be taken from the vaults of the bank aforesaid, but in the presence of the President, a Director, or the Cashier of said bank; and the same plates shall be returned every night to the vaults of said bank in the presence of the President, a Director, or the Cashier of said bank, as aforesaid; and during all the time they shall be out of said vaults, they shall be in the sole custody, and be used only in the presence of such President, Director, or Cashier.

Must be used
in presence of
one of the offi-
cers.

SEC. 2. *Be it further enacted,* That each and every plate or plates, used for the purpose of making impressions of the bills or notes of any incorporated bank within this Commonwealth, when such plate or plates shall be used by two or more banks, shall be deposited in the vaults either of the Massachusetts Bank, the State Bank, or the Boston Bank, in the town of Boston, or in the Newburyport Bank, or Mechanic's Bank, in the town of Newburyport; and said plate or plates shall not be removed from the vaults of the bank, in which they may be so deposited, except in the presence of the President, a Director, or the Cashier of the bank, in which they may be so deposited, or for the use of which they shall be taken out, as aforesaid; and the said plate or plates shall, on every night, be returned to and deposited in the vaults of one of the banks aforesaid; and during all the time they shall be out of said vault, they shall be in the sole custody, and be

Plates to be
nightly secured

used only in the presence of the President, of a Director, or Cashier, of the bank for the use of which they shall be taken out.

SEC. 3. *Be it further enacted,* That if any person, after thirty days from the passing of this act, shall have in his possession any plate or plates, used for making impressions of bank bills or notes, contrary to the provisions of this act, or having the same in custody under the authority of this act, shall put the same out of his custody, or shall suffer the same to be used out of his presence, or shall not return the same to such vault every night, as herein before provided, and be thereof convicted upon indictment in any Court of competent jurisdiction, such person shall forfeit, and pay to the use of the Commonwealth, a fine not exceeding ten thousand dollars; or be punished by imprisonment in the common jail, or confinement to hard labor in the state prison, for a term not exceeding ten years, at the discretion of the Court, before whom the conviction may be.

Penalties.

[Approved by the Governor, February 24, 1818.]

CHAP. CLXXXIX.

An Act authorizing the Proprietors of Churches, Meeting Houses, and other Houses of Public Worship, to regulate and manage their property and interests therein.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That whenever the proprietors of any church, meeting house, or other house of public worship, shall deem it expedient to alter, enlarge, repair, rebuild, or remove the same, it shall be lawful for them, at a legal meeting called for that purpose, to raise such sums of money, as they may judge needful, to carry any of said purposes into effect, and to purchase any land necessary for the same. And such monies may be assessed on the pews in such church or house, and the assessment be committed to

Assessments.

the Treasurer chosen by said proprietors to receive the same; who shall forthwith give notice thereof, by posting up an advertisement, stating the completion of such assessment, and the day of delivery thereof to him, at the principal outer door of such house: and if said taxes, or any part thereof, remain unpaid by the space of three months, beyond the time of posting up notifications as aforesaid, it shall be the duty of said Treasurer to collect the same forthwith, by sale at public vendue, of the pews whereon the tax, or any part thereof, shall remain unpaid, in manner hereinafter provided.

SEC. 2. *Be it further enacted*, That whenever it shall become the duty of the Treasurer to sell said pews as aforesaid, he shall post up a notification of the intended sale thereof, at the principal outer door of such church or house, at least three weeks before the time of sale, therein setting forth the numbers of the pews, if any, the names of the owners or occupants, if known, and the amount of the taxes due thereon. And if said taxes, or any of them, remain unpaid at the time appointed for such sale, the Treasurer shall sell every pew whereon the tax or any part thereof is unpaid, at public vendue, to the highest bidder; and shall make, execute and deliver to the purchaser, sufficient deeds of conveyance of the same; and the monies arising from such sale, over and beyond the taxes and incidental reasonable charges, said Treasurer shall pay over to the former owners of the pews so sold, respectively, or their assigns on demand.

Public notice
of sale.

SEC. 3. *Be it further enacted*, That the affidavit of any disinterested person, on the back of any original notification, or a copy thereof, made before any Justice of the Peace in the same county, and recorded on the proprietors' records, within six months next after such sale, shall be one mode of proof of the posting up of the notifications herein before required.

Affidavits.

SEC. 4. *Be it further enacted*, That any meeting of said proprietors, for any of the purposes mentioned in this act, may be called by warrant from any Justice of the Peace in the same county, granted on application to him in writing, by any five of said proprietors, and directed to one of them; or by notification by the Clerk

General meeting.

of said proprietors, if any there be, whose duty it shall be to warn a meeting of said proprietors on the like application: and in either case, such meeting may be warned by posting up a notification thereof, at the principal outer door of such church or house, fourteen days at least, before the time appointed for such meeting.

SEC. 5. *Be it further enacted*, That whenever said proprietors shall deem it necessary, for the purpose of repairing, altering, enlarging or rebuilding any such church or house, to take down any pews therein, it shall be lawful for said proprietors so to do; such pews being first appraised by a Committee of disinterested persons, chosen by said proprietors for that purpose. And the pews newly erected, shall be sold by the Treasurer of said proprietors, at public vendue, to the highest bidder, in manner herein before directed, and deeds thereof given as aforesaid; and the monies arising from such sale shall first be applied to the payment to each proprietor of such pew taken down, of the value thereof appraised as aforesaid; the deficiency, if any, to be paid by said proprietors: such payment to be made within thirty days next after such sale.

Profits of sales
distributed.

[Approved by the Governor, February 24, 1818.]

CHAP. CXC.

An Act to regulate the jurisdiction and proceedings of the Courts of Probate.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That a Court of Probate shall be held within the several counties of the Commonwealth; and there shall be, in the manner the constitution directs, some able and learned person in each county in the Commonwealth, appointed, or to be appointed Judge, for taking the probate of wills, and granting administrations on the estates of persons deceased, being inhabitants of, or resident in the same

Powers of
Judges.

county, at the time of their decease, or having died without the Commonwealth, and leaving estate of any kind, within the same; for appointing guardians to minors, and other persons; for examining and allowing the accounts of executors, administrators, or guardians; and for such other matters and things as the Courts of Probate, within the several counties aforesaid, shall, by law, have cognizance and jurisdiction of. And the said Judges of Probate shall have full power and authority to make out such process or processes as may be needful for the discharge of the trust reposed in them; and all Sheriffs, Deputy Sheriffs, Coroners and Constables, are required duly to serve and execute all legal warrants, or other process, to them directed by any Judge of Probate. And contempt of authority, in any cause or hearing before any Judge of Probate, shall, and may be punished in like manner as such contempt of authority in any Court of Common Pleas, may or can by law be punished.

SEC. 2. *Be it further enacted,* That there shall be, in manner, as the constitution directs, a suitable person in each county appointed, or to be appointed Register of wills, administrations, accounts, decrees, orders, determinations, and other writings, which shall be made, granted, or decreed upon, by the Judges of Probate, in their respective counties; which Register shall be sworn to the faithful performance of the duties of his office, and have the care and custody of all files, papers and books, to the Probate office belonging; and in case of the death, sickness, or necessary absence of the Register, it shall and may be lawful for the Judge of Probate to nominate and appoint some meet person to officiate as a Register, to be sworn as aforesaid, until the standing Register shall be able to attend his duty, or until a new one shall be appointed by the Governor and Council.

Powers of
Registers.

SEC. 3. *Be it further enacted,* That the Judges of Probate, in the respective counties, shall have certain fixed days for the making and publishing of their orders and decrees; and such days shall be made known, by public notifications thereof, in the several counties, and all orders and decrees of Judges of Probate shall be made in writing, and duly recorded.

Fixed time for
Courts.

Counsellors.

SEC. 4. *Be it further enacted*, That no Judge of Probate shall be allowed or admitted to have a voice in judging and determining, nor be permitted to be of counsel, or to act as an attorney, either in or out of Court, in any civil action, or other process or matter whatsoever, which may depend on, or have relation in any way, to any sentence or decree, made or passed by him in his office aforesaid. Nor shall he be of counsel or attorney in any civil action for or against any executor, administrator or guardian, as such, within the county in which said Judge shall reside. And no Register of Probate shall be appointed an administrator or commissioner of insolvency, appraiser or divider of or upon any estate, or in any manner be interested in the fees and emoluments arising therefrom; or be of counsel, or in any way, directly or indirectly, act as an attorney in any matters and things whatsoever, which are or may be pending in the Court of Probate, of which he is Register, or in any appeals therefrom.

Removal of cases.

SEC. 5. *Be it further enacted*, That whenever any Judge of Probate shall be interested in the estate of any person deceased, within the county of such Judge, such estate shall be settled in the Probate Court of the most ancient next adjoining county; and the will, if any, of such deceased person, may be there proved, or administration granted, as the case may require; and all other proceedings had thereon, in such adjoining county, as if such deceased person had belonged to or died within the same. And whenever due application shall be made in writing to the Judge of Probate, of such adjoining county, for the probate of a will, or the granting of letters of administration, in virtue of this act, he shall, after giving due public notice thereof, proceed thereon, and settle such estate as fully, and to all intents, as he might any other estate within his proper jurisdiction; *excepting, however*, that when the Judge of Probate of Nantucket or Dukes' County shall be interested in the estate of any person deceased, within his jurisdiction, the same shall be settled in manner as herein before mentioned, in the Probate Court of the county of Barnstable: *Provided always*, that nothing herein contained shall take away the right

of appeal to the Supreme Court of Probate, as allowed in other cases.

SEC. 6. *Be it further enacted*, That the Supreme Judicial Court shall be the Supreme Court of Probate, and shall have appellate jurisdiction of all matters determinable by the Judges of Probate in their respective counties; and all appeals from any order or decree of a Judge of Probate, which shall be made after the passing of this act, shall be to the said Supreme Court of Probate, accordingly.

SEC. 7. *Be it further enacted*, That any person aggrieved at any order, sentence, decree, or denial, of any Judge of Probate in any county, may appeal therefrom to the said Supreme Court of Probate; *provided* such appeal be claimed within one month from the time of making such order, sentence, decree, or denial, and bond be given, and filed in the Probate office by the appellant, within ten days after such appeal shall be claimed and granted, for the prosecution thereof to effect at the next Supreme Court of Probate, and for paying all intervening costs and damages, and such costs as the said Supreme Court of Probate shall tax against him. And such appeal shall be taken notice of and proceeded upon at the next term of the Supreme Judicial Court, which shall be holden next after the expiration of thirty-four days after such appeal shall be made, within and for the county where such order, sentence, decree, or denial was made: and the appellant shall file the reasons of appeal, in the Probate Court appealed from, within ten days after the bond is given, and shall serve the adverse party or parties with an attested copy of such reasons, fourteen days at least before the sitting of the said Supreme Court of Probate, at which the trial is to be had. And when it shall appear from the reasons of appeal, that the sanity of the testator, or the attestation of the witnesses in his presence, as the law directs, is the question in controversy, on any will or codicil, the said Supreme Court of Probate may, for the determination thereof, direct a real or a feigned issue to be tried before a jury in the same Court, at the expense of the appellant, in case the issue be found against him. And in case the party or parties appealing fail in the prosecution of the said appeal to

Supreme
Court of Pro-
bate.

Common ap-
peals.

effect, then the adverse party, or any person interested in the sentence or decree so appealed from, shall have the benefit of the same, by filing a complaint before the Supreme Court of Probate, in like manner as is provided by law for affirming the judgment of the Court of Common Pleas, in the Supreme Judicial Court; and the Supreme Court of Probate may assess reasonable costs, in all cases that may be brought before them, by way of appeal, from the respective Judges of Probate, and grant execution therefor: *Provided always*, that any person beyond sea, or out of the United States, who shall have no sufficient attorney within the Commonwealth, at the time of such order, sentence, decree or denial, shall have one month, after his or her return, or constitution of such attorney, to claim and prosecute an appeal as aforesaid.

Proviso.

SEC. 8. *Be it further enacted*, That whenever any person has been or shall be aggrieved by any order, sentence, decree, denial, or decision of any Judge of Probate in any county, and such person, by accident, mistake, or otherwise, shall not have appealed to the Supreme Court of Probate agreeably to the provisions of law, the said Supreme Court of Probate, upon petition to them, and after notice to the person or persons interested to support such order, sentence, decree, denial, or decision, and upon its appearing that the petitioner has not lost his appeal by his own neglect, and that justice requires a revision of such order, sentence, decree, denial, or decision, may grant an appeal therefrom, to be entered, heard and determined in the said Supreme Court of Probate: *Provided always*, that such petition shall be preferred within one year next after such order, sentence, decree, denial, or decision, shall have been made by such Judge of Probate.

Special appeals.

SEC. 9. *Be it further enacted*, That whenever there shall be an appeal from any order or decree of any Judge of Probate of any county to the Supreme Court of Probate as aforesaid, and the appellant shall file in the Probate office, his reasons of appeal, and give bonds to prosecute the same to effect, according to law, and shall give notice thereof to the adverse party; in such case, all further proceedings, in consequence of such order, sentence, decree, denial, or decision, shall be

Bonds.

staid, until a final determination shall be had thereon in the said Supreme Court of Probate.

SEC. 10. *Be it further enacted*, That the Courts of Probate of the respective counties shall have the same authority, which the Courts of Common Law have, upon petition, to empower and license executors, administrators, and guardians of minors or others, to sell the real estate of their testators, intestates, and wards respectively, for the payment of just debts and legacies, with incidental charges; and such authority to sell shall extend, as well to any real estate which is, or may have been held by such testator or intestate in mortgage, and of which such executor or administrator shall have recovered seisin and possession, or which shall have been set off on execution to such executor or administrator for the use of the widow, heirs, or devisees of such testator or intestate, as to the other real estate of such testator or intestate: *Provided always*, that no such license shall hereafter be granted by either of the Courts aforesaid, until after personal notice, or notice given by an advertisement for three weeks successively, in such newspaper as the Court shall order, to all persons interested therein, of the time and place at which they may be heard concerning the same; and if the said persons interested, or any of them, shall give bond with sufficient sureties to pay such debts and legacies, with incidental charges, then such license shall not be granted. *And provided further*, that an appeal shall be allowed from any order, sentence, decree, denial, or decision of any Judge of Probate, respecting any petition for such license in like manner as in other cases.

SEC. 11. *Be it further enacted*, That every executor, administrator, guardian or other person, who shall have or obtain a license from any Court, according to law, for selling real estate of any person deceased, or under guardianship, shall, previous to fixing upon the time and place of the sale of such estate, take the following oath or affirmation, before the Judge of Probate, or before some Justice of the Peace, whose certificate thereof shall be returned to the Judge of Probate, to wit:—"I, A. B. do solemnly swear, (or affirm, as the case may be) that in disposing of the estate late-

License to ex-
ecutors.

Oaths.

estate lies without the limits of the county of the Judge of Probate, who has jurisdiction of the settlement of such estate, it shall be lawful for the Judge of Probate, or for any Justice of the Peace to appoint such three persons to take the inventory of the estate so distant as aforesaid, or so without the county as aforesaid; and the persons so appointed by said Justice of the Peace, shall be sworn to the faithful discharge of their trust by said Justice, who shall also certify the same, together with the appointment to the said Judge of Probate; and such appointment by the Justice of the Peace, shall be valid and effectual in law. And after the expiration of thirty days from the death of any person intestate, in case the widow or next of kin shall refuse or neglect to take out letters of administration, being cited before the Judge of Probate for that purpose, if resident within the county, the said Judge of Probate may commit administration of such estate to some one or more of the principal creditors, and in case of their refusal, to such other person or persons as the said Judge shall think fit. And every administrator shall, before entering upon the execution of the trust, give bond to the Judge of Probate, with good and sufficient sureties, upon condition, among other things, to make and return a true inventory of the estate administered upon, into the Probate office, within three months, and to render an account of administration within one year from the time of taking administration: which bond shall be in the form following:—

Know all men by these presents, that we

within the Commonwealth of Massachusetts, are holden and stand firmly bound and obliged, unto

Judge of
 Probate of Wills, and for granting administration
 within the county of in the
 full and just sum of
 to be paid to the said

and his successors in said office; to the true payment whereof we do bind ourselves and each of us, our and each of our heirs, executors, and administrators, jointly and severally, by these presents, sealed with our seals.

Dated the _____ day of _____ in the year

of our Lord one thousand eight hundred and

The condition of this obligation is such, that if the above bounden administrator of all and singular the goods and estate of deceased, do make or cause to be made, a true and perfect inventory of all and singular the real estate, goods and chattels, rights and credits of said deceased, which have or shall come to the hands, possession or knowledge of the said or into the hands or possession of any other person or persons for , and the same so made do exhibit or cause to be exhibited into the Registry of the Court of Probate of the said county of at or before the day of next ensuing ; and the same goods and chattels, rights and credits, and all other the goods and chattels, rights and credits of the said deceased, at the time of death, which at any time after shall come to the hands and possession of the said or into the hands and possession of any other person or persons for the said do well and truly administer according to law ; and further do make or cause to be made, a just and true account of said administration upon oath on or before the day of which will be in the year of our Lord one thousand eight hundred and and all the rest, residue, and remainder of the said goods and chattels, rights and credits, which shall be found remaining upon the said administration account, (the same being first examined and allowed by the Judge for the time being of Probate of Wills and for granting administrations within the county of aforesaid,) shall deliver and pay unto such person or persons, respectively, as the said Judge by his decree or sentence, pursuant to law, shall limit and appoint ; and if it shall hereafter appear, that any last will and testament was made by said deceased, and the executor or executors therein named do exhibit the same into the Court of Probate of the said county of making request to have it allowed and approved accordingly ; if the said above bounden, being thereunto required, do render and deliver the said letter of administration (approbation of

such testament being first had and made) into the said Court; then the before written obligation shall be void and of none effect, or else shall abide and remain in full force and virtue.

Sealed and delivered, }
 in presence of us. }

SEC. 15. *Be it further enacted,* That where two or more persons have letters of administration granted them of any intestate estate, and one or more of them take all or the greatest part of such estate into their hands, and refuse to pay the debts or personal charges of such intestate, or refuse to account with the other administrator, then, and in such case, it shall be lawful for such aggrieved administrator to bring his action of account against the other administrator or administrators, and recover his proportionable share of such intestate's estate as shall belong or appertain to him.

Provisions for settling disputes.

SEC. 16. *Be it further enacted,* That when any person who has died or shall die intestate without the Commonwealth, shall leave estate of any description within the same to be administered, any person interested in such estate shall be entitled to letters of administration thereon, in like manner as if such intestate had died within the Commonwealth; and the Judge of Probate of any county, wherein such estate shall be found, shall have power to grant such letters of administration accordingly, which shall extend to all the estate of such intestate within the Commonwealth; and the same estate shall be settled in the county where such letters of administration shall have been first granted; and after such letters shall have been granted and notice thereof given by the administrator in like manner as in other cases, any new letters of administration on the same estate shall be void.

Particular administrations.

SEC. 17. *Be it further enacted,* That administration shall not be originally granted upon the estate of any deceased person after the expiration of twenty years from the death of such person; nor shall administration of the goods or estate of any deceased person, not administered upon by a former executor or administrator, be granted, until it shall evidently appear to the Judge of Probate, by the oath of the party applying, or otherwise, that there is personal estate of such deceased

Limited administrations.

person, to the amount of twenty dollars or upwards, or debts of the like or greater value due from such deceased person unpaid.

SEC. 18. *Be it further enacted,* That whenever any executor or administrator shall die, or be removed from office, during the pendency of any suit brought by, or against him, in said capacity, the same suit may be prosecuted by, or against any administrator de bonis non, who shall thereupon be appointed, and process may thereupon issue in due form of law, to compel any such administrator de bonis non to become a party to the suit; and if such administrator de bonis non shall, after due service of such process, neglect or refuse to become a party to the suit, judgment may be rendered against him in the same manner as if he had voluntarily come in and become a party to the suit, and had therein been defaulted or non-suited. And when judgment shall be had in any suit in which an executor or administrator is a party, and such executor or administrator shall afterwards die or be removed from office, in such case a scire facias may be sued and execution taken out upon such judgment, either by, or against any administrator de bonis non, who shall be thereupon appointed, and any execution, which may have duly issued upon such judgment, may be perfected by either of said parties respectively; and a writ of error to correct any errors in such judgment, may be brought in manner prescribed by law, either by, or against such administrator de bonis non, in like manner as might have been by, or against the original executor or administrator, who was a party to such judgment.

SEC. 19. *Be it further enacted,* That every administrator shall be held to account with the Judge of Probate, for the personal estate of the deceased, as the same shall be appraised, unless the said Judge shall think it will be more for the benefit of the parties interested, otherwise to dispose of the same; in which case the said Judge shall order the same or any part thereof, to be sold at public auction, or at private sale, in such manner as he shall determine will best serve the interest of all parties interested; and the administrator shall account for such estate as the same shall have been sold: *Provided always,* that such sale shall

Administra-
tor: de bonis
non.

Appraisements

be ordered within the term of three months from the return of the inventory, and not afterwards, unless the said Judge of Probate shall, for special reasons, think proper to allow a further term, not exceeding six months.

SEC. 20. *Be it further enacted*, That in any case, where the oath of an executor, administrator, or guardian, is, or may be required by law to be made personally before the Judge of Probate, to any account which is to be settled by such Judge, and such executor, administrator, or guardian, shall be unable, by reason of sickness, bodily infirmity, or otherwise, to attend before such Judge, it shall be lawful for such Judge, by commission of *dedimus potestatem*, to authorize any disinterested Justice of the Peace to administer such oath, a certificate whereof shall be returned to such Judge, together with such commission and account and the vouchers to prove the same. Dedimus oaths.

SEC. 21. *Be it further enacted*, That whenever it shall appear to any Judge of Probate, that any debtor to any estate within his jurisdiction is unable to pay all his just debts, and that it is reasonable that his creditors should discharge him from all demands, upon their receiving from him a fair and equitable dividend of all his estate, it shall be lawful for the executor or administrator of any deceased creditor, by the consent and approbation of such Judge, to join with those creditors who may agree in such discharge, and to sign the same upon such executor or administrator's receiving a just portion of said debtor's property, to which the said deceased creditor would have been entitled. Debts of insolvents compounded.

SEC. 22. *Be it further enacted*, That whenever any heir or legatee shall be entitled to demand any distributive share or legacy in any estate, the executor or administrator of such estate may, before payment of such distributive share or legacy, require bonds to be given to himself, if the Judge of Probate shall deem it reasonable, with such surety or sureties as the said Judge shall approve, by the parties or any of them who shall demand payment of such distributive shares or legacies, with condition, that the party or parties, to whom the same shall be paid, shall refund a propor- Shares re-funded.

tional part of such estate, or otherwise indemnify such executor or administrator against any demands which may be made against the testator or intestate respectively.

Bonds to be approved.

SEC. 23. *Be it further enacted,* That in all cases wherein by law bonds are required to be given to any Judge of Probate, or to be filed in the Probate office, it shall be the duty of the said Judge first to examine and approve of such bonds, and upon their being so approved, but not otherwise, the said Judge shall order the same to be filed or recorded in the Probate office.

Partitions, &c.

SEC. 24. *Be it further enacted,* That whenever in the settlement of the estate of any person deceased, there shall be any real estate to be divided among his or her heirs or devisees, the Judge of Probate having jurisdiction of the settlement of such estate, shall by warrant directed to a committee of three discreet and disinterested freeholders, who shall be under oath, cause such real estate, situated in one or more counties in the Commonwealth, to be divided among the heirs or devisees of the person deceased, pursuant to his or her will or to the laws regulating the descent and distribution of intestate estates, as the case may be; and where such real estate cannot be divided among all the heirs or devisees, or their legal representatives, without great prejudice to, or spoiling the whole, the said Judge may assign the whole to one, or to so many of the heirs or devisees as the same will conveniently accommodate; always having due regard to the terms of any devise there may be in the case, and also preferring males to females, and among the children of the deceased, elder, to younger sons; and if any heir or heirs, devisee or devisees, to whom any real estate shall be so assigned, shall not accept the same and make or secure payments to be made as the said Judge of Probate shall direct, then and in such case the same may be so assigned to one or more of the other heirs or devisees successively; in every case the heir or heirs, devisee or devisees to whom the same estate shall be assigned as aforesaid, paying to the other heirs or devisees, their heirs or assigns, their proportionable shares of the true value thereof on an appraisement to be made by such committee, or giving such

sufficient security to pay the same, and in such convenient time or times as the said Judge of Probate shall direct, with lawful interest until paid. And no conveyance, made by any heir or devisee, of his or her interest or estate in the lands of any testator or intestate, shall take from such Judge of Probate his jurisdiction and authority to divide and assign the real estate of any testator and intestate among his or her heirs or devisees, in manner aforesaid.

SEC. 25. *Be it further enacted,* That when the Judge of Probate shall issue such warrant for the purposes aforesaid, or for the assignment of dower in any such real estate, and such real estate shall lie in common and undivided with that of any other person or persons, the said Judge shall direct the committee named in such warrant, first to sever and divide the estate of the deceased from that of such other person or persons, the said committee first giving timely notice to all parties interested in said estates, that they may be present, if they see fit, at the making of any such divisions. Estates severed

SEC. 26. *Be it further enacted,* That such division of any such real estate, made as aforesaid, and accepted by the said Judge of Probate, and recorded in the Probate office of the same county, shall be binding on all persons interested; *provided nevertheless,* that when any minor or any person non compos mentis, or otherwise incapable to take care of their estates, or any persons who shall be out of the Commonwealth, are interested either in the estate of such deceased person, or in the estate with which it so lies in common, guardians shall be appointed for such minors, persons non compos, or otherwise incapable; and some suitable person shall be appointed for such absent persons by the said Judge before such division, to represent and act for them respectively in the making thereof; *and provided also,* that before an order for such division shall issue, it shall be made to appear to the said Judge of Probate, that the several persons interested in such estate, if living within the Commonwealth, and the attorney, if any, or other suitable person or persons, appointed as aforesaid, of such as may be absent from the Commonwealth, have had such due notice of such partition as the said Judge shall have ordered, and Rights of minors.

have had opportunity to make their objections to the same : *Provided also*, that where an estate is devised, it shall be lawful for the said Judge to order the whole or that part of it whereof partition is applied for, to be divided among the devisees, according to their true proportions thereof by said committee.

Partition committee sworn.

SEC. 27. *Be it further enacted*, That every committee appointed to make division as aforesaid, may be sworn before the Judge of Probate appointing them, or before some Justice of the Peace ; and in case there shall be no Justice of the Peace in the town where such estate may lie, then before the Town Clerk of such town ; and a certificate of such oath shall be returned by such Justice or Town Clerk, to the Probate office from which the warrant for such division shall have issued.

Validity of partitions.

SEC. 28. *Be it further enacted*, That all such partitions of real estate, made, accepted and recorded as aforesaid, shall be valid in law to all intents and purposes, unless upon the appeal of any party aggrieved thereby, the same should be reversed or altered by the Supreme Court of Probate ; but no partition shall be ordered by any Judge of Probate under this act, when the proportions of the heirs or devisees, or any of them, shall be disputable by the tenor of the will in the case, or any other matter in writing from which it shall appear that the proportions are uncertain, and ought, in the opinion of said Judge, first to be legally ascertained.

Assignments.

SEC. 29. *Be it further enacted*, That when any messuage, tract of land, or other tenement, shall be of greater value than the share of any party in any real estate, to be divided as aforesaid, and the same messuage, tract of land, or other tenement, cannot without great inconvenience be sub divided ; the same may be assigned to one of the parties only, such party paying such sum or sums of money to the other parties, who in consequence thereof have less than their shares of such real estate so divided, as the committee appointed to divide the same shall award.

SEC. 30. *Be it further enacted*, That when any partition shall be made as aforesaid, and any one or more of the parties interested in the estate descended or devised, shall neglect or refuse to pay their just pro-

portion of the charges attending the same partition, it shall be lawful for the said Judge of Probate to issue a warrant of distress against such delinquent for the amount of such proportion and costs of such process : Warrants of distress.
Provided always, that an account of such charges be first exhibited to the said Judge, and the just proportion of such party so interested, be settled and allowed, such party having had due notice to be present at the settlement and allowance thereof.

SEC. 31. *Be it further enacted*, That in case of any division and settlement of real estate, pursuant to the warrant of a Judge of Probate in manner aforesaid, it shall be lawful for such Judge to order a division of the reversion and remainder expectant upon the determination of any estate in dower, in like manner as the division of the other parts of such estate ; and the division of such reversion and remainder shall be ordered and made, either at the same time with the division of the other parts of such real estate, or upon the determination of the estate in dower, at the discretion of the said Judge, whether such estate in dower shall be determined by the decease of the tenant in dower, or by the voluntary relinquishment thereof, or in any other manner : That the guardian of any minor, having a right in reversion or remainder in and to any estate set off to the widow of any deceased person, as and for her dower, may, with the consent of the Judge of Probate, having jurisdiction of the settlement of such estate, purchase from the tenant in dower or her assigns, her or their interest in the same, for the benefit of such minor, and from his or her personal estate. And all monies, so applied, may, by such guardian, be charged to such minor in account ; and all the rents and profits of such estate shall be credited to the minor, in like manner as the rents and profits, which arise from his or her other estate ; *provided always*, that it be satisfactorily proved to the Judge of Probate, that such purchase will be for the manifest advantage of such minors. Estates in dower.

SEC. 32. *Be it further enacted*, That whenever any executor or executors of the last will of any person deceased, knowing of their being so named and appointed, shall neglect to cause such will to be proved and recorded, pursuant to the provisions of the sixteenth sec-

Penalty on
executors.

tion of an act, entitled "An act prescribing the manner of devising lands, tenements and hereditaments," passed on the sixth day of February, in the year one thousand seven hundred and eighty-four, and such executor shall incur the forfeiture provided in the same section of said act, for so neglecting his trust and duty in that behalf; such forfeiture shall be had and recovered by any party interested in the estate devised by such will, and by no other person, by action of debt in the Court of Common Pleas, holden within and for the county where such will ought by law to be proved; and in case of such forfeiture being incurred as aforesaid, judgment may be rendered by the Court for any sum not exceeding sixteen dollars a month, for and during the time of delay mentioned in the same section of said act.

SEC. 33. *Be it further enacted,* That in cases where it shall clearly appear to the Judge of Probate, either by the consent of heirs at law in writing, or by other satisfactory evidence, that there is no objection to the probate of any will being granted, it shall be lawful for the said Judge, at his discretion, to grant probate thereof, upon the testimony of one or more of the three subscribing witnesses required by law, as the said Judge shall think proper, whether such witnesses are within the process of the said Judge or otherwise.

Wills proved
by one or more
witnesses.

SEC. 34. *Be it further enacted,* That every guardian, who shall be hereafter appointed to any minor having real estate, goods and chattels, rights or credits, shall be required to return into the Probate office a true and perfect inventory of all such real estate, goods and chattels, rights and credits, within such time as the Judge of Probate shall order, in like manner as the trustees of minors, appointed by any last will and testament, are by law required to do.

SEC. 35. *Be it further enacted,* That before any guardian shall transfer or draw from any loan office, bank, insurance office, or other corporation, any loan office certificate, or share in such bank, insurance office or other corporation, or any stock (so called) in any public fund, belonging to the ward of such guardian, it shall be the duty of such guardian to obtain license so to do from the Judge of Probate of the county where such guardian has been or shall be appointed; and

Guardians re-
stricted.

upon neglect thereof, such guardian shall be removed from office, and shall be considered as having forfeited his probate bond.

SEC. 36. *Be it further enacted*, That any Judge of Probate may dismiss any guardian of a minor, idiot, non compos or lunatic person, or of persons who spend their estates by excessive drinking, idleness, or debauchery, whenever it shall appear to the said Judge, that necessity or expediency require the same, and to appoint some other guardian in his place: *Provided always*, that no such guardian shall be dismissed as aforesaid, before he shall have had notice, in writing, from said Judge, fourteen days at least before the time of hearing, to appear and show cause why he should not be so dismissed.

Guardians may be dismissed.

SEC. 37. *Be it further enacted*, That all persons who are or may be constituted Trustees of any estate, real, personal or mixed, belonging to minors or other persons, to whom such estate has been or may be devised, in trust for such minors or other persons, by the last will and testament of any person, shall, except in the cases hereinafter mentioned, give bond to the Judge of Probate of the county in which such last will and testament has been or shall be proved, approved and allowed, with sufficient surety or sureties within the Commonwealth, in such sum as the said Judge shall order, conditioned for the faithful execution of such trust according to the true intent and meaning of the testator, and that the trustee shall make a true and perfect inventory of the real estate, goods and chattels, rights and credits of such minors or others, to be returned filed and recorded in the Probate office of such county, at such time as the said Judge shall order, and that the said trustee will annually render an account to the said Judge of the annual income and profits thereof, and at the expiration of such trust will adjust and settle his accounts with the said Judge, and will pay and deliver over all balances and sums of money or other property that may be due, and give possession of the other estate belonging to such minors or others with which such trustee may have been entrusted: *Provided nevertheless*, that no trustee, so long as he

Duties of Trustees.

shall continue faithfully to execute the trust, shall be obliged to give bond as aforesaid, in any case in which the testator in his last will shall have directed or requested that such bond should not be given, nor in any case, in which all the cestui que trusts being of full age and legal capacity shall signify to the Judge of Probate his or her request that such bond should not be taken : *And provided also*, that no person appointed a trustee before the passing of this act, and having entered upon the execution of the trust without having given bond as aforesaid, shall be obliged to give such bond or be subject to any of the requirements of this act, unless, after being cited to appear before the said Judge upon complaint in writing, it shall appear to the said Judge, upon a full hearing, that it is necessary that such bond should be given in order to secure the faithful execution of such trust : *And provided also*, that such bond shall not be required of any such trustee who entered upon the execution of his trust before the passing of an act, entitled “ An act requiring the trustees of the property of minors and others to give bond in certain cases,” made and passed on the twenty-fifth day of February, in the year of our Lord one thousand eight hundred and eleven, and who has continued and shall continue faithfully to execute his trust : *And provided also*, that nothing in this or in either of the following sections shall be construed to take away any of the powers which are now by law vested in the Supreme Judicial Court.

SEC. 38. *Be it further enacted*, That any person who has been or shall be constituted a trustee as aforesaid, and who shall neglect or refuse to give bond as aforesaid, shall be considered as having declined the acceptance of such trust ; and the trustee or trustees who may be appointed by the Judge of Probate as is hereinafter provided, shall and may thereupon be authorized to demand and receive of the trustees originally appointed as aforesaid, all such estate as may have come to their hands by virtue of such trust, and to manage, pay and deliver over such property to said minors and others, in the same manner and under the same restrictions, obligations and duties as guardians are now by law obliged to do.

SEC. 39. *Be it further enacted,* That any trustee appointed either by the testator as aforesaid or by the Judge of Probate, shall, upon request in writing to the said Judge, be permitted to resign the trust, first accounting for, and paying and delivering over such estate as shall have come to his hands by virtue of such trust, to such other person as the said Judge shall appoint a trustee in his stead: *Provided always,* that no such resignation, except in the case of an executor or administrator who shall succeed to such trust upon the decease of his testator or intestate, shall be accepted and allowed, unless it shall clearly appear to the said Judge to be expedient and proper.

Trustees may resign.

SEC. 40. *Be it further enacted,* That in case any person, who has been or shall be appointed a sole trustee, or any two or more persons, who have been or shall be appointed joint trustees in any last will, no provision being therein made for perpetuating such trust, and such sole trustee or any one or more of such joint trustees shall decline the acceptance of the trust, or shall die either before or after having accepted the trust, or shall neglect or refuse to comply with the provisions of this act, the respective Judges of Probate shall, after notice to the cestui que trusts, appoint one or more suitable persons to be trustee or trustees in the place of the trustee or trustees, so dying or declining to accept as aforesaid; and any trustee or trustees appointed by the Judge of Probate shall be holden and bound by the provisions of this act, in the same manner as if he or they had been so appointed in and by such last will; and the estate, so given in trust by such last will, shall vest in the trustee or trustees, so appointed by the said Judges of Probate, in like manner to all intents and purposes as the same vested in the original trustee or trustees under such last will.

Trustees may be substituted.

SEC. 41. *Be it further enacted,* That when any trustee, appointed either by any testator or by any Judge of Probate, shall, in the opinion of the Judge of Probate, be disqualified for the discharge of the trust, by becoming non compos mentis or otherwise incapable or evidently unsuitable for the execution of such trust, it shall be lawful for the said Judge, after notice to such trustee, and the parties interested in the trust estate, to

Trustees may be removed.

remove such trustee, and to appoint and substitute another in his stead. And whenever any person shall be appointed and substituted as a trustee by the Judge of Probate as aforesaid, in the place of any former trustee, who may either have been removed from office, or have deceased, or have declined or resigned the trust as aforesaid, the person so appointed and substituted by the said Judge shall give bond with sufficient surety or sureties, and shall be held to perform all the duties prescribed in the thirty-seventh section of this act. *Provided however*, that it shall be in the discretion of the said Judge to direct an inventory to be made and returned, or not, by such new trustee, who in no manner whatever shall be deemed a trustee or authorized to act as such until such bond shall be given.

Sufficiency of
Bonds.

SEC. 42. *Be it further enacted*, That whenever the sureties in any bond given to the Judge of Probate shall be evidently insufficient for the purposes of such bond, the Supreme Court of Probate, on the petition of any person interested, and after due notice to the principal and sureties on such bond, shall have authority to require from time to time new bonds, with sufficient surety or sureties in the case; and whenever any surety or sureties on any bond given to the Judge of Probate, shall, at any time after six years from the date of such bond, petition the Supreme Court of Probate, that he or they may be discharged from any further responsibility upon such bond, the said Court, after due notice to all persons interested, may, in their discretion, discharge such surety or sureties from all further responsibility on such bond. And the said principal or principals shall, in all such cases, be required to procure other sufficient surety or sureties upon such bond, or upon a new bond to be given to the Judge of Probate for the purpose, to the satisfaction of said Court. And if such principal or principals shall not, within such time as shall be ordered by said Court, give such new bonds as may be required by virtue hereof, he, she or they shall be removed from their trust, and some other person or persons shall be appointed in his, her or their stead.

SEC. 43. *Be it further enacted*, That any bonds given pursuant to this act, may be put in suit by order

of the Judge of Probate, to whom the same shall have been given, for the benefit either of all or any of the minors or other persons interested in the estate given in trust as aforesaid; and the proceedings in such case shall be the same as in the cases of suits on other Probate bonds.

Trustee bonds
how sued.

SEC. 44. *Be it further enacted,* That any person aggrieved by any order, sentence, decree, or denial of any Judge of Probate, upon any matter touching such trusts as aforesaid, may appeal therefrom, as in any other case of an order, sentence, decree, or denial of a Judge of Probate. And the Supreme Court of Probate and the Judges of Probate, respectively, may in their discretion award reasonable costs to either or both parties, in all those cases where justice shall require it, and shall grant execution therefor.

Appeals in
trustee cases.

SEC. 45. *Be it further enacted,* That this act shall be in force from and after the first day of July next; and that from and after that day the several acts and parts of acts hereinafter mentioned be, and the same are hereby declared to be repealed; that is to say—the proviso contained in the fifth section of an act, entitled “An act directing the descent of intestate estates and for empowering the Judges of Probate to make partition in certain cases,” passed on the ninth day of March, in the year of our Lord one thousand seven hundred and eighty-four; and also all the parts of the same act subsequent to the said proviso, except so much thereof as relates to advancements therein mentioned; and also the tenth section of an act, entitled “An act empowering the Judges of Probate to appoint guardians to minors and others,” passed on the tenth day of the same month; and also, an act, entitled “An act for establishing Courts of Probate,” passed on the twelfth day of the same month; and also an act, entitled “An act authorizing Judges of Probate to dismiss Guardians from their guardianship in certain cases,” passed on the first day of March, in the year of our Lord one thousand seven hundred and ninety; and also an act, entitled “An act for the settlement of estates of persons deceased wherein Judges of Probate may be interested,” passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and elev-

Acts repealed.

en ; and also an act, entitled “ An act requiring the trustees of the property of minors and others to give bond in certain cases,” passed on the twenty-fifth day of the same month ; and also an act, entitled “ An act authorizing Judges of Probate in certain cases to alter the times appointed by law for holding Probate Courts and to continue any process or proceedings therein,” passed on the twenty-seventh day of February, in the year of our Lord one thousand eight hundred and twelve ; and also an act, entitled “ An act to authorize the Justices of the Supreme Court of Probate to grant appeals in certain cases,” passed on the twenty-second day of June of the same year ; and also an act, entitled “ An act further regulating suits by and against executors and administrators.” passed on the twenty-sixth day of February, in the year of our Lord one thousand eight hundred and thirteen.

[Approved by the Governor, February 24, 1818.]

CHAP. CXCI.

An Act regulating the management and drawing of Lotteries in certain cases, within this Commonwealth.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That it shall not be lawful for any person within this Commonwealth, from and after the passing of this act, to have in possession any ticket or paper, purporting to be the number of any ticket or part of any ticket, of any lottery not granted or permitted by this Commonwealth, with intent to sell, negotiate or dispose of the same, or to sell, negotiate or advertise in any way whatever, any such ticket or part of a ticket, or in any way or manner to advertise or make public, or aid or assist in advertising or making public, any scheme or class of any lottery, not granted or permitted to be drawn, by this Commonwealth ; or as agent, factor, broker or attorney for, or on behalf of any other person or persons, to aid, assist, or in any way to have any concern with any other person or per-

May not sell or
advertise for-
eign Lottery
Tickets.

sons, in selling, disposing of, negotiating or transferring any ticket, or part or parts of any ticket, or scheme, or class of any lottery, not granted, established, or permitted by this Commonwealth: And any person, offending in any of the particulars aforesaid, shall forfeit and pay a sum not less than fifty dollars, and not exceeding five thousand dollars, to be recovered by action of debt, to, and for the use of any person who shall prosecute and sue for the same, in any Court of competent jurisdiction.

SEC. 2. *Be it further enacted,* That all such sums of money as shall be hereafter drawn, or received by any person or persons, being inhabitants or residents within this Commonwealth, at the time of so drawing or receiving the same, by virtue of owning or possessing any ticket or part of a ticket, which ticket or part of a ticket was issued, sold, delivered or negotiated by any lottery, or the agents or managers of any lottery, granted, permitted, or established by any power or authority, other than that of this Commonwealth, shall be forfeited; and may be recovered of such person or persons, so drawing or receiving the same, to the use of said Commonwealth, by indictment in any Court of competent jurisdiction. Forfeitures.

SEC. 3. *Be it further enacted,* That the agents or managers of lotteries, established or granted within this Commonwealth, shall never, in any class or scheme which they may publish or draw, by deduction for the use of the lottery, with the expenses of managing and drawing the same, in any way or manner, raise or receive, or attempt to raise or receive, by virtue of such class, or scheme, a larger sum than the amount granted and allowed by the General Court, in the act granting, establishing, or permitting the said lottery: And every person, offending against the provisions of this section, shall be subject to like penalties and forfeitures, and to be recovered in like manner, and to like uses, as is provided in the first section of this act. Managers not to derive profit.

SEC. 4. *Be it further enacted,* That the agents or managers of lotteries established, granted, or permitted in this Commonwealth, and by the authority of the same, viz.: the Plymouth Beach Lottery, so called; Regulating the drawing of Lotteries.

the Union Canal Lottery, so called ; the Springfield Bridge Lottery, so called ; after the said Union Canal Lottery have finished the drawing of the class in said lottery, they are now drawing, which shall not exceed the fifteenth day of May next ; and after the managers of the Springfield Bridge Lottery have finished drawing the class in the said lottery, lately published, and which shall not exceed the first day of July next ; hereafter observe the following directions, in the management and drawing of their respective lotteries ; the aforesaid agents and managers of said lotteries having manifested their assent to the same, viz. : The agents and managers of the said Plymouth Beach Lottery shall issue and publish their scheme of the next class in said lottery ; first dispose of their tickets, and commence and finish the drawing of said class of said lottery, before any other agents or managers of any other lottery granted or established, or permitted to be managed or drawn, by or within this Commonwealth ; *provided* said agents or managers of said Plymouth Beach Lottery shall commence and finish the drawing of such class within five months from the time they shall so publish their scheme of said class. And the said agents or managers of the said Union Canal Lottery, so called, shall, next in succession to said Plymouth Beach Lottery, commence and finish drawing their said class in like manner, in like time, and under like restrictions, and with like privileges with said Plymouth Beach Lottery. And the said agents or managers of the Springfield Bridge Lottery, so called, shall, next in succession to the said Union Canal Lottery, so called, commence and finish drawing their said class of said lottery in like manner, in like time, and under like restrictions, and with like privileges with said Plymouth Beach Lottery ; and in like manner, in like succession and order, and under like restrictions of time, and with like privileges shall the agents and managers of the several lotteries, as aforesaid, proceed with, manage and draw, the several classes or schemes of their respective lotteries, until the objects of their several grants are accomplished and finished, according to the several charters respectively granted for the attainment

of said objects. And any person or persons offending against the provisions of this section, shall severally forfeit and pay a fine to the use of this Commonwealth, of a sum not less than fifty dollars, nor more than five thousand dollars, to be recovered in like manner as is provided in the first section of this act.

SEC. 5. *Be it further enacted,* That no person or persons shall make public, or in any way or manner publish any scheme of any lottery within this Commonwealth, sell or dispose of any tickets in any lottery, Penalties. or any part of the same, or attempt to draw or manage any scheme or class of any lottery within this Commonwealth, other than the scheme, class or tickets which by the provisions of the fourth section of this act may be made public, sold or disposed of, drawn or managed, agreeably to the provisions of said fourth section; and every person or persons offending against any of the provisions of this section, shall severally forfeit and pay a sum not less than ten thousand dollars, and not exceeding twenty thousand dollars, according to the degree or aggravation of said offence, to be recovered in like manner, and for the like use, as is provided in the first section of this act.

SEC. 6. *Be it further enacted,* That in case the managers of any lottery or lotteries, already granted by this Commonwealth, shall take or reserve any of the tickets in any class or classes of such lottery or lotteries, to and for the use of, and at the risk of such lottery or lotteries, such tickets, so taken and reserved, Managers shall not reserve Tickets. shall be considered as actually sold or disposed of, to all intents and purposes, as though they had been sold to any individual person or persons; and in case any loss shall happen or accrue to any of the lotteries aforesaid, by reason of the managers of such lottery or lotteries taking and reserving any of the tickets as aforesaid, to and for the use of, and at the risk of such lottery or lotteries, the amount of such loss shall be considered as a part of the sum granted and intended to be raised, for the benefit of such lottery or lotteries, and the amount of such loss shall not be carried forward, or charged to such lottery or lotteries, by the managers thereof, in any future class or scheme, which shall be published or drawn by said managers; and all accounts

Feb. 24, 1818.

of the managers of such lottery or lotteries, shall be hereafter settled with the Governor and Council, conformably to the provisions and requirements in this section contained; nothing in this act to be construed to affect any proceedings under any class of any lottery now drawing, or to prevent the managers of any lottery now granted, from carrying forward any loss which has already occurred from any class heretofore drawn, or which is now drawing.

[Approved by the Governor, February 24, 1818.]

COMMONWEALTH OF MASSACHUSETTS.

SECRETARY'S OFFICE, APRIL 23, 1818.

BY this I certify, that the Laws contained in this pamphlet, and passed at the Session of the Legislature begun January 14th, and ending February 24th, 1818, have been compared with the originals in this office, and appear to be correct.

ALDEN BRADFORD,

Secretary of Commonwealth.

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