







LAWS

OF THE

Commonwealth of Massachusetts,

PASSED AT THE SEVERAL

SESSIONS OF THE GENERAL COURT,

BEGINNING MAY, 1822, AND ENDING FEBRUARY, 1825.

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1825.

LAWS

OF THE

COMMONWEALTH OF MASSACHUSETTS,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION, WHICH COMMENCED ON WEDNESDAY, THE TWENTY
NINTH OF MAY, AND ENDED ON SATURDAY, THE FIFTEENTH OF JUNE,
ONE THOUSAND EIGHT HUNDRED AND TWENTY TWO.

CHAP. I.

An Act to cede to the United States the jurisdiction of
a part of Billingsgate Island.

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 four acres, which shall be found necessary for the light house authorized by Congress to be built on Billingsgate Island, in Barnstable Bay; 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 any buildings which may be erected thereon, in the same way and manner as though this consent had not been granted as aforesaid.

Cession of Billingsgate Island.

Light House,

Concurrent jurisdiction.

[Approved by the Governor, June 8th, 1822.]

CHAP. II.

An Act to extend the powers of the Religious Charitable Society, in the County of Worcester.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Religious Charitable Society, in the County of Worcester, be, and they hereby are authorized and empowered to receive and hold money or any other property, both real and personal, by gift, grant, devise, or bequest, or otherwise, for any other charitable object, besides those specified in their act of incorporation, and to apply the same, or the proceeds and income thereof, to the particular object or objects, designated by the donor: *Provided, however,* that the whole amount of their annual income, do not exceed the sum limited in their said act of incorporation.

May hold real & personal estate.

Proviso.

[Approved by the Governor, June 13th, 1822.]

CHAP. III.

An Act respecting the Court of Probate 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 from and after the passing of this act, there shall be two terms of the Probate Court holden in each year, in the Town of Barre, in the County of Worcester, at such times as the Judge of Probate for the said county shall appoint, giving due notice thereof.

Two terms of the Probate Court.

[Approved by the Governor, June 13th, 1822.]

CHAP. IV.

An Act to incorporate the Associated Housewrights
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 Augustus Octavius Barton, Thomas Barry, Seth Copeland, Oliver Downing, John Drayton, Joseph Eustis, William Goddard, Edward Gray, Joab Hunt, Isaac Jenkins, Foster Low, Nehemiah Lovejoy, Ephraim Marsh, Oliver Mills, Alexander Paris, Caleb Pratt, James Sargent, Jesse Shaw, Joseph Stodder, Seth Thaxter, William Todd, Mark Weare, together with their associates and successors, be, and they are hereby incorporated, by the name of the Associated Housewrights in Boston; with power to have and use a common seal, and to make by-laws for the governing the affairs of the said association, and the management and application of its funds; and also for promoting inventions, and improvements in their art, by granting premiums to assist mechanics with loans of money, and to relieve the distresses of unfortunate mechanics and their families; and shall have and use, all other privileges incident and usually given by acts of incorporation to charitable societies. And the said association may hold real estate, not exceeding in value two thousand dollars, and personal estate, not exceeding ten thousand dollars.

SEC. 2. *Be it further enacted,* That any two of the persons herein named, are hereby empowered to call the first meeting of the said association, at such time and place as they may appoint, by giving personal notice to each of their associates, to choose their officers; at which meeting the mode of calling future meetings, shall be regulated and settled.

SEC. 3. *Be it further enacted,* That this act may be amended, revised, and repealed, at the pleasure of the Legislature.

[Approved by the Governor, June 13th, 1822.]

CHAP. V.

An Act to incorporate the Boston Iron 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 Horace Gray, David Moody, and Samuel Dow, Junior, their associates, successors and assigns, be, and they hereby are made a corporation, by the name of Boston Iron Company, for the purpose of rolling, cutting, and otherwise working iron, at Boston, in the County of Suffolk, and at Roxbury, in the County of Norfolk; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed the third day of March, one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

Persons incorporated.

General powers.

Capital Stock.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation shall not exceed four hundred thousand dollars; and they may be lawfully seized and possessed of such real estate as may be necessary and convenient for the purposes aforesaid, not exceeding in value the sum of one hundred thousand dollars, exclusive of the buildings and improvements, that may be made thereon by the said corporation.

[Approved by the Governor, June 13th, 1822.]

CHAP. VI.

An Act to incorporate the Salem 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 Howard, Na-

thaniel Frothingham, Samuel Gray, and John Derby, Persons incorporated. Junior, and all those who have associated, or may hereafter associate with them, be, and they are hereby incorporated and made a body politic, for the term of twenty years, by the name of the Salem 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 General powers. common seal, to make by-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, and to effect the objects of their association.

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

SEC. 3. *Be it further enacted,* That the funds of said corporation shall only be employed in relieving Distribution of funds. the distresses of unfortunate mechanics and their families, in promoting inventions and improvements in the mechanic arts, by granting premiums for such inventions and improvements, and in assisting young mechanics with loans of money. Premiums.

SEC. 4. *Be it further enacted,* That John Howard be, and he hereby is authorized to call the first meeting of said corporation, by giving public notice of the time and place thereof, in the newspapers printed in the Town of Salem, fourteen days, at least, before the time of said meeting. First Meeting.

[Approved by the Governor, June 14th, 1822.]

CHAP. VII.

An Act to incorporate the Trustees of the Nantucket
Lancastrian School.

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 there be, and hereby is established in the Town of Nantucket, in the County of Nantucket, a school, by the name of the Nantucket Lancastrian School, for the purpose of promoting piety and virtue, and to give youth a proper English education, in such way as to make the terms of tuition as low as possible, that the poor may be accommodated, and the whole to be regulated as the Trustees herein after provided, shall order and direct.

Trustees. SEC. 2. *Be it further enacted,* That John Jenkins, Perez Jenkins, John Webster, Jonathan Smith, Job Colman, Thomas Davenport, and William Jenkins, be, and they hereby are appointed Trustees of said school; and they are hereby incorporated into a body politic, by the name of the Trustees of the Nantucket Lancastrian School; and they and their successors shall be, and continue a body politic and corporate, by the same name forever; and they shall annually hold a meeting in March or April, for the choice of officers, and as much oftener as may be necessary, to transact their business; which meetings, after the first, shall be called in such way and manner as the Trustees shall direct.

Corporate powers.

Choice of officers

General 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 or mixed, and prosecute and defend the same to final judgment and execution, by the name of the Trustees of the Nantucket Lancastrian School; and may appoint an agent or agents to prosecute and defend such suits.

SEC. 4. *Be it further enacted,* That the said Trustees and their successors, shall and may, at any legal

meeting, elect a President, and a Secretary to record the doings and transactions of the Trustees, and also a Treasurer to receive and apply the monies of the said corporation, as herein after directed; and they are hereby made the Visitors, Trustees, and Governors of said school, in perpetual succession forever, to be continued in the way and manner hereafter specified; with full power and authority to elect an Inspecting Committee, and such other officers of said school as they shall judge necessary and convenient; and to make and ordain such laws, orders and rules, not repugnant to the laws of this Commonwealth, for the good government of said school, as to them shall seem fit and requisite.

Trustees may appoint officers.

Inspecting Committee.

Rules and orders

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

Number of Trustees limited.

SEC. 6. *Be it further enacted,* That as often as one or more of the Trustees aforesaid shall die or resign, the Trustees then surviving shall elect one or more persons from among the proprietors, to fill such vacancy or vacancies.

Vacancies 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, which hath heretofore been given or subscribed, or which may hereafter be given or subscribed, for the purpose aforesaid; *provided,* that the annual income of the said real estate, whether real or personal, shall not exceed three thousand dollars, and that such gift or subscription be faithfully applied according to the real intention of the donor; and all deeds and instruments which the said Trustees may lawfully make, shall be signed by their Treasurer, and sealed with their seal, and shall bind the Trustees, and be valid in law.

May hold real or personal estate.

Appropriation of funds.

SEC. 8. *Be it further enacted,* That George Cannon, Esquire, be, and hereby is authorized and empowered to appoint the time and place for holding the first meeting of the said Trustees, and notify them thereof.

First Meeting

[Approved by the Governor, June 14th, 1822.]

CHAP. VIII.

An Act in further addition to an Act, entitled "An Act to incorporate a Religious Society, by the name of the First Parish in the Town of 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 from and after the passing of this act, all persons who may usually attend the public worship of God, in the meeting house of the First Parish, in the Town of Charlestown, not being proprietors of appropriated pews in said house, shall be, and hereby are declared to be members of said corporation; and they, with their estates, shall, in common with the proprietors of pews, who are usual worshippers in said house, be liable to a just proportion of all assessments and taxes that may be necessary to defray the charges and expenses of said parish, over and above the income arising from the pews as now taxed; *provided, however,* that no greater sum than seven hundred and fifty dollars shall be so assessed and collected in any one year. And all persons so becoming members of said corporation, not being proprietors of pews, and paying such assessments as may be made to them in manner aforesaid, shall have a right to one vote in all the concerns of said parish, (except such matters and things as may relate exclusively to the pews in said house,) and shall also be entitled to all other rights and privileges, and subject to all duties appertaining to members of said corporation.

SEC. 2. *Be it further enacted,* That whenever said corporation shall vote and grant any sum of money, for the defraying of necessary parochial charges, no unintentional error in assessing the same by the enumeration of persons not members of said corporation, or the omission of those who are, shall vitiate or annul such assessment, with respect to those who shall be otherwise duly assessed.

[Approved by the Governor, June 15th, 1822.]

Equality of membership.

Assessments.

Right of voting.

General privileges.

Validity of assessments.

CHAP. IX.

An Act to incorporate the City 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 Otis Everett, John French, and Eli Richardson, Junior, their associates, successors and assigns, be, and they are hereby incorporated, by the name of the City Manufacturing Company, for the purpose of making cotton and woollen goods, in Franklin, 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 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," and the several acts in addition thereto.

Persons incorporated.

General powers.

SEC. 2. *Be it further enacted,* That the said City Manufacturing Company, in their corporate capacity, may lawfully hold and possess such real and personal estate, as may be necessary and convenient, for carrying on said manufactures; *provided,* the value of the same do not exceed the sum of two hundred thousand dollars.

May hold and possess real and personal estate.

[Approved by the Governor, June 15th, 1822.]

CHAP. X.

An Act to incorporate the Dighton 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 Israel Brayton, Oliver

Persons incor-
porated.

Chase, Eliab B. Dean, Josiah Dean, Elisha Lincoln, Nahum Mitchel, James Maxwell, Clark Shove, Nathaniel Wheeler, Nicholas Stephens, and Nathaniel Williams, together with such others as may hereafter associate with them, and their successors and assigns, be, and they are hereby incorporated, by the name of the Dighton Manufacturing Company, for the manufacturing of cotton goods, at their manufactory, situated in the Towns of Wellington and Taunton; and for this purpose shall have all the powers and privileges, and shall also be subject to all the duties and requirements prescribed and contained in an act passed 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 the several acts supplementary thereto.

General powers.

Capital stock.

SEC. 2. *Be it further enacted*, That the said corporation may be lawfully seized of such real estate, not exceeding the value of thirty thousand dollars, and of such personal estate, not exceeding fifty thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid.

[Approved by the Governor, June 15th, 1822.]

CHAP. XI.

An Act to incorporate the Trustees of the Ministerial Fund in the Second Parish in West Springfield.

Persons incor-
porated.

General 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 Timothy Allyn, Gad Warriner, Samuel Lathrop, Justin Ely, and Jonathan Smith, all inhabitants of West Springfield, be, and they hereby are constituted a body politic and corporate, by the name of the Trustees of the Agawam Congregational Fund; and by that name shall have perpetual succession, and may sue and be sued, plead and be impleaded, may have a common seal, and shall

possess and enjoy such other powers and privileges, as are incident to corporations of a like nature.

SEC. 2. *Be it further enacted,* That the said Trustees shall have power to take and receive into their hands and possession, all such sums of money, or the securities therefor, as have been paid or secured to be paid, by any of the inhabitants of the Second Parish in West Springfield, towards the support and maintenance of a Congregational Minister in said parish; and may receive and hold such further subscriptions, donations, grants, bequests and devises as may hereafter be made to them, or the inhabitants of said parish, for the same purpose, so that the annual income of said fund shall not exceed eight hundred dollars; the interest of which fund shall be forever appropriated, annually, towards the support of such Congregational Minister, as shall from time to time be ordained and settled over that denomination of christians in said parish, or in case of vacancy, towards the payment of such candidate as may be employed by a majority of the people of that denomination to preach within said parish, and to no other purpose whatever. It shall not be lawful for the said Trustees to appropriate any part of the principal of said fund, and they shall use their endeavors to preserve the same entire and unimpaired. And if the said Trustees, or either of them, shall suffer the said fund to be impaired or diminished, through their personal misconduct or misapplication, they shall severally be responsible to make good such loss out of their private estate.

General powers
of the Trustees.

Interest of stock
only to be dis-
bursed.

SEC. 3. *Be it further enacted,* That the said Trustees shall have power, and it shall be their duty, to fill up all vacancies which may happen in their Board, by death, resignation or removal from the Town of West Springfield. And the said Trustees may, if they think proper, increase their number to seven; but shall never suffer their number to be reduced below three.

Vacancies to be
filled up.

SEC. 4. *Be it further enacted,* That the said Trustees shall appoint a Clerk, who shall be under oath faithfully to record all the votes and transactions of the Board, and a Treasurer, who shall give bond to the Trustees, and their successors, with sufficient sure-

Duty of Clerk.

Duty of Treasurer. ty or sureties, with condition to do and perform all the duties incumbent on him as Treasurer; which officers shall hold their respective offices, until others shall be chosen to succeed them.

Records to be public. SEC. 5. *Be it further enacted,* That the records and proceedings of the said Trustees shall at all times be open to the inspection of any Committee that may be appointed for that purpose by the Congregational denomination of christians in said parish.

First Meeting. SEC. 6. *Be it further enacted,* That Timothy Allyn, Esquire, be, and he hereby is authorized to call the first meeting of the Trustees, at which time they may appoint the officers required by this act, and may also determine on the mode of calling future meetings of their Board; which they may change or alter at any subsequent meeting: And it shall always be in the power of any two of the Trustees to call a meeting of the Board, when they shall think it necessary, by leaving a written notification at the dwelling house of each of the Trustees, seven days previous thereto, designating the time and place, and specifying the object of the meeting.

Extra meetings.

[Approved by the Governor, June 15th, 1822.]

CHAP. XII.

An Act in addition to an Act, entitled "An Act to regulate the Administration of Justice within the County of Suffolk, and for other purposes."

Clerk of Police Court to be Clerk also of the Justices' Court. 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 Police Court within and for the City of Boston, shall also be Clerk of the Justices' Court of the County of Suffolk. All writs, summonses, and processes issuing from said last mentioned Court may be tested by either of the Justices thereof, not a party thereto; and shall

be signed by the Clerk. And said Clerk, or his Assistant, shall attend all sessions of said Justices' Court, and record all proceedings therein had. And said Clerk shall make out all writs and processes which the said Justices, or either of them, may order, and tax all bills of cost. And said Clerk shall receive and keep a true and faithful account of all fees taxable by law, and payable for blanks, fees of Court, and copies in civil suits and actions; and render a true and just account thereof quarter yearly to the Board of Accounts; and all sums of money by him so received, shall be accounted for and paid into the City Treasury. And it shall be the duty of said Clerk to make a true and faithful record, according to law, of the proceedings in every trial and process of a civil nature which may be had before said Justices' Court. And said quarterly account of said Clerk shall be filed and recorded by the City Treasurer, as is provided in the fifth section of the act, providing for the administration of justice within the County of Suffolk, and for other purposes, to which this act is in addition. And said Clerk shall be sworn, give bond, and receive a compensation, as is provided in the fifth section of the act aforesaid.

Duty of Clerk.

SEC. 2. *Be it further enacted,* That so much of the act aforesaid, as is inconsistent herewith, be, and the same hereby is repealed.

[Approved by the Governor, June 15th, 1822.]

CHAP. XIII.

An Act respecting the Municipal Court of the City of Boston, and regulating the selections, the empannelling and services of Grand, Traverse, and Petit Jurors.

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

Title.

the authority of the same, That the Court of criminal jurisdiction, established by an act passed on the 4th day of March, in the year of our Lord one thousand eight hundred, and styled the Municipal Court for the Town of Boston, the jurisdiction of which was afterwards extended to the County of Suffolk, shall hereafter be known and styled, "The Municipal Court of the City of Boston," with all the jurisdiction, power and authority vested in the said Court.

Powers of Clerk.

SEC. 2. *Be it further enacted,* That if it shall so happen, that the Judge of the said Court shall be unable to attend from sickness or any other cause, on any day upon which said Court shall be by law, to be held, or to which said Court shall stand adjourned, it shall and may be lawful for the Clerk of said Court to adjourn the same, either to the next stated term, or to such earlier time, and to such place, as the public convenience may, in his judgment, require. And it shall be the duty of the Sheriff in attendance, or his Deputies, to give notice of such adjournment by proclamation, and by posting or publishing notice thereof, or in such manner as the said Court may, by any order or rule thereof, direct or appoint.

General powers of court.

SEC. 3. *Be it further enacted,* That the said Court shall have power and authority to issue writs of venire facias, for the return of Traverse Jurors from the City of Boston, conformably to law, whose duty it shall be to attend the said Municipal Court, and to serve in all cases where, by law, trial by Jury is required therein; and the said Traverse Jurors, who may be drawn and returned for the respective terms of said Court held in January, April, July and October, in each year, shall be held and required to serve as such at the said terms respectively, and also at the two terms next succeeding the said respective terms.

Repeal of laws, respecting Traverse Jurors.

SEC. 4. *Be it further enacted,* That so much of the laws heretofore made, as required the Traverse Jurors drawn and returned to the Court of Common Pleas for the County of Suffolk, to serve at any term of the said Municipal Court, be, and the same hereby are repealed.

SEC. 5. *Be it further enacted,* That all the duties required of, and powers given to towns, by the several

laws “regulating the selections, the empannelling, and the services of the Grand, Traverse, and Petit Jurors,” shall be exercised by the Mayor and Aldermen of the City of Boston. Exercise of power respecting Jurors.

[Approved by the Governor, June 15th, 1822.]

CHAP. XIV.

An Act to change the Names of the persons therein described.

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 several persons herein named, shall be known and called by the names they are respectively allowed to assume, namely: That George Howe, of Boston, bookbinder, may take the name of George Gedney Howe; that Jesse Holbrook, of Boston, merchant, may take the name of Henry I. Holbrook; both of the County of Suffolk; that Richard Wheatland, the third, of Salem, gentleman, may take the name of Richard Goodhue Wheatland; that John Tarbox Balsh, of Newburyport, merchant, may take the name of John Theodorick Balsh; that Amos Buss, of Salem, trader, may take the name of Amos Sawyer Thornton; that Francis Huntress, of Salisbury, a minor, may take the name of Joshua Follensbee; all of the County of Essex; that Timothy Brown, of Reading, painter, may take the name of Timothy Noyes Brown; that Sarah Brown, of Billerica, may take the name of Sarah Putnam Brown; children of Timothy Brown, of Tewksbury, all of the County of Middlesex; that Daniel Hunt, of Weymouth, cordwainer, may take the name of Albert Hunt, of the County of Norfolk; that Jahleel Brenton, of Plymouth, in the County of Plymouth, printer, may take the name of James Jahleel Brenton; that Joseph Carpenter, the second, of Rehoboth, housewright, in the County of

Bristol, may take the name of Joseph Carpenter Brown; that Sherebiah Hunt, Junior, of Ashburnham, may take the name of Charles S. Hunt; that Benjamin Savage, of Grafton, husbandman, may take the name of Benjamin Dillingham Phelps; that Zenas Studley, of Western, housewright, may take the name of Henry Zenas Studley; that Squire Wood, of Grafton, may take the name of Abijah Wood, all of the County of Worcester; that George Williams, of Deerfield, in the County of Franklin, may take the name of John George Williams: And the said several persons herein named, shall hereafter be called and known by the names, which, by this act, they are respectively allowed to assume as aforesaid; and the same shall be considered as their only proper and legal names.

[Approved by the Governor, June 15th, 1822.]

CHAP. XV.

An Act to empower the Court of Sessions in the County of Middlesex to authorize the erection of a Bridge across Charles River.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Justices of the Court of Sessions, within and for the County of Middlesex, may, and they are hereby empowered to authorize and direct any person or persons, corporation or corporations, on application therefor, at their discretion, to erect and maintain a bridge, either with or without a draw, across Charles River, from Watertown to Brighton, to be open and free for all persons whomsoever, to travel over and upon at their pleasure; *provided*, that no part of the expense of erecting and supporting such bridge shall ever be chargeable upon the County of Middlesex, or any of the towns belonging thereto, without their consent.

Court of Sessions may authorize a bridge to be built over Charles River, from Watertown to Brighton

[Approved by the Governor, June 15th, 1822.]

CHAP. XVI.

An Act to provide for the erection of Two Story Wooden Buildings in the City 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 from and after the passing of this act, it shall be lawful to erect, within the City of Boston, two story wooden buildings, to be used for dwelling houses and for no other purpose, except for such purposes as may be approbated by the Firewards of said City of Boston, of the following description, to wit: The posts to be not more than eighteen feet—the roof to be of a regular pitch of one third;—the bottom of the sills to be elevated not exceeding eighteen inches above the level of the street, or above the point where such level shall be determined on by the city authorities; such buildings in no case to be more than thirty feet in height from the bottom of the sill to the highest point of the roof; and in no case to be more than forty by twenty five feet on the ground:—The roof to be slated, and to have at least one window or scuttle in the same.

Two story wooden buildings may be erected.

SEC. 2. *Be it further enacted,* That whenever two or more buildings as aforesaid shall be joined together, there shall be a partition wall of brick, at least eight inches in thickness, to extend in height at least to an even surface with the under side of the slating of the roof; and whenever any such building shall be erected within five feet of the boundary line of the owner or owners of the land on which it may be built, unless such boundary line be on the highway, it shall have a brick wall of like thickness on the side so adjoining: *Provided,* that no two story wooden buildings provided for in this act, shall be erected within ten feet of each other, unless one of them have a brick wall on the side next adjoining, of the dimensions aforesaid.

Brick partition walls.

SEC. 3. *Be it further enacted,* That whenever any out buildings shall be connected with the dwelling houses provided for in this act, of more than eleven

feet in height, the roof of such out buildings shall be covered with slate.

Slated roofs.

SEC. 4. *Be it further enacted,* That from and after the passing of this act, no wooden building shall be erected within the City of Boston, except in that part called South Boston, in a range of more than fifty feet extent, without the intervention of a brick partition wall, of at least eight inches in thickness, such wall to extend six inches at least above the surface of the roof; and no wooden buildings shall be placed within four feet of each other, unless the wall of one of them so adjoining, be of brick or stone, of the thickness aforesaid.

Restrictions.

SEC. 5. *Be it further enacted,* That any person who shall be convicted in due course of law, of violating any of the provisions of this act, either by himself or agent, shall forfeit and pay for each and every such violation, not less than fifty, nor more than five hundred dollars; which penalty he shall pay annually, until such building shall be removed, or constructed according to law; one half of said penalty to enure and be paid to the person who shall complain or sue for the same, and the other half to said City of Boston; the same to be recovered in an action of the case, or by indictment.

Penalties.

SEC. 6. *Be it further enacted,* That all laws now in force, so far as they are inconsistent with the provisions of this act, be, and the same are hereby repealed.

Repeal of laws.

[Approved by the Governor, June 15th, 1822.]

CHAP. XVII.

An Act to incorporate the Second Congregational Society in Lynn.

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 Brimblecom,

Ezra Hitchings, William Badger, Henry Newhall, Henry A. Breed, James Phillips, Junior, William Chadwick, George Bracket, and Benjamin Clifford, with their associates and successors, be, and they hereby are incorporated as a religious society, by the name of the Second Congregational Society in Lynn; with all the privileges, powers, and immunities, to which other religious societies in this Commonwealth are by law entitled.

SEC. 2. *Be it further enacted*, That said society shall be capable in law, to purchase, hold and dispose of any estate, real or personal, for the use of said society; *provided*, the annual income thereof shall not exceed at any time, the sum of three thousand dollars.

SEC. 3. *Be it further enacted*, That the said society may have power to elect all necessary officers, and to order and establish such regulations, rules and by-laws for their government, and for the management of their property and concerns, as they may see fit; *provided*, the same be not repugnant to the constitution and laws of this Commonwealth.

SEC. 4. *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 Lynn, giving notice 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, June 15th, 1822.]

CHAP. XVIII.

An Act to incorporate the Amesbury Flannel 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 Amos Lawrence and

Persons incorpo-
rated.

Abbott Lawrence, their associates, successors and assigns, be, and they are hereby made a corporation, by the name of the Amesbury Flannel Manufacturing Company, for the purpose of manufacturing wool, at Amesbury and Salisbury, in the County of Essex; 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," and the acts in addition thereto.

General powers.

Stock limited.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation shall not exceed the sum of one hundred and fifty thousand dollars; and they may, in addition to the sum aforesaid, be lawfully seized and possessed of such real estate, as may be necessary and convenient for the purpose aforesaid, not exceeding the value of seventy five thousand dollars, including the buildings and improvements that may be made thereon, by the said corporation.

[Approved by the Governor, June 15th, 1822.]

CHAP. XIX.

An Act in addition to an Act, entitled "An Act to incorporate certain persons into a Company, by the name of the Lechmere Point Corporation."

Continuation of
corporate power.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That an act, entitled "an act to incorporate certain persons into a company, by the name of the Lechmere Point Corporation," be, and the same is hereby revived and continued in force, for the term of six months from the passing of this act, and no longer, to the end of enabling said corporation to sell and dispose of their estate, by partition or otherwise, and to settle their affairs.

SEC. 2. *Be it further enacted*, That it shall be, and hereby is made lawful for the proprietors of the Canal Bridge, so called, to purchase of said Lechmere Point Corporation, all the flats belonging to the said proprietors, and also such part of the upland belonging to the said proprietors, not exceeding ten acres in the whole, as they may judge to be convenient and advantageous to their interest in said bridge, and to hold, improve, or sell the same, as they may see fit. Purchase of flats.

SEC. 3. *Be it further enacted*, That it shall be lawful for the said proprietors, and their legal representatives, and for the guardians of minors interested in said land, if need be, to grant, sell and convey to the said corporation, their respective rights, title and interest in said land, to the end that the same may be revested in said corporation, in the same manner, and to the same uses and intent as if the said act, to which this is in addition, had not expired: *Provided always*, Rights may be sold. Proviso. that this act shall not be in force or take effect, until all and each of said proprietors, or their legal representatives, and the said guardians of minors, shall by writing, under their hands, have expressly consented to the same.

[Approved by the Governor, June 15th, 1822.]

CHAP. XX.

An Act in addition to an Act, entitled "An Act defining the general powers and duties, and regulating the office of Sheriff."

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 Constable shall be suffered to appear in any Court, or before any Justice of the Peace, as Attorney to, or in behalf of, any party in a suit, nor shall such Constable be allowed to draw, make, or fill up any plaint, declaration, writ or process. Restriction of Constables.

Penalties.

SEC. 2. *Be it further enacted,* That if any Constable shall be guilty of a breach of this act, he shall forfeit and pay the sum of fifty dollars, to be recovered by action of debt, in any Court proper to try the same, to be for the use of the person who may sue or prosecute therefor.

SEC. 3. *Be it further enacted,* That this act shall take effect, and be in force from and after the first day of July next.

[Approved by the Governor, June 15th, 1822.]

CHAP. XXI.

An Act to prevent the destruction of Pickerel and Trout, in the rivers, streams, and ponds, within this Commonwealth.

Angling.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the first day of July next, it shall not be lawful to take or catch any pickerel or trout, in any of the rivers, streams, or ponds within this Commonwealth, by day or by night, in any other way or manner, than by hooks and lines; and every person so offending, contrary to the true intent and meaning of this act, upon conviction thereof before any Court of competent jurisdiction, for the county where the offence is committed, shall pay a fine of fifty cents, for each and every pickerel or trout so taken; which fine shall be paid to the person who may sue for and recover the same.

[Approved by the Governor, June 15th, 1822.]

CHAP. XXII.

An Act to divide the Commonwealth into Districts, for the choice of Representatives in the Congress of the United States, and prescribing the mode of election.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That this Commonwealth be, and it hereby is, divided into thirteen districts, as are in this act defined and described, for the purpose of choosing Representatives, to represent this Commonwealth in the Congress of the United States, after the present Congress; in each of which districts, one Representative, being an inhabitant of the district for which he shall be elected, shall be chosen in the manner hereinafter described.

Arrangement of
Congressional
Districts.

SEC. 2. *Be it further enacted*, That the said thirteen districts shall be formed and limited in manner following—that is to say:

The City of Boston shall constitute one district, to be called Suffolk District. Suffolk.

The Towns of Salem, Beverly, Gloucester, Manchester, Danvers, Lynnfield, Lynn, Marblehead, and Saugus, in the County of Essex, together with the Town of Chelsea, in the County of Suffolk, shall form one district, to be called Essex South District. Essex.

The towns and districts in the County of Essex, not included in Essex South District, together with the Towns of Dracut, Tewksbury, Billerica, and Wilmington, in the County of Middlesex, shall constitute one district, to be called Essex North District.

The towns and districts in the County of Middlesex, excepting the Towns of Ashby, Townsend, Shirley, Pepperell, Groton, Dracut, Tewksbury, Billerica, Wilmington, Brighton, Newton, Natick, Sherburne, Holliston, Hopkinton, and Framingham, shall constitute one district, to be called Middlesex District. Middlesex.

The following towns and districts in the County of Worcester, viz: Northborough, Worcester, Shrewsbury, Paxton, Oakham, New Braintree, Hardwick, Worcester.

Southborough, Westborough, Leicester, Brookfield, North Brookfield, Spencer, Ward, Grafton, Western, Upton, Charlton, Oxford, Sutton, Milford, Sturbridge, Northbridge, Dudley, Douglas, Uxbridge, Mendon, Milbury, and Southbridge, shall constitute one district, to be called Worcester South District.

Worcester.

The towns and districts in the County of Worcester, not included in Worcester South District, together with the Towns of Ashby, Shirley, Townsend, Pepperell, and Groton, in the County of Middlesex, shall constitute one district, to be called Worcester North District.

Franklin.

The towns and districts in the County of Franklin, together with the Towns of Pelham, Prescott, Amherst, Hadley, Hatfield, Williamsburg, Goshen, Greenwich, Chesterfield, and Enfield, in the County of Hampshire, shall constitute one district, to be called Franklin District.

Hampden.

The towns and districts in the County of Hampden, together with Towns of Belchertown, East Hampton, Granby, Northampton, Norwich, South Hadley, Southampton, Ware, and Westhampton, in the County of Hampshire, shall constitute one district, to be called Hampden District.

Berkshire.

The towns and districts in the County of Berkshire, together with the Towns of Middlefield, Cummington, Worthington, and Plainfield, in the County of Hampshire, shall constitute one district, to be called Berkshire District.

Norfolk.

The towns and districts in the County of Norfolk, excepting the Towns of Weymouth, Cohasset, and Quincy, together with the Towns of Hopkinton, Hellenston, Sherburne, Framingham, Natick, Newton, and Brighton, in the County of Middlesex, shall constitute one district, to be called Norfolk District.

Plymouth.

The towns and districts in the County of Plymouth, excepting Wareham, Rochester, and Carver, together with the Town of Raynham, in the County of Bristol, and the Towns of Weymouth, Cohasset, and Quincy, in the County of Norfolk, shall constitute one district, to be called Plymouth District.

Bristol.

The towns and districts in the County of Bristol, excepting the Town of Raynham, shall constitute one district, to be called Bristol District.

The towns and districts in the Counties of Barnstable, Nantucket, and Dukes' County, together with the Towns of Wareham, Rochester, and Carver, in the County of Plymouth, shall constitute one district, to be called Barnstable District.

SEC. 3. *Be it further enacted,* 'That the Mayor and Aldermen of the City of Boston, and the Selectmen of the several towns and districts within this Commonwealth shall, in manner as the law directs for holding elections therein, cause the inhabitants of their respective towns and districts, duly qualified to vote for Representatives in the General Court of this Commonwealth, to assemble on the first Monday of November, biennially, beginning in November next, to give in their votes for their respective Representatives; and at such town and district meetings, the Selectmen or the major part of them, shall preside, and shall, in open town meeting, receive, sort and count the votes, and shall form a list of the names of the persons voted for, with the number of votes for each person written in words at length, against his name; and the Town Clerk shall make a record thereof, and the Selectmen shall in such meeting make public declaration of the persons voted for, and of the number of votes they respectively have, and shall in open town meeting seal up the said lists, certified by the Selectmen, and express upon the outside of the said list, the district in which the votes were given, and shall transmit the same within fourteen days next after such meeting, to the Secretary of the Commonwealth, or to the Sheriff of the county in which such town or district lies, who shall transmit the same to the Secretary of the Commonwealth, within forty days next after the time of holding such meeting: and in the said City of Boston, the said election shall be held, and all the proceedings thereon had, and the returns thereof made in conformity with the directions of the act establishing the City of Boston; and the Secretary shall lay the same before the Governor and Council; and in case of an election for any district, by a majority of the votes returned from such district, the Governor shall forthwith transmit to the person so chosen, a certificate of such choice, signed by the Governor, and countersign-

Barnstable.

Biennial elections to be in November.

Returns of Votes

ed by the Secretary; and the Selectmen of such towns and districts as lie within any county in which there may be no Sheriff, shall return such list to the Secretary's Office, within the same term of time as Sheriffs are required to do.

SEC. 4. *Be it further enacted,* That in case no person shall be chosen by a majority of all the votes returned from any district, the Governor shall cause precepts to issue to the Mayor and Aldermen of the City of Boston, or the Selectmen of the several towns and districts, within such district, directing and requiring such Mayor and Aldermen, or Selectmen to cause the inhabitants of their respective towns and districts, qualified as aforesaid, to assemble as aforesaid, on a day in such precept to be appointed, to give their votes for a Representative in Congress aforesaid; which precept shall be accompanied with a list of persons voted for in such district, shewing the number of votes for each person, according to the first return; and the same proceedings shall be had thereon, and the same returns made in all respects, as before directed in this act; and like proceedings shall be had as often as occasion may require.

Elections to be completed.

SEC. 5. *Be it further enacted,* That whenever any vacancy shall happen in the representation of this Commonwealth in the Congress of the United States, the Governor shall cause precepts to issue to the said Mayor and Aldermen, or Selectmen of the several towns and districts, within any district in which such vacancy may happen, directing and requiring them to cause the inhabitants of their respective towns and districts to assemble on a day, in such precept to be appointed, to give in their votes for a Representative to supply such vacancy; and like proceedings in all respects, shall be had, from time to time, as are herein before provided.

Vacancies to be filled up.

SEC. 6. *Be it further enacted,* That it shall be the duty of the several Sheriffs of the several counties of the Commonwealth, on receiving copies of this act, or any precept from the Governor, for the purpose herein mentioned, to transmit the same, seasonably, to the Selectmen of the several towns and districts within their respective counties, to whom such precepts or

copies may be directed. And the several Sheriffs shall for the said service, be entitled to receive out of the Treasury of this Commonwealth, fifty cents for each of the copies and of the precepts so by them seasonably distributed to the Selectmen of the towns and districts as aforesaid; and for returning the votes from all the towns within the respective counties, which may be seasonably delivered to him as aforesaid, each Sheriff shall be entitled to receive seven-teen cents per mile, computing from the place of abode of each Sheriff to the Secretary's Office; and in either case, the Sheriffs shall present their accounts to the Committee on Accounts for examination and allowance.

Fees to Sheriffs, for return of votes.

SEC. 7. *Be it further enacted,* That any Sheriff who shall neglect to perform the duties which by this act he is directed to perform, shall for each neglect forfeit and pay a sum not exceeding two thousand dollars, nor less than two hundred dollars, for any such neglect; and if any Selectmen, or the Mayor, or either of the Aldermen, or Ward Officers of the City of Boston, shall neglect to perform any of the duties which by this act they are required to perform, each officer so neglecting, shall forfeit and pay a sum not exceeding two hundred dollars, nor less than thirty dollars, for any such neglect; any of the forfeitures aforesaid to be recovered by indictment before any Court of competent jurisdiction; which forfeiture shall enure one half thereof to the person or persons who shall prosecute therefor, and the other half to the use of the Commonwealth.

Penalties for a breach of duty.

SEC. 8. *Be it further enacted,* That this act shall continue and be in force, until a new apportionment of Representatives among the several States, shall be made.

Duration of this act.

SEC. 9. *Be it further enacted,* That an act, entitled "an act to divide the Commonwealth into districts for the choice of Representatives in the Congress of the United States, and prescribing the mode of election," passed on the fourteenth day of June, in the year of our Lord eighteen hundred and fourteen, and all other acts in addition thereto, be, and the same are hereby repealed; excepting so far as said act or acts may provide for the choice of any Representative or Re-

Laws repealed.

Exceptions.

representatives to fill any vacancy or vacancies which may occur before the end of the present Congress, and excepting also so far as the same act or acts may have relation to the prosecution and recovery of any forfeiture or forfeitures for any breaches thereof.

[Approved by the Governor, June 15th, 1822.]

CHAP. XXIII.

An Act to cede to the United States the jurisdiction of a site for a Light House on the Island of Kutta Hunk.

Cession of land,
for a light house,
on Kutta Hunk.

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 two acres of land on the north western extremity of the Island of Kutta Hunk, in 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 jurisdiction had not been granted as aforesaid.

[Approved by the Governor, June 15th, 1822.]

CHAP. XXIV.

An Act to incorporate the Trustees of the Ministerial Fund in the Town of Pittsfield, 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 Deacon Daniel Crowfoot, Calvin Martin, Samuel M. McKay, Thomas B. Strong, Joseph Shearer. Nathan Willis, and John C. Williams, Esquires, all of said Pittsfield, be, and they are hereby appointed Trustees for the prudent management of the fund of the Congregational Society in the said town; and for that purpose shall be a body corporate and politic, by the name of the Trustees of the Congregational Ministerial Fund in Pittsfield; and they and their successors in that office, shall have and use a common seal, and by the same name may sue and be sued in all actions, real, personal or mixed, and may prosecute and defend the same to final judgment and execution; and shall exercise all other powers and privileges incident to similar corporations: and the same Trustees, and their successors, may and shall annually elect a President, and a Treasurer, to receive and apply the monies which may be given to the said fund, as he may from time to time be directed by the Trustees; of which receipts and expenditures, he shall keep a correct account, open at all times to the inspection of the said Trustees.

Persons incorporated.

General powers.

Annual election of officers.

SEC. 2. *Be it further enacted,* That the said Trustees, and their successors in office, shall annually elect a Clerk, who shall be sworn faithfully to record the doings of the said Trustees, and may also elect and appoint any other needful officers or agents, for the better management of their concerns; and all such elections shall be by written votes.

SEC. 3. *Be it further enacted,* That the number of Trustees shall never exceed seven, nor be less than five, any four of whom may be a quorum for doing business; and they shall have power, from time to

Number of Trustees.

time, to fill vacancies in their number, happening by death, resignation, or removal from said Town of Pittsfield; and the said Trustees, and each of them, shall be responsible to the said society for their personal misconduct or neglect, and liable to prosecution for any loss or damage to the said funds, arising thereby; and the debt or damage recovered in such case, shall be considered as belonging to the said fund, and applied accordingly. And the said Trustees shall hold a meeting yearly in March or April, and as often as the affairs of the said fund 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 the said fund shall give bond to the acceptance of the said Trustees, whose duty it shall be to obtain the same, 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, conformably to the true intent and meaning of this act, and for all negligence or misconduct of any kind in said office.

SEC. 4. *Be it further enacted,* That the said Trustees be, and they are hereby empowered to sell and convey the ministerial lot of land lying in said Pittsfield, appropriated for the use of the ministry, and to make, execute, and acknowledge 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 the proceeds of such sale shall constitute a part of said fund; and the said Trustees shall be holden to render to the said Congregational Society a true account of their doings respecting said fund yearly, and the amount of its income, and to provide that the income thereof shall be duly and regularly applied to the use designed, to wit, to the support of the public worship of God in the said society. And the said Trustees and others, who may be employed by them in the business of the said fund, shall receive no compensation therefor from the monies of the said fund, but a reasonable compensation may be made to them by the parish, at their discretion.

Responsibility.

Yearly Meeting.

Treasurer to give bond.

May sell and convey land.

Appropriation of funds.

SEC. 5. *Be it further enacted*, That the said Trustees and their successors be, and they are hereby empowered to take and hold, by gift, grant, or otherwise, any real or personal estate, for securing the interest of said fund; *provided*, the annual income thereof shall not exceed the sum of two thousand dollars. May hold real & personal estate.

SEC. 6. *Be it further enacted*, That if said Trustees, or their successors in office, shall ever wittingly and designedly apply any part of said fund, or any part of the interest thereof, to any other use or purpose than is provided for in this act, then their authority and power as Trustees shall become void; or should the said Town of Pittsfield, into whose treasury the interest aforesaid is to be paid, apply the same contrary to the intent of the donors, then the said fund shall revert to the original donors respectively, and their heirs, in the same proportion as first given by them. Disposition of Donations.

SEC. 7. *Be it further enacted*, That any Justice of the Peace for the County of Berkshire, upon application therefor, is hereby empowered to issue a warrant 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 said warrant, to organize the said corporation, by the election and appointment of its officers. First Meeting.

[Approved by the Governor, June 15th, 1822.]

CHAP. XXV.

An Act to establish the Essex Mill 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 John Dexter, Winthrop Low, William Andrews, Junior, George Choat, Dudley Choat, Enoch Low, Ezra Perkins, Joshua Low, John Choat, and James Perkins, their associates, successors and assigns, be, and they hereby are Persons incorporated.

made a body politic and corporate, by the name of the Essex Mill Corporation; and by that name may sue and be sued, prosecute and be prosecuted to final judgment and execution thereon, in any Court or Courts within this Commonwealth; and said corporation shall

General powers. have power to make and use a common seal, and the same to break and alter at pleasure; and may, from time to time, make such by-laws, not repugnant to the constitution and laws of this Commonwealth, and appoint such officers and agents, and give them such authority as may be necessary for the due regulation of their affairs; and to promote the objects of the corporation, may hold real and personal estate, not exceeding in value the sum of ten thousand dollars, and may do and suffer all other acts and things which bodies corporate may or ought to do or suffer.

May hold real & personal estate.

SEC. 2. *Be it further enacted,* That said corporation may build a dam across Chebacco River, at or near the Great Bridge, so called, in the Town of Essex, in the County of Essex, with gates twenty feet wide, for the passage of large boats and other water craft, free of toll, and sluice ways and other erections necessary to admit and detain the tide waters from the upland, on the north side of said river to the upland at Thompson's Island, so called, on the south side thereof, at the height of the surface of the marshes; and may erect a saw mill and other mills thereon:

Proviso. *provided,* said corporation shall make in or at the end of said dam a good and sufficient lock or locks, fifteen feet wide and fifty feet in length, for the passage of flat bottom boats, gondolas, and other water craft, and shall attend and admit the same, free of toll, through said lock, for the ordinary purposes of business at all times when requested, except Sundays: *and provided, also,* that said corporation shall make a waste gate, twelve feet wide, and eighteen inches deep from the top of said dam, which shall be kept open at all times when the high marshes are flowed above said dam. And said corporation may keep and maintain all their said mills and works forever, and no person shall dispose of said waters, without the consent of said corporation.

Free toll.

SEC. 3. *Be it further enacted,* That the stock and property of said corporation shall be divided into one

hundred shares, and shall be deemed and taken to be Shares of Stock. personal estate; certificates of which shares shall issue under the seal of said corporation, signed by the President, and countersigned by the Treasurer thereof; and said shares may be transferred by deed duly executed and acknowledged before any Justice of the Peace, and recorded by the Clerk of said corporation. in a book to be kept for that purpose.

SEC. 4. *Be it further enacted,* That John Dexter, Winthrop Low, and William Andrews, Junior, or the major part of them, may call the first meeting of said First Meeting. corporation, by posting up notifications of the time and place of holding the same, in two or more public places in said Town of Essex, ten days at least before the time of holding the same; at which meeting a Clerk shall be chosen and sworn to record the doings thereof, and a Committee of three persons shall be raised to open a subscription for said shares; and when sixty Subscriptions. shares shall be subscribed for, (no person being permitted to subscribe for more than twenty five shares,) the said Committee shall call a meeting of the subscribers, at some convenient time and place, for the purpose of more fully organizing said corporation; at which meeting, each subscriber shall be entitled to as many votes as he has shares.

SEC. 5. *Be it further enacted,* That said corporation, or its officers duly authorized by its by-laws, may lay such assessment on the shares subscribed for, Assessments. not exceeding one hundred dollars on each share, as may be necessary to effect the object of said corporation; and in case the sum so raised shall be insufficient for that purpose, the said corporation, or its officers aforesaid, may raise the necessary funds by selling any of said shares that shall not be taken up by subscription, or by creating and selling any number of shares over and above the number of one hundred herein before provided for. And if any assessment shall not be paid within thirty days from the time appointed therefor, the Treasurer shall sell the share or Delinquent shares sold. shares on which such assessment remains due, or so many of them as shall be necessary to raise the amount due from any proprietor, with interest and charges, at public vendue, first giving notice of the time and place

Notice of sale.

of sale, by posting up notifications thereof in two or more public places in said Town of Essex, and in two or more adjoining towns, ten days at least, previous to said sale; and the surplus of the proceeds of such sale, after paying the amount due as aforesaid, shall be paid to the former owner of the share or shares sold; and the Treasurer's deed of such shares, duly executed, acknowledged and recorded, by the Clerk of the corporation as aforesaid, shall pass the said share or shares to the purchaser, to all intents and purposes, and shall entitle him to a certificate thereof; or said corporation may have an action of debt in any Court competent to try the same, to recover the amount of said assessment, with interest and cost, at their election.

SEC. 6. *Be it further enacted*, That if said corporation shall not build, or cause to be built, the dam aforesaid, and shall not erect a saw mill or other mills within five years from the passing of this act, then the same shall be void.

[Approved by the Governor, June 15th, 1822.]

Commonwealth of Massachusetts.

Secretary's Office, July 24th, 1822.

BY this I certify, That the Acts contained in this pamphlet, and passed at the Session of the Legislature beginning May 29th and ending June 15th, 1822, have been compared with the originals in this office, and appear to be correct.

A. BRADFORD, *Secretary of the Commonwealth.*

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LAWS

OF THE

Commonwealth of Massachusetts,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION, WHICH COMMENCED ON WEDNESDAY, THE FIRST OF JANUARY,
AND ENDED ON TUESDAY, THE ELEVENTH OF FEBRUARY, ONE THOUSAND
EIGHT HUNDRED AND TWENTY THREE,

Published agreeably to a Resolve of 16th January, 1812.



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.....
1823.

LAWS

OF THE

COMMONWEALTH OF MASSACHUSETTS,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION, WHICH COMMENCED ON WEDNESDAY, THE FIRST OF
JANUARY, AND ENDED ON TUESDAY, THE ELEVENTH OF FEBRUARY,
ONE THOUSAND EIGHT HUNDRED AND TWENTY THREE.

CHAP. XXVI.

An Act authorizing an extra Term of the Court of
Sessions, in the County of Hampshire.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there be an extra term Extra Term. of the Court of Sessions in the County of Hampshire, on Thursday, the sixteenth day of January current; and that the Justices of said Court be, and they are hereby empowered to act upon all such subjects as may then be brought before them, in the same way and manner as at any regular term thereof: *Provided*, that any matters or things now pending in said court, shall be proceeded in, heard, and determined, as if this act had not been passed.

[Approved by the Governor, January 7th, 1823.]

CHAP. XXVII.

An Act to incorporate the Blackstone Canal 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 Davis, William E. Green, John W. Lincoln, Lemuel Davis, Edward D. Bangs, John Warren, John M. Earl, Daniel Waldo, Isaiah Thomas, Rejoice Newton, Reuben Sikes, Oliver Fisk, Theophilus Wheeler, John Green, Asa Hamilton, Benjamin F. Heywood, their associates, and successors, are hereby constituted and made a body politic, and shall be and remain a corporation forever, under the name of the Blackstone Canal Company; and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution; and may have a common seal, and the same may break, alter, and renew, at pleasure: and shall be, and hereby are vested with all the power and privileges which are by law incident to corporations of a similar nature, and which are necessary to carry into effect the objects of the association.*

Persons incorporated.

General powers.

SEC. 2. *Be it further enacted, That the said corporation may, and hereby is authorized to locate, construct, and fully complete a navigable canal, with locks, tow-paths, basins, wharves, dams, embankments, toll houses, and other necessary appendages, commencing in or near the Village of Worcester, and from thence down the valley of the Blackstone River, in a direction toward tide-water, in such place or places, as may be deemed most convenient for said company, to the boundary line, between the States of Massachusetts and Rhode Island; with further power to employ and use, as reservoirs for the purpose of supplying with water said canal, or such works as may have any portion of their waters diverted from them to supply said canal, North Pond, so called, in the northerly parts of Worcester, Quinsigamond, or Long Pond, so called, lying partly in Worcester and partly in Shrewsbury, and Dorety Pond, so called,*

Canal, locks, &c.

Direction of Canal.

lying in Millbury, with such other ponds as lie upon or near said route, and also to save the flood and other waters in said ponds, and to construct artificial reservoirs for the purposes aforesaid. And the said corporation shall have power to connect with said canal, by feeders, or by navigable canals, any or all said ponds and reservoirs: *Provided, however,* that all damages which may be occasioned to any person or persons, by any of said canals, reservoirs, or feeders, in the construction thereof, shall be satisfied by said corporation, in manner hereinafter mentioned.

Artificial reservoirs.

Proviso.

SEC. 3. *Be it further enacted,* That if at any time after said canal or any of its branches or feeders are located, unforeseen obstacles, impediments, or inconveniences occur, on the route located, the said corporation shall have power to deviate from the course marked out, so far, and in such manner, as may be best calculated to surmount, overcome, or avoid such obstacles or inconveniences; said corporation satisfying all damages which may be occasioned thereby, in the manner hereinafter provided. And said corporation may, from time to time, make such alterations in the course of said canal, its feeders, and branches, as may be found necessary or expedient, satisfying all damages in manner aforesaid.

Corporate powers.

SEC. 4. *Be it further enacted,* That said corporation be, and hereby is authorized and empowered to purchase and hold, to them and their successors forever, real estate, not exceeding the value of three hundred thousand dollars, and may erect mills and other works, on the waters connected with said canal, feeders, and reservoirs.

Limitation of real estate.

SEC. 5. *Be it further enacted,* That a toll be, and hereby is granted and established for the sole benefit of said corporation forever, according to the rates following, viz.: for every ton, (computing by weight or admeasurement, at the election of said corporation,) that shall be transported upon said canal, or any of its branches, after the rate of six cents per mile. And all boats or other vessels navigating said canal, or any of its branches, whether empty, or loaded in part only, shall be subject to pay the same toll for every ton burthen they are capable of carrying: and the

Rates of toll.

right to take toll shall commence as soon as said canal or its branches, or any part thereof shall be completed.

By-Laws, &c.

SEC. 6. *Be it further enacted,* That the said corporation shall have power, from time to time, to make and ordain such by-laws, rules and regulations as may be necessary, touching the premises, especially to fix upon and determine the size of boats, rafts, and all vessels, that shall be used for the purpose of navigating said canal; to determine the passing the locks, and what commodities shall not be transported, during a want of water, should such an event happen, on any portion of said canal; *provided,* the same be not repugnant to the constitution and laws of this Commonwealth: and the penalties provided by said rules, by-laws and regulations, may be sued for and recovered by the Treasurer of said corporation, or by any other person by them authorized, to their use and benefit, by an action of the case, before any Justice of the Peace, or any Court proper to try the same; which penalties shall in no case exceed the sum of ten dollars: and said corporation shall cause all such by-laws, to the breach of which penalties are affixed, to be printed, and a copy thereof to be placed in some conspicuous situation at each toll house: and if any person or persons, shall wantonly or maliciously mar, deface, or pull down any copy so set up, said corporation may sue for and recover to their own use, in manner aforesaid, a sum not exceeding five dollars, of any such person or persons.

Fines for doing injury to the Canal.

SEC. 7. *Be it further enacted,* That if any person or persons, shall wilfully, maliciously, or wantonly, and contrary to law, obstruct the water or navigation, or in any way spoil, injure, or destroy said canal, or its branches, feeders, or reservoirs, or any part thereof, or any thing belonging thereto, or any material to be used in the construction thereof, he, she, or they, or any person or persons, assisting, aiding or abetting in such trespass, shall forfeit and pay to said corporation, for every such offence, treble such damages as shall be proved before the Justice, Court, or Jury, before whom the trial shall be had, to be sued for and recovered before any Justice, or in any Court proper to try the same, by the Treasurer of said corporation, or other officer, whom they may direct, to

the use of said corporation: And such offender or offenders shall be liable to punishment by the Grand Inquest for said County of Worcester, for any offence or offences, contrary to the above provisions, and on conviction thereof, either in the Supreme Judicial Court, or any Court of Common Pleas, to be holden in said county, shall pay a fine not exceeding five hundred dollars, and not less than thirty dollars, to the use of the Commonwealth, or may be imprisoned for a term not exceeding three years, at the discretion of the Court before whom the conviction may be had.

Offenders punished.

SEC. 8. *Be it further enacted*, That whenever said corporation shall have located said canal, or any part thereof, or the feeders or branches thereto, or any of them, they may make a report thereof to any Court of Sessions, then to be holden, within and for the said County of Worcester, or to any adjourned term thereof, wherein they shall particularly describe the bearings of the intended route, or any section thereof, its width, including tow-paths, embankments, basins, wharves, excavations, the reservoir intended to be constructed or used, and the names of the owners of the land, so far as the same can be ascertained; which said report so made of the whole of any section, or of any one or more of the feeders, or branches, or reservoirs, shall be placed on the files of said Court, and notice be given thereof to the owners of the land embraced therein, if known, in such manner as the Court shall direct, at the expense of said corporation. And the said Court shall thereupon appoint three discreet, and disinterested freeholders of said County of Worcester, (vacancies, if any happen, to be filled by the said Court,) to estimate all damages which any person or persons, whose lands are described and mentioned in such report, shall sustain; *provided*, such canal, or any branch, or feeder thereof, or basin, wharf, or other appendage or appurtenant, be constructed thereon. And the said Commissioners, before they proceed to execute their duties, shall be sworn to a faithful and impartial discharge thereof, and shall give public and seasonable notice, in such manner as said Court shall direct, to all persons interested, to file their claims, if any they have, which have not been released to said

Report to Sessions Court.

Commissioners to be sworn.

corporation, with some one of said Commissioners, or with the Clerk of the Courts for said County of Worcester, thirty days from the date of said notice. At the end of the term allowed for filing such claim for damages, the Commissioners, or a majority of them, having previously given notice to all parties interested, of the time, and of the extent of the route to be examined, by publishing in one or more of the public newspapers printed in Worcester, in the County of Worcester, an advertisement thereof in three successive papers at least, shall pass over the premises so intended to be used by said corporation, for the purposes aforesaid, and after hearing the parties in interest, shall, according to the best of their skill and judgment, estimate all such damages as they shall think any person or persons, corporation or corporations, shall sustain by the opening of such canal, or any of its branches or feeders, through his, her, or their land, or by the construction of any reservoirs, embankments, tow-paths, basins, wharves, or any other appendages, over and above the benefits and advantages which the said Commissioners shall judge may accrue to such person or persons, corporation or corporations, from opening said canal. And the said Commissioners, or a major part of them, shall make return of their doings as soon as may be, to the said Court of Sessions, to the end that the same may be allowed, accepted, and recorded; and the said Court shall thereupon order the said report, or the substance thereof, to be forthwith published in one or more of the newspapers printed in said Worcester, three weeks successively, at the expense of the corporation. And if the said corporation, or any person or persons interested, shall be dissatisfied with the estimate of said Commissioners, application may be made by such dissatisfied party at the next term of said Court of Sessions after the return and acceptance of such report, and after its publication as aforesaid, for a jury to hear and finally determine upon the amount of damages to be assessed in the case complained of; which said Jury shall be summoned by the Sheriff, under the direction of the Court, in manner prescribed by law in case of complaints for damages occasioned by the laying out of highways, and they shall

Estimate of damages.

Commissioners to make return to Court of Sessions.

Juries may be called to settle damages.

be under oath according to the provisions of law in such cases; and if the party injured in his, her or their estate, apply for such Jury, and fail to obtain increased damages, such party shall be liable for all legal costs arising after the entering of such application for a Jury, and said Court shall enter judgment and issue execution accordingly: and if said corporation apply for a Jury, and fail to obtain a diminution of damages, it shall in like manner be liable for costs, and said Court may enter judgment, and issue execution for such costs; and if within ninety days after the said corporation shall have entered upon the land of any person or persons, and commenced the process of excavation or embankments for the purpose of constructing said canal, or any of its branches, feeders or reservoirs, it shall pay or cause to be paid the damage (if any) so assessed in manner aforesaid by said Commissioners or such Jury, such person or persons, on whose land such operations are so commenced may have an action of debt against said corporation, in any Court proper to try the same to recover such damages, and executions from whatever Court the same may issue for damages assessed as aforesaid, or costs, shall be in common form, *mutatis mutandis*, and may be levied upon the goods, estate or lands of said corporation, or any member thereof; and in case it issue from the Court of Sessions aforesaid, for cost as aforesaid, it shall be made returnable at the term of said Court then next ensuing; and the report of said Commissioners, when accepted and recorded, and not appealed from in manner aforesaid, or the verdict of a Jury being returned and recorded, shall forever be a bar to any other action commenced for damages against said corporation on account of the injury for which such damages were awarded, other than is herein provided, saving only that when yearly damages are assessed, the party in whose favor they are assessed or ascertained by Jury, shall have his action of debt to recover the same when payable, during the continuance thereof.

Corporation may
be sued.

SEC. 9. *Be it further enacted*, That if after said canal shall be located, and a report of Commissioners be made thereon, in manner aforesaid, any alterations shall be made in the course thereof, or in the course of

any of its branches or feeders, or if any new reservoirs, branches or feeders shall be made in aid of said canal, the damages may be estimated in the same way and the same proceedings had in manner provided in this act: *Provided, however,* that in all cases it shall be competent for said corporation, and any person or persons, corporation or corporations, injured by the location of said canal, or any of its tributaries or appendages, to submit the question of damage to such referees as they may agree upon, whose award, when returned to the said Court of Sessions and accepted, shall be final, and said Court may enter judgment accordingly; and said Commissioners in all cases shall be allowed three dollars a day for their services.

Alterations may
be made.

Proviso.

Referees.

Capital Stock.

Organization of
Company.

SEC. 10. *Be it further enacted,* That the said corporation shall be and hereby are authorized to raise sufficient funds for the accomplishment of the objects aforesaid, and for that purpose they may, as soon as they shall see fit, after the passing of this act, open books at some suitable place or places wherein subscriptions may be entered for shares in the capital stock of said corporation, each share to be of the amount of one hundred dollars, and each person so subscribing to be a member of said corporation, for all purposes; and as soon as one thousand shares have been subscribed, said corporation may be organized in manner following, to wit: the petitioners or any three of them may make application to any Justice of the Peace for the County of Worcester, requesting him to call a meeting of the proprietors to be holden at some convenient place within the said Town of Worcester, whereupon such Justice may issue his warrant to any one of said members, directing him to notify them to meet at such convenient time and place, in said Worcester, as he may therein appoint, to do and transact all such matters and things as may be expressed in said warrant; and the member to whom such warrant shall be directed, shall give notice to the other members by causing said warrant to be published in one or more of the newspapers printed in Worcester, and in one or more of the newspapers printed in Providence, in the State of Rhode Island, and the proprietors may at the same meeting, or at a subsequent one, choose a

Clerk, Treasurer, and such other Officer or Officers, Committee or Committees as they shall judge necessary for regulating the affairs of said corporation. And every member shall have a right to vote at said meeting, and at all other meetings by himself or proxy, duly authorized in writing, in the following ratio, one share one vote; and every two additional shares one vote; *provided*, no stockholder shall be entitled to more than ten votes.

SEC. 11. *Be it further enacted*, That the said books of subscriptions shall remain open as long as said corporation shall see fit, but no assessment shall ever be made so as to make any subscriber liable to pay more than one hundred dollars for a share, nor shall the stock and property of said corporation be liable to any species of taxation for eight years, from and after the passing of this act. If after the closing of said books, or at any time, it shall appear that sufficient funds have not been raised, the corporation, or its officers duly authorized, may at any time, and from time to time, raise the necessary funds by creating and selling new shares upon the best terms that can be obtained.

SEC. 12. *Be it further enacted*, That if any subscriber shall neglect to pay his subscription, or any portion thereof, for the space of thirty days after he is required so to do by a vote of the corporation, the corporation, or any officer duly authorized for that purpose may make sale of such share or shares at public auction, to the highest bidder, and the same shall be transferred by the Treasurer, in a manner hereinafter provided, to the purchaser. And such delinquent subscriber shall be held accountable to the corporation for the balance, if his share or shares shall be sold for less than their nominal value, and shall be entitled to the overplus, if any there shall be, beyond the nominal value.

SEC. 13. *Be it further enacted*, That any share or shares of any member may be transferred by deed acknowledged and recorded by the Clerk of said corporation in a book to be kept for that purpose, and the Treasurer is hereby authorized to make transfer in like manner of the shares of members sold according to the provisions of the last preceding section of this act.

Minors property
guarded.

SEC. 14. *Be it further enacted,* That when the land or other property or estate belonging to infants, femmes covert, or persons non compos mentis, shall be taken and appropriated for the use and purposes of said canal as aforesaid; the husbands of such femmes coverts, and the guardians of such infants or persons non compos mentis, respectively, may execute any deeds, enter into any contracts, or do any other matter or thing respecting such lands, or other estate, to be taken and appropriated as aforesaid, as they might do if the same were by them holden in their own rights respectively.

Limitation of
act.

SEC. 15. *Provided, and be it further enacted,* That from and after the expiration of ten years from the passing of this act, if the corporation hereby created, shall not have completed the said canal, the Legislature of this Commonwealth may, upon the application of any other company for the privileges hereby granted, incorporate such other company for the purpose of making said canal.

[Approved by the Governor, January 14th, 1823.]

CHAP. XXVIII.

An act to incorporate the Boston Cordage Manufactory.

Persons incorpo-
rated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Winslow Lewis, Joseph W. Lewis, Samuel Austin, Junior, David Henshaw, Ezra Hyde, George Brown, Henry Lewis and Joseph P. Bradlee, 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 Boston Cordage Manufactory, for the purpose of manufacturing cordage; and for that purpose shall have all the powers and privileges, and also be subject to all the duties and requirements prescribed and con-

Powers and pri-
vileges.

tained 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 companies," and the several acts in addition thereto.

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 eighty 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 of cordage. Real and personal estate.

[Approved by the Governor, January 14th, 1823.]

CHAP. XXIX.

An Act to regulate the burning of Coal Pits, in the Towns of Plymouth, Kingston, Carver, and Wareham, in the County of Plymouth, and Sandwich, in the County of Barnstable.

WHEREAS great damage has been sustained by the public, as well as by the proprietors of wood lands lying in the Towns of Plymouth, Kingston, Carver, and Wareham, in the County of Plymouth, and in Sandwich, in the County of Barnstable, by the fires which have frequently spread, from the negligence of those who have been employed in burning wood for charcoal, or in burning brush wood for other purposes : 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 no person or persons, shall hereafter be permitted to set fire to any coal pit, or to any pile of wood, for the purpose of charring the same, within the tract of wood land lying in the aforesaid towns, or either of them, between the first day of April and the fifteenth day of September, annually. Time of charring coal.

SEC. 2. *Be it further enacted*, That if any person or persons, their agent or agents, shall set fire to any pit or pits, for burning coal, on any part of the tract of wood land above mentioned, lying in either of the towns aforesaid, between the said first day of April and the fifteenth day of September, annually, such person or persons, so offending, shall forfeit and pay the sum of one hundred dollars for every such offence.

Forfeitures.

SEC. 3. *Be it further enacted*, That if any person or persons, their agent or agents, shall, between the times aforesaid, set fire to any brush wood, or bushes, on any part or parcel of the aforesaid wood lands, or on any land adjoining thereunto, so as to cause the burning thereof, such person or persons, so offending, shall forfeit and pay the sum of fifty dollars for every such offence.

Penalty for firing
brush wood.

SEC. 4. *Be it further enacted*, That all penalties incurred by the breach of this act, may be sued for and recovered in any Court proper to try the same; and one moiety of all the sums so recovered, shall be appropriated to the use of the town in which such pit or pits, brush wood, or bushes, were burned or attempted to be burned, and the other moiety to the use of him or them, who shall prosecute therefor.

Recovery of fines

[Approved by the Governor, January 14th, 1823.]

CHAP. XXX.

An Act in addition to an Act, entitled "An Act to incorporate the Proprietors of Nahant Hotel, in the Town of Lynn."

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 corporation known and called by the name of the Proprietors of Nahant Hotel, in Lynn, be, and the said corporation hereby is authorized and empowered to purchase and hold,

General powers.

twenty acres of land, at the place called Nahant, in the Town of Lynn, in addition to the quantity of land which the said corporation is empowered to have and to hold, in virtue of the act to which this act is in addition, under the same limitations and restrictions, and with the like powers, as in the said act to which this act is in addition, are expressed, any thing in said act to the contrary notwithstanding.

SEC. 2. *Be it further enacted*, That the said corporation be, and the same hereby is authorized and empowered to divide its corporate property into any number of shares which said corporation may see fit; Disposition of Shares. *provided*, that the whole number of shares shall not exceed, in their nominal amount of value, the sum of forty thousand dollars, that being the sum at which the real and personal estate of said corporation is limited by the aforesaid act.

[Approved by the Governor, January 14th, 1823.]

CHAP. XXXI.

An Act to incorporate the Trustees of the Methodist Episcopal Church, in Nantucket.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Oliver C. Bartlett, John Jenkins, Perez Jenkins, Jonathan Smith, Solomon Folger, Walter Cure, Nathaniel Rand, Frederick Worth, and William Jenkins, all of Nantucket, Trustees. in the County of Nantucket, be, and they hereby are constituted a body corporate and politic, by the name of the Trustees of the Methodist Episcopal Church, in Nantucket, for the promotion of piety, religion, and morality; and they and their successors shall be and continue a body politic and corporate, by that name, General powers. forever; and they shall have a common seal, subject to be altered at their pleasure; and they may sue and

be sued, in all actions, real, personal, or mixed, and prosecute and defend the same to final judgment and execution, by the name aforesaid.

SEC. 2. *Be it further enacted,* That the aforesaid Trustees and their successors shall and may, annually, elect a President, and a Secretary to record the doings and transactions of the Trustees, and a Treasurer to receive and apply the monies or property, hereinafter mentioned, as hereinafter directed, and any other officers, that may be necessary for the managing of their business; and they may make rules, regulations, and by-laws, not repugnant to the laws of this Commonwealth.

Election of officers.

SEC. 3. *Be it further enacted,* That the number of Trustees, shall not, at any one time, be more than nine, nor less than seven; five of their number shall constitute a quorum for transacting business; and they may and shall, from time to time, fill up vacancies in their number, which may happen by death, resignation, or otherwise, as hereinafter provided. And such Trustees shall, annually, hold a meeting in March or April, and at such other times as may be necessary; which meetings, after the first, shall be called in such way and manner as the Trustees aforesaid shall hereafter direct.

Limited number of Trustees.

Annual Meetings.

SEC. 4. *Be it further enacted,* That the aforesaid Trustees, and their successors, are hereby made capable in law to possess and hold all the property, both real and personal, belonging to the Methodist Episcopal Church, in Nantucket, in trust forever, for the use and benefit of the members, for the sole purpose of promoting the public worship of Almighty God, according to the doctrines and discipline of said church. And in further trust and confidence, that whenever one or more of said Trustees shall die, or from any cause, cease to be a member or members, of said corporation, then and in that case, the vacancy shall be supplied according to the direction given in the discipline of said church; that is, the Minister or Preacher, who shall be regularly appointed to the pastoral charge of the members of said church, for the time being, shall have a right to nominate, and the Trustees may confirm or reject such nomination.

May hold real & personal estate.

Vacancies to be filled up.

SEC. 5. *Be it further enacted,* That any gift, grant, bequest, or devise made, or that hereafter may be made, to the said Trustees, or their successors, shall be valid and effectual to all intents and purposes whatever. and they are hereby empowered to hold real and personal estate, the annual income of which shall not exceed six hundred dollars: *Provided,* that the entire income be strictly appropriated to promote the objects of this corporation, and also that the gift, grant or donation be faithfully applied according to the real intent and design of the donor.

SEC. 6. *Be it further enacted,* That all deeds and instruments, which the said Trustees may lawfully make in their said capacity, shall, when made in their name, and signed and sealed, with their common seal, and delivered by their Treasurer, be binding on said Trustees and their successors, and be valid in law.

SEC. 7. *Be it further enacted,* That George Cannon, Esquire, be, and he is hereby authorized to appoint the time and place for holding the first meeting of said Trustees, and to notify them thereof.

[Approved by the Governor, January 16th, 1823.]

CHAP. XXXII.

An Act to establish a Fund for the support of the Gospel Ministry, in the First Parish, in the Town of Haverhill, in the County of Essex, and to appoint 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 Bailey Bartlett, Israel Bartlett, Nehemiah Emerson, John Dow, and Stephen Minot, be, and hereby are constituted a body politic and corporate, by the name of the Trustees of the Haverhill Congregational Ministerial Fund; and that they and their successors shall continue a body politic

General powers. and corporate, forever, and by the same name may sue and be sued in all actions, and may prosecute the same to final judgment and execution.

Number of Trustees. SEC. 2. *Be it further enacted*, That said parish, at their annual meeting, in March or April, may choose five Trustees, who shall be successors to those named in this act; and they and their successors shall hold their offices until others shall be chosen and have accepted the trust, by entering upon the duties of their office; and that said parish may also, at any legal meeting, holden for that purpose, choose a Trustee or Trustees to supply any vacancy that may happen.

Bequests. SEC. 3. *Be it further enacted*, That any gift, grant, bequest, or devise, which may hereafter be made to said Trustees, shall be valid and effectual to all intents and purposes whatever; and they, and their successors as aforesaid, are hereby empowered, by purchase or operation of law, to take, have, hold, use, improve, and manage any estate, real or personal, the annual income of which, shall not exceed the sum of two thousand dollars, in trust, for the support and maintenance of the Gospel Ministry in said Congregational Parish; and during any vacancy in said parish, of a regular, ordained, and settled Minister, they shall appropriate such income or interest to the increase of their principal fund, any thing herein to the contrary notwithstanding.

Fund in trust.

Board of Trustees. SEC. 4. *Be it further enacted*, That the said Trustees may assemble and meet together as often as they may think it necessary, for the promotion of their trust, any three of whom shall constitute a board for doing business; but the concurrence of three, at least, shall be requisite to every act and proceeding whatever; they may determine the manner of calling meetings; they may appoint a Clerk, an Agent or Agents, and other needful officers and committees; they may make reasonable rules, regulations and by-laws, and annex penalties for the breach thereof, not repugnant to the laws of this Commonwealth; they may have a common seal, and change the same at their pleasure; they may alienate, by good and sufficient deeds at law, any of the parsonage land belonging to said parish, which said parish may, at a legal meeting, holden for

Officers to be chosen.

Alienation of parsonage lands.

that purpose, from time to time, direct, agreeably to a resolve of the General Court, passed in June, in the year of our Lord one thousand eight hundred and nine; and they may also alienate, by good and sufficient deeds at law, any real estate, the title whereof shall be vested in them by way of mortgage, or by operation of law.

SEC. 5. *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 their offices, shall have the care and custody of all papers and documents belonging to said Trustees, and shall carefully and fairly record all their votes and proceedings in a book kept for that purpose, and shall certify the same when thereto required; and he may call meetings, when he may think the same necessary, or when thereto directed by said Trustees, and do whatever else may be incident to said office; and he shall, on demand, deliver to his successor in office, as soon as may be, all the records, papers and documents in his hands, in good order and condition; and if he shall neglect so to do for thirty days next after such demand, 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.

Penalties.

SEC. 6. *Be it further enacted*, That the Treasurer of said parish shall always be the Treasurer of said Trustees, and the receiver of all money, the effects due, owing and coming to them, and may demand, sue for, and recover the same in their name, unless prohibited by them; and he shall have the care and custody of all the money and effects, obligations and securities for the payment of money or other things, and all evidences of property belonging to said Trustees, and be accountable to them therefor; and shall dispose of the same as they shall order and direct, and shall render an account of his doings, and exhibit a fair and regular statement of the property and evidences of property in his hands, whenever they shall require the same to be done; and he shall deliver to his successor in office, as soon as may be, after demand, all the books and papers, property, and evidence of property in his hands,

Duties of the Treasurer.

Treasurer must give bonds.

in good order and condition; and shall give bonds to said Trustees and their successors, with sufficient sureties, to be approved by them, in the penal sum of ten thousand dollars at least, conditioned to do and perform all the duties incumbent on him as their Treasurer; and if he shall fail to deliver to his successor, as aforesaid, for the space of thirty days next after such demand, or to give bonds as aforesaid for thirty days next after such Treasurer shall be duly chosen, and have accepted the office, he shall, for either neglect, forfeit and pay a fine of fifty dollars, and the further sum of thirty dollars per month for such failure or neglect afterwards.

Liability of the Treasurer.

Duties and liability of Trustees

SEC. 7. *Be it further enacted,* That it shall be the duty of said Trustees, to use and improve such funds or estate as shall be vested in them, by virtue of this act, with care and vigilance, so as best to promote the design thereof; and they shall be amenable to the inhabitants of said parish for negligence or misconduct in the management or disposition thereof, whereby the same shall be impaired, or suffer loss or diminution. And the inhabitants of said parish may have and maintain a special action on the case, against the proper persons of said Trustees, and their goods and estate, jointly or severally, or against any two or more of them, for such negligence or misconduct, and recover adequate damages therefor; and every sum so recovered shall be deemed to be for the benefit of said fund, and shall be paid to said Treasurer, who may have an action of debt therefor accordingly.

Statement of society's concerns.

SEC. 8. *Be it further enacted,* That the said Trustees shall cause to be recorded, and kept in their book of records, by their Clerk, a statement of the funds and estate in their hands, wherein shall be particularly designated the nature and amount of each original grant or donation, the period when made, the design thereof, and the donor's or grantor's name, and place of abode, with such other circumstances as they shall think useful and proper, to distinguish the same, and perpetuate the remembrance thereof; and they shall make report of such statement, to the inhabitants of said parish, at their meeting in 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 statement 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 disbursements made by them the preceding year.

SEC. 9. *Be it further enacted,* That the said Trustees shall always loan, upon interest, all the money belonging to said fund, in sums not less than one hundred dollars, and for a term not exceeding five years, upon the bond or note of the borrower, with a mortgage of real estate to three times the value of the sum loaned, as collateral security for the repayment of the principal sum, with interest annually, till paid.

Loan of society's fund.

SEC. 10. *Be it further enacted,* That it shall never be in the power of said Trustees, or said Congregational Parish, to alienate any part of the capital fund thereof; but the interest or income, if the parish, at a legal meeting holden for that purpose, so direct, may be applied for the support of a regular, ordained, Gospel Minister, and for no other purpose whatever, until the interest or income of said fund shall amount to the sum of six hundred dollars per annum; after which time, the surplus income, over and above that sum, may be applied for other parochial purposes, if said parish, at a legal meeting holden for that purpose, so direct.

Capital not to be alienated.

Disposition of surplus income.

SEC. 11. *Be it further enacted,* That said Trustees shall be entitled to receive a reasonable compensation for their services in managing and taking care of said funds and estate, to be paid by said Congregational Parish; but no part of said funds or estate, or of the income thereof, shall ever be appropriated for that purpose.

Compensation of Trustees.

SEC. 12. *Be it further enacted,* That all fines and forfeitures, incurred for any breach of this act, shall and may be recovered, in an action of debt, by the inhabitants of said parish, if they shall sue for the same within one year after the same shall be incurred, to the use and benefit of said fund.

Fines may be sued for.

SEC. 13. *Be it further enacted,* That Stephen Minot, Esquire, is hereby authorized and directed to ap-

First Meeting.

point the time and place for holding the first meeting of said Trustees, and to warn such meeting accordingly.

[Approved by the Governor, January 16th, 1823.]

CHAP. XXXIII.

An Act to establish the First Baptist Society, in Weston.

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 Deacon Samuel Train, Deacon Uriah Gregory, Moses Harrington, Samuel Lovewell, Amasa Sanderson, Daniel Sanderson, Widow Lydia Upham, Abijah Upham, Lydia Upham, Silas Upham, Amos Lamson, Daniel Rand, James Lentell, Isaac Jones, Charles Morse, Widow Sarah Morse, Widow Sarah Leadbetter, Colonel Samuel Train, Otis Train, Abigail Childs, Betsey Childs, Hannah Childs, Joel Harrington, Paul Pratt, Widow Hepzibah Pratt, William Pratt, Joseph Winship, Joseph Winship, Junior, John Marsh, Betsey Bacon, Widow Keziah Hammond, Charles Damon, Elijah Travis, and Widow Nancy Bigelow, with their families and estates, be, and they are hereby incorporated as a distinct religious society, by the name of the First Baptist Society, in Weston, for religious purposes only; and as such, shall have and enjoy all the rights, powers and immunities of other parishes, or religious societies, according to the constitution and laws of this Commonwealth.

Powers and pri-
vileges.

SEC. 2. *Be it further enacted,* That any person belonging to the Town of Weston, or to either of the towns adjoining said Weston, who may hereafter be desirous of joining in religious worship, and of becoming a member of said Baptist Society, shall have lib-

erty so to do, by complying with the requisitions of the second section of the act, passed on the eighteenth day of June, in the year of our Lord one thousand eight hundred and eleven, entitled “an act respecting public worship, and religious freedom.” Conditions of membership.

SEC. 3. *Be it further enacted,* That whenever any member of said Baptist Society shall see cause to leave the same, and to unite with some other religious society, the like notice and process shall be made and given, *mutatis mutandis*, as is prescribed in the second section of this act: *Provided, always,* that in every case of secession from one society, and joining to another, the person so seceding, shall be holden to pay his or her proportion of all parochial expenses, voted and not paid, prior to the leaving of said society. Conditions of secession. Proviso.

SEC. 4. *Be it further enacted,* That any Justice of the Peace for the County of Middlesex, is hereby authorized to issue a warrant, directed to any member of said Baptist Society, requiring him to notify the first meeting of said society, to meet at such convenient time and place, as shall be expressed in said warrant, for the choice of such officers, as parishes, or religious societies, are accustomed to choose and appoint, at their annual meetings. First Meeting.

[Approved by the Governor, January 17th, 1823.]

CHAP. XXXIV.

An Act to authorize the Boston and Roxbury Mill Corporation to widen their Dam.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Boston and Roxbury Mill Corporation be, and they hereby are authorized to widen their dam, leading from Boston to Sewall’s Point, so called, in Brookline, by extending it one hundred feet on the northerly side thereof, upon Extension of the Dam.

Proviso.

the flats and tide-waters, where it can be done without interfering with the rights of individuals, or other corporations, for the purpose of forming landing places, making wharves, erecting storehouses, and other necessary buildings: *Provided*, that nothing herein contained, shall authorize the widening of said dam, in any part thereof, more than one hundred yards to the northward and eastward of the present eastermost sluiceway.

[Approved by the Governor, January 17th, 1823.]

CHAP. XXXV.

An Act in addition to an Act, entitled "An Act to incorporate a Society, by the name of the Massachusetts Missionary Society."

General powers.

1928-152.
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 Massachusetts Missionary Society be, and they hereby are authorized and empowered to appropriate and apply the funds which they are by law entitled to hold, or any part thereof, for the purpose of diffusing the knowledge of the gospel of Jesus Christ, among the heathen and others, in destitute places; any thing contained in the act of incorporation, to which this is in addition, to the contrary notwithstanding.

Provisions of the former act continued.

SEC. 2. *Be it further enacted*, That this act, and the act to which it is in addition, and all and singular the powers, privileges, rights, and duties of said corporation, as the same are limited and defined in this and the aforesaid original act, shall continue and remain in full force and virtue, from and after the expiration of the term in said original act mentioned; any thing therein contained to the contrary notwithstanding: *Provided, nevertheless*, that it shall be in the power of this or any future Legislature of this Com-

monwealth, to alter, modify, or repeal any, or all of the provisions of this act, and of the aforesaid original act, or either of them, whenever it shall be deemed expedient so to do.

[Approved by the Governor, January 21st, 1823.]

CHAP. XXXVI.

An Act to incorporate the Penitent Females' Refuge, in the City 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* Horace Fox, Edmund Parsons, Abraham A. Dame, Thomas Vese, William Jenks, John C. Proctor, Pliny Cutler, John Tappan, Aaron P. Cleveland, Charles Tappan, Henry Homes, George Odiorne, Heman Lincoln, Edmund A. Winchester, George J. Homer, Francis Wayland, Junior, Moses Grant, and Alden Bradford, together with such others as may hereafter be associated with them, and their successors, be, and they hereby are incorporated by the name of the Penitent Females' Refuge, in the City of Boston; and by that name shall be a corporation forever, for the purpose of affording relief, assistance, and protection to penitent females; with power to have a common seal, to receive and hold any sum or sums of money, from persons disposed to promote the intentions of said society; to make contracts relative to the objects thereof, to sue and be sued, to establish by-laws and orders for the regulation of said society, and the due preservation and application of its funds; *provided*, the same be not repugnant to the constitution and laws of this Commonwealth; and to take and hold real and personal estate, not exceeding the sum of twenty thousand dollars.

Persons incorporated.

General powers.

SEC. 2. *Be it further enacted, That* said corporation shall annually meet in Boston, at such time and

place, as they may from time to time appoint, for the purpose of electing, by ballot, such officers as they may think proper, who shall hold their respective offices for the term of one year, and until others shall be elected and qualified in their stead, with such powers and duties as may be prescribed by the by-laws of said corporation.

Election of officers.

SEC. 3. *Be it further enacted*, That any two of the persons above named be, and they hereby are authorized to call the first meeting of said corporation, by advertisement printed in any newspaper published in the City of Boston, at least seven days prior to the appointment of such meeting.

First Meeting.

SEC. 4. *Be it further enacted*, That the present officers of said association shall continue to execute their several duties until an election of officers shall have taken place, agreeably to the provisions of said act: *Provided, nevertheless*, that the Legislature may alter or repeal this act, whenever it shall be deemed expedient.

Duty of Officers.

[Approved by the Governor, January 21st, 1823.]

CHAP. XXXVII.

An Act to incorporate the Central Universalist Society, in the City 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 James Davis, Abraham A. Dame, Stillman Willis, Samuel Gray, Abner Joy, Aaron Cooley, Henry D. Gray, Jedediah Blanchard, Isaac Dupee, Jacob Todd, John Roulstone, Thomas Hudson, William Wright, Charles Holmes, Michael Roulstone, William B. Daniels, Joseph S. Rogers, Edward Russell, Stephen Parker, Amos Penniman, Nicholas Little, Calvin Haskell, Edward Prescott, David Vinal, Jonathan Loring, Levi Brigham, John

Persons incorporated.

Blanchard, Otis Briggs, Jonathan Livermore, John Ladd, James Fillebrown, Elijah Trask, Junior, Isaac K. Wise, Otis Claffen, Jonathan Jewit, Noah Harrington, Thomas Gaffield. Simeon Hawkes, Ebenezer Smith, John Muzzy, William Lawrence, John Hatch, James Page, Mordecai L. Wallis, Joseph Stuart, John Peirce, Theophilus Burr, Charles M. Domett, Isaac Davis, Benjamin M. Bramhall, Ezekiel Jones, Walter Cannel, Frederick W. Clapp, Charles Veazie, and Joshua Davis, and all others who may associate with them, and their successors, be, and they are hereby incorporated as a religious society, by the name of the Central Universalist Society, in the City of Boston; with all the privileges, powers and immunities, to which other religious societies in this Commonwealth are entitled by law.

General powers.

SEC. 2. *Be it further enacted*, That the said society shall be capable, in law, to purchase, hold, and dispose 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 five thousand dollars.

May hold real & personal estate.

SEC. 3. *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 City 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 deem needful.

First Meeting.

[Approved by the Governor, January 21st, 1823.]

CHAP. XXXVIII.

An Act in addition to an Act, entitled "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*

Prohibition of
privilege.

the authority of the same, That from and after the passing of this act, it shall not be lawful for the purchaser or purchasers of any privilege of catching shad or alewives of any of the towns situated on Taunton Great River, to locate the place or places on said river, for the purpose of catching said fish, or sweep, or use seines or nets for that purpose, within one hundred rods of the mill dam lately erected across said river by Samuel Crocker and others, near King's Bridge, so called, any thing in the act, entitled "an act to regulate the fishery in Taunton Great River," to which this is an addition, to the contrary notwithstanding.

Fish not to be
impeded.

SEC. 2. *Be it further enacted,* That it shall not be lawful for the said purchaser or purchasers, or any other person, to impede, interrupt, or turn the course of the fish within the distance of one hundred rods of the mill dam aforesaid, for the purpose of taking said fish without or beyond that distance.

Fines.

SEC. 3. *Be it further enacted,* That any person duly convicted of a breach of the second section of this act, shall forfeit and pay the sum of fifty dollars for each and every such offence, to be recovered and appropriated in the manner provided in the fourth section of the act, to which this is in addition.

[Approved by the Governor, January 21st, 1823.]

CHAP. XXXIX.

An Act authorizing Samuel Crocker and others to establish a Dam across 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 Samuel Crocker, Charles Richmond, Dolly Caswell, all of Taunton, and Horatio Leonard, of Raynham, together with their associates and assigns, be, and they hereby are authorized to build, have and maintain a dam across Taun-

Dam to be built.

ton Great River, so called, on the land of the said Crocker and his associates, in the Towns of Taunton and Raynham; said dam to be erected and maintained at some place not more than ten rods below King's ^{Location.} Bridge, on said river, for the purpose of establishing and carrying on mills and manufactories: *Provided, however,* that the said right to erect said dam shall be subject to all the restrictions, limitations and provisions, ^{Restrictions.} which are contained in an act, entitled "an act authorizing Stephen King, and his associates, to establish a dam across Taunton Great River, so called," passed on the fourteenth day of June, in the year of our Lord one thousand eight hundred and thirteen.

[Approved by the Governor, January 21st, 1823.]

CHAP. XL.

An Act in addition to an Act, entitled "An Act to establish the First Baptist Society, in Framingham."

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 person belonging to the Town of Framingham, or to either of the adjoining towns, who may hereafter wish to join in religious worship, and to become a member of the First Baptist Society in Framingham, shall have liberty so to do, ^{Conditions of membership.} by giving notice of such desire and intention, in writing, to the Clerk of the society where such person has formerly attended on public worship, and also a copy of the said notice, in writing, to the Clerk of the said Baptist Society, fifteen days at least previous to the annual meeting; and such person, from the date aforesaid, shall be considered a member of the said Baptist Society.

[Approved by the Governor, January 22d, 1823.]

CHAP. XLI.

An Act to incorporate the Boston Gas Light 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 William Prescott, Alexander Parris, Bryant P. Tilden, Nathan Hale, John C. Gray, and all such persons as are, or shall be associated with them, and their successors, be, and they are hereby incorporated for the purpose of furnishing gas light in the City of Boston, by the name of the Boston Gas Light Company; and by that name may sue and prosecute, and be sued or prosecuted to final judgment and execution, and do and suffer all other matters and things which bodies politic may, and ought to do or suffer; and may have and use a common seal, and the same break and alter at their pleasure; and by their said corporate name, may purchase, take and hold, real and personal estate, not exceeding in the whole value, seventy five thousand dollars.*

Persons incorporated.

General powers.

SEC. 2. *Be it further enacted, That the said corporation may elect so many Directors and other Officers, and divide their capital stock into such number of shares, and establish and put in execution such by-laws and regulations, as the members thereof may judge necessary; provided, the same are not repugnant to the laws and constitution of this Commonwealth.*

Directors and Shares.

SEC. 3. *Be it further enacted, That the said corporation, with the consent of the Mayor and Aldermen of said City of Boston, shall have power and authority to open the ground in any part of the streets, lanes, and highways, in said city, for the purpose of sinking and repairing such pipes and conductors as may be necessary to sink for the purpose aforesaid. And that the said corporation, after opening the ground in the said streets, lanes or highways, shall be held to put the same again into repair, under the penalty of being prosecuted for a nuisance: Provided, that the said Mayor and Aldermen, for the time being, shall at all times, have the power to regulate, restrict and control*

Right to sink Pipes.

Streets must be repaired.

the acts and doings of said corporation, which may, in any manner, affect the health, safety, or convenience of the inhabitants of said city.

SEC. 4. *Be it further enacted,* That said corporation shall have full power, from time to time, to make and assess such assessments and taxes, as they shall deem necessary, on the shares in said corporation; and on neglect or refusal to pay the same, to sell such shares at vendue, for the payment thereof, after advertising the same in two of the newspapers published in Boston, for the space of twenty days previous to the sale, paying the overplus, if any there be, after the payment of such assessments and taxes, and of the charges of sale, to the owner of the share or shares so sold. Assessments.

SEC. 5. *Be it further enacted,* That the said William Prescott, or Alexander Parris, be, and they are hereby empowered to call the first meeting of the said corporation, by a notification in one of the newspapers of Boston, aforesaid, fourteen days previous to such meeting; and the said corporation, at such meeting, shall agree upon the mode of calling future meetings. First Meeting.

[Approved by the Governor, January 22d, 1823.]

CHAP. XLII.

An Act to establish the Baptist Religious Society, in Belchertown, in the County of Hampshire.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Abram Weston, Asa Clark, Eleazer Owen, Roger Upham, Joseph Billing, Benjamin Burden, Samuel Leach, Giles Perkins, John Shaw, William Chamberlin, John Giddins, Smith Barret, Harvey Wright, Michael W. Hill, Jonathan Paine, Peter Daniels, Moses Hayden, Reuben Barton, Reuben Cleveland, Josiah Kenfield, Ebenezer Green, James Downing, Abram R. Murdock, Peter Leach. Persons incorporated.

Orsamus Kenfield, Joel Kenfield, Celina Darling, Benjamin R. Darling, Enoch Thayer, John Nutting, Lucretia Nickerson, Joseph Howard, Moses Reckard, Jeremiah Weston, Simeon Clark, Samuel Perry, Elam Wright, Isaac Robinson, Elijah Clark, Russell Jenks, Samuel Kimball, Junior, James Snow, Nathan Rice, Enos Clark, Robert Fowler, Daniel Poole, Charles Barret, David Smith, Alpheus Plomly, Clark Weston, Jonathan Thayer, Junior, Rozil Thompson, Samuel Perkins, Richard Mason, Andrew Howard, Randall Stanton, Jonathan Thayer, Nathaniel Keillogg, Willis Arnold, Reuben Thayer, William Clark, together with their associates, their families, polls and estates, be, and they hereby are incorporated, for religious purposes only, by the name of the Baptist Religious Society in Belchertown; with all the powers, privileges, and immunities of other parishes, or religious societies, agreeably to the constitution and laws of this Commonwealth.

General powers.

SEC. 2. *Be it further enacted*, That any person, who may hereafter wish to join in religious worship, and become a member of said Baptist Religious Society, in Belchertown, or any person, who may wish to leave the same, and unite with some other religious society, shall have liberty so to do, by complying with the formality prescribed in the second section of an act, passed on the eighteenth day of June, in the year of our Lord one thousand eight hundred and eleven, entitled "an act respecting public worship and religious freedom:" *Provided, also*, that every person who may leave said society, shall be holden to pay his or her proportion of all monies voted and not paid, prior to the leaving of said society.

Condition of secession.

SEC. 3. *Be it further enacted*, That any three of the persons named in this act, are hereby authorized to call the first meeting of said society, by posting a notification at their meeting house in Belchertown, giving at least, seven days notice of the time and place of such meeting, for the purpose of choosing the officers necessary to manage their prudential affairs, and of determining the mode of calling and notifying future meetings of said society.

First Meeting.

[Approved by the Governor, January 22d, 1823.]

CHAP. XLIII.

An Act to incorporate the Berkshire Medical 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 established in the Town of Pittsfield, in the County of Berkshire, a Medical Institution, and that Heman Humphrey, John P. Bachelder, Henry Hubbard, Samuel M. McKay, and Henry H. Childs, and their associates and successors, be, and they are hereby constituted a body politic and corporate, by the name and style of the Trustees of the Berkshire Medical Institution; with a corporate seal, which they may alter and change at their pleasure; and shall in law be capable of suing, and being sued, in all actions, real, personal or mixed, and prosecute and defend the same to final judgment and execution, in all courts and places whatever, and of holding real and personal property, and of filling and supplying all vacancies, which shall occur in said corporation; and may also have power to remove any Member or Trustee, who, by age, infirmity, or any other cause, is incapable of discharging the duties of his office, or who shall neglect or refuse to perform the same: *Provided*, that the real estate, which said Trustees shall be entitled to hold, shall not exceed the sum of fifty thousand dollars, and the personal estate shall not exceed the sum of fifty thousand dollars: *And provided, further*, that the number of Trustees shall not exceed fifteen, nor be less than seven; and that five shall constitute a quorum to do business.

Persons incorporated.

General powers.

Proviso.

Limitation of estate.

Trustees.

Election of Officers.

be not repugnant to the constitution and laws of this Commonwealth.

SEC. 3. *Be it further enacted,* That the objects of this corporation shall be confined to the promotion of medical science, and the sciences immediately connected therewith; and for this purpose the said Trustees shall be authorized to establish a Lyceum of Natural History, with power to elect such and so many members thereof as they may deem expedient and proper.

Lyceum.

Degrees conferred.

SEC. 4. *Be it further enacted,* That all medical degrees, conferred upon the Students in said institution, shall be conferred by the President and Trustees of Williams College, under the same rules and restrictions, as are adopted and recognized, in conferring degrees of the same nature, by the University at Cambridge.

[Approved by the Governor, January 24th, 1823.]

CHAP. XLIV.

An Act to establish the Taunton 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 Crocker, John McLean, Charles Richmond, Israel Thorndike, Edmund Dwight, Israel Thorndike, Junior, Harrison Gray Otis, Junior, William Havard Eliot, and James W. Otis, together with such other persons as have associated, or may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the Taunton Manufacturing Company, for the purpose of rolling copper and iron, and manufacturing nails, and other modifications of iron; and also for the purpose of manufacturing cotton and wool in the Town of Taunton, and County of Bristol; and for this purpose shall have all the

Persons incorporated.

powers and privileges, and be subject to all the duties and requirements contained in an act, passed in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and in the several acts passed in addition thereto. General powers.

SEC. 2. *Be it further enacted*, That the said corporation may be lawfully seized of such real estate, not exceeding the value of two hundred thousand dollars, and such personal estate, not exceeding four hundred thousand dollars, as shall be necessary and convenient for establishing, and carrying on the manufactures aforesaid. Limitation of real and personal estate.

[Approved by the Governor, January 24th, 1823.]

CHAP. XLV.

An Act to establish the Bridge between the Towns of Scituate and Cohasset, next above the Gulf Mill Dam, so called.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the bridge erected by the inhabitants and proprietors of Farm Neck, so called, between the Towns of Scituate and Cohasset, next above the Gulf Mill Dam, so called, be, and hereby is authorized and established by law; and shall continue so long as the aforesaid inhabitants and proprietors of Farm Neck shall keep the aforesaid bridge in repair, at their own expense; *provided*, that the aforesaid inhabitants and proprietors shall construct a draw in said bridge, for the convenience of any vessels to pass through, when required so to do by the Legislature. Bridge to be kept in repair.

[Approved by the Governor, January 24th, 1823.]

CHAP. XLVI.

An Act to incorporate the Columbian Charitable Society of Shipwrights and Caulkers, of Boston and 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 Thomas Whitman, Benjamin Turner, Seth Grammar, Samuel Holbrook, William Learned, together with their associates and successors, be, and they are hereby incorporated, by the name of the Columbian Charitable Society of Shipwrights and Caulkers, of Boston and Charlestown; with power to have and use a common seal, and to make by-laws for the governing of the affairs of the said association, and the management and application of its funds; and also for promoting inventions and improvements in their art, by granting premiums; to assist mechanics with loans of money, and to relieve the distresses of unfortunate mechanics, and their families; and shall have and use all other privileges incident to, and usually given by acts of incorporation, to charitable societies. And the said association may hold real estate not exceeding in value two thousand dollars, and personal estate not exceeding five thousand dollars.*

Persons incor-
porated.

General powers.

Premiums.

Loans.

May hold real
and personal es-
tate.

SEC. 2. *Be it further enacted, That any two of the persons herein named, are hereby empowered to call the first meeting of the said association, at such time and place as they may appoint, by giving personal notice, to each of their associates, to choose their officers; at which meeting the mode of calling future meetings shall be regulated and settled.*

First meeting.

SEC. 3. *Be it further enacted, That this act may be amended, revised, and repealed at the pleasure of the Legislature.*

Legislative con-
trol.

[Approved by the Governor, January 24th, 1823.]

CHAP. XLVII.

An Act to incorporate the First Congregational Society, in Windsor.

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 Windsor, 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 by law exempt from parish charges in said Town of Windsor,) be, and they are hereby incorporated as a parish, by the name of the **First Congregational Parish in Windsor**; and are hereby vested with all the rights and privileges, and subject to all the duties of other parishes or religious societies, according to the constitution and laws of this Commonwealth: And the said First Congregational Parish in Windsor shall hold all its property in such manner as to secure to the use of the said first parish, all the real and personal estate, now belonging to the Town of Windsor, considered as a Congregational Parish; and so as that said first parish shall be taken and held as the lawful successor of said Town of Windsor, so far as respects all parish concerns: *Provided, however,* that nothing in this act, shall take from the Town of Windsor aforesaid, any rights or property, to which they are now legally entitled.

SEC. 2. *Be it further enacted,* That the first meeting of the said parish shall be convened by warrant, to be issued by a Justice of the Peace, for the County of Berkshire, upon application therefor, directed to a freehold inhabitant and member of said parish, directing him to notify and warn the members of said parish to meet at such convenient time and place, as shall be appointed in the said warrant; and the said parish, being thus assembled, may agree upon and settle the method of calling future meetings.

[Approved by the Governor, January 25th, 1823.]

CHAP. XLVIII.

An Act to incorporate the Boston and Springfield 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 Israel E. Trask, Jonathan Dwight, Junior, Edmund Dwight, Joseph Hall, Junior, Benjamin Day, James Brewer, Joseph Brown, John W. Dwight, Jonathan Dwight, the third, James S. Dwight, and Samuel Henshaw, their successors and assigns, are hereby incorporated, by the name of the Boston and Springfield Manufacturing Company, in the Town of Springfield, and County of Hampden, for the purpose of manufacturing cotton and iron; with all the powers and privileges, and subject to all the duties and requirements prescribed in an act, entitled "an act defining the general powers of manufacturing corporations," passed the third day of March, in the year of our Lord one thousand eight hundred and nine, and the several acts in addition thereto.

Persons incorporated.

General powers & requirement.

SEC. 2. *Be it further enacted,* That the said corporation may hold personal estate to the amount of four hundred thousand dollars, and real estate, not exceeding one hundred thousand dollars, to be divided into shares of one thousand dollars each.

Limitation of real and personal estate.

[Approved by the Governor, January 27th, 1823.]

CHAP. XLIX.

An Act to enlarge the Jurisdiction of the Court Common Pleas, in and for the County of Nantucket.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Court of Common

Pleas, when sitting in the County of Nantucket, shall have original jurisdiction, concurrent with the Supreme Judicial Court, of all crimes and offences, arising or happening within the said County of Nantucket, excepting such as are capital. And the said Court of Common Pleas, when sitting in the said County of Nantucket, shall and may exercise such jurisdiction, any law, usage, or custom to the contrary notwithstanding; saving to any party, convicted in said Court of Common Pleas, his or her right of appeal to the said Supreme Judicial Court, which shall next be holden in Boston, within the County of Suffolk, and for the Counties of Suffolk and Nantucket, as is now provided by law in other cases.

[Approved by the Governor, January 30th, 1823.]

CHAP. L.

An Act to incorporate the Salisbury 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 George Jenkins, John Willis, Junior, Edward S. Rand, and James Horton, their associates, successors and assigns, be, and they are hereby made a corporation, by the name of the Salisbury Woollen Manufacturing Company, for the purpose of manufacturing wool, at Salisbury and Amesbury, in the County of Essex; 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," and the acts in addition thereto.*

SEC. 2. *Be it further enacted, That the capital*

Limitation of
capital stock.

Real estate.

stock shall not exceed the sum of one hundred thousand dollars, and they may, in addition to the sum aforesaid, be lawfully seized and possessed of such real estate, as may be necessary and convenient for the purposes aforesaid, not exceeding the value of seventy five thousand dollars, including the buildings and improvements that may be made thereon, by the said corporation.

[Approved by the Governor, January 30th, 1823.]

CHAP. LI.

An Act respecting Law Libraries.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That* the excise paid by Attornies, on their admission to the Supreme Judicial Court, shall hereafter be paid and appropriated in the same way and manner as the excise now paid by Attornies on their admission to the Court of Common Pleas, is paid and appropriated, any law to the contrary notwithstanding.

Disposition of
Excise.

[Approved by the Governor, January 30th, 1823.]

CHAP. LII.

An Act to authorize the Mayor and Aldermen of the City of Boston, to increase the number of Engine Men, 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* whenever the Fire

wards of the City of Boston, shall represent in writing to the Mayor and Aldermen of said city, that an increase of the number of men, now by law authorized to be appointed, to any particular engine, within said city, may be required, in consequence of suction-hose, or any increase power of such engine, or the additional apparatus thereto, for the more speedy and effectual extinguishment of fire, within said city, it shall be lawful for the said Mayor and Aldermen to nominate and appoint such additional number of men, not exceeding ^{Increase of Engine Men.} ten in any one case, to the number now by law authorized to be appointed; who shall be held to perform all the duties, and enjoy all the privileges and exemptions, other engine men are entitled to, by the several laws now in force.

[Approved by the Governor, January 30th, 1823.]

CHAP. LIII.

An Act to incorporate the Proprietors of the Brighton School 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 Gorham Parsons, Nathaniel Champney, and Francis Winship, all of Brighton, in the County of Middlesex, together with their associates, being the proprietors of a school fund, in the said town, and such other persons as shall hereafter become members of said association, according to the rules and conditions which shall be established by the by-laws and regulations of the corporation hereinafter created, be, and they hereby are made a body politic and corporate, by the name of the Proprietors of the Brighton School Fund; and by that name shall sue and be sued, plead and be impleaded, defend and be defended, in any court of law or elsewhere, in all manner of actions whatsoever; and in their corporate

capacity, they and their successors shall be capable to purchase, hold and enjoy, in fee simple, or otherwise, lands, rents, and hereditaments; and likewise to take and hold, by donations, bequest, subscription, or otherwise, any kind of personal property, and the same to give, grant, sell and dispose of at their pleasure, so that all the estate aforesaid, and the income and proceeds thereof, shall, at all times, be appropriated solely to the purpose of maintaining and supporting a school, or schools, in said town of Brighton: *Provided*, that the whole of said real and personal estate shall never exceed, in value, the sum of thirty thousand dollars; and the said corporation shall have power to have and use a common seal, and the same to alter, change or renew at pleasure.

Limitation of estate.

SEC. 2. *Be it further enacted*, That the said corporation shall have power to determine the place and times of their meetings, and the manner of notifying and calling the same, and to elect once in every year, or oftener, from amongst the said proprietors, such officer or officers, as they may think expedient, and to establish any by-laws for the due and proper management of the affairs of said corporation, and the same, at pleasure, to alter or repeal; *provided*, the same be not repugnant to the constitution and laws of this Commonwealth.

Annual election of officers.

SEC. 3. *Be it further enacted*, That either of the persons named in this act may call the first meeting of said corporation, by posting up a notification at the meeting house in said Brighton, as heretofore practised by said proprietors, seven days at least, before the day of such meeting; at which meeting, the said proprietors may proceed to execute any of the powers vested in them by this act.

First meeting.

[Approved by the Governor, January 30th, 1823.]

CHAP. LIV.

An Act to prevent the destruction of the Fish called Pickerel or Pike, in the Ponds in the Towns of Braintree, Canton and Randolph, 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 March next, it shall not be lawful for any person or persons to take any fish, called the pickerel or pike, in any of the ponds called the Great Pond, in the towns of Braintree and Randolph, and the Little Pond in the town of Braintree, and the pond called Ponka-poag, in the towns of Canton and Randolph, from the first day of December, to the first day of April, in each and every year; and every person offending contrary to the true intention and meaning of this act, upon conviction thereof before any Justice of the Peace within the County of Norfolk, shall pay a fine of fifty cents for each and every pickerel, or pike, so taken, to and for the use of the person who shall sue for the same, together with all legal costs of prosecution: *Provided, nevertheless,* that either of the towns of Braintree, Canton or Randolph, may, at their annual meetings in the month of March or April, suspend the aforesaid act, so far as respects the ponds in their respective towns, for the term of one year.

SEC. 2. *Be it further enacted,* That all prosecutions for any violations of the provisions of this act, shall be instituted within thirty days from the time of committing the same.

[Approved by the Governor, January 31st, 1823.]

CHAP. LV.

An Act to incorporate the President, Directors and Company of the Exchange 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 P. Richardson, Charles Saunders, George Cleveland, Gideon Tucker, John H. Andrews, William Silsbee, William Fettyplace, and Stephen White, 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 Exchange Bank, and shall so continue 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 Merchants' Bank," a bank established and kept in the town of Salem, except as the same are so far 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 the said corporation shall consist of the sum of two hundred thousand dollars, divided into shares of one hundred dollars each, twenty five per centum of which shall be paid, in gold and silver, in ninety days after the first meeting of the said corporation, and the residue in three instalments of fifty thousand dollars each, the first in six months, the second in nine months, and the third in one year after said first meeting, or at such earlier time, or times, as the stockholders may direct at said meeting; and no dividend shall be made or declared on the capital stock of said bank, until the sum of two hundred thousand dollars shall have been paid in, according to the provisions of this act. And the stockholders, at their first meeting, shall, by a majority

Persons incorporated.

Powers, immunities and responsibilities.

Capital stock.

Payment of instalments.

Condition of dividends.

of votes, determine the mode of transferring and disposing of the said stock, and the profits thereof, which being entered in the books of the said corporation, shall be binding on the stockholders, their successors and assigns, 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 twenty thousand dollars, and no more, at any one time, with power to bargain, sell and dispose of the same, and 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 on mortgage, or execution, to any amount, as security for, or in payment of, any debts due to the said corporation; *and, provided further,* that no monies shall be loaned, or discounts made, nor shall any bills, or promissory notes be issued from said bank, until the capital subscribed, and actually paid in, and existing, in gold and silver, in their vaults, shall amount to fifty thousand dollars, 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 the corporation, to examine the monies actually existing in the vaults, and to ascertain, by the oath of the Directors, or a majority of them, that said capital stock has 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 to remain therein as part of said capital, and to return a certificate thereof to the Governor. And no stockholder shall be allowed to borrow any money at said bank, until he shall have paid in his full proportion of the whole of said capital stock as herein before provided and required.

Transfers.

General powers.

Proviso.

Necessary capital to issue Notes

Vaults to be examined.

SEC. 3. *Be it further enacted,* that the said bank shall be established and kept in the Town of Salem. Location.

SEC. 4. *Be it further enacted,* That whenever the Legislature shall require it, the said corporation shall

State may demand loans.

loan to the Commonwealth any sum of money which may be required, not exceeding ten per centum of the capital stock then 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, 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.

First meeting, for choice of officers and making by-laws.

SEC. 5. *Be it further enacted,* That William P. Richardson, George Cleveland, and Stephen White, or any two of them, are authorized to call a meeting of the members and stockholders of said corporation, at such time and place as they may see fit to appoint, by advertising the same in the Salem Gazette and Essex Register, printed in Salem, for the purpose of making, ordaining and establishing such by-laws and regulations, for the orderly conducting the affairs of the said corporation, as the stockholders shall deem necessary, and for the choice of a Board of Directors, to consist of nine persons, and such other officers as they shall see fit to choose.

State subscription.

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 one half part of the stock actually paid in, to be added to the capital stock of said corporation, subject to such rule as to the management thereof, as shall be by the Legislature made and established.

* Stock reserved to original owners.

SEC. 7. *Be it further enacted,* That the capital stock of said bank shall not be sold, or transferred, but shall be holden by the original subscribers thereto, for and during the period of one year from the time of passing this act. And in case the same shall not be put in operation, according to the provisions thereof, within the year aforesaid, it shall be void.

[Approved by the Governor, January 31st, 1823.]

CHAP. LVI.

An Act concerning the House of Industry, in the City 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 the City Council of the City of Boston shall choose annually, in the month of May, by ballot, nine discreet and suitable citizens to be Directors of the House of Industry, in said city.

SEC. 2. *Be it further enacted,* That the said Directors shall have and exercise the like authority and power, in using, regulating and governing said House of Industry, as are had and exercised by Overseers of the Poor within this Commonwealth, and may send such persons to said house, and for such purposes, as Overseers of the Poor are by law authorized to do.

SEC. 3. *Be it further enacted,* That the Justices of the Police Court in the city of Boston, in the County of Suffolk, shall have and exercise the like authority and power, in ordering commitments to said House of Industry, as are now vested in Justices of the Peace, as to commitments to Houses of Correction, according to the provisions of an act, entitled "an act for suppressing and punishing of rogues, vagabonds, common beggars, and other idle, disorderly, and lewd persons," passed on the twenty sixth day of March, one thousand seven hundred and eighty eight.

SEC. 4. *Be it further enacted,* That the said Directors shall, in the month of April, in every year, make report, in writing, to the City Council, of the persons who shall have been resident in said House of Industry, during the next preceding twelve months, and of the manner in which such persons shall have been employed during their residence therein; and the said Directors shall also render to the City Council, in the month of April, annually, an account of all monies received and paid on account of the said house.

SEC. 5. *Be it further enacted,* That all rules and orders for the governing and managing said House of In-

dustry, shall, within two months after the same shall have been made, be submitted to the City Council; and such rules and orders shall be in force until repealed or altered by said Directors, or until disapproved of by vote of the said City Council.

Limitation of power.

SEC. 6. *Be it further enacted*, That no rules or orders shall be established for the governing and managing said House of Industry by the Directors thereof, unless at a meeting at which five or more of the said Directors are present.

City Council to choose first Directors.

SEC. 7. *Be it further enacted*, That the City Council of the City of Boston be, and the same hereby is authorized and empowered, as soon after the passing of this act as they may see fit, to choose nine Directors of said House of Industry, to continue in office until the election of Directors, which may be made, pursuant to this act, in the month of May, in the year one thousand eight hundred and twenty four, any thing in this act to the contrary notwithstanding.

[Approved by the Governor, February 3d, 1823.]

CHAP. LVII.

An Act to incorporate the Members of the Protestant Episcopal Society of St. Luke's Church, in the Town of Lanesborough.

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 Laban Lasell and Nehemiah Talcott, Church Wardens, and Ephraim Bradley, Peter B. Curtis, and Sheldon C. Curtis, Vestrymen, of the Episcopal Church of St. Luke, in the Town of Lanesborough, together with such others as have or may hereafter join said parish or society, and their successors, together with their polls and estates, be, and they hereby are incorporated into a society, or body politic, by the name of the Protestant Episcopal Parish

of St. Luke's Church, in Lanesborough; and the said parish are hereby invested with full power and authority to assess and collect of the members belonging to said parish, from time to time, such monies as are, or may be necessary for maintaining the public worship of God therein, and for maintaining an Instructor of piety, religion and morality, and for erecting and keeping in repair a house for public worship, when they may judge the same necessary; and the said Episcopal Parish are hereby vested with all the powers, privileges and immunities of other religious societies, according to the constitution and laws of the Commonwealth.

General powers.

SEC. 2. *Be it further enacted,* That when any person, or persons, belonging to Lanesborough, or the towns adjoining, may hereafter wish to become members of the said Episcopal Parish in Lanesborough, they shall have a right so to do, by complying with the requisitions contained in the second section of an act, entitled "an act, respecting public worship and religious freedom," passed the eighteenth day of June, in the year of our Lord one thousand eight hundred and eleven. And every person, who shall thus become a member of the said Episcopal Parish in Lanesborough, shall be exempt from taxation, for religious purposes, in every other corporation whatsoever, so long as he shall continue a member of the said Episcopal Parish in Lanesborough.

Conditions of membership.

Exemption.

SEC. 3. *Be it further enacted,* That the said Protestant Episcopal Parish, be, and they hereby are empowered to raise and establish a fund, in such way and manner as they may see fit, the annual income or interest of which shall not exceed the sum of two thousand dollars; the said income or interest, or so much thereof as shall be necessary, to be appropriated to the support of a Protestant Episcopal Priest, or Priests, in said parish. And the Wardens and Vestry-Men of the said parish, for the time being, shall be the Trustees of the said fund belonging to said parish, and shall have the care and management thereof, together with all other property, subject to the control and direction of the said parish; and shall have power to sue for, and recover and collect, any monies which may be due and owing to said parish.

Church Fund.

Appropriation of Fund.

Wardens may sue for debts.

First Meeting.

SEC. 4. *Be it further enacted*, That the first meeting of said parish, shall be convened, by a warrant, to be issued by any Justice of the Peace for the County of Berkshire, directed to one of the Wardens or Vestry-Men of said parish, requiring him to notify and warn the members of the said St. Luke's Parish, to meet at such convenient time and place, as shall be appointed in the said warrant; and the members of the said parish, being so met, and duly organized, may agree upon and fix the way and manner of calling future meetings.

[Approved by the Governor, February 3d, 1823.]

CHAP. LVIII.

An Act to prevent the destruction of Fish in the Hoosick River, within the Towns of Williamstown and Adams.

Fishing nets prohibited.

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, it shall not be lawful to take or catch any fish, with nets or seines, in the Hoosick River, within the Towns of Williamstown and Adams; and every person so offending, contrary to the true intent and meaning of this act, upon conviction thereof, before any court of competent jurisdiction, shall pay a fine of two dollars, one half to the complainant, and the other half to the town in which such offence is committed.

Act may be suspended.

SEC. 2. *Be it further enacted*, That the inhabitants of the aforesaid Towns of Williamstown and Adams, may, at their annual March or April meeting, by a concurrent vote, suspend the operation of the prohibitions and restrictions contained in this act, for such term of time, not exceeding one year, as to them shall seem expedient: *Provided, however*, that the foregoing act shall not be so suspended within two years from the passing of the same.

[Approved by the Governor, February 3d, 1823.]

CHAP. LIX.

An Act to incorporate the Hampshire and Hampden Canal 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 Hinckley, Ebenezer Hunt, Ferdinand H. Wright, Isaac Damon, Eliphalet Williams, Samuel Fowler, Elijah Bates, William Atwater, Enos Foote, John Mills, and Herman Laffin, their associates and successors, be, and they are hereby constituted and made a body politic and corporate, and shall be and remain a corporation forever, under the name of the Hampshire and Hampden Canal Company; and by that name may sue and prosecute, and be sued and prosecuted, to final judgment and execution, and may have a common seal, and the same may break, alter and renew at pleasure; and shall be, and hereby are vested with all the powers and privileges, which are by law incident to corporations of a similar nature, and which are necessary to carry into effect the objects of the association.

SEC. 2. *Be it further enacted,* That the said corporation may, and the same is hereby authorized to locate, construct, and fully complete a navigable canal, with locks, tow paths, basins, wharves, dams, embankments, toll houses, and other necessary appendages, commencing at Connecticut River, in Northampton, in the County of Hampshire, and thence, passing through the Towns of Easthampton and Southampton, in the County of Hampshire, and Westfield and Southwick, in the County of Hampden, in such course, or courses, as may be deemed most convenient for said company, to the boundary line between Massachusetts and Connecticut; with power to employ and use, as reservoirs, or feeders, for the purpose of supplying with water said canal, or such works as may have any portion of their water diverted from them to supply said canal, the different ponds, rivers, and streams of water, near or over which the said canal may pass, and also to save the

Persons incorporated.

Powers and privileges.

Location.

Boundaries.

Use of Ponds for feeders.

flood, and other waters of the ponds, rivers and streams, so used as aforesaid, and to construct artificial reservoirs for the purposes aforesaid. And the said corporation shall have power to connect with said canal, by feeders, or by navigable canals, any or all of said ponds, rivers, streams, and reservoirs: *Provided, however,* that all damages which may be occasioned to any person, or persons, by any of said canals, reservoirs, or feeders, or in the construction thereof, shall be satisfied by said corporation, in manner hereinafter provided.

Proviso.

Deviation from original route.

SEC. 3. *Be it further enacted,* That if at any time after said canal or any of its branches or feeders, are located, any unforeseen obstacles, impediments, or inconveniences occur on the route located, the said corporation shall have power to deviate from the course marked out, so far, and in such manner, as may be best calculated to surmount, overcome, or avoid such obstacles, or inconveniences, said corporation satisfying all damages which may be occasioned thereby, in the manner hereinafter provided; and said corporation may, from time to time, make such alterations in the course of said canal, its branches, and feeders, as may be necessary or expedient, satisfying all damages in manner aforesaid.

May hold real estate.

SEC. 4. *Be it further enacted,* That the said corporation be, and is hereby authorized and empowered to purchase and hold, to them and their successors, forever, real estate, not exceeding in value, the sum of three hundred thousand dollars, and may erect mills, and other works, on the waters connected with said canals, feeders, and reservoirs: *Provided, however,* that when, by reason of the construction of said canal in any of the towns before mentioned, there shall be no grist mill remaining therein, said corporation shall not be authorized to construct any other mills, or works, to be carried by water, in such town, or towns, respectively, until provision shall have been made for a grist mill therein, for the convenience and accommodation of the inhabitants of the same.

Tolls.

SEC. 5. *Be it further enacted,* That a toll be, and hereby is granted and established, for the sole benefit of said corporation, forever, viz.: for every ton, (com-

puting by weight or admeasurement, at the election of said corporation,) that shall be transported upon said canal, or any of its branches, after the rate of not less than six cents, nor more than ten cents, per mile, the precise rate of toll claimable by said corporation, to be determined by the Court of Sessions for said County of Hampshire, after a full consideration of the probable expense of said canal, and the probable extent of its business, and upon application to said court for that purpose by the corporation, at any time prior to the completion of the whole or any part thereof; and all boats, or other vessels, navigating said canal, or any of its branches, whether empty, or loaded in part only, shall be subject to pay the same toll for every ton burthen they are capable of carrying; and the right to take toll shall commence as soon as said canal, or its branches, or any part thereof, shall be completed.

SEC. 6. *Be it further enacted*, That the said corporation shall have power, from time to time, to make and ordain such by-laws, rules, and regulations, as By-Laws and regulations. may be necessary, touching the premises; especially to fix upon and determine the size and form of boats, rafts, and all other vessels, that shall be used for the purpose of navigating said canal; to determine the times and manner of their passing the locks, and what commodities shall not be transported during a want of water, should such an event happen on any portion of said canal; *provided*, the same be not repugnant to the constitution and laws of this Commonwealth. And the penalties provided by said by-laws, rules, and regulations, may be sued for and recovered by the Treasurer of said corporation, or any other person thereunto by said corporation authorized, to their use and benefit, before any Justice of the Peace, or any court proper to Penalties. try the same, which penalties shall in no case exceed the sum of ten dollars. And said corporation shall cause all such by-laws, to the breach of which penalties are affixed, to be printed, and a copy thereof to be placed in some conspicuous situation at each toll house. And if any person, or persons, shall wantonly or maliciously mar, deface, or pull down any copy so set up, said corporation may sue for and recover, to their own use, a sum not exceeding five dollars, of any such person, or persons.

SEC. 7. *Be it further enacted,* That if any person, or persons, shall wilfully, maliciously, or wantonly, and contrary to law, obstruct the water, or navigation, remove, or in any way spoil, injure or destroy said canal, or its branches, feeders, or reservoirs, or any part thereof, or any thing belonging thereto, or any material to be used in the construction thereof, he, she, or they, (or any person, or persons, assisting, aiding, or abetting in such trespass,) shall forfeit and pay to said corporation, for every such offence, treble such damages, as shall be proved before the Justice, Court, or Jury, before whom the trial shall be had, to be sued for and recovered before any Justice, or in any Court proper to try the same, by the Treasurer of said corporation, or other officer whom they may direct, to the use of said corporation. And such offender, or offenders, for any offence, or offences, contrary to the above provisions of this act, shall be liable to indictment by the grand inquest of the county, wherein the offence was committed, and on conviction thereof, either in the Supreme Judicial Court, or any Court of Common Pleas, to be holden in said county, shall pay a fine, not exceeding five hundred dollars, and not less than thirty dollars, to the use of the Commonwealth, or may be imprisoned for a term not exceeding three years, at the discretion of the court, before which the conviction may be had.

Treble damages
demanded for
abuses.

Trespassers may
be indicted.

SEC. 8. *Be it further enacted,* That whenever said corporation shall have located said canal, or any part thereof, or the feeders or branches thereto, or any of them, they may make a report thereof to any Court of Sessions within and for the said County of Hampshire, at any regular or adjourned term thereof, wherein they shall particularly describe the bearings of the intended route, or any section thereof, its width, including tow paths, embankments, basins, wharves, excavations, the reservoirs intended to be constructed or used, and the names of the owners of the lands, so far as the same can be ascertained: which said report, so made, of the whole, or any section of said canal, or of any one or more of the feeders, branches, or reservoirs, shall be placed on the files of said court, and notice be given thereof to the owners of the land embraced therein, if known, in such manner as the said

court shall direct, at the expense of said corporation. And the said court shall thereupon appoint three disinterested and discreet freeholders of the said Counties of Hampshire or Hampden, one of whom shall be an inhabitant of Hampshire, and one of Hampden, (vacancies, if any happen, to be filled by said court,) to estimate all damages, which any person, or persons, whose lands are described or mentioned in such report, will sustain, *provided* such canal, or any branch, or feeder thereof, or basin, wharf, or other appendage, or appurtenant, be constructed thereon. And the said Commissioners, before they proceed to execute their duties, shall be sworn to a faithful and impartial discharge thereof, and shall give public and seasonable notice, in such manner as said court shall direct, to all persons interested, to file their claims (if any they have, which have not been released to said corporation,) with some one of said Commissioners, or with the Clerk of the Courts for the said County of Hampshire, within thirty days from the date of said notice. At the end of the term allowed for filing such claims for damages, the Commissioners, or a majority of them, having previously given notice to all parties interested, of the time, and of the extent of the route to be examined, by publishing in one or more of the newspapers printed at Springfield, in the County of Hampden, and in one newspaper printed in said Northampton, an advertisement thereof, in three successive papers at least, shall pass over the premises so intended to be used by said corporation for the purposes aforesaid; and after hearing the parties in interest, or such of them as desire to be heard, shall, according to their best skill and judgment, estimate all such damages, as they shall think any person, or persons, corporation, or corporations, will sustain by the opening of such canal, or any of its branches, or feeders, through his, her, or their land, or by the construction of any reservoirs, embankments, tow paths, basins, wharves, or other appendages, or by the diversion of the water from any of the ponds, rivers or streams herein before mentioned, over and above the benefit and advantages which said Commissioners shall adjudge may accrue to such person, or persons, corporation, or corporations, from

Compensation to be made for land taken up by the Canal.

Rule of Court in assessing damages.

Commissioners
to make return
to Court of Ses-
sions.

opening said canal; and the said Commissioners, or a major part of them, shall make return of their doings, as soon as may be, to said Court of Sessions, to the end that the same may be accepted, allowed, and recorded. And the said court shall thereupon order the said report, or the substance thereof, to be forthwith published in one or more of the newspapers printed in said Springfield, and in one newspaper printed in said Northampton, three weeks successively, at the expense of the corporation. And if the corporation, or any person or persons interested, shall be dissatisfied with the estimate of said Commissioners, application may be made by such dissatisfied party to the Court of Sessions within and for the county, in which the damage complained of has been sustained, at the term thereof next after the return and acceptance of such report and its publication as aforesaid, for a jury to hear and finally determine upon the amount of damages to be assessed in the case complained of; which said jury shall be summoned by the Sheriff, under the direction of the court, in manner prescribed by law in case of complaints for damages occasioned by the laying out of highways; and they shall be under oath, according to the provisions of the law in such cases. And if the party injured in his, her or their estate, apply for such jury, and fail to obtain increased damages, such party shall be liable for all legal costs arising after the entering of such application for a jury; and said court shall enter judgment and issue execution accordingly. And if said corporation apply for a jury, and fail to obtain a diminution of damages, it shall, in like manner, be liable for costs; and said court may enter judgment and issue execution for such costs. And if within ninety days after the said corporation shall have entered upon the land of any person, or persons, and commenced the process of excavation, or embankment, for the purpose of constructing said canal, or any of its branches, feeders, or reservoirs, it shall not pay, or cause to be paid, the damages, if any, so assessed in manner aforesaid, by said Commissioners, or such jury, or awarded by referees, mutually agreed on by the parties, as hereinafter provided, as well such person, or persons, on whose land opera-

Juries may be
called, to settle
damages.

tions are so commenced, as others whose water privileges shall be thereby injured, may have an action of debt against said corporation, in any court proper to try the same, to recover such damages. And execution, from whatever court the same may issue, for damages assessed as aforesaid, or costs, shall be in common form, *mutatis mutandis*, and may be levied upon the goods, estate, and lands of said corporation, or any member thereof; and in case it issue from the Court of Sessions aforesaid, for costs as aforesaid, it shall be made returnable at the term of said court then next ensuing. And the report of said Commissioners, when accepted and recorded, and not appealed from in manner aforesaid, or the verdict of a jury, being returned and recorded, shall forever be a bar to any action commenced for damages against said corporation, on account of the injury for which such damages were awarded, other than as is herein provided, saving only, that when yearly damages are assessed, the party in whose favor they are assessed, or ascertained, by a jury, shall have his action of debt to recover the same when payable, during the continuance thereof: *And provided always*, that wherever the water privileges of any person, or persons, are such, that the Commissioners shall not be able before the canal is actually opened, to determine, with reasonable certainty, the damages which the opening of the canal will occasion, and the party injured may request it, the said Commissioners shall assess the damages which such persons will sustain during a limited period, at the expiration of which time a new application may be made by such person, or persons, to the Court of Sessions for the County of Hampshire, and a new assessment of damages shall be thereupon made, in the manner herein before provided. And any person or persons, whose water privileges shall be injuriously affected by the construction of said canal, and who shall not have exhibited his or their claims for damages, at the time herein before provided for the exhibition of claims for damages, may, nevertheless, at any subsequent period, make application to the Court of Sessions for the County of Hampshire, and thereupon the said Commissioners

Report and verdict to be final.

shall proceed to assess the damages sustained by such person, or persons, in manner aforesaid.

Bridges to be kept in repair.

SEC. 9. *Be it further enacted,* That said corporation shall build, and keep in good repair, suitable and convenient bridges over said canal, in all places where said canal shall pass any existing public highway, or road, or any new one which may be hereafter laid out for public use, and such other bridges over said canal, for the accommodation of such persons as may own lands on both sides of the canal, at such place and places, and of such dimensions, as the Court of Sessions for the respective counties may, on application of the parties interested, order and direct.

Estimate of damages.

Proviso.

SEC. 10. *Be it further enacted,* That if after said canal shall be located, and a report of Commissioners be made thereon, in manner aforesaid, any alteration shall be made in the course thereof, or in the course of any of its feeders, or branches, or if any new reservoirs, branches, or feeders, shall be made in aid of said canal, the damages may be estimated in the same way, and the same proceedings had, in manner provided in this act: *Provided, however,* that in all cases it shall be competent for said corporation, and any person, or persons, corporation, or corporations, injured by the location of said canal, or any of its tributaries, or appendages, to submit the question of damages to such referees, as they may agree upon, whose award, when returned to the Court of Sessions, within and for the county wherein the damage has been sustained and accepted, shall be final; and said court may enter judgment accordingly. And said Commissioners shall be allowed three dollars a day for their services, to be paid by the said corporation.

Funds to be established.

SEC. 11. *Be it further enacted,* That the said corporation shall be, and is hereby authorized to raise sufficient funds for the accomplishment of the objects aforesaid; and for that purpose it may, as soon as it shall see fit, after the passing of this act, open books at some suitable place, or places, wherein subscriptions may be entered for shares in the capital stock of said corporation, each share to be of the amount of one hundred dollars, and each subscriber to be a member of the corporation for all purposes; and as soon as

one thousand shares shall have been subscribed, said corporation may be organized in manner following, to wit:—The petitioners, or any three of them, may make application to any Justice of the Peace for the County of Hampshire or Hampden, requesting him to call a meeting of the proprietors, to be holden at some convenient place within either of the aforesaid counties; whereupon such Justice may issue his warrant to any one of said applicants, directing him to notify the proprietors to meet at such time and place in either of said counties, as the said Justice may therein appoint, to do and transact all such matters and things, as may be expressed in such warrant; and the individual to whom such warrant shall be directed, shall give notice of such meeting, by causing said warrant to be published in one or more of the newspapers in each of said Counties of Hampshire and Hampden, and also in one or more of the newspapers printed in New Haven, in the State of Connecticut; and the proprietors may at the same meeting, or at a subsequent one, choose a Clerk, Treasurer, and such other Officer, or Officers, Committee, or Committees, as they shall judge necessary for regulating the affairs of said corporation; and every member shall have a right to vote at said meeting, and at all other meetings, by himself or proxy, duly authorized in writing, in the following ratio: one share, one vote, and every two additional shares, one vote.

SEC. 12. *Be it further enacted*, That the books of subscription shall remain open as long as said corporation shall see fit; but no assessments shall ever be made, so as to render any subscriber liable to pay more than one hundred dollars for a share; nor shall the stock or property of said corporation be liable to any species of taxation for the term of eight years from and after the passing of this act. If after the closing of said books, or at any time, it shall appear, that sufficient funds have not been raised, the corporation, or its officers, duly authorized, may, at any time, and from time to time, raise the necessary funds, by creating and selling new shares upon the best terms that can be obtained.

SEC. 13. *Be it further enacted*, That if any sub-

Officers to be chosen.

Books of subscription.

Stock not to be taxed for eight years.

Delinquent
shares may be
sold.

scriber shall neglect to pay his subscription, or any portion thereof, for the space of thirty days after he is required so to do, by a vote of the corporation, the corporation, or any officer duly authorized for that purpose, may make sale of such share, or shares, at public auction, to the highest bidder, and the same shall be transferred to the Treasurer, in manner herein after provided, to the purchaser; and such delinquent subscriber shall be held accountable to the corporation for the balance of his share, if his share, or shares, shall so be sold for less than their nominal value, and shall be entitled to the surplus, if any there shall be, beyond the nominal value.

Shares transfer-
able.

SEC. 14. *Be it further enacted,* That any share, or shares, of any member may be transferred by deed acknowledged and recorded by the Clerk of said corporation, in a book to be kept for that purpose: and the Treasurer is hereby authorized to make transfers, in like manner, of the shares of members sold according to the provisions of the last preceding section of this act.

Minors' property
seized.

SEC. 15. *Be it further enacted,* That when the land, or other property or estate, belonging to infants, femmes covert, or persons non compos mentis, shall be taken and appropriated for the use and purposes of said canal as aforesaid, the husbands of such femmes covert, and the guardians of such infants or persons non compos mentis, respectively, may execute any deeds, enter into any contracts, or do any other matter or thing respecting such lands, or other estate, to be taken and appropriated as aforesaid, as they might do if the same were by them holden in their own rights respectively.

Expenses to be
paid from the
corporate funds.

SEC. 16. *Be it further enacted,* That all expenses that have been, or shall be incurred, in procuring the inspection, examination, and surveying the location of said canal, and also all expenses that have been, or shall be incurred, preparatory to the incorporation and organization of the company, shall be refunded to those who paid the same, out of the first instalment; and the amount thereof shall be entered on the books of the company, and become a part of the capital stock.

SEC. 17. *Be it further enacted,* That from and after

the expiration of ten years, from and after the passing of this act, if the corporation hereby created shall not have completed the said canal, the Legislature of this Commonwealth may, upon application of any other company for the privileges hereby granted, incorporate such other company for the purpose of making said canal.

Time limited for opening Canal.

[Approved by the Governor, February 4th, 1823.]

CHAP. LX.

An Act, in addition to an Act, entitled "An Act for regulating Fences."

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 a division of fence between the owners of improved lands has been made, either by Fence Viewers or by agreement, in writing, between the parties, and recorded in the office of the Clerk of the town wherein such lands are situate; and in all cases where a division of fence between the owners of improved lands shall hereafter be made, either by Fence Viewers, or by agreement, in writing, between the parties, and recorded as aforesaid, the several owners of all such lands, and their several heirs and assigns forever, shall be holden to erect and support said fences agreeably to such division: *Provided*, that if any person shall lay his lands common, and not improve any part of the same adjoining the fence that may have been divided as aforesaid, by giving six months notice of his intention to all the adjoining occupants of lands, he shall not be holden to keep up or support said fence during the time his lands shall thus lay common and unimproved.

Fences to be erected.

Proviso.

[Approved by the Governor, February 6th, 1823.]

CHAP. LXI.

An Act, in addition to the several Acts, respecting
Writs of Review.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That every Court of Common Pleas shall be, and they are hereby vested with the same powers respecting appeals made from all judgments rendered by Justices of the Peace, and complaints for not entering the same, in cases where, by reason of any accident, mistake, or unforeseen cause, such appeal or complaint may not be entered at the proper term of said court, and on petition, and good cause shewn, to order the same to be entered and prosecuted; and also respecting all civil actions and suits cognizable by Justices of the Peace, wherein the defendant has been defaulted for want of actual notice of the suit, or by some other accident or mistake, with which the Justices of the Supreme Judicial Court are by law vested, respecting appeals from judgments rendered by Courts of Common Pleas, and complaints for not entering the same, and respecting the granting of reviews in actions or suits, wherein the defendant has been defaulted, or lost his law.

Reviews extended.

[Approved by the Governor, February 8th, 1823.]

CHAP. LXII.

An Act respecting the Inspection of Beef.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Inspector General, or his Deputies, may inspect and pack beef of the following description, viz.: the choice pieces of oxen,

steers, cows, and heifers, of three years old and upwards, weighing four hundred pounds or more, and to average five hundred and fifty pounds ; the skin, shoulder, clod, and neck, shall be taken from the fore quarters, and the legs and leg rand from the hind quarters ; the beef to be cut into pieces of as nearly ten pounds each as possible, and branded "Navy Mess ;" and in New Brand. other cases to conform to the present inspection law for the inspection of beef.

[Approved by the Governor, February 8th, 1823.]

CHAP. LXIII.

An Act, in addition to an Act, to provide a Salary for the County Attorney for 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 the sum of *twelve hundred dollars* be established as the annual salary of Salary. the Attorney of the Commonwealth within and for the County of Suffolk, to be paid out of the treasury of said county, in quarterly payments ; and to be in full compensation for his services, and in lieu of all fees and charges heretofore received by him, and also for services for administering oaths to witnesses, as Commissioner, or otherwise, inclusive.

SEC. 2. *Be it further enacted,* That said Attorney shall account to the Treasurer of said county for all fees received by him ; and the amount shall be deducted from his salary ; or if they exceed the amount thereof, the balance shall be paid by him into the county treasury ; and in the settlement of the accounts for expenses in criminal proceedings between the Commonwealth and said county, there shall no more be charged to the Commonwealth, for the services of said Attorney, than his salary as aforesaid. Accountability of Attorney.

[Approved by the Governor, February 8th, 1823.]

CHAP. LXIV.

An Act to incorporate the Northampton 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 Nathan Storrs, Josiah D. Whitney, Charles Tappan, James Bull, Eliphalet Williams, Isaac Damon, Theodore Strong, and Jonathan H. Lyman, their successors and assigns, be, and they are hereby incorporated, by the name of the Northampton Manufacturing Company, for the purpose of manufacturing cotton, iron, and wool, in the Town of Northampton; with all the powers and privileges, and subject to all the duties and requirements, prescribed in an act, entitled "an act defining the general powers of manufacturing corporations," passed the third day of March, in the year of our Lord one thousand eight hundred and nine, and the several acts in addition thereto.

Powers and re-
quirements.May hold Real &
Personal Estate.

SEC. 2. *Be it further enacted,* That the said corporation may hold personal estate, to the amount of one hundred thousand dollars, and real estate, not exceeding fifty thousand dollars, to be divided into shares of five hundred dollars each.

[Approved by the Governor, February 8th, 1823.]

CHAP. LXV.

An Act to incorporate the Proprietors of Bass River Lower Bridge, in the County of 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 Abiel Akin, David Akin, Thomas Akin, Isaiah Crowell, Seth Kelley,

Zeno Kelley, Benjamin Tripp, and Robert Wing, Persons incorporated. with their associates, successors and assigns, be, and they are hereby incorporated for the purpose of building a bridge over Bass River, between the Towns of Location. Yarmouth and Dennis, in the County of Barnstable; and the said persons before named, with their associates, shall be a corporation and body politic, with all the powers and privileges, and subject to all the General powers. duties and requirements, of other corporations for building bridges; and shall also be further subjected and required to conform to the conditions, provisions and restrictions, following, viz.: First—That the said bridge shall be built directly across the said Bass River, from Lewis Crowell's wharf, in Yarmouth, to the shore in said Dennis. Second—That said bridge Imperative conditions. shall be built wholly on piles, with the exception of a suitable abutment from the eastern shore; that the said bridge shall have a sufficient draw, not less than Draw. thirty feet wide, and not less than thirteen feet above common high water; that the proprietors of the bridge, and their heirs and assigns, forever, shall be bound to open the draw, for all vessels to pass through, with permanent masts, too high to sail under with the mast standing; and the said proprietors, their heirs and assigns, shall forfeit twenty dollars to the master or owner of every vessel that may suffer unreasonable detention from the draw, for each and every instance such vessel is detained; and the proprietors shall place two Fines. buoys, well anchored, the one above, and the other below the bridge, with a ring in each, for warping through, and shall continue them there, so long as the bridge shall remain, at their own expense; and if the said bridge shall cause shoals under, or on either side of Buoys. the draw, so as to obstruct the passage of vessels, the draw shall be removed, from time to time, to where is the best water; and if the said bridge shall cause a bar across the said river, so as to render it difficult for vessels to pass in any place, and it shall be thought best by the vessel owners above the bridge, to take the bridge out of the river altogether, it shall be done at the expense of the proprietors. Third—The proprietors of said bridge, their heirs and assigns, shall, at their own expense, purchase, fence, make and keep in

Roads to be kept
in repair.

good repair, an open road from the end of the bridge, touching the shore of Dennis, to the ferry road; and that the Town of Dennis shall be forever free from all charges and expenses arising from the said road, or said bridge.

Bridge to be
kept in repair.

SEC. 2. *Be it further enacted,* That the said bridge shall be well built, with sound and durable materials, twenty four feet wide, at least, and be floored with plank or timber suitable for such a bridge, with sufficient rails on each side, for the safety of passengers, and shall be at all times kept in good, safe and passable repair; and the proprietors, at the place or places where the toll shall be received, shall erect, and keep constantly exposed to view, a sign, or board, with the rates of toll, of all tollable articles, fairly and legibly written and marked thereon: and all persons, with their carriages and horses, passing to or from their usual places of public worship, and all persons going to and returning from military duty, and all persons passing to and from funerals, be, and hereby are exempted from paying toll, as required by this act. And if the said proprietors neglect to build and complete said bridge, within five years from the passing of this act, then it shall be void, and of no effect.

Tolls.

SEC. 3. *Be it further enacted,* That for reimbursing the said proprietors the monies by them expended, or that may hereafter be expended, in building and supporting said bridge, a toll is hereby granted and established for the sole benefit of said proprietors, according to the rates following, viz.:—For each foot passenger, three cents; for each horse and rider, eight cents; for each horse and chaise, chair, or sulky, or one horse wagon or sleigh, twenty cents; for each coach, chariot or phaeton, or other carriage with four wheels, twenty five cents; for each cart, sled or other carriage of burthen, drawn by one beast, twelve cents and five mills; and if drawn by two beasts, seventeen cents; and if drawn by more than two beasts, twenty five cents; for each horse without a rider, and neat cattle, four cents each; for sheep or swine, twelve cents by the dozen, and in proportion for a less number; and one person, and no more, shall be allowed for each team, to pass free of toll; for each hand cart or

wheel-barrow, six cents: And at all times when the Tollgatherer is not attending to his duty, the gate or gates shall be left open. And the taking of toll shall commence on the day of opening said bridge for passengers, and shall continue, for the benefit of said corporation, forever: *Provided*, that at any time hereafter, the rate of toll shall be subject to the regulations of the Legislature.

SEC. 4. *Be it further enacted*, That upon application of any two of the proprietors aforesaid, to either of the Justices of the Peace for the County of Barnstable, such Justice may issue a warrant, directed to some member of the said corporation, requiring him to notify and warn a meeting of said proprietors, to be holden at such time and place, as shall be appointed in said warrant, to choose such officers, as corporations for building bridges, are empowered to choose and appoint. And the said corporation, at the same or any subsequent meeting, may order the mode of notifying and calling future meetings, and may make and adopt such by-laws, rules and regulations, as may be necessary and convenient for the management of their affairs; *provided*, they are not repugnant to the constitution and laws of this Commonwealth.

First Meeting.

By-Laws established.

[Approved by the Governor, February 8th, 1823.]

CHAP. LXVI.

An Act incorporating the Westport 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 Allen and Richard Allen, 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 Westport Manufacturing Company, for

Persons incorporated.

Powers and requirements.

the purpose of manufacturing cotton yarn and cloth, in the Town of Westport, in the County of Bristol; and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an "act defining the general powers and duties of manufacturing corporations," passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, and the acts in addition thereto.

May hold Real & Personal Estate.

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 personal estate, not exceeding fifty thousand dollars, as may be necessary and convenient for the purposes aforesaid.

[Approved by the Governor, February 8th, 1823.]

CHAP. LXVII.

An Act, in further addition to an Act, entitled "An Act establishing the Ninth Massachusetts Turnpike Corporation."

Location of Gate

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 Ninth Massachusetts Turnpike Corporation may erect a turnpike gate on the road belonging to the said corporation, between the line of the Town of Uxbridge and the house of Clark Cook, in Mendon; and shall be entitled to receive from each traveller or passenger, at said gate, the following rate of toll, to wit:—For every coach, phaeton, chariot, or other four wheel spring carriage, drawn by two horses, twelve and an half cents; and if drawn by more than two horses, two cents for each additional horse; for every chaise, chair, sulkey, or other carriage for pleasure, drawn by one horse, six cents and one quarter; for every cart, wagon, sled, or

Tolls.

sleigh, drawn by two horses or oxen, five cents; and if drawn by more than two, one cent for each additional horse or ox; for every cart, wagon, sled, or sleigh, drawn by one horse, three cents; for each man and horse, two cents; for all horses, mules, or neat cattle, led or driven, besides those in teams or carriages, one half cent each; for all sheep or swine, at the rate of one cent and an half by the dozen.

SEC. 2. *Be it further enacted,* That when the said corporation shall have erected a turnpike gate as aforesaid, and shall begin to receive toll at the same, the rate of toll at the turnpike gate in Bellingham, belonging to the said corporation, shall be reduced. Reduction of toll. And it shall be lawful, from and after that time, for the said corporation to receive at its said turnpike gate in Bellingham, of all travellers and passengers, the same rate of toll mentioned in the first section of this act, and no greater.

SEC. 3. *Be it further enacted,* That the said Ninth Massachusetts Turnpike Corporation, with relation to the turnpike gates aforesaid, shall have all the powers and privileges, and be subject to all the duties, requirements, and penalties, contained in an act, entitled "Powers, privileges and penalties an act defining the general powers and duties of turnpike corporations," passed the sixteenth day of March, in the year of our Lord one thousand eight hundred and five.

[Approved by the Governor, February 8th, 1823.]

CHAP. LXVIII.

An Act to incorporate the President, Directors and Company of the Oxford 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 Slater, Jonathan Davis, Richard Olney, Jeremiah Kingsbury, Persons incorporated.

Simeon Burt, John Spurr, Daniel Turtelott, Edward Howard, William Sigourney, Henry Sargent, James Smith, Joseph Thayer, Francis Sibley, and Orra Goodale, with their associates, successors and assigns, shall be, and are hereby created a corporation, by the name of the President, Directors and Company of the Oxford Bank : and shall so continue until the first day of October, 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 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 shall appear necessary and convenient for the government of said corporation, and the prudent management of its concerns ; *provided*, such by-laws, ordinances and regulations, shall be in no wise 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 contained.

May sue and be sued.

General powers.

Capital Stock.

*Instalments.

Transfer & disposition of stock.

SEC. 2. *Be it further enacted*, That the capital stock of said bank shall consist of the sum of one hundred thousand dollars, in gold and silver, in shares of one hundred dollars each, to be paid in in the following manner, viz. :—One fourth part thereof on or before the first day of July next, one part thereof on or before the first day of October next, one fourth part thereof on or before the first day of January next, and the residue on or before the first day of July thereafter, or at such earlier time as the stockholders, at any meeting, may order. And no dividend of profits shall be declared or paid on the capital stock of said bank, until the whole of said stock shall have been paid in, conformably to the provisions of this act. And the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of the stock and profits of said bank ; 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 four 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 prevent said corporation from taking and holding real estate on mortgage, or on execution, to any amount, as security for, or in payment of any debt due to said corporation: *And provided further,* that no money shall be loaned, or discounts made, nor shall any bills be issued from said bank, until the capital subscribed, and actually paid in, and existing, in gold and silver, in the vaults of the same, shall amount to twenty five thousand dollars.

May hold real estate.

Loans.

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, in the same manner as though specially recited in this act, excepting that the bond to be given by the Cashier, shall be given in the penal sum of twenty thousand dollars; and the number of Directors to be annually chosen, shall be nine, and be inhabitants of, and residents within this Commonwealth, and accountable for the doings of the whole Board, five of whom may constitute a quorum for transacting business: *Provided,* that the amount of the bills of the said bank in circulation, shall not, at any time, exceed fifty per centum beyond the amount of the capital actually paid in.

Limitations, provisions, &c.

Bond of Cashier

Number and annual election of Directors.

SEC. 4. *Be it further enacted,* That said bank shall be established and kept in the Town of Oxford, in the County of Worcester.

Location.

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 examina-

Examination of books, vaults, &c

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

First Meeting. SEC. 6. *Be it further enacted*, That the persons herein before named, or any one of them, are authorized to call a meeting of the stockholders of said corporation, at a convenient time and place, by advertising the same, three weeks successively, in the Massachusetts Spy and National Ægis, two papers printed in Worcester, for the purpose of making, ordaining and establishing such by-laws, ordinances and regulations, for the orderly conducting the affairs of said corporation, as the 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.

Choice of Officers. SEC. 7. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall provide therefor, to subscribe, on account of said Commonwealth, a sum not exceeding fifty thousand dollars, to be added to the capital stock of said corporation, herein before provided for. And whenever the Commonwealth shall become so interested in said State Stock. bank, the Governor and Council shall have a right to State Directors. appoint four additional Directors, for the management of the same.

Bank to pay altered bills. 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, altered to a larger amount in the course of its circulation, notwithstanding such alteration.

State Tax. SEC. 9. *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 October and April, annually, the half of one per centum on the amount of stock which shall have been actually paid in.

SEC. 10. *Be it further enacted*, That one tenth part of the whole capital of said bank, may always be ap-

propriated to loans, to be made exclusively to citizens of this Commonwealth, wherein the Directors shall particularly regard the agricultural and manufacturing interest in the same; which loans shall be made in sums not exceeding five hundred dollars, nor less than one hundred, to be secured by the personal bond of the borrower, and a satisfactory mortgage of real estate, as collateral security, for the term of not less than one year; the interest on all such loans to be paid annually, and the estate so mortgaged, subject to the same forfeitures, and entitled to the same rights of redemption, as is by law provided in other cases.

Shall make loans on security of real estate.

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 twenty per centum of the capital stock actually paid in, 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.

Loans to State.

SEC. 12. *Be it further enacted*, That the capital stock of the said bank shall not be sold or transferred, but be holden by the original subscribers thereto, for and during the term of one year, from the time of passing this act; and in case the same shall not be put into operation, according to the provisions thereof, within the year aforesaid, it shall be void.

Condition of charter.

[Approved by the Governor, February 8th, 1823.]

CHAP. LXIX.

An Act in addition to an Act, entitled "An Act to incorporate the President, Directors and Company of the Salem 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 the President, Directors and Company of the Salem Bank, be, and they hereby are authorized to increase their present capital stock, by an addition of fifty thousand dollars thereto, which shall be paid in, on or before the first Monday of April next.

Increase of stock

Condition of increase.

SEC. 2. Be it further enacted, That the additional stock aforesaid, shall be subject to the like tax, regulations, restrictions and provisions, as the present capital stock of said corporation is now holden, by virtue of the act, to which this is in addition.

[Approved by the Governor, February 8th, 1823.]

CHAP. LXX.

An Act to change the name of the Parish, called the North Parish of Bridgewater.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the parish heretofore known and called by the name of the North Parish in Bridgewater, lying chiefly in the Town of North Bridgewater, in the County of Plymouth, and partly in the Town of Abington, in said county, and partly in the Town of Stoughton, in the County of Norfolk, shall no longer bear that name, but henceforth shall be called and known by the name of the First Parish in North Bridgewater; and all officers of said parish shall hold and exercise their respective offices, in the same manner as they would have done, had not the name of said parish been changed.*

Alteration of Parish Name.

[Approved by the Governor, February 8th, 1823.]

CHAP. LXXI.

An Act, in addition to the several Acts, for the more easy partition of Lands, or other 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 whenever any petition shall have been duly filed by any person or persons, praying partition of any land or other real estate, alleged to be held by him or them, with any other person or persons, as tenants in common, joint tenants or coparceners, and of which partition may lawfully be claimed, the proceedings thereon shall not be taken and deemed to be abated by the death of any person or persons, other than a sole petitioner, interested in the land or real estate, of which partition is so prayed, in any stage of such proceedings. And if any person so interested in any such land or other estate, of which partition is prayed, shall die before an interlocutory judgment be entered up, that partition be made, any other person who shall become interested in such land or other estate, in consequence of such death, by descent or devise, shall be admitted to appear and become party to such proceedings, and shall thereupon be received to plead and answer to such petition, within a reasonable time, in the same manner as if such person had been originally interested in such land or estate.

Partition of land secured.

SEC. 2. *Be it further enacted,* That if during the pending of any petition for partition, and after the service and return of such notice as may have been ordered thereon, any person interested in the estate of which partition shall be prayed, shall die, whether such person shall have appeared and become party to such proceedings, or not, it shall be the duty of the petitioner to cause a suggestion of such death to be made to the court, and entered of record, and thereupon it shall be the duty of the court before whom such petition is depending, to order such further notice, by public advertisement, or personal service, to any person or

Agencies protected by law.

persons, who, by reason of such death, may have become interested in such estate, by descent or devise, returnable forthwith, or at a subsequent day in the same term, or at a subsequent term, as the justice of the case, under all its circumstances, may in their judgment require. And in case any person so interested in lands or estate, of which partition is prayed, shall die at any stage of the proceedings thereon, after the filing of the petition, and before final judgment be rendered on the return of Commissioners appointed to make such partition, any person thereby becoming interested in such estate, by descent or devise, shall be received and admitted, on the return of such Commissioners, to make the like objections to the said return, and to the rendition of judgment thereon, as such person would have lawfully been entitled to make, had he been originally interested in such estate.

Rights of infants
and others secur-
ed.

SEC. 3. *Be it further enacted,* That when, by reason of the death of any person interested in any land or other estate, of which partition is prayed, during the pendency of any petition, any other person shall become interested therein, by descent or devise, and such person shall be an infant, femme covert, non compos mentis, out of this Commonwealth, or otherwise incapacitated to take care of their estates, it shall be the duty of the court, before whom such petition is pending, to take the same precautions, and adopt the same measures, for protecting and securing the respective rights and interests of persons under such disabilities, as are required by law, in cases where persons under like disabilities are originally interested in the land or other estate, of which partition is prayed.

[Approved by the Governor, February 8th, 1823.]

CHAP. LXXII.

An Act to incorporate the Belvidere 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 Edward St. Loe Livermore, John Bellows, and Thomas Cordis, with their associates, successors and assigns, be, and they hereby are incorporated, by the name of the Belvidere Manufacturing Company, for the purpose of manufacturing cotton and woollen cloths, and stamping calicoes, at a place called Belvidere, adjoining Hunt's Falls, in Merrimack River, in the Town of Tewksbury; and shall have all the powers and privileges, and be subject to all the duties and requirements, prescribed and contained in an act, passed in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and also the several acts supplementary thereto, or that may hereafter be passed, in addition to the same.

Persons incorporated.

Location.

Powers and requirements.

SEC. 2. *Be it further enacted,* That the said corporation may be lawfully seized, and hold in fee simple, such real estate as may be necessary for their aforesaid purposes; *provided,* the first cost, or sums paid for the same, shall not exceed in value the total amount of fifty thousand dollars; and shall also have liberty to raise and establish a fund, or capital stock, for erecting suitable buildings, and defraying the expenses incident to such an establishment; *provided,* the same shall at no time exceed six hundred and fifty thousand dollars.

May hold real estate.

Capital Stock.

[Approved by the Governor, February 8th, 1823.]

CHAP. LXXIII.

An Act to establish the First Baptist Society in Littleton.

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 Whitcomb, William Lapham, Asabel Farnsworth, Aaron Tuttle, Mathew Brooks, Joseph Dadmun, Nathan Brown, Daniel Burnham, Calvin Blanchard, Jonathan Peirce, Hezekiah Sprague, Seth M. Robbins, Samuel White, John Clark, Joseph Dadmun, Junior, Alden Wheeler, John Blanchard, Abner Wheeler, John Dodge, Barnabas Dodge, Samuel Reed, Samuel Peirce, Stephen Pingery, Junior, Aaron Brown, George Vinal, Abigail Peirce, Abigail Blanchard, and George Jeffords, together with their families and estates, be, and they are hereby incorporated as a distinct religious society, by the name of the First Baptist Society in Littleton; with all the powers, privileges and immunities, of other parishes or religious societies in this Commonwealth.

Persons incorporated.

SEC. 2. *Be it further enacted*, That any person who may hereafter wish to join in religious worship, and become a member of said First Baptist Society in Littleton, shall have liberty so to do, by giving notice, in writing, of such desire and intention, to the Clerk of the parish or religious society, where such person has formerly attended public worship; also a copy of said notice, in writing, to the Clerk of said Baptist Society, fourteen days, at least, previous to the annual meeting of said Baptist Society; and such person, from the date aforesaid, shall be considered a member of said Baptist Society.

Conditions of membership.

SEC. 3. *Be it further enacted*, That whenever any person shall see cause to leave said society, and join some other religious society, the like notice and process shall be made and given, *mutatis mutandis*, as is prescribed in the second section of this act: *Provided, also*, that every person so leaving, shall be holden to

Conditions of secession.

pay his or her proportion of such parochial expenditures, as shall be voted or assessed, and not paid prior to the leaving of any society.

SEC. 4. *Be it further enacted*, That any three of the persons named in this act, are hereby authorized to call the first meeting of said society, for the purpose of choosing the officers necessary to manage the prudential affairs, and of determining the mode of calling future meetings. by posting a notification at their usual place of worship, specifying the time and place of said meeting, fourteen days previous thereto. First Meeting.

[Approved by the Governor, February 8th, 1823.]

CHAP. LXXIV.

An Act to continue in force the Act incorporating the
Essex Fire and 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 William Gray, Junior, Esquire, and others, into a company, by the name of the Essex Fire and Marine Insurance Company,” passed on the seventh day of March, in the year of our Lord one thousand eight hundred and three, and the act in addition thereto, passed on the ninth day of June, one thousand eight hundred and fourteen, shall be, and remain in force for the term of twenty years, from and after the seventh day of March, in the year of our Lord one thousand eight hundred and twenty three; with all the powers and privileges, granted by an act, entitled “an act to define the powers, duties and restrictions of insurance companies,” passed the sixteenth day of February, in the year of our Lord one thousand eight hundred and nineteen: *Provided, however*, that said corporation shall be subject to all the duties and requirements, prescribed and contained in the said act. Continuance of Charter.

May be taxed.

entitled “an act to define the powers, duties, and restrictions of insurance companies;” and that the said Fire and Marine Insurance Company shall be liable to be taxed by any general law providing for the taxation of all similar corporations.

[Approved by the Governor, February 8th, 1823.]

CHAP. LXXV.

An Act regulating the catching of Salmon, Shad and Alewives, in Merrimack River, at the mouth of Shawsheen River, in the Town of Andover.

Acts repealed.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all the laws heretofore made for regulating the catching of salmon, shad and alewives, in Merrimack River, so far as they go to prevent their being taken at or near the mouth of Shawsheen River, in the Town of Andover, be, and the same are hereby repealed.

[Approved by the Governor, February 8th, 1823.]

CHAP. LXXVI.

An Act to annex Daniel Coney, with his Estate, to the Town of Ware.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Daniel Coney, with so much of his estate as is within the bounds of the Towns of Brookfield and Western, in the County of Worcester, be, and they are hereby set off from said

towns, and annexed to the Town of Ware, in the County of Hampshire; and he shall hereafter be subject to all the duties, and entitled to all the privileges, of an inhabitant of said Town of Ware: *Provided, however,* said Daniel Coney shall be liable to pay all taxes that have been legally assessed on him, by said Towns of Brookfield and Weston. Conditions of annexation.

[Approved by the Governor, February 8th, 1823.]

CHAP. LXXVII.

An Act to authorize the sale of Parsonage Lands, which belong to the North Parish in the Town of Haverhill, in the County of Essex, to raise a Fund for the support of the Gospel Ministry in said Parish, and to appoint Trustees, for the management thereof.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Aaron Carleton, Junior, Peter Whittaker, John Brickett, Benjamin Clement, and Moses Merrill, be, and they are hereby appointed Trustees to manage such funds as shall be raised and appropriated, given or bequeathed, to the use aforesaid, or to other parochial uses, in and for said parish; and for that purpose they are hereby constituted a body politic and corporate, by the name of the Trustees of the Ministerial Fund, in the North Parish in Haverhill; and they, and their successors, to be chosen and appointed in the manner hereafter prescribed, shall be, and continue a body politic and corporate forever, by that name; and may have a common seal, and may alter the same at pleasure; and by that name may sue and be sued, in all actions, real, personal, or mixed, and prosecute and defend the same to final judgment and execution; and the said

Trustees, and their successors in office, may and shall annually elect a Clerk, who shall be sworn to the faithful performance of the duties of his office, and a Treasurer, who shall give bond to the said Trustees, in such sum, not less than five thousand dollars, as the said Trustees shall deem adequate, with sufficient surety or sureties, faithfully to account for the monies, and all other property he may receive by virtue of this act.

Annual election of officers.

Responsibility of officers.

May dispose of real estate

SEC. 2. *Be it further enacted*, That the real estate belonging to said parish be, and hereby is vested in said Trustees and their successors; and the said Trustees be, and hereby are authorized to sell and convey the whole or any part of said real estate, and the whole or any part of the wood thereon standing, and to order and cause their Treasurer to make, execute and acknowledge a good and sufficient deed or deeds thereof; which deed or deeds, subscribed by their Treasurer, with the seal of said Trustees thereto affixed, and by their direction, shall be good and effectual in law to pass and convey all the right of said parish in and to said real estate, to the purchaser thereof, to all intents and purposes whatsoever: *Provided, however*, that in any sale as aforesaid, the approbation of the said parish shall be first expressed at a legal meeting duly convened for that purpose.

Limited number of Trustees.

Vacancies to be filled up.

SEC. 3. *Be it further enacted*, That the number of said Trustees shall not at any time be more than five, nor less than three, a major part of whom shall constitute a quorum for transacting business; and the inhabitants of said parish may, at any lawful meeting, duly warned and called for that purpose, remove any of said Trustees from their said office; and whenever any vacancy shall happen in said Board of Trustees, either by death, resignation or removal, the said parish, at any parish meeting, legally warned for that purpose, may, by ballot, fill said vacancy within one year after it shall happen; and if the said parish neglect so to do within that time, then the said Trustees, by a major vote, shall have power to fill such vacancy; and the said Trustees shall annually hold a meeting in the month of March or April, and as much oftener as necessary, to transact their business.

SEC. 4. *Be it further enacted*, That any gift, grant, bequest, or devise, hereafter made to said Trustees, shall be valid and effectual to all intents and purposes whatsoever; and said Trustees shall hold, use, and appropriate said gifts, grants, bequests and devises, according to the directions, intentions and limitations of the donors, testators and devisors. ^{Duties of Trustees.} And said Trustees and their successors in office, are hereby empowered to take, have, hold, purchase, and exchange, use and improve any estate, real or personal, the annual income whereof shall not exceed the sum of one thousand dollars, in trust, for the support and maintenance of the Congregational Gospel Minister of said parish; and whenever, and as long as said parish shall be destitute of such regular ordained Minister, one third part of the net yearly income or interest of said fund or estate shall, by said Trustees, be annually added to the principal fund to increase the same; and during the vacancy of such settled and ordained Minister, the other two thirds of the said income may, by vote of the parish, be appropriated to the payment of the ministry for the time being, and may be placed in the hands of the Parish Treasurer, for that purpose: and during the settlement of such ordained Minister, the whole or any part of the income or interest of said fund may be appropriated to the use of the ministry, and to the payment of the salary of the Minister, and may be placed in the hands of the Parish Treasurer, annually, for that purpose; *provided*, the parish, at a ^{Provision for Minister.} legal meeting, shall vote the appropriation: and if the parish do not, during said settlement, annually appropriate the whole, or any part of said fund, for said use of the Minister, or ministry, then the same, or any part thus unappropriated, shall annually be added to the principal, or capital fund. ^{Proviso.}

SEC. 5. *Be it further enacted*, That the income of said fund shall be expended exclusively for the support of public worship, as well for the use and benefit of the members of the Congregational Society, ^{Expenditure of income.} in Plaistow, in New Hampshire, who usually worship with said north parish, as for said parish, in the same manner as the income of the parsonage land has hitherto been enjoyed, under the limitations and conditions

Proviso.

mentioned in this act: *Provided, however,* that the members of said Congregational Society, in Plaistow, shall pay their just proportion of all additional sums, over and above the income of said fund, which may be necessary for the support of public worship, and other parochial purposes. And if said Congregational Society in Plaistow shall, by any means, acquire any funds for the support of public worship, the income of the same shall be expended, as well for the use and benefit of said north parish, as for themselves.

May dispose of surplus income.

SEC. 6. *Be it further enacted,* That the said fund shall always be holden and claimed to be unalienable, and the principal thereof shall never, in any part, be expended, but always be kept entire, and whatever is added to the principal, shall be considered as principal: *Provided, nevertheless,* that whenever the annual income shall exceed four hundred and fifty dollars, the parish may appropriate the surplus to other parochial purposes than the payment of the Minister. And the said Trustees, or their Officers, Agents, or Attornies, for the services they may perform, shall be entitled to no compensation out of the monies arising from the funds aforesaid; but if entitled to any, shall have and receive the same of said parish, as may be annually agreed upon.

Pay of officers.

Record of transactions.

SEC. 7. *Be it further enacted,* That the said Trustees shall cause to be recorded and kept in their books of records, one of which shall be kept by their Clerk, and the other by their Treasurer, an account of all their fiscal and parochial transactions whatever. The Clerk, who shall always be one of the members of said corporation, shall record all meetings, votes, and doings of said Trustees, and certify the same when required: he shall always call meetings of said Trustees, when he may think necessary, or when required by any one or more of said Trustees. The Treasurer shall record and keep in his book of record, a statement of the funds and estates in his hands, wherein shall be particularly designated the amount arising from the sale of parsonage lands, the nature and amount of every grant or donation, the period when made, the design thereof, and the grantors' and donors' name and place of abode, at large, with such

other circumstances, as said Trustees may think useful; and he shall make report of such statements to said parish, at their meetings 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 him or said Trustees, and how the same are secured, what receipts have been obtained, and what payments made by him or them, the preceding year.

SEC. 8. *Be it further enacted*, That the said Trustees shall always loan upon interest, all the money belonging to said fund, in sums not less than fifty dollars each, and for a term not more than three years, upon the bond or note of the borrower, with a mortgage of real estate, of not less than double the value of said loan, as collateral security for the repayment of the principal sum, with interest annually, till paid: *Provided, however*, that where any of the aforesaid parsonage lands shall be sold upon a credit, and with the expectation that improvements will immediately be made upon it, it shall be sufficient to have a mortgage of the estate sold, with an approved surety with the principal. And if any debtor to said corporation shall fail to pay the interest due on said loan or note, for the space of thirty days, after the same shall become due, it shall be the duty of said Treasurer to cause the interest due on such bond, note, or mortgage, to be put in suit, and to be prosecuted until it shall be paid.

Funds to be kept
at interest.

Proviso.

Responsibility of
Trustees.

SEC. 9. *Be it further enacted*, That it shall be the duty of said Trustees to use and improve such fund or estate, as shall be vested in them by virtue of this act, with care and vigilance, so as best to promote the design thereof; and they shall be amenable to the parish aforesaid, for negligence or misconduct in the management or disposition thereof, whereby the same shall be impaired, or suffer loss, waste, or diminution. And the inhabitants of said parish may have and maintain a special action of the case against the proper persons of said Trustees, or against any one or more of them, or their goods and estate, for such negligence or misconduct, and recover adequate damages therefor: and any

sum so recovered, shall be for the benefit of said fund, and shall be paid accordingly.

First Meeting. SEC. 10. *Be it further enacted,* That Moses Merrill, Esquire, be, and he hereby is authorized to appoint the time and place of the first meeting of said Trustees, and to notify them accordingly; and said meeting, after the first, shall be called in such way and manner as the said Trustees shall direct.

[Approved by the Governor, February 8th, 1823.]

CHAP. LXXVIII.

An Act to incorporate the Marblehead Free School Association.

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 the Reverend John Bartlett and his associates, their successors and assigns, be, and they are hereby incorporated and made a body politic, by the name of the Marblehead Free School Association; 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 said corporation; General powers. *provided,* the same be not repugnant to the constitution of this Commonwealth; and that they have all the privileges usually given by acts of incorporation, to charitable societies. Proviso.

May hold real estate. 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 four thousand dollars, and personal estate, not exceeding the value of five thousand dollars, for the purposes and uses of the association.

First Meeting. SEC. 3. *Be it further enacted,* That any Justice of the Peace in the Town of Marblehead, be, and is hereby authorized to call the first meeting of said corporation, by posting notifications thereof in three pub-

lic places in said Marblehead, one week previous thereto, and appoint the time and place thereof; at which meeting, the manner of calling future meetings shall be regulated.

[Approved by the Governor, February 8th, 1823.]

CHAP. LXXIX.

An Act to change the Names of the 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 the several persons herein named, shall hereafter be known and called by the names they are hereby allowed to assume, viz.:— That Grace Baker, single woman, may take the name of Lucretia Baker; that Isaac Brown, druggist, may take the name of John Isaac Brown; that Ebenezer Dorr Child, son of David W. Child, may take the name of Edward Vernon Child; that Charles Fessenden may take the name of Charles Phillips Fessenden; that Charles Lee, merchant, may take the name of Charles Henry Lee; that William Parker, son of Jonas Parker, of Pepperell, may take the name of William Gay Parker; that Isaac Osgood, counselor at law, may take the name of Isaac Peabody Osgood; that George Roulstone, son of John Roulstone, riding-master, may take the name of John Stephen Roulstone; that Lucy Parsons, daughter of the late Honorable Theophilus Parsons, may take the name of Lucy Greenleaf Parsons; that George Shepherd, trader, may take the name of George Adams Shepherd; that Robert Gibbs Southack may take the name of Robert Southack Gibbs; that Edward Williams, merchant, may take the name of Edward Alexander Williams; that William Winchester, son of Edmund Winchester, may take the name of William Parsons

Winchester; all of Boston, in the County of Suffolk: that Benjamin Deland Cox, of Lynn, cordwainer, may take the name of William Benjamin Dana; that Edward Stanley Dean, son of Thomas Dean, of Salem, mariner, may take the name of Edward Dean; that Jonathan Osborn, the third, son of Richard Osborn, of Danvers, may take the name of Jonathan W. Osborn; that Paine Sargent, of Newbury, chaise maker, may take the name of Paine Wingate Sargent; that Cornelius L. Wyatt, laborer, of Wenham, may take the name of Cornelius Larcom Preston; that Samuel Wyatt, laborer, of said Wenham, may take the name of Samuel Preston; all of the County of Essex: that Elizabeth Hedley, of Rochester, in the County of Plymouth, may take the name of Elizabeth Wing Hedley; that Harriot Dinsmore, daughter of Amos Parker, of Reading, may take the name of Harriot Brigden Parker; that Elijah Bingham Wright, of Pepperell, house-wright, may take the name of William Otis; both of the County of Middlesex: that James Carter, of Lancaster, son of James Carter, of Leominster, may take the name of James Gordon Carter; that Henry Hills, of Leominster, may take the name of George Henry Hills; both of the County of Worcester: that Nathan Fisher, of Dover, trader, may take the name of Nathan Mason Fisher; that James Thayer, of Weymouth, cordwainer, may take the name of James Eliphas Thayer; both of the County of Norfolk: that Rebecca Smith Rice, adopted daughter of Moses Smith, physician, of Hawley, in the County of Franklin, may take the name of Rebecca Ann Smith; that Henry Sheldon, son of Charles Sheldon, late of Springfield, deceased, may take the name of Henry W. Sheldon. And the several persons herein named, shall hereafter be called and known by the names, which, by this act, they are respectively allowed to assume as aforesaid; and the same shall be considered as their only proper and legal names.

[Approved by the Governor, February 8th, 1823.]

CHAP. LXXX.

An Act to incorporate the Franklin 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 Francis Welsh, John Bellows, James T. Austin, and Horace Gray, with their associates, successors and assigns, be, and they are hereby incorporated into a company and body politic, by the name of the Franklin Insurance Company; with all the powers and privileges granted to insurance companies, and subject to all the restrictions, duties and obligations, contained in a law of this Commonwealth, entitled "an act to define the powers, duties and restrictions, of insurance companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled "an act authorizing the several insurance companies of this Commonwealth to insure against fire," passed on the twenty first of February, in the year of our Lord one thousand eight hundred and twenty, 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 may 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: *Provided*, the said real estate shall not exceed the value of fifty thousand dollars, excepting such as may be taken for debt, or held for collateral security for money due to said company.

Persons incorporated.

Powers and liabilities.

Limitation of charter.

May hold real & personal estate.

Provide.

Capital Stock.

SEC. 2. *Be it further enacted*, That the capital stock of said company, shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, one hundred and fifty thousand dollars of which shall be paid, in money, within ninety days after the first meeting of the said company, and the residue within one year from the passing of

this act, in such instalments, and under such penalties, as the President and Directors shall in their discretion direct and appoint. And the said capital stock shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the term of one year after the said company shall go into operation; and if the provisions of this act shall not be complied with in one year from the first meeting, then the same shall be void.

Number of Directors,

Annual election of officers,

Votes,

SEC. 3. *Be it further enacted,* That the stock, property, affairs and concerns of the said company, shall be managed and conducted by nine Directors, one of whom shall be 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 in said company, and citizens of this Commonwealth, and shall be elected on the second Monday of March, in each and every year, at such time of the day, and in such place in Boston, as a majority of the Directors, for the time being, shall appoint; of which election public notice shall be given in two of the newspapers printed in 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 stockholders present, allowing one vote to each share in the capital stock: *Provided,* that no stockholder shall be allowed more than thirty votes; and absent stockholders may vote by proxy, under such regulations as the said company shall prescribe. And if through any unavoidable accident, the said Directors shall not be chosen on the second Monday of March, as aforesaid, it shall be lawful to choose them on any other day, in the manner herein provided. And it shall be the duty of the Secretary of said company, at any time, upon application, in writing, of the proprietors of twenty per centum of the capital stock, to call a meeting of the stockholders, to be holden at such time and place in said Boston, as they shall direct, for the purposes mentioned in such application, by giving like notice thereof, as is herein required for the election of Directors.

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, or affirmed, to the faithful discharge of the duties of his office,^{Choice of President.} and who shall preside for one year. And in case of the death, resignation, or inability to serve, of the President, or any Directors, such vacancy or vacancies shall be filled for the 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.

SEC. 5. *Be it further enacted,* That the President and four of the Directors, or five of them in his absence, shall be a Board competent to 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 the Directors, and all such matters as appertain to the business of insurance; and shall also have power to appoint a Secretary, and so many Clerks and Servants for carrying on the said business, and with such salaries and allowances to them and to the President, as to the said Board shall seem meet: *Provided,* such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.^{Board of Directors.}
^{Rules and Regulations.}
^{Clerks, their salaries, &c.}

SEC. 6. *Be it further enacted,* That any two or more of the persons named in this act, are hereby authorized to call a meeting of said Company, by advertising the same, for two successive weeks, in the Columbian Centinel, Boston Patriot, and Daily Advertiser, printed in Boston, for the purpose of electing their first Board of Directors, who shall continue in office till the second Monday of March, in the year of our Lord one thousand eight hundred and twenty four, and until others shall be chosen in their stead: *Provided, however,* that this charter shall be void, and of no effect, unless put into operation agreeably to the terms of it, within one year from and after the passing of this act: *And, provided, also,* that the said company shall not take any risk, or subscribe any policy, by
^{Conditions of Charter.}
^{Proviso.}

virtue of this act, until one hundred and fifty thousand dollars of the capital stock of said company, shall have actually been paid in.

Limitation of risks.

SEC. 7. *Be it further enacted*, That said company shall never take, on any one risk against fire, or other risk, or loan, on respondentia or bottomry, on any one bottom, at any one time, including the sum insured in any other way on the same bottom, a sum exceeding ten per centum on the capital stock of said company, actually paid in, agreeably to the provisions of this act.

Location.

SEC. 8. *Be it further enacted*, That the said Insurance Company shall be located and kept in the City of Boston.

May be taxed.

SEC. 9. *Be it further enacted*, That the said Franklin Insurance Company shall be liable to be taxed by any general law providing for the taxation of all similar corporations.

[Approved by the Governor, February 10th, 1823.]

CHAP. LXXXI.

An Act relating to State Paupers.

Disqualification of Paupers.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That after the first day of June next, no male person, over the age of sixteen years, and under the age of sixty years, while of competent health to labor, shall be considered as a State Pauper, and entitled to support as such.

Certificate of the Overseers of the Poor.

SEC. 2. *Be it further enacted*, That whenever the Overseers of the Poor, in any town or city within this Commonwealth, shall exhibit an account against the same, for the support of paupers, after the first day of June next, they shall certify that no part of such account is for the support of any male person, over the age of twelve, and under the age of sixty years, while of competent health to labor.

[Approved by the Governor, February 10th, 1823.]

CHAP. LXXXII.

An Act, in further addition to an Act, for suppressing and punishing of Rogues, Vagabonds, Common Beggars, and other idle, disorderly and lewd Persons.

SEC. 1. **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 accused of any of the offences or disorders described in the act, entitled "an act for suppressing and punishing of rogues, vagabonds, common beggars, and other idle, disorderly and lewd persons," passed the twenty sixth day of March, in the year of our Lord one thousand seven hundred and eighty seven. or or shall, by virtue thereof, or of any other act in force in this Commonwealth, be liable to be committed to the House of Correction in any county, or to the Work House, which is now, or hereafter may be established in any town or city, complaint shall be made, in writing, and under oath, to some Justice of the Peace in the county wherein such offence or disorder shall be committed, or to the Police Court for the City of Boston, if the offence or disorder be therein committed; and such Justice, or Court, shall cause the party so complained of, to be brought before them, by warrant, or otherwise; and if, upon a hearing and examination of the matter set forth in the complaint, the allegations therein shall be proved to be true, they may order, direct and sentence the person or persons so convicted, to be committed to the House of Correction, or Work House, or House of Industry, as the case may be, within the county, town or city, there to be put to hard labor, according to the rules and regulations which are or may be lawfully established for the government of such houses, for a term not exceeding six months; and the party so committed, shall be liable to all the restraints and penalties authorized by any of the acts aforesaid. And the Master or Overseer of such Houses of Correction, or Work Houses, or House of Industry,

Persons may be committed to the House of Correction.

Recognizances.

are hereby required to receive into the same, persons who may be sent as aforesaid, and to employ and govern them in the manner provided by law, or by the rules and regulations of said houses. And any party, who shall be convicted and sentenced as aforesaid, may, if he or she deny the charges, and put himself or herself upon trial, appeal to the next Court of Common Pleas within the same county, or if in the City of Boston, to the next Municipal Court therein, and have a trial by jury in due course of law, upon recognizing, with sufficient surety or sureties, in the court where he or she shall be convicted, in such reasonable sum as shall be ordered by such court, with condition, that he or she enter and prosecute said appeal, in like manner as other appeals from a Justice of the Peace or the Police Court, are entered and prosecuted, and to abide the sentence of the court appealed to thereon, and in the mean time to keep the peace, and be of good behaviour toward all the citizens of the Commonwealth; and the commission of the like offence, before judgment on the appeal, by the principal in such recognizance, shall be deemed and taken to be a breach of the conditions of the same recognizance.

Temporary punishment.

SEC. 2. *Be it further enacted,* That if any person shall be found committing either of the offences or disorders enumerated in the acts herein referred to, in the public streets or roads, in the night time, any such person may be apprehended by any Magistrate, Constable or Watchman, or by any citizen, by order of any such officers, and kept in custody, in any convenient place, for the space of twenty-four hours; at or before the expiration of which time, any such person shall be carried before a Justice of the Peace or the Police Court, as the case may be, and there proceeded against as is provided in the foregoing section, or discharged, as the said Justice or Court shall determine.

SEC. 3. *Be it further enacted,* That whenever it shall appear to the majority of the Overseers or Governors of any House of Correction, or Work House, or House of Industry, that any person therein confined has reformed, and is willing to return to an orderly course of life, such person may be discharged from

confinement; but if the person so discharged, shall afterward be found guilty of any of the offences or disorders, in any of the acts aforesaid enumerated, the Justice or Court before whom the second conviction shall be had, may sentence such person to hard labor in the House of Correction, or Work House, or House of Industry, as aforesaid, for a term not exceeding one year, or to imprisonment in the common gaol, for a term not exceeding six months.

SEC. 4. *Be it further enacted*, That all the provisions in any of the acts herein referred to, which are repugnant to, or inconsistent with the provisions of this act, shall be, and the same are hereby repealed: *Provided, however*, that nothing in this act contained, shall be construed to take away or impair the power and authority given to Overseers of the Poor, in any town or city, in respect to such poor persons as shall be actually chargeable to any town or city, for their support, by virtue of any of the acts or laws now in force in this Commonwealth.

[Approved by the Governor, February 10th, 1823.]

CHAP. LXXXIII.

An Act to continue in force the "Act incorporating 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 act, entitled "an act to incorporate Robert Hooper, and others, by the name of the Marblehead Insurance Company," passed on the eighth day of March, in the year of our Lord one thousand eight hundred and three, shall be and remain in full force for the term of twenty years, from the eighth day of March, in the year of our Lord one thousand eight hundred and twenty three; with all the powers and privileges granted by said act, and

also with all the powers and privileges granted by an act, entitled "an act to define the powers, duties, and restrictions of insurance companies," passed the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen: *Provided, however,* that the said corporation shall be subject to all the duties, restrictions, and requirements, prescribed and contained in the said act, entitled "an act to define the powers, duties, and restrictions of insurance companies;" and that said Marblehead Insurance Company shall be liable to be taxed by any general law providing for the taxation of all similar corporations.

Stock liable to be taxed.

[Approved by the Governor, February 10th, 1823.]

CHAP. LXXXIV.

An Act authorizing the taxing of Pews in the Congregational Meeting House, in Dover.

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 Congregational Society in the District of Dover, in the County of Norfolk, be, and hereby are empowered to raise any sum or sums of money, which the members of said society may hereafter, at any legal meeting called for the purpose, vote to raise for the support of public worship in said society, by a tax on the pews in their meeting house in said Dover.

Tax on Pews.

SEC. 2. *Be it further enacted,* That, for the equitable apportionment of the taxes to be assessed on said pews, the members of said society shall cause a valuation thereof to be made by a Committee to be chosen by them for that purpose; and the report of such Committee, stating the respective numbers and value of said pews, shall, when accepted and recorded, be binding on all persons interested, for the purpose of taxation as aforesaid.

Valuation.

SEC. 3. *Be it further enacted,* That the sums voted to be raised on said pews shall, within ten days after such vote, be apportioned and assessed thereon by the Assessors of said society for the time being, if such Assessors there be, otherwise by the Assessors of said District of Dover, according to such valuation: *Provided, however,* that said society may, by vote, except from taxation such pews as they may think fit, not exceeding three in number, and instruct said Assessors accordingly, who shall omit such pews in the assessment.

SEC. 4. *Be it further enacted,* That said Assessors shall, as soon as may be, make out a fair and correct list of the taxes assessed on each of said pews, according to this act, and deliver the same to the Treasurer of said society, if any such there be, otherwise to the Treasurer of said District of Dover. And it shall be the duty of said Treasurer to give notice of such taxation and assessment to all concerned, by posting a copy of said list at the meeting house door, at least thirty days before the expiration of the time limited, by vote of said society, for the payment thereof, and calling on all persons interested therein, to pay to him the several sums so assessed, according to the vote aforesaid.

SEC. 5. *Be it further enacted,* That in case any person, having a right to any pew, taxed as aforesaid, as tenant thereof, for a term of time not exceeding one year, and standing on record as such tenant, and notified in manner aforesaid, shall neglect or refuse to pay said tax, according to the vote of said society, it shall be the duty of said Treasurer, (who shall also be Collector,) and he is hereby authorized and empowered to enforce payment thereof, by any of the legal means by which payment of ordinary town or parish taxes may be enforced.

SEC. 6. *Be it further enacted,* That if any person or persons at present entitled, or who shall hereafter become lawfully entitled to any of said pews, either as owner in fee, or as tenant for a term of time exceeding one year, shall neglect or refuse to pay any tax assessed as aforesaid, after notice thereof, as herein above provided, in the manner, and within the time

Delinquent Pews
may be sold at
auction.

Proviso.

prescribed by vote of said society, it shall be the duty of said Treasurer, and he is hereby authorized and empowered to sell the pews thus owned or held in tenancy, and all the right and title of such owner or tenant, upon which such tax, or any part thereof, shall remain unpaid, at public auction, to the highest bidder; and his deed to the purchaser, recorded in the records of the society, or of said District of Dover, shall give to the purchaser all the right, title and interest in such pew, which said former owner or tenant had in and to the same: *Provided, however,* that the Treasurer aforesaid shall, after the expiration of the time limited by vote of the society for the payment of such tax, give at least twenty days notice of the time and place of the vendue, by posting one advertisement at said meeting house, and one at some other public place in said district, stating the number of the pew to be sold, and the tax due upon it; and the remedy provided in this section shall be the only mode of collecting said taxes, in all cases where the owner or tenant has, or shall have a right, as owner or tenant, to any pew so taxed, for a term of time exceeding one year.

Adjournment of
sales,

SEC. 7. *Be it further enacted,* That in case the Treasurer shall deem an adjournment of his sales necessary, he may adjourn from time to time, not exceeding seven days at one time, until they be completed; and in all cases he shall pay over to the former owner or tenant the balance of monies in his hands, arising from such sale, after deducting the taxes due, and his own reasonable charges for advertising and selling the same.

[Approved by the Governor, February 10th, 1823.]

CHAP. LXXXV.

An Act providing for the assessment of Taxes 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 the City Council of the City of Boston shall have power, from time to time, to lay and assess taxes in the County of Suffolk, for all purposes for which county taxes may be levied and assessed, so long as the Town of Chelsea shall continue not to be liable to taxation for any county purposes. Permission to lay taxes.

[Approved by the Governor, February 10th, 1823.]

CHAP. LXXXVI.

An Act, in addition to the several Acts now in force, regulating the limits of Prison Yards, and the discharge of Poor Debtors from 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 from and after the fifteenth day of May next, the boundaries of the gaol yards, in the several counties of this Commonwealth, shall be assigned and limited as follows, viz. :—In the County of Suffolk, the gaol yard shall be co-extensive with the exterior boundary of Ward number five, in the City of Boston, as the same is now defined; and in all other counties of this Commonwealth, it shall be the duty of the Court of Sessions to determine and establish anew, at their first meeting after the first day of April next, the limits of the gaol yards in their respective counties, in such manner that the same shall in no Gaol Boundaries

instance extend more than fifty rods from the gaol, to which gaol yards may be assigned and established: *Provided*, that it shall not be incumbent on the Court of Sessions in any county to reestablish the limits of the gaol yard of any prison, where the same have been assigned and established conformably to the provisions of this act.

SEC. 2. *Be it further enacted*, That the gaol limits to the several gaols in this Commonwealth, shall remain as now assigned and established, until confirmed or established agreeably to the provisions of this act.

Discharges from imprisonment.

SEC. 3. *Be it further enacted*, That in all cases where any person has been, or shall be hereafter imprisoned on execution for debt, in any of the gaols within this Commonwealth, and shall not, within one hundred and twenty days from the passing of this act, if now in prison, or within ninety days from such commitment, if hereafter committed, be discharged from such imprisonment, agreeably to the provisions of an act, entitled "an act for the relief of poor prisoners who are committed by execution for debt," passed on the nineteenth day of November, in the year of our Lord one thousand seven hundred and eighty seven, and the several acts supplementary thereto, such person shall forthwith be put into close confinement by the person having the care of the gaol to which such commitment may have been made, and shall continue in such confinement until discharged from the same, by payment of all the executions on which such person may stand committed in close confinement, or otherwise discharged from such imprisonment by due course of law.

Debtors Grace.

SEC. 4. *Be it further enacted*, That in all bonds hereafter given by any debtor, for his continuing a prisoner within the limits of the prison yard, there shall also be inserted, as a condition of the bond, that the said debtor shall, at the expiration of ninety days from the day of his commitment, surrender himself at the gaol house, for the purpose of being committed to close confinement, unless he shall before that time have been discharged, by payment of said execution, or by order of law.

SEC. 5. *Be it further enacted*, That the several acts,

and parts of acts, so far as the same are inconsistent with the provisions of this act, be, and the same are hereby repealed. Former acts repealed.

[Approved by the Governor, February 10th, 1823.]

CHAP. LXXXVII.

An Act imposing a Duty on Sales at Auction.

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 real and personal estate, which shall at any time be exposed to sale at public auction, or vendue, within this Commonwealth, from and after the first day of April next, by any Auctioneer, or other person, duly authorized to sell real and personal estate at auction or vendue, excepting all such real and personal estate as shall be sold by order of law; and all stock in banks, insurance companies, and the public funds, shall be subject to the following duties, each and every time such real or personal estate may be struck off, sold, or bought in, to wit:—All personal estate, excepting ships and vessels, one dollar for every hundred dollars of the value for which the same shall be sold; and all real estate, ships and vessels, at fifty cents for every hundred dollars of the value for which the same shall be sold; and at and after the same rate, for any greater or less sum, to be paid by the person who shall so sell the same. And in all cases where the Auctioneer, or the owner of such goods so exposed to sale, or any person who shall be employed by them, or either of them, shall be the highest bidder, the said real or personal estate shall be subject to the payment of the same duties as if they had been sold to any other person.

SEC. 2. *Be it further enacted,* That if any person not licensed and qualified, according to the laws of this Commonwealth, and the provisions of this act,

shall sell, or attempt to sell, any real or personal estate whatsoever, by way of public auction or vendue, within this Commonwealth, he shall be considered guilty of a misdemeanor, and shall, on conviction, be fined in a sum not exceeding five hundred dollars, for each and every offence, at the discretion of the court before whom such conviction shall take place.

Fines for selling goods at auction without license.

SEC. 3. *Be it further enacted,* That each Auctioneer shall, on or before the first day of April next, give a bond, in a reasonable penalty, with two sufficient sureties, to the Treasurer of this Commonwealth, and his successor in office, conditioned for the payment of the duties herein before mentioned, to the Treasurer of this Commonwealth, and also that he shall, in all things, well and truly conduct and conform himself, according to the true intent and meaning of this act; which bonds shall be taken by persons who granted the license, and be by them duly transmitted to the Treasurer of this Commonwealth, with an endorsement of their approval thereon. And all Auctioneers who shall hereafter be appointed, before they sell, or attempt to sell, any real or personal property, shall give bonds, to be approved and transmitted as aforesaid, by the authority granting the license. And if any person, from and after the first day of April next, shall sell any real or personal estate, by way of public auction, without having given bond as aforesaid, he shall forfeit the sum of five hundred dollars, for every time he shall so sell without giving bond, to be recovered by any person who shall sue for the same; one moiety thereof to the person who shall sue therefor, and the other moiety to the use of the Commonwealth.

Bonds to be given

SEC. 4. *Be it further enacted,* That every Auctioneer, who shall sell any real or personal estate, described in this act, by way of public auction, from and after the first day of April next, shall, on the first days of April, July, October and January, next after any such sales shall be made, or as soon afterwards as may be, not exceeding thirty days, render to the Treasurer of this Commonwealth, a true and particular account, in writing, of the monies or sum for which any and all real or personal estate shall have been sold,

Quarterly payments of auction tax.

carefully distinguishing between sales of real and personal estate, and between sales whereby the whole of any real or personal estate sent, entrusted or consigned to such Auctioneer, has been actually sold at public auction, and other sales, whereby some part or parcel thereof has been sold at public auction, with the design and effect to ascertain and fix a price for the whole or any other part thereof, at every sale at auction by him made, from and after the said first day of April next, or from the time that the last account was rendered by him, in conformity to this act. And every such account shall have endorsed thereon, the following oath or affirmation, substantially in the form following, to wit:—I

do solemnly and sincerely swear, (or affirm) that the account to which I have subscribed my name, contains a just and true statement of the amount of all the real and personal estate, sold or struck off by me at public sale, or sold by me at private sale, on commission, or whereof any part or parcel has been sold or struck off by me at public sale, with the design and effect to ascertain and fix a price for the whole or any other part thereof, subject to duty, pursuant to the act, entitled “an act imposing a duty on sales at auction,” within the time mentioned in said account; and that I have carefully examined all entries and memoranda of sales made by me at auction and at private sale, on commission, within the time mentioned in said account, and that this account exhibits the whole amount thereof, liable to pay a duty, pursuant to the act aforesaid, according to my best knowledge, information and belief. And the Auctioneer who subscribes the account, shall also subscribe the foregoing oath or affirmation, and make oath or affirmation thereto, before some Justice of the Peace; and the said Justice shall certify the same. And every Auctioneer shall, upon rendering such account, so authenticated, pay the amount of duty upon such account of sales, into the treasury of the Commonwealth. And every Auctioneer shall receive as a compensation, two and a half per cent. on all the duties he shall so pay into the treasury.

Oath or affirmation.

Two and a half per cent. remitted.

SEC. 5. *Be it further enacted*, That no person who-soever shall, on the day of any sale at public auction,

Penalties.

dispose of, at private sale, any of the property which has been advertised or exposed to sale at public auction, and which, if sold at public auction, would be liable to the duty imposed by this act, under the penalty of one thousand dollars, to be recovered by any person who shall sue for the same; one moiety thereof, when recovered, to such person's use, and the other moiety to the use of the Commonwealth. And all sales at auction, of any part or parcel of any real or personal estate sent, entrusted or consigned to an Auctioneer, for sale, with the design and effect to ascertain and fix a price for the whole, or for any other part thereof, without exposing the whole, or such other part, to public sale, shall be deemed and taken to be sales at auction, within the meaning of this act, to the whole amount of the real or personal estate so sent, entrusted or consigned, as aforesaid, and whereof the sale is so effected, whether the same be conducted and effected by the Auctioneers, or by any person or persons acting as a Commission Merchant, Factor, or Agent, or by the owner or owners thereof. And the whole amount of such real or personal estate shall be returned by said Auctioneer, in his accounts to the Treasurer of this Commonwealth, in the same way and manner, as if the same had been all sold at public auction.

Return of accounts.

Penalties for perjury or frauds.

SEC. 6. *Be it further enacted,* That if any person shall be guilty of any fraud or deceit, in the execution of this act, or in eluding or defeating the operation thereof, every such person, on conviction thereof, shall forfeit the sum of one thousand dollars, as a penalty for every such offence, to be recovered by any person who will sue for the same; one moiety thereof, when recovered, to be for the use of such person, and the other moiety thereof to the use of the Commonwealth. And every person who shall subscribe and swear wilfully and falsely, to any account transmitted or delivered to the Treasurer of this Commonwealth, according to the provisions of this act, shall suffer the pains and penalties which by law are prescribed for wilful and corrupt perjury.

SEC. 7. *Be it further enacted,* That it shall be the

duty of the Treasurer of the Commonwealth, to prepare and furnish blank forms for the bonds and returns to be given and made as aforesaid.

[Approved by the Governor, February 10th, 1823.]

CHAP. LXXXVIII.

An Act to incorporate the Merchants' Insurance Company, 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 Peter Lander, John Forrester, Nathaniel West, Willard Peele, Pickering Dodge, Stephen Phillips, and Edward Lander, with their associates, successors and assigns, be, and they are hereby incorporated into a company and body politic, by the name of the Merchants' Insurance Company, in Salem; with all the powers and privileges, granted to insurance companies, and subject to all the restrictions, duties and obligations, contained in a law of this Commonwealth, entitled "an act to define the powers, duties and restrictions, of insurance companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled "an act authorizing the several insurance companies of this Commonwealth, to insure against fire," passed on the twenty first of February, in the year of our Lord one thousand eight hundred and twenty, 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 may 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; provided, the said real estate shall not exceed the value of fifteen thousand dollars,*

Persons incorporated.

Powers and liabilities.

Limitation of charter.

May hold real & personal estate.

Proviso.

excepting such as may be taken for debt, or held for collateral security for money due to said company.

Capital Stock.

SEC. 2. *Be it further enacted*, That the capital stock of said company, exclusive of premium notes, and profits arising from business, shall be one hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per centum of which shall be paid, in money, within ninety days after the first meeting of the said company, and the residue, in money, in one year, in such instalments, and under such penalties, as the President and Directors shall in their discretion direct and appoint. And the said capital stock shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the term of one year after the said company shall go into operation.

Number of Directors.

SEC. 3. *Be it further enacted*, That the stock, property, affairs and concerns of the said company, shall be managed and conducted by nine Directors, one of whom shall be 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 in said company, and citizens of this Commonwealth, and shall be elected on the second Monday of April, in each and every year, and at such time of the day, and in such place in Salem, as a majority of the Directors, for the time being, shall appoint; of which election, public notice shall be given by publication in some newspaper printed in Salem, ten days at least, previous to such meeting; 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 absent stockholders may vote by proxy, under such regulations as the said company shall prescribe. And if, through any unavoidable accident, the said Directors shall not be chosen on the second Monday of April, as aforesaid, it shall be lawful to choose them on any other day, in the manner herein provided. And it shall be the duty of the Secretary of said company, at any time, upon application, in writing, of the proprietors of twenty per centum of the capital stock, to call a meeting of the stockholders, to be holden at such

Annual election of officers.

Votes.

time and place in said Town of Salem, as they shall direct, for the purposes mentioned in such application, by giving like notice thereof, as is herein required for the election of Directors.

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, or affirmed, to the faithful discharge of 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 Directors, 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.

SEC. 5. *Be it further enacted*, That the President and four of the Directors, or five of them in his absence, shall be a Board competent to 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 the Directors, and all such matters as appertain to the business of insurance; and shall also have power to appoint a Secretary, and so many Clerks and Servants for carrying on the said business, and with such salaries and allowances to them and to the President, as to the said Board shall seem meet: *Provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

SEC. 6. *Be it further enacted*, That any two or more of the persons named in this act, are hereby authorized to call a meeting of said company, by advertising the same, in some newspaper, printed in Salem, in two successive papers, for the purpose of electing their first Board of Directors, who shall remain in office till the second Monday of April, in the year of our Lord one thousand eight hundred and twenty four, and un-

Choice of President.

Board of Directors.

Rules and Regulations.

Clerks, their salaries, &c.

Conditions of
Charter.

Proviso.

til others shall be elected in their stead: *Provided*, however, that this charter shall be void, and of no effect, unless put into operation agreeably to the terms of it, within one year from and after the passing of this act: *And, provided, also*, that the said company shall not take any risk, or subscribe any policy, by virtue of this act, until one moiety of the capital stock of said company, shall have actually been paid in.

Limitation of
risks.

SEC. 7. *Be it further enacted*, That the said company shall never take on any one risk or loan, on respondentia or bottomry, on any one bottom at one time, including the sum insured, in any other way on the same bottom, a sum exceeding ten per centum of the capital stock of said company, actually paid in, agreeably to the provisions of this act.

Location.

SEC. 8. *Be it further enacted*, That the said insurance company shall be located and kept in the Town of Salem.

May be taxed.

SEC. 9. *Be it further enacted*, That the said Merchants' Insurance Company shall be liable to be taxed by any general law providing for the taxation of all similar corporations.

[Approved by the Governor, February 10th, 1823.]

CHAP. LXXXIX.

An Act to incorporate the Commercial Insurance Company.

Persons incorpo-
rated.

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 Bryant, Ebenezer Francis, Phineas Upham, Edmund Dwight, William Appleton, William Lawrence, Amos Lawrence, Ebenezer Breed, George Bond, Thomas Motley, Daniel P. Parker, with their associates, successors and assigns, be, and they hereby are incorporated into a company, and body politic, by the name of the Commercial Insurance Company; with all the powers and

privileges granted to insurance companies, and subject to all the restrictions, duties and obligations, contained in a law of this Commonwealth, entitled "an act to define the powers, duties and restrictions, of insurance companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled "an act authorizing the several insurance companies in this Commonwealth to insure against fire," passed on the twenty first day of February, in the year of our Lord one thousand eight hundred and twenty, 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 may 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: *Provided*, the said real estate shall not exceed the value of twenty thousand dollars, excepting such as may be taken for debt, or held as collateral security for monies due to said company.

General powers,
& requirements.

Limitation of
charter.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per centum of which shall be paid, in money, within ninety days after the first meeting of the said company, and the residue, in money, to be paid, twenty five per centum thereof in six months, and twenty five per centum in one year, after said first meeting; and the said capital stock shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the term of one year, after the company shall go into operation: *Provided, however*, that the said company shall not take any risk, or subscribe any policy, by virtue of this act, until one moiety of the capital stock of said company shall have actually been paid in.

Capital Stock.

Condition of ta
king risks.

SEC. 3. *Be it further enacted*, That the stock, property, affairs and concerns of said company, shall be managed and conducted by nine 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,

Director..

Annual Meeting, Public Notice, Votes, Meetings of the Stockholders.

be stockholders in said company, and citizens of this Commonwealth, and shall be elected on the second Monday of March, in each and every year, at such time of the day, and at such place in the City of Boston, as a majority of the Directors, for the time being, shall appoint; of which election, public notice shall be given in two or three newspapers, printed in the City 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 for each share in the capital stock: *Provided*, that no stockholder shall be allowed more than ten votes; and absent stockholders may vote by proxy, under such regulations as the said company shall prescribe. And if, through any unavoidable accident, the said Directors shall not be chosen on the second Monday in March, as aforesaid, it shall be lawful to choose them on any other day, in the manner herein prescribed. And it shall be the duty of the Secretary of said company, at any time, upon application, in writing, of the proprietors of twenty per centum of the capital stock, to call a meeting of the stockholders, to be holden at such time and place in the City of Boston, as he shall direct, for the purposes mentioned in such application, by giving like notice thereof, as is herein required for the election of Directors.

Choice of President.

SEC. 4. *Be it further enacted*, That the Directors, when chosen, shall meet so 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 Directors, 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.

SEC. 5. *Be it further enacted*, That the President and four of the Directors, or five Directors in the absence of the President, shall be a Board competent 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 Officers, Clerks and Servants employed, and the election of Directors, and all such matters as appertain to the business of insurance; and also shall 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 the President, as to the said Board shall seem meet: *Provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

SEC. 6. *Be it further enacted*, That any two or more of the persons named in this act, are hereby authorized to call a meeting of the said company, by advertising the same, for two successive weeks, in two of the newspapers printed in Boston, for the purpose of electing the first Board of Directors, who shall continue in office until the second Monday of March, in the year of our Lord one thousand eight hundred and twenty four, and until others are chosen: *Provided*, however, that this charter shall be void and of no effect, unless put into operation, agreeably to the terms of it, within one year from and after the passing of this act.

SEC. 7. *Be it further enacted*, That the said company shall never take on any one risk or loan, on respondentia or bottomry, on any one bottom at one time, including the sum insured, in any other way on the same bottom, a sum exceeding ten per centum of the capital stock of said company, actually paid in, agreeably to the provisions of this act.

SEC. 8. *Be it further enacted*, That the said insurance company shall be located and kept in the City of Boston.

SEC. 9. *Be it further enacted*, That the said Commercial Insurance Company shall be liable to be taxed by any general law providing for the taxation of all similar corporations.

[Approved by the Governor, February 10th, 1823.]

CHAP. XC.

An Act, in addition to an Act, regulating the management and drawing of Lotteries, in certain cases, within this Commonwealth.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this act, if any person or persons shall sell, or offer for sale, or shall advertise, or cause to be advertised for sale, any lottery tickets, or shall draw any lottery not authorized by the laws of this Commonwealth, or aid or assist in the drawing of any such lottery, or shall be concerned in the management or conducting of any such lottery, within this Commonwealth, he or they shall severally forfeit and pay, to the use of the Commonwealth, a sum not less than ten thousand dollars, to be recovered by information or indictment before the Supreme Judicial Court, in any county wherein such offence may be committed. And it shall be the duty of the Attorney and Solicitor Generals to prosecute for all breaches of this act that may come to their knowledge.

Forfeitures.

[Approved by the Governor, February 10th, 1823.]

CHAP. XCI.

An Act to continue in force the Act incorporating the Union 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 Nathaniel Fellows and others, into a company by the name of the Union Insurance Com-

pany," passed on the twenty eighth day of February, in the year of our Lord one thousand eight hundred and four, shall be, and remain in force, for the term of twenty years, from and after the fifth day of March, one thousand eight hundred and twenty three, with all the powers and privileges granted by the said act, and also with all the powers and privileges granted by "an act, entitled an act to define the powers, duties, and restrictions of insurance companies," passed the sixteenth day of February, in the year one thousand eight hundred and eighteen: *Provided, however,* that the said corporation shall be subject to all the duties and requirements prescribed and contained in the said act, entitled "an act to define the powers, duties and restrictions of insurance companies;" and that the said Union Insurance Company shall be liable to be taxed by any general law providing for the taxation of all similar corporations.

Renewal of
Charter.

May be taxed.

[Approved by the Governor, February 10th, 1823.]

CHAP. XCII.

An Act, in addition to "An Act, for the better securing and rendering more effectual Grants and Donations to pious and charitable uses."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Overseers of each monthly meeting of the denomination of people called Quakers, shall be deemed so far a body corporate, as to take and hold in succession, all grants and donations of personal estate made by any person dwelling within the territorial bounds of said monthly meeting, and of all real estate situate within said bounds, made or hereafter to be made to the yearly, monthly, or preparative meetings of the Quakers, to said Overseers, or to the use of any of said meetings, or the poor thereof;

Incorporation of
Quakers, to hold
in succession, all
grants and dona-
tions.

and to alien or manage the same according to the terms and conditions on which the same may have been made; and in the name of the said Overseers, for the time being, to prosecute or sue for any right that may have vested in said Overseers, the poor of said meetings, or in any of said meetings, in consequence of such grant or donation: *Provided*, that the income of the grants and donations to any one of such meetings, for the uses aforesaid, shall not exceed the sum of five thousand dollars per annum.

[Approved by the Governor, February 11th, 1823,]

CHAP. XCIII.

An Act regulating Attachment on Mesne Process.

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 personal property shall be attached on mesne process, on one or more writs, and the respective parties shall express their consent in writing, that the same may be sold, at any time before judgment, it shall be the duty of the attaching officer, to cause the same to be sold in manner provided by law for the sale of similar property on execution; and the money produced by such sale, deducting all lawful charges, shall be held and retained by such officer, and shall stand bound to respond the judgment or judgments to be rendered upon such writ or writs, in the same manner as if the said goods had remained specifically in the hands of such officer, and sold on execution.

Property may be sold.

SEC. 2. *Be it further enacted,* That whenever any live stock, or any goods, chattels, or merchandize, which may be liable to perish, waste, or greatly depreciate in value, by keeping, or which cannot be kept without great and disproportionate expense, shall be attached on mesne process, other than process issued

by Justices of the Peace, and the parties shall not consent in writing to a sale thereof, before judgment, it shall be lawful for either of the parties to apply to the attaching officer to have such goods examined and appraised; and thereupon it shall be the duty of such officer to give notice of such application to the other party or parties, or their attorneys, and to cause a schedule of such goods to be prepared, enumerating and describing the same, as particularly as the nature of the case will admit, and three discreet and disinterested persons, conversant with the nature and value of such goods, to be appointed and sworn before a magistrate, to the faithful discharge of their duty as appraisers in such case; one to be nominated by the creditor or creditors, one by the debtor or debtors, and one by such officer. And if either of the parties shall neglect or refuse to nominate such appraiser, or not agree in such nomination, after reasonable notice, then an appraiser, on the part of such party neglecting, shall be nominated by such officer. And it shall be the duty of such appraisers to examine such attached property, and to certify whether, in their opinion, such goods, chattels, or merchandize, or any part thereof, are, or are not, liable to perish, waste, or greatly depreciate in value, by keeping, and whether the same can, or cannot be kept without great and disproportionate expense. And in case such appraisers, or the major part of them, shall be of opinion that such property, or any part thereof, is liable so to perish, waste, or depreciate, and that the keeping of the same will require great expense, disproportionate to their value, it shall be their duty so to certify, and thereupon to value and appraise the same, according to their best skill and judgment, estimating them at the exact cash value thereof at the time of such appraisement. And it shall be the duty of such officer, to cause the goods thus certified and appraised, to be sold, and to hold the nett proceeds of such sale, subject to such attachment or attachments, in the manner herein before directed, unless security shall be given for the appraised value thereof, as hereinafter provided.

Appraisements.

Duties of Appraisers.

SEC. 3. *Be it further enacted,* That when any property shall be attached, certified, and appraised as

Property may be reclaimed. aforesaid, such property, at any time before the sale thereof, shall and may be delivered and restored to the defendant or defendants in such suit, on giving bond to the Sheriff of the county, in case such attachment be made by a Sheriff or his Deputy, otherwise to the Coroner or Constable making the same, in a sufficient penalty, with two sufficient sureties, conditioned to satisfy the judgment or judgments which may be recovered in such suit or suits, or to pay over the appraised value of such goods, towards the satisfaction of the execution or executions, which may be issued thereon, in the order of their priority, to any officer or officers to whom the same may be committed, if demanded within thirty days after the rendition of such judgment, or within thirty days after the time within which such judgment creditor or creditors shall be entitled to demand the same. And in case two or more attachments shall be made upon the same property, for which security is given as aforesaid, the judgment creditor in each case shall not be entitled to demand payment of said appraised value, or any part thereof, until final judgment shall have been rendered in the suit or suits, on which any prior attachment of the same property may have been made.

Final judgment.

Officers' return. SEC. 4. *Be it further enacted*, That whenever property shall be attached, and security for the value thereof given in manner aforesaid, it shall be the duty of the officer to make return of his doings on the writ or writs on which such attachment is made, together with such bond; and in case there be more than one, it shall be his duty to return such bond, with the writ on which the first attachment is so made; and the same shall be taken and deemed to be of record of the court to which such writ is returned. And in case of the forfeiture of such bond, it shall be lawful for either of said attaching creditors, or their representatives respectively, to bring an action of debt, in the name of such officer, or writ of *scire facias* thereon; in which two or more of the parties interested therein may join, and thereupon judgment may be rendered, and separate executions awarded thereon, in favor of the party or parties respectively interested therein, according to their respective interests: And in case an

action of debt shall be brought thereon, the same shall be deemed and taken to be brought for the use and benefit, and at the cost and charge of the party or parties interested therein: And in addition to the usual endorsement, the name or names of such party or parties interested therein shall be endorsed on the writ; and in case judgment shall be rendered thereon for the defendants, execution for costs may be awarded against such endorser or endorsers. And no action or writ of *scire facias* shall lie on such bond, unless the same shall be commenced within one year after the cause of such action shall accrue.

Names of parties to be endorsed on writs.

SEC. 5. *Be it further enacted*, That whenever any property, attached on mesne process, shall be sold by mutual consent, or after a certificate and appraisement as aforesaid, the money produced by such sale, whilst remaining in the hands of such officer, shall be liable to be further attached as the property of the original defendant, in the same manner as the goods themselves would have been liable, had the same remained specifically in the hands of such officer. And such monies, the proceeds of all such sales, shall be deemed and taken to be bound by all attachments lawfully made thereon, for the space of thirty days next after judgment; or in case there are two or more attachments on the same property, then the same shall be held liable in each case, for the space of thirty days, next after final judgment in the suit or suits, in which any attachment may have been previously made, and no longer. And in case the same or any part thereof shall not be demanded at the expiration of thirty days after final judgment, in all the suits in which the same shall be attached, it shall be the duty of the officer holding the same, to refund and return the same to the defendant.

Money remaining in Officers' hands, may be attached.

Money to be refunded in certain cases.

SEC. 6. *Be it further enacted*, That whenever any personal property shall be attached, and the party defendant shall die before the same shall have been actually taken in execution, and any will of such deceased defendant shall be proved, and letters testamentary issued thereon, or letters of administration on the estate of such deceased defendant shall be granted within this Commonwealth, such attachment shall be

Attachments
may be dissolved.

taken and deemed to be dissolved, and such property shall be accounted for and delivered up to the executor or administrator of such defendant, to be administered in due course of law.

Notice to be
given.

SEC. 7. *Be it further enacted*, That whenever a pew shall be attached or taken in execution, notice thereof shall be given in writing, by the attaching officer, to the Clerk of the parish or religious society holding the church or meeting house, in which such pew is situated, or left at his dwelling house or usual place of abode.

Tombs not to be
attached.

SEC. 8. *Be it further enacted*, That no tomb, while the same shall be in use as a cemetery for the dead, shall be liable to be attached, or taken in execution.

[Approved by the Governor, February 11th, 1823.]

CHAP. XCIV.

An Act to incorporate the New England Domestic Insurance Company.

Persons incorpo-
rated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Lewis Tappan, Samuel Hubbard, and Ebenezer Francis, with their associates, successors and assigns, be, and they are hereby incorporated into a company and body politic, by the name of the New England Domestic Insurance Company; with power to insure manufactories and other buildings and property against fire, and to be governed and controlled by the provisions contained in a law of this Commonwealth, entitled "an act to define the powers, duties, and restrictions of insurance companies," passed the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, so far as the same may apply to a corporation established for the sole purpose of insuring against the risk of fire, and with authority to make

Powers and lia-
bilities.

insurances against fire, on buildings, machinery and stock employed in manufacturing, and on dwelling-houses, and all other buildings and property liable to be burned or injured by fire, 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 may 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: *Provided*, their real estate shall not exceed the value of fifty thousand dollars, excepting such as may be taken for debt, or held as collateral security for monies due to said company.

Limitation of charter.

May hold real & personal estate.

Provisic.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per centum of which shall be paid in money, within ninety days after the first meeting of said corporation, and the residue, in money, within one year, twenty five per centum thereof in six months, and twenty five per centum in one year from and after said first meeting: *Provided*, however, that said corporation shall not make any insurance until fifty per centum of their capital stock shall have been actually paid, in money, by the several stockholders; and the said capital stock shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the term of one year after the said company shall go into operation.

Capital Stock.

SEC. 3. *Be it further enacted*, That the property, affairs and concerns of said company shall be managed and conducted by seven Directors, one of whom shall be President thereof, who shall hold their offices for one year, and until others are chosen, and who shall be stockholders in said company, and citizens of this Commonwealth, at the time of their election, which shall be on the second Munday of March, in every year, at such time of the day, and place, in Boston, as a majority of the Directors, for the time being, shall appoint; notice of which election shall be given in two newspapers printed in Boston, at least ten days previous to the election, which shall be made by written

Number of Directors.

ballots, and 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 thirty votes, and absent stockholders may vote by proxy. And if, from any cause, the Directors shall not be chosen on the second Monday of March, as aforesaid, it shall be lawful to choose them on any other day, in the manner herein provided.

Votes.

Choice of President.

SEC. 4. *Be it further enacted*, That the said Directors shall meet as soon as may be, after every election, and choose from their own Board, one person to be President, who shall be sworn to the faithful discharge of the duties of his office; and every vacancy in the office of President or Directors, that may occur in the interim of the annual meetings, may be filled by a special election in the manner herein prescribed for the annual elections.

Board of Directors.

Rules and Regulations.

Clerks, their salaries, &c.

SEC. 5. *Be it further enacted*, That the President and three Directors, or four Directors, in the absence of the President, shall be a Board competent to transact the business of the company; and all questions before them, shall be decided by a majority of the Board; and they shall have power to make such rules and by-laws, as they may deem proper, for the management of the affairs, and security of the property of said company, and have power to appoint a Secretary, and such other officers as they think expedient, and make such compensation as they may deem adequate to the services performed: *Provided*, that such rules and by-laws be not repugnant to the constitution and laws of this Commonwealth.

First Meeting.

SEC. 6. *Be it further enacted*, That any two of the persons named in this act, are hereby authorized to call the first meeting of said company, for the purpose of organizing and putting the same into operation, by giving notice in two newspapers printed in Boston, three days previous to the time of holding such first meeting.

Limitation of risks.

SEC. 7. *Be it further enacted*, That the said company shall never take on any one risk, a sum exceeding ten per centum on the capital stock of said company, actually paid in, agreeably to the provisions of this act.

SEC. 8. *Be it further enacted*, That this charter shall

shall be void, and of no effect, unless put into operation, agreeably to the terms of it, within one year from and after the passing of this act. Conditions of Charter.

SEC. 9. *Be it further enacted*, That the said insurance company shall be located and kept in the City of Boston. Location.

SEC. 10. *Be it further enacted*, That the said company shall be liable to be taxed by any general law providing for the taxation of all similar corporations. May be taxed.

[Approved by the Governor, February 11th, 1823.]

CHAP. XCV.

An Act to incorporate the General Interest Assurance 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 Joseph Otis, William Brown, Samuel Sanford, Samuel Fales, and William D. Sohler, with their associates, successors and assigns, be, and they hereby are incorporated into a body politic, by the name of the General Interest Assurance Company, for and during the term of twenty years, from and after the passing of this act; with all the powers and privileges granted to insurance companies, and subject to all the restrictions, duties and obligations contained in a law of this Commonwealth, entitled "an act to define the powers, duties and restrictions of insurance companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled "an act authorizing the several insurance companies in this Commonwealth to insure against fire," passed on the twenty first day of February, in the year of our Lord one thousand eight hundred and twenty; and by that name, may sue and be sued, plead, and be impleaded, appear, prosecute and Persons incorporated. Powers and privileges.

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: *Provided*, they shall not hold real estate exceeding the value of fifty thousand dollars, excepting such as may be taken for debt, or held as collateral security for monies due to said company.

May hold real & personal estate.

Proviso.

Capital Stock.

SEC. 2. *Be it further enacted*, That the capital stock of said company, exclusive of premium notes, and profits arising from business, shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per centum of which shall be paid, in money, within ninety days after the first meeting of said company, and the residue, in money, to be paid, twenty five per centum thereof in six months, and twenty five per centum in one year from and after said first meeting, under such penalties as three fourths of the Directors may determine: and the said capital stock shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the term of one year after said company shall go into operation as aforesaid.

Number of Directors.

Annual election of officers.

Votes.

SEC. 3. *Be it further enacted*, That the property, affairs and concerns of said company shall be managed and conducted by nine Directors, one of whom shall be President thereof, who shall hold their offices for one year, and until others are chosen, and who shall be stockholders in said company, and citizens of this Commonwealth, at the time of their election; which shall be on the second Monday of March, in every year, at such time of the day, and place, in Boston, as a majority of the Directors, for the time being, shall appoint; notice of which election shall be given in two newspapers printed in Boston, at least ten days previous to the election; which shall be made by written ballots, and 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 thirty votes; and absent stockholders may vote by proxy. And if from any cause, the Directors shall not be chosen on the second Monday in March aforesaid, it shall be lawful to choose them on

any other day, in manner herein provided. And it shall be the duty of the Secretary of said company, upon application in writing, made by the proprietors of twenty per centum of the capital stock, to call a meeting of the stockholders, by giving like notice thereof as is herein prescribed for the election of Directors.

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 death, resignation, or inability to serve, of the President, or any Director, such vacancy or vacancies may be filled, for the remainder of the year, by the surviving and continuing Directors.

Choice of President.

SEC. 5. *Be it further enacted,* That the President, and two of the Directors, or three Directors, in the absence of the President, shall be a Board competent to the transaction of the business of the company; and all questions before them shall be decided by a majority of the Board; and they shall have power to make such rules and by-laws as they may deem proper, for the management of the affairs, and security of the property of said company; and have power to appoint a Secretary, and such other officers as they may think expedient, and make such compensation as they may deem adequate to the services performed: *Provided,* that such rules and by-laws be not repugnant to the constitution and laws of this Commonwealth.

Board of Directors.

Rules and Regulations.

Clerks, their salaries, &c.

SEC. 6. *Be it further enacted,* That any two of the persons named in this act, are hereby authorized to call a first meeting of this company, for the purpose of organizing and putting the same into operation, by giving notice in two newspapers printed in Boston, three days previous to the time of holding such first meeting: *Provided, however,* that this charter shall be void, and of no effect, unless put into operation, agreeably to the terms of it, within one year from and after the passing of this act: *Provided, also,* that the said company shall not take any risk, or subscribe any policy, by virtue of this act, until one moiety of the capital stock of said company shall have actually been paid in.

Conditions of Charter.

Proviso.

SEC. 7. *Be it further enacted,* That the said insurance company shall be located and kept in the City of Boston.

Location.

SEC. 8. *Be it further enacted,* That the said company shall never take, on any one risk or loan, on respondentia or bottomry, on any one bottom, at any one time, including the sum insured in any other way, on the same bottom, a sum exceeding ten per centum on the capital stock of said company actually paid in, agreeably to the provisions of this act.

Limitation of risks.

SEC. 9. *Be it further enacted,* That the said General Interest Assurance Company shall be liable to be taxed by any general law providing for the taxation of all similar corporations.

May be taxed.

[Approved by the Governor, February 11th, 1823.]

CHAP. XCVI.

An Act to continue in force the Acts incorporating the New England 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 William Phillips, Junior, and others, by the name of the New England Marine Insurance Company,” passed on the fifth day of March, in the year of our Lord one thousand eight hundred and three, and the act in addition thereto, passed on the sixth day of March, one thousand eight hundred and four, shall be, and remain in force for the term of twenty years, from and after the fifth day of March, one thousand eight hundred and twenty three, with all the powers and privileges granted by “an act, entitled an act to define the powers, duties and restrictions of insurance companies,” passed the sixteenth of February, in the year of our Lord one thousand eight hundred and eighteen: *Provided, however,* that said

Renewal of Charter.

corporation shall be subject to all the duties and requirements prescribed and contained in the said act, entitled "an act to define the powers, duties and restrictions of insurance companies;" and that the said New England Insurance Company shall be liable to be taxed by any general law providing for the taxation May be taxed. of all similar corporations.

[Approved by the Governor, February 11th, 1823.]

CHAP. XCVII.

An Act relative to the Fishery in the Town of West Cambridge.

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 second day of February, in the year of our Lord one thousand eight hundred and twelve, entitled "an act to regulate the fishery in the Town of West Act repealed. Cambridge, and to empower said town to dispose of the privilege of taking the fish called shad and alewives, within the limits thereof," be, and the same is hereby repealed.

[Approved by the Governor, February 11th, 1823.]

CHAP. XCVIII.

An Act to incorporate the Second Society of Universalists, in the Town of 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 Calvin Brooks, Wil-

Persons incor-
porated.

William Bogle, George C. Carter, Frederick Cambridge, John Coles, Asa Davis, David Daley, Thomas Ditson, Thomas Dowley, James Frost, Charles Gordon, Jesse Hall, Watson Hastings, Nathaniel Ireland, Josiah Johnson, Isaac Lyon, Joshua Lovell, William E. Marshall, James Niven, Levi Orcutt, Lyman Peck, Joseph Pulcifer, Clark Reed, Ezra Stone, Simeon Southwick, Joshua Thorp, Samuel Whittemore, Edward Wheeler, and Edward Walker, together with such others as already have, or may hereafter associate with them, and their successors, be, and they are hereby incorporated as a religious society, by the name of the Second Society of Universalists in the Town of Cambridge; with all the powers and privileges, to which other religious societies are entitled by the constitution and laws of this Commonwealth.

Powers and pri-
vileges.

SEC. 2. *Be it further enacted*, That the said society shall be capable in law to purchase, hold and dispose 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.

May hold real &
personal estate.

SEC. 3. *Be it further enacted*, That the committee of the said society, chosen at any legal meeting thereof, shall have power 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 a Minister or Ministers of the gospel, as the said society may call and elect, and the contingent expenses of the society; and generally to provide, and do all other business for the said society, as they may think proper.

Assessments.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the County of Middlesex, be, and he is hereby empowered, upon application therefor, to issue a warrant, directed to a member of the said Universalist 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 a Moderator, Treasurer, Clerk, and such other officers as they may think needful; and the said society, being duly organized, may then determine and settle the manner of notifying and calling future meetings.

First meeting.

[Approved by the Governor, February 11th, 1823.]

CHAP. XCIX.

An Act to incorporate the Mariners' 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 Stephen Glover, Russell Glover, John Chandler, Junior, Henry Oxnard, John Bussey, Henry Prince, Junior, Atkins Adams, Abel Coffin, Henry Bancroft, Philip Fox, James Percival, Tilden Crooker, Winslow Lewis, Charles Tracy, Richard Urann, and George G. Jones, with their associates, successors and assigns, be, and they hereby are incorporated into a company, and body politic, by the name of the Mariners' Insurance Company; with all the powers and privileges granted to insurance companies, and subject to all the restrictions, duties and obligations, contained in a law of this Commonwealth, entitled "an act to define the powers, duties and restrictions, of insurance companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled "an act authorizing the several insurance companies in this Commonwealth to insure against fire;" passed on the twenty first day of February, in the year of our Lord one thousand eight hundred and twenty, 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 may 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: *Provided*, the said real estate shall not exceed the value of thirty thousand dollars, excepting such as may be taken for debt, or held as collateral security for monies due to said company.

Persons incorporated.

General powers, & requirements.

Limitation of charter.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be three hundred thou- Capital Stock.

sand dollars, and shall be divided into shares of one hundred dollars each, fifty per centum of which shall be paid, in money, within ninety days after the first meeting of the said company, and the residue, in money, in two equal instalments, one payable in six months, and the other in one year from the time of such first meeting, under such penalties as the President and Directors shall, in their discretion, direct and appoint. And the said capital stock shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the term of one year, after the said company shall go into operation.

SEC. 3. *Be it further enacted,* That the stock, property, affairs and concerns of said company, shall be managed and conducted by nine 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 in said company, and citizens of this Commonwealth, and shall be elected on the second Monday of March, in each and every year, at such time of the day, and in such place in the City of Boston, as a majority of the Directors, for the time being, shall appoint; of which election, public notice shall be given by publication in two newspapers, printed in the City of Boston, ten days at least, previous to such meeting; 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 absent stockholders may vote by proxy, under such regulations as the said company shall prescribe. And if, through any unavoidable accident, the said Directors shall not be chosen on the second Monday in March, as aforesaid, it shall be lawful to choose them on any other day, in the manner herein provided. And it shall be the duty of the Secretary of said company, at any time, upon application, in writing, of the proprietors of twenty per centum of the capital stock, to call a meeting of the stockholders, to be holden at such time and place, in the City of Boston, as they shall direct, for the purposes mentioned in such application, by giving like

Directors.

Annual Meeting.

Public Notice.

Votes.

Meetings of the Stockholders.

notice thereof, as is herein required for the election of Directors.

SEC. 4. *Be it further enacted*, That the Directors, when chosen, shall meet so soon as may be, after every election, and shall choose out of their body, one person to be President, who shall be sworn or affirmed, to the faithful discharge of 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 Directors, 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.

Choice of President.

SEC. 5. *Be it further enacted*, That the President and four of the Directors, or five of them in his absence, 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 the said company, and the transfer of the shares; and touching the duties and conduct of the Officers, Clerks and Servants employed, and the election of Directors, and all such matters as appertain to the business of insurance; and also shall have power to appoint a Secretary, and so many Clerks and Servants, for carrying on the said business, and with such salaries and allowances to them and to the President, as to the said Board shall seem meet: *Provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

By-Laws, &c.

Officers to be appointed.

SEC. 6. *Be it further enacted*, That any two or more of the persons named in this act, are hereby authorized to call a meeting of the said company, by advertising the same in two newspapers printed in the City of Boston, ten days prior to the day of such meeting, for the purpose of electing the first Board of Directors, who shall continue in office until the second Monday of March, in the year one thousand eight hundred and twenty four, and until others shall be chosen

First Meeting.

Conditions of
charter.

in their stead: *Provided, however,* that this charter shall be void and of no effect, unless put into operation, agreeably to the terms of it, within one year from and after the passing of this act: *Provided also,* that the said company shall not take any risk, or subscribe any policy, by virtue of this act, until one moiety of the capital stock of said company shall have actually been paid in.

Limitation of
Risks.

SEC. 7. *Be it further enacted,* That the said company shall never take on any one risk or loan, on respondentia or bottomry, on any one bottom at one time, including the sum insured, in any other way on the same bottom, a sum exceeding ten per centum on the capital stock of said company, actually paid in, agreeably to the provisions of this act.

May be taxed.

SEC. 8. *Be it further enacted,* That the said Mariners' Insurance Company shall be liable to be taxed by any general law providing for the taxation of all similar corporations.

Location.

SEC. 9. *Be it further enacted,* That the said insurance company shall be located and kept in the City of Boston.

[Approved by the Governor, February 11th, 1823.]

CHAP. C.

An Act to incorporate the Boston and Salem Insurance Company.

Persons incorpo-
rated.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Peter P. F. Degrand, John Pedrick, the Third, Jeremiah Briggs, Willard Peele, John Bumstead, and Elisha Copeland, Junior, with their associates, successors and assigns, be, and they are hereby incorporated into a company and body politic, by the name of the Boston and Salem Insurance Company; with all the powers and privileges, granted to insurance companies, and subject to all the

restrictions, duties and obligations, contained in a law of this Commonwealth, entitled "an act to define the powers, duties and restrictions, of insurance companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled "an act authorizing the several insurance companies in this Commonwealth, to insure against fire," passed on the twenty first of February, in the year of our Lord one thousand eight hundred and twenty, 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 may 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; *provided*, the said real estate shall not exceed the value of twenty thousand dollars, excepting such as may be taken for debt, or held for collateral security for money due to said company.

Powers and liabilities.

Limitation of charter.

May hold real & personal estate.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per centum of which shall be paid, in money, within ninety days after the first meeting of the said company, and the residue, in money, twenty five per centum in one year after the said first meeting. And the said capital stock shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the term of one year, after the said company shall go into operation: *Provided, however*, that the said company shall not take any risk, or subscribe any policy, by virtue of this act, until one moiety of the capital stock of said company shall have been actually paid.

Capital Stock.

Proviso.

SEC. 3. *Be it further enacted*, That the stock, property, affairs and concerns of the 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 are chosen, and no longer, and who shall, at the time of their election, be stockholders in said company, and citizens of this Commonwealth, and shall be elected on

Number of Directors.

Annual election
of officers.

Votes.

Meetings.

Choice of Presi-
dent.Board of Direct-
ors.

the second Monday of March in each and every year, at such time of the day, and in such place, in Boston, as a majority of the Directors, for the time being, shall appoint; of which election, public notice shall be given by publication in two newspapers printed in Boston and two in Salem, ten days at least, previous to such meeting; 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 absent stockholders may vote by proxy, under such regulations as the said company shall prescribe. And if, through any unavoidable accident, the said Directors should not be chosen on the second Monday of March, as aforesaid, it shall be lawful to choose them on any other day, in the manner herein provided. And it shall be the duty of the Secretary of said company, at any time, upon application, in writing, of the proprietors of twenty per centum of the capital stock, to call a meeting of the stockholders, to be holden at such time and place, in the City of Boston, as they shall direct, for the purposes mentioned in such application, by giving like notice thereof, as is herein required for the election of Directors.

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, or affirmed, to the faithful discharge of 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 Directors, such vacancy or vacancies shall or may 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.

SEC. 5. *Be it further enacted*, That the President and three of the Directors, or four of the Directors, in the absence of the President, shall be a Board competent to 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 the 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 the Directors, and all such matters as appertain to the business of insurance; and shall also have power to appoint a Secretary, and so many Clerks and Servants for carrying on the said business, and with such salaries and allowances to them and to the President, as to the said Board shall seem meet: *Provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

Rules and Regulations.

Clerks, their salaries, &c.

SEC. 6. *Be it further enacted*, That any two or more of the persons named in this act, are hereby authorized to call a meeting of said company, by advertising the same, for two successive weeks, in two of the newspapers printed in Boston and two in Salem, for the purpose of electing their first Board of Directors, who shall continue in office till the second Monday of March, in the year of our Lord then next ensuing, and until others shall be chosen in their stead: *Provided, however*, that this charter shall be void, and of no effect, unless put into operation agreeably to the terms of it, within one year from and after the passing of this act.

First Meeting.

Conditions of Charter.

SEC. 7. *Be it further enacted*, That the said company shall never take on any one risk or loan, on respondentia or bottomry, on any one bottom at one time, including the sum insured, in any other way on the same bottom, a sum exceeding ten per centum on the capital stock of said company, actually paid in, agreeably to the provisions of this act.

Limitation of risks.

SEC. 8. *Be it further enacted*, That the said insurance company shall be located and kept in the City of Boston.

Location.

SEC. 9. *Be it further enacted*, That the said Boston and Salem Insurance Company shall be liable to be taxed by any general law providing for the taxation of all similar corporations.

May be taxed.

[Approved by the Governor, February 11th, 1823.]

CHAP. CI.

An Act regulating the Inspection of Gunpowder, 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 His Excellency the Governor be, and he is hereby authorized, by and with the advice of Council, to appoint some suitable person an Inspector of gunpowder, in every town and place within this Commonwealth, where there is a public magazine or powder manufactory, and in such other places as he may think necessary; such Inspector to hold his office at the pleasure of the Governor and Council, and before he enters on the duties thereof, to give bond, with sufficient sureties, to the Treasurer of the Commonwealth, in the penal sum of one thousand dollars, for the faithful discharge of his duty, and to be under oath faithfully to perform the same. And His Excellency the Governor is hereby authorized, with the advice of Council, to establish some suitable, and as far as may be, accurate mode of testing the strength, purity, and other important qualities of gunpowder, and the same to prescribe to the Inspectors so appointed, with such alterations and improvements, from time to time, as may be usefully adopted in the inspection thereof.

Inspectors to be appointed.

Bonds.

SEC. 2. *Be* it further enacted, That all gunpowder manufactured in this Commonwealth, shall be put into good tight kegs or casks, of twenty five, fifty, or one hundred pounds net weight, each of which shall be made of seasoned white, grey, yellow, or black oak, or ash or chesnut timber, and bound together by at least ten hoops, the chine to be fastened with pegs, and the head shall be planed smooth, and have a hole bored in each, of the diameter at least of one third part of an inch, well stopped with corks, that the contents thereof may be conveniently inspected.

Kegs to be made of seasoned oak.

SEC. 3. *Be* it further enacted, That it shall be the duty of the Inspectors, or some one of them, to inspect

all gunpowder which shall be manufactured in this Commonwealth, or which shall be brought into the same by land, and all which shall be brought into the same by water and landed, and all which shall be exported from this Commonwealth, to see that the same is well manufactured and composed of proper materials, and that the casks in which it is contained, are such as are required by this act. And all gunpowder of a merchantable quality shall be divided into two general classes, and every cask containing such powder as shall appear to be manufactured in the best manner, properly composed of the purest materials, and which possesses the greatest strength and density, shall be marked in black paint, by the inspecting officer, *Mass. No. 1*; and that which shall be of inferior strength and free from damage, but which shall not appear to be made of as pure materials, nor so well manufactured, and the quality of which shall not be so durable as the former, shall be marked in black paint, by the inspecting officer, *Mass. No. 2*; and all other powder shall be marked in black paint, with the word *Condemned*, on both heads of the cask, and on the sides thereof; and the inspecting officer shall pour into each and every cask of condemned gunpowder one pint of clean water for every twenty five pounds of powder contained therein; and the inspecting officer shall also mark in black paint, in plain letters and figures, on one head of every cask of powder by him so inspected, the initials of his christian name with his surname at large, and the word Inspector, and the year and month in which the inspection is made, and the quantity of powder contained therein; and on the other head of the cask shall be marked, previously to the inspection, the name of the manufacturer of the powder.

Casks shall be marked.

Manufacturer's name to be on casks, previous to inspection.

SEC. 4. *Be it further enacted*, That if upon inspecting any cask of gunpowder, suspicion should arise that the same does not contain its proper quantity of gunpowder, the Inspector shall cause the same to be emptied, and the powder to be weighed, to ascertain the deficiency, if any, and if the same be deficient, to be filled to its due weight out of any other cask belonging to the same person.

Powder to be weighed, where fraud is suspected.

SEC. 5. *Be it further enacted,* That the Inspector shall be paid by the owner or owners of the gunpowder, whether the same be approved or condemned, for inspecting and marking as directed by this act, at the rate of four cents for every twenty five pounds of powder so inspected and marked; and for every cask which he shall find deficient in weight, and shall fill up, fifty cents in addition to the fee for inspecting and marking; and all expenses of cooperage, necessary to put the casks in the condition required by this act, shall be borne by the owner or owners of the powder. And it shall be the duty of the Inspector, annually, in the month of January, to make return to the Governor and Council, of all the gunpowder which has been inspected by him during the past year.

Inspector's fees.

Returns to be made to the Gov. and Council.

SEC. 6. *Be it further enacted,* That the keeper of every public powder magazine, and other public place of deposit of powder, shall at all seasonable times in every day in the year, the Sabbath only excepted, admit any such Inspector and his assistants into the said magazine or other place of deposit, to do and perform the several duties required of him under the provisions of this act.

Inspectors to be admitted into magazines, &c.

SEC. 7. *Be it further enacted,* That if any person shall knowingly sell any condemned gunpowder, for good gunpowder, or shall fraudulently alter or deface any mark or marks placed by any Inspector upon any cask or casks containing gunpowder, or shall fraudulently put any gunpowder which shall not have been inspected in this Commonwealth, or which, having been inspected, has been marked of a lower number than the cask into which it is put, or which has been condemned, into any cask or casks which shall have been marked and numbered by any Inspector, agreeably to the provisions of this act, or shall change any powder from any cask or casks marked with the name of one manufacturer into any cask or casks marked with the name of another manufacturer, every such person so offending, shall forfeit and pay not less than fifty dollars, nor more than five hundred dollars, for each and every such offence, to be recovered in an action on the case, in any court of competent jurisdiction, one half to the use of the Commonwealth, the

Forfeitures.

other half to the use of him or them who shall sue and prosecute for the same.

SEC. 8. *Be it further enacted*, That if any Inspector shall mark any cask, the contents of which he has not inspected, according to the true meaning and intent of this act, or if he shall permit any other person or persons to use his marks, in violation or evasion thereof, such Inspector so offending, shall forfeit and pay, for every cask so marked, the sum of twenty dollars, to be recovered in the manner and to the uses provided in the seventh section of this act, and be moreover removed from office. And if any person or persons knowingly shall sell or dispose of, or shall cause or permit to be sold or disposed of, or shall export or cause to be exported without the limits of this Commonwealth, any gunpowder, before the same has been inspected and marked agreeably to the provisions of this act, he shall forfeit and pay the sum of fifty cents for every pound of powder so sold, disposed of, or exported, to be recovered in the manner and to the uses aforesaid.

Powder not to be sold or exported, which has not been inspected and branded.

SEC. 9. *Be it further enacted*, That if any person appointed to the office of Inspector, under the provisions of this act, shall, during the time of holding or exercising the said office, be concerned directly or indirectly in manufacturing gunpowder, he shall forfeit and pay the sum of one thousand dollars for every such offence, to be recovered in the manner provided in the seventh section of this act.

Inspectors not to be concerned in manufacturing powder.

SEC. 10. *Be it further enacted*, That this act shall take effect and be in force from and after the first day of April next; and that all laws heretofore made respecting the inspection of gunpowder in this Commonwealth, be, and the same are hereby, from and after that time, repealed: *Provided, however*, that nothing herein contained shall be construed to defeat the right of any person or persons to any penalty or forfeiture, that may then have accrued for the breach of any of the provisions of the acts repealed as aforesaid.

Former acts repealed.

Proviso.

[Approved by the Governor, February 11th, 1823.]

CHAP. CII.

An Act in further addition to an Act, entitled "An Act for regulating, governing, and training the Militia of 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 Commanders of the several companies of the militia of this Commonwealth be authorized, and it is hereby made their duty, to parade their respective companies, by their own order, on one day in the year, for company discipline, and no oftener, in addition to the company inspection in May, and the brigade, regimental, or battalion reviews as now established by law: *Provided*, that nothing herein contained, shall be construed so as to prevent any company from meeting, for the purpose of drill, funeral service, escort, or other voluntary service.

Commanders to parade their companies once a year by their own order.

Proviso.

SEC. 2. *Be it further enacted*, That it shall be the duty of each Colonel or Commanding Officer of each regiment and separate battalion, to appoint one day in each year, for drilling the officers, non-commissioned officers, and musicians belonging to the same. And such Colonel or Commanding Officer, shall notify the field and commissioned, and non-commissioned staff officers of the same, and the captains and commanding officers of each company, under his command: And such Commanding Officer shall notify their respective subalterns and non commissioned officers and musicians, of the time and place appointed for the meeting aforesaid, at least ten days before the time appointed for such meeting: And it shall be the duty of the Colonel or Commanding Officer of such regiment or separate battalion, either by himself, or such other officer or officers, belonging to the same, as he shall appoint, to instruct the officers, non-commissioned officers and musicians aforesaid, in the practice of their several duties, according to the system prescribed by the laws of the United States. And any non-commissioned officer or musician who shall neglect or refuse to attend the officers' drill aforesaid, and who shall

Officers to be drilled.

not furnish the Colonel or Commanding Officer aforesaid, with a sufficient excuse therefor, or who shall be guilty of disobedience of orders, while on duty, shall forfeit and pay two dollars, to be sued for and recovered by the Adjutant of the regiment, in the same manner as is provided in and by the thirty fifth section of the act to which this is, in addition, for the recovery of fines and forfeitures, by clerks of companies, to be applied by him towards defraying the expenses of the meeting aforesaid.

Forfeitures for neglect of duty.

SEC. 3. *Be it further enacted,* That no person shall be exempted from military duty by reason of his having been appointed a Justice of the Peace, and no person conditionally exempted from military duty, shall hereafter be liable to the payment of two dollars into the town treasury, as required by the laws now in force, after he shall have arrived at the age of forty years.

Justices of the Peace not to be exempted.

SEC. 4. *Be it further enacted,* That the Governor and Council be, and they are hereby authorized, in organizing and arranging the militia, whenever they shall think it expedient, to annex the several companies of cavalry and artillery to the regiments of infantry.

Companies of cavalry and artillery may be annexed to the infantry.

SEC. 5. *Be it further enacted,* That the Commander in Chief, and the Major Generals and Commanding Officers of divisions be, and they are hereby authorized to order any number of officers, being not less than three, nor more than four, to be detailed as members of any General or Division Courts Martial; and such number of members, detailed as aforesaid, being not less than three, who shall be present at the time and place fixed for organizing said court, shall, together with the President, Judge Advocate, and Marshal, as heretofore provided, constitute said court; and if the person appointed as President thereof shall not be present, the officer highest in rank present, shall be President of said court; and in case of the absence either of the Judge Advocate or Officer who is appointed Marshal of said court, then the President shall appoint some suitable person or persons to be Judge Advocate or Marshal thereof. And if by reason of absence, challenge, or other cause, the number of members of any Court Martial qualified to act,

Courts Martial, how to be organized.

shall be less than three, it shall be the duty of the President to notify the Major General or Commanding Officer of the division in which the court is ordered to sit, of the fact, and the said Major General or Commanding Officer of the division, shall forthwith detail from his division, one or more officers of the rank of those whose places are to be supplied, and the officers so detailed, shall be returned as members of such court; but no person shall be so detailed of a higher rank than the officer acting as President thereof: *Provided, however,* that no officer above the rank of Colonel shall hereafter be appointed President of a Division Court Martial; *and provided, also,* that there shall be but one General and one Division Court Martial in any division during any one year, and that the same shall be appointed to be holden between the first day of December and the last day of March. And all the officers composing Courts Martial, Courts of Inquiry, and Military Boards and Marshals, shall be entitled to receive the sum of two dollars for each and every day while serving on Courts Martial, Courts of Inquiry, and Military Boards, and five cents for each and every mile they shall necessarily travel, in going to and returning home, from the place of sitting of said Courts: *Provided, however,* that Judge Advocates, while employed on Courts Martial, Courts of Inquiry, or Military Boards, shall be entitled to receive four dollars per day, while so employed, and the same allowance for travel as other officers of said courts are entitled to receive; which allowance shall be in full compensation for the time necessarily employed in preparing papers made requisite previous to, and making the necessary copies after any trial, inquiry, or investigation: *Provided, further,* that Presidents of Courts Martial, Courts of Inquiry, and Military Boards, shall be entitled to receive three dollars per day, while employed on said courts.

Proviso.

Compensation to members of Courts Martial.

Proviso.

Rolls of Courts Martial to be transmitted to the Ady. General's Office.

SEC. 6. *Be it further enacted,* That all pay rolls of Courts Martial, and all military accounts whatsoever, excepting such as relate to the Quarter Master General's Department, shall be transmitted to the Adjutant General, to be examined and certified by him, before the same shall be presented to the Committee on Ac-

counts, for allowance; and all sums which shall be allowed on the same, shall be paid to the person or persons, to whom the same shall be due, or to their order, at the treasury of this Commonwealth.

SEC. 7. *Be it further enacted,* That it shall be the duty of each Town and City Treasurer, to keep a separate and distinct account of the money which shall be paid by conditional exempts; and the Selectmen of the several towns, and the Mayor and Aldermen of the City of Boston, are hereby required to appropriate the money which has been, or hereafter shall be paid by the conditional exempts, for the purchase of such articles of uniform and military equipments as now are, or shall be required by the Commander in Chief, to be provided, in conformity with an act, passed the twenty first day of February, in the year of our Lord one thousand eight hundred and twenty two, entitled "an act in further addition to an act, entitled an act for regulating, governing, and training the militia of this Commonwealth;" to the use of the several companies in such town or city, in proportion to the number of active privates who shall be borne on their respective rolls, on the first Tuesday of May, in each year. And any Board of Selectmen, or Mayor and Aldermen, who shall neglect or refuse to comply with the provisions of this act, shall forfeit and pay the sum of fifty dollars for every such neglect and refusal, to be recovered in an action on the case, in any court of competent jurisdiction; which sum shall be appropriated to the use of the company to which the person prosecuting, may belong, to be applied to the purchase of such articles as the exempt fund is applied to.

SEC. 8. *Be it further enacted,* That any act, or part of any act, which is inconsistent with, or repugnant to the provisions of this act, be, and the same is hereby repealed.

[Approved by the Governor, February 11th, 1823.]

Accounts to be kept of money paid by conditional exempts.

Appropriation of money paid by conditional exempts.

Forfeitures.

CHAP. CIII.

An Act respecting Sloops and Vessels employed in transporting Stone, Sand, and Gravel, 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 from and after the first day of June next, every sloop or vessel employed in transporting stone, sand, or gravel, within this Commonwealth, shall be marked with stationary marks on the stem and stern posts, nearly level with the bend of said sloop or vessel, with bar iron, not less than six inches in length, and two and one half inches in breadth, with two good and sufficient iron bolts, to be driven through said stem and stern post, and riveted into the aforesaid iron, from which all other marks shall take their distance, in feet, inches, and parts of inches, as the distance may require, from the lower edge of the said stationary marks, to the lower edge of the other marks; which marks shall be as follows, viz.:—Light water marks, not less than four inches in length, and one and one half inch in breadth; and that every four tons above said light water marks, legibly cut, or cast in figures, of 4, 8, 12, 16, 20, &c., up to the full weight of said sloop or vessel; said figures shall express the weight said sloop or vessel is capable of carrying, when the lower part of the respective numbers shall touch the water; all of which marks shall be of good and sufficient lead, fastened on the stem and stern posts of each sloop or vessel, with sufficient nails, not less than one inch in length.

SEC. 2. *Be it further enacted,* That it shall be the duty of the Selectmen of every town in this Commonwealth, or the Mayor and Aldermen of any city, where such sloops or vessels are or may be employed as aforesaid, at such time in March or April, of every year, to appoint one or more suitable persons as Weigher, or Weighers, of vessels, who shall be sworn to the faithful performance of the duties of his or their office.

Vessels shall be marked.

Weighers to be appointed.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Weigher or Weighers, as aforesaid, to furnish all marks and nails, when applied to for that purpose; to see that all sloops or vessels are weighed and marked, agreeably to this act; to keep a correct account of the distance of each mark below the stationary marks, in feet, inches, and parts of inches, in a book to be kept for that purpose, and to give a certificate of the same to the master of said sloop or vessel; which certificate shall express the distance as aforesaid: And it shall be the further duty of said Weigher or Weighers, to see that all persons employed on board of said sloop or vessels, at the time of marking, are stationed between the bulk-head and the fore-chains of said sloops or vessels.

Weighers' duty.

Certificates to be given.

SEC. 4. *Be it further enacted*, That every person employed, or whose duty it is or may be to take the tonnage of said sloops or vessels, is hereby authorized to deduct one ton for every inch the light water marks may be under water, after said sloops or vessels shall have discharged their cargo.

Deduction.

SEC. 5. *Be it further enacted*, That every person who may be on board of any sloop or vessel employed as aforesaid, who shall not keep within the bounds of the aforesaid bulk-head and fore-chains of such sloop or vessel, at the time of taking her marks, or when any Weigher or Weighers shall be employed in weighing or marking as aforesaid, (unless in case of absolute necessity) shall forfeit and pay a sum not less than five dollars, nor more than twenty dollars, for each and every offence; and every owner or master of any sloop or vessel employed as aforesaid, who shall neglect to have his sloop or vessel weighed, marked and examined agreeably to the provisions of this act, or who shall remove any mark or marks, or alter his certificate, shall, on conviction thereof, forfeit and pay a sum not less than fifty dollars, nor more than three hundred dollars, for each and every offence; and every Weigher or Weighers as aforesaid, who shall be guilty of placing any mark as aforesaid, contrary to the provisions of this act, or who shall give a false certificate, shall forfeit and pay, on conviction thereof, a sum not less than fifty dollars, nor more than three hundred

Forfeitures.

dollars, for each and every offence. The above forfeitures to be recovered in an action of debt before any court proper to try the same, one moiety thereof to the use of the person complaining, the other moiety to the use of the Commonwealth.

SEC. 6. *Be it further enacted,* That any Weigher of vessels, chosen and qualified as aforesaid, shall receive from the owner or master of every sloop or vessel he may weigh and mark, twenty cents for each and every ton he may weigh for said sloop or vessel, and four dollars for the furnishing all marks, nails, &c. and fastenting the same, as is provided in this act, and furnishing the certificate; which sums shall be in full for his or their services.

Weighers' fees.

Marks to examined in June.

SEC. 6. *Be it further enacted,* That every sloop or vessel employed as aforesaid, shall have their marks examined in the month of June in each year, by some sworn Weigher, whose duty it shall be to examine all the marks on said sloops or vessels, and see if said marks agree with the former certificate, and if so, to certify the same; and in case said certificate and marks should not agree, then the said Weigher shall keep the same in his possession, that the master or owner may be dealt with according to the provisions of this act. And the said Weigher or Weighers as aforesaid shall receive from the owner or master thereof, for his services, the sum of one dollar and fifty cents; and whenever it may be ascertained that any sloop or vessel's marks and certificates do not agree, the said sloop or vessel shall be weighed again.

SEC. 8. *Be it further enacted,* That all laws heretofore made, inconsistent with this act, be, and the same are hereby repealed.

[Approved by the Governor, February 11th, 1823.]

CHAP. CIV.

An Act regulating Elections, and declaring the qualifications of Voters in Town Affairs.

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 male citizen of twenty one years of age and upwards, (excepting paupers and persons under guardianship,) who shall have resided within the Commonwealth one year, and within the town or district in which he may claim a right to vote, six calendar months, next preceding any election of any Town or District, County or State Officers, or any Representative to Congress, and who shall have paid, by himself, or his parent, master, or guardian, any state or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this Commonwealth, and also every citizen who shall be by law exempted from taxation, and who shall, in all other respects, be qualified as above mentioned, shall have a right to vote in all such elections; and no other person shall be entitled to vote in such elections.

Qualification of Voters.

SEC. 2. *Be it further enacted,* That from and after the passing of this act, it shall be the duty of the several Collectors of state or county taxes, in the several towns or districts within this Commonwealth, to keep an accurate and true account of every person's name, from whom they shall have received payment of a state or county tax, and of the time of such payment, and, upon request therefor, to deliver to the person paying the same, a receipt, specifying the name of the person paying the same, and the time of such payment, which shall be received and considered as presumptive evidence thereof. And the said Collectors shall hereafter, annually, fifteen days before the first Monday in March, make out and deliver to the Selectmen of the town in which they reside, a true and accurate list of all persons from whom they shall within the year then next preceding, have received any such payment, specifying

Receipts to be given.

the time of payment, or shall exhibit and deliver to the Selectmen, the original account by them kept, of such payment. And the Selectmen shall, at least ten days before the first Monday in March, annually, meet together, and make out alphabetical lists of all the persons, qualified as is herein before provided, to vote for any of the officers aforesaid; and they shall, at least ten days before the first Monday in March, annually, cause such lists to be posted up, at two or more public places, in their respective towns or districts: And they shall be in session, for a reasonable length of time, within forty eight hours next preceding all town and district meetings, for the choice of any of the officers aforesaid, for the purpose of correcting the aforesaid list of voters; and such session shall be holden, for one hour at least, on the day of such meeting, and before the opening of the same; and of the time and place of their meeting for this purpose, they shall give notice on the lists posted up as aforesaid. And it shall be the duty of the Selectmen or Moderator, to be provided with a complete list as aforesaid, at such election; and no person shall vote at any election, whose name shall not have been previously placed on said list, nor until the Selectmen or Moderator presiding at such meeting, shall have opportunity to find his name on the lists aforesaid.

Lists to be made out.

No person to vote, whose name is not on the list.

SEC. 3. *Be it further enacted,* That every male citizen of this Commonwealth, who shall have resided in any town, district, or plantation, six calendar months, next preceding any meeting for the transaction of town affairs, and who shall, in all respects, be qualified as required in the first section of this act, shall be entitled to vote at such meeting, upon all questions concerning town affairs; and no person not qualified as aforesaid, shall be entitled to vote therein.

Six months residence necessary, to vote in town affairs.

SEC. 4. *Be it further enacted,* That the Selectmen of any town, in case they shall have duly entered on the list of voters, the names of all such persons as are returned to them by the Collectors, as having paid any tax within two years, shall not be held answerable for any omissions on said list, or for refusing the vote of any person whose name is not on the list, unless the said person whose name may be omitted, shall, before

offering his vote, furnish the Selectmen with sufficient evidence of his having the legal qualifications of a voter at said meeting, and request of the Selectmen, the insertion of his name on the list of voters. Evidence to be furnished by the person wishing to have his name on the list.

SEC. 5. *Be it further enacted*, That the Moderator of any town meeting shall receive the votes of all such persons, whose names are borne on the list of voters, as certified by the Selectmen; and he shall in no way or manner be held liable for refusing the vote of any person whose name is not on the said list. Moderators of meetings not liable, for refusing votes of persons whose names are not on the list.

SEC. 6. *Be it further enacted*, That any Collector who shall neglect to return a list of persons, of whom he has received payment of any taxes, as required by this act, shall forfeit and pay the sum of one hundred dollars for such neglect; and any Collector, who shall make a false return, as regards any part of the list returned by him to the Selectmen, shall forfeit and pay the sum of twenty dollars, for each and every name, in which the said Collector may have made a false return; which penalties may be recovered by an action of the case, one half to the use of the town, in which the offence is committed, and the other half to the use of the person who sues for the same. Forfeitures for Collectors' neglect.

SEC. 7. *Be it further enacted*, That the first section of the act, passed on the eighteenth day of June, in the year of our Lord one thousand eight hundred and eleven, regulating the choice of town officers and town meetings, also, "an act, in addition to an act, entitled an act, in addition to the several acts, for regulating elections, and for repealing the first section of said act," passed the seventh day of March, in the year of our Lord one thousand eight hundred and three, also, so much of an act, entitled "an act more effectually to secure the rights of suffrage," passed June sixteenth, in the year of our Lord one thousand eight hundred and thirteen, as requires any duty to be performed by Assessors, be, and the same are hereby repealed. Former acts repealed.

SEC. 8. *Be it further enacted*, That this act shall be in force and take effect from and after the first day of June next.

[Approved by the Governor, February 11th, 1823.]

CHAP. CV.

An Act respecting Appeals from Judgments of the 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 whenever any appeal shall be made pursuant to the provisions of the fourth section of an act, entitled "an act to establish a Court of Common Pleas for the Commonwealth of Massachusetts," by any defendant, from any judgment of said court, in any personal action, in which the debt or damage recovered against such defendant shall not amount to one hundred dollars, and such debt or damages shall not be reduced on the appeal, the plaintiff shall be entitled to recover double costs of suit on the appeal, except so far as the same consist of cash paid as fees to witnesses, costs of depositions, jury fees, copies, and other court dues, which shall be taxed singly, according to law; and the same rules shall be applied to all cases where double costs are allowed by the act aforesaid: *Provided*, that nothing in this act, or the act to which this act is in addition, shall affect the right of either party to recover costs according to the event of the suit in the court appealed to, in any personal action in which the sum demanded shall exceed the sum of one hundred dollars, when the judgment appealed from shall be rendered on an issue in law, in which leave is reserved to plead anew in the court above by one party, and assented to by the other party on record.

Plaintiff may recover double costs.

SEC. 2. *Be it further enacted*, That so much of the fourth section of the act aforesaid, as affects the case of an appeal made by any defendant, be, and the same is hereby repealed.

Part of former act repealed.

[Approved by the Governor, February 11th, 1823.]

CHAP. CVI.

An Act to incorporate a Religious Society, by the name of the Boston Society of the New Jerusalem.

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 Worcester, Henry Gardner Foster, Barnabas Thayer Loring, Sampson Reed, Samuel Worcester, John Hubbard Wilkins, Tilley Brown Hayward, Timothy Harrington Carter, Caleb Reed, Warren Goddard, Simeon Child, Lemuel Little, Adonis Howard, and Nathaniel Balsh, Junior, together with their polls and estates, and such others as may associate with them, and their successors, be, and they hereby are incorporated and established as a religious society, by the name of the Boston Society of the New Jerusalem; 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.

SEC. 2. *Be it further enacted,* That said society may have and use a common seal, and the same may break, alter and renew at pleasure; shall be capable of suing, and being sued, in any actions, real, personal, or mixed, in any court proper to try the same; shall and may take and hold in fee simple or otherwise, by gift, grant, devise or purchase, any estate, real or personal, the aggregate amount of which shall not exceed ten thousand dollars, and may sell and dispose of the same at pleasure.

SEC. 3. *Be it further enacted,* That any Justice of the Peace for the County of Suffolk, upon application therefor, is hereby authorized to issue a warrant, directed to a member of said society, requiring him to notify and warn the members of said religious society in Boston, to meet at such time and place as shall be expressed in said warrant, for the choice of such officers, as religious societies have a right to choose, at their annual meetings.

[Approved by the Governor, February 11th, 1823.]

CHAP. CVII.

An Act, in addition to an Act, entitled "An Act establishing the City 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 the act establishing the City of Boston, be so far altered and amended, as to vest all the duties and powers of Surveyors of Highways for said city, in the Mayor and Aldermen of said city.

Mayor & Aldermen to be Surveyors of highways.

SEC. 2. *Be it further enacted*, That the said Mayor and Aldermen be, and they are hereby authorized to appoint the place of meeting for the inhabitants of any ward or wards in said city, without the limits of the ward in which such inhabitants dwell, in any adjoining ward, when in the opinion of the Mayor and Aldermen, the inhabitants can be more conveniently accommodated, than they can be within the limits of their respective wards: *Provided*, that a distinct place of meeting shall be appointed for the inhabitants of every ward.

Mayor & Aldermen to appoint places for meetings.

SEC. 3. *Be it further enacted*, That the lists of all the citizens of each ward, qualified to vote in any election, shall be completed before sunset the day previous to every election; and when the election shall happen on Monday, the said lists shall be completed before sunset on the Saturday evening preceding; and that after the delivery of such lists to the Clerks of the respective wards, no name shall be placed on such lists.

Time for completing the lists of voters.

SEC. 4. *Be it further enacted*, That the Mayor and Aldermen of said city may elect the Officer of Police from their own Board, if they see fit.

Police Officer to be elected from the Board of Aldermen.

SEC. 5. *Be it further enacted*, That this act shall be void, unless the inhabitants of the City of Boston, at a legal meeting called for that purpose, shall, by a written vote, determine to adopt the same within thirty days.

Act to be void, unless adopted in thirty days.

[Approved by the Governor, February 11th, 1823.]

CHAP. CVIII.

An Act to apportion and assess a Tax of Seventy Five Thousand Dollars, and to provide for the reimbursement of Twenty Thousand Four Hundred and Eighty Dollars, paid out of the treasury to the members of the House of Representatives, for their attendance the two last sessions of the General Court.

Annual Tax.

[Approved by the Governor, February 11th, 1823.]

CHAP. CIX.

An Act to incorporate certain persons by the name of the Boston and Concord 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 William Sullivan and Richard Sullivan, and their associates and successors, be, and they are hereby incorporated, and shall be a corporation, under the name of the Boston and Concord Boating Company; 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 for the purposes, and only purposes in this act provided for.

Persons incorporated.

Powers and privileges.

SEC. 2. *Be it further enacted,* That the said William Sullivan and Richard Sullivan, their associates and successors, shall, under this act, have power and authority to have, own and use boats, landing places, and all necessary equipments, for the purpose of transporting goods, wares and merchandize, and all other articles, from Boston and Charlestown to the upper end of the Middlesex Canal, and thence by the River Merrimack to the northerly line of this State, and from said northerly line to Boston, and all the intermediate places.

May use boats, landing places, &c.

First meeting.

Choice of officers

SEC. 3. *Be it further enacted*, That the said William and Richard may make application to any Justice of the Peace in the County of Suffolk, to call a meeting of proprietors, to be holden at some convenient place in the City of Boston; and such Justice is thereupon empowered to issue his warrant, directing the said William and Richard, or either of them, to warn said proprietors to meet at such time and place as the said Justice may direct, to agree on such mode of calling future meetings, as such proprietors may see fit; and to do and transact all such other business relating to said corporation, as said warrant may express. And the said proprietors, at such meeting, or at any future legal meeting, may choose a President, Clerk, and any other Officers of such corporation, which they may deem expedient and proper, for the ordering and regulating the business and affairs of said corporation; and every proprietor shall have a right to vote in a proprietary meeting, according to the number of shares by him held, either personally, or by representation.

May hold real & personal estate.

No. of Shares.

SEC. 4. *Be it further enacted*, That the said corporation be, and the same is hereby authorized and empowered to purchase, and to hold to them and their successors, so much personal estate, consisting of boats, tackle, apparel, engines, and implements, as may be necessary for the transportation aforesaid; and so much of real estate as may be necessary for landing places and store houses: *Provided*, the whole amount of property, real and personal, shall not exceed fifty thousand dollars, nor comprehend more than twenty acres of land, and not more than two of which shall lie in Boston; and all property held by said corporation may be divided into any number of shares, which said corporation may see fit, not less than one hundred, and not exceeding five hundred shares.

SEC. 5. *Be it further enacted*, That all the real estate held by said corporation within any town or city, shall be liable to taxation in such town or city, as other real estate is therein, or may be liable to be taxed; and that in any action which may be brought, or in any judgment which may be rendered against said corporation, the plaintiff, or adverse party, not

being able to find sufficient property of said corporation to attach on mesne process, or whereon to levy his execution, shall have the right of attaching on mesne process, and of levying his execution upon any of the property of any of the individuals, members of the said corporation, in the same manner as though the action had been brought, and the judgment rendered against them in their private and individual capacity.

Property of members may be attached.

SEC. 6. *Be it further enacted,* That this corporation shall exist and continue so long as the Middlesex Canal shall be kept open and in operation, and no longer.

Limitation of charter.

SEC. 7. *Be it further enacted,* That the proprietor who may be empowered to warn the proprietors aforesaid of the first meeting, herein before provided for, shall give notice thereof, by publishing such warrant as may be to him directed for such purposes, in one or more of the newspapers printed in Boston, together with notice in conformity thereto, and shall make return thereof, under his hand, to the first meeting, to be recorded in the book of the corporation; the said publication to be made ten days before the day appointed for such meeting.

First Meeting.

[Approved by the Governor, February 11th, 1823.]

CHAP. CX.

An Act further regulating Actions of Replevin and Trover.

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 of replevin and trover shall be taken and deemed to be actions, of which the cause doth survive, and shall and may be prosecuted or defended, to final judgment and execution, by and against the executor or administrator of any deceased person, in the same manner as the same

Actions may be defended to final judgment.

Powers of Executors.

might have been by their testators or intestates respectively, during their lives. And in case either of the parties shall die, during the pendency of any action of replevin or trover, the executor or administrator of such deceased party shall be permitted and allowed, on motion, to appear and prosecute, or defend such action, to final judgment and execution; or in default of such voluntary appearance, upon the suggestion of the death of such party, and due citation to such executor or administrator, it shall be his duty to appear and prosecute, or defend such action. And in case such executor or administrator shall fail to appear, upon the due service and return of such citation, the court before whom such action is pending shall have the same power to proceed therein, and render judgment, by non-suit or default, as in other civil actions.

Judgment of replevins.

SEC. 2. *Be it further enacted,* That in case judgment, in any action of replevin, shall be recovered by the executor or administrator of any Sheriff, Coroner, or other civil officer, for the return of any goods, chattels, or other property, which may have been taken or attached on *mesne process* or execution, or by the executor or administrator of any trustee, carrier, depository, or other person claiming a special property in such goods or chattels, to held for the use and benefit of another, such goods and chattels shall not be taken and deemed to be *assets* in the hands of such executor or administrator, but shall, together with all monies recovered as damages for the taking thereof, deducting the charges and expenses of such recovery, be held, appropriated, delivered over, and restored to any persons having a general property or beneficial interest therein, or for whose use and benefit the same are recovered and held, or otherwise disposed of, in the same manner as the same should have been done, had such judgment been rendered in the lifetime of such testator or intestate.

Assets of Executors.

SEC. 3. *Be it further enacted,* That whenever judgment for a return shall be rendered against the executor or administrator of any plaintiff, in any action of replevin, the goods, chattels, and other property, for the return of which judgment shall be so rendered.

shall no longer be taken and deemed to be *assets* in the hands of such executor or administrator: and in case such goods or chattels shall have been included in the inventory of the estate of such testator or intestate, it shall be a good discharge therefor to such executor or administrator, to shew such judgment for a return, and the actual return and restoration of such goods, at the appraised value thereof, in pursuance and satisfaction of such judgment.

Executors may be discharged by shewing judgment.

SEC. 4. *Be it further enacted*, That when any goods or chattels shall be taken or attached, which shall be claimed by a third person, and such person shall think proper to replevy the same, any other person or persons may cause the same to be further attached, as the property of the defendant in the first suit, by causing his or their writ or writs to be delivered to the officer by whom the same were so originally attached, and from whom the same are taken by such action of replevin, and requiring him to return an attachment thereof; or in case of the death or removal from office, of such officer, then, by any other civil officer qualified to serve and execute similar process, whose duty it shall be to give notice of such subsequent attachment, to such defendant in replevin, or the person or persons representing him. And such subsequent attachment or attachments shall be valid, effectual and binding upon the said goods, or the proceeds thereof, when returned to such defendant in replevin, or his representative, and be held to respond the judgment of the several attaching creditors, in the order of their priority, respectively, in the same manner as if the said goods or chattels had remained specifically in the custody of the officer originally attaching the same.

Attachment by a third person.

SEC. 5. *Be it further enacted*, That when any goods or chattels shall be taken or attached as aforesaid, which shall be claimed by a third person, who shall have replevied the same, and given security to prosecute his said action, such goods shall not be liable to be again attached as the property of the original defendant, in any other manner than that specified in the next preceding section of this act, pending such action of replevin, or before a return thereof, pursuant to judgment in such action, unless the said original de-

Claims of third attachers conditioned.

endant shall have acquired property therein, by a title originating after the commencement of such action of replevin.

[Approved by the Governor, February 11th, 1823.]

CHAP. CXI.

An Act to incorporate the Mercantile Marine 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 Benjamin Marston Watson, Charles C. Parsons, Samuel Fales, Thomas Welsh, Junior, and John Odin, all of Boston, with their associates, successors and assigns, be, and they hereby are incorporated into a company, and body politic, by the name of the Mercantile Marine Insurance Company; with all the powers and privileges granted to insurance companies, and subject to all the restrictions, duties and obligations, contained in a law of this Commonwealth, entitled "an act to define the powers, duties and restrictions of insurance companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled "an act authorizing the several insurance companies in this Commonwealth to insure against fire," passed on the twenty first day of February, in the year of our Lord one thousand eight hundred and twenty, 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 may 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: *Provided*, the said real estate shall not exceed the*

Persons incorporated.

General powers, & requirements.

Limitation of charter.

Proviso.

value of twenty thousand dollars, excepting such as may be taken for debt, or held as collateral security for monies due to said company.

SEC. 2. *Be it further enacted*, That the capital Capital Stock. stock of said company shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per centum of which shall be paid, in money, within sixty days after the first meeting of the said company, and the residue, to be paid, in money also, one half thereof in six months, and one half thereof in twelve months, after said first meeting, under such penalties as the President and Directors shall, in their discretion, direct and appoint: *Provided, however*, that the said company shall not Proviso. take any risk, or subscribe any policy, by virtue of this act, until one moiety of the capital stock of said company shall have actually been paid in.

SEC. 3. *Be it further enacted*, That the stock, property, affairs and concerns of said company, shall be managed and conducted by eleven Directors. 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 Annual Meeting. March, in each and every year, at such time of the day, and at such place in the City of Boston, as a majority of the Directors, for the time being, shall appoint; of which election, public notice shall be given in two Public Notice. newspapers, printed in the City 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 stockholder shall be allowed more than ten votes; and absent stockholders Votes. may vote by proxy, under such regulations as the said company shall prescribe. And if, through any unavoidable accident, the said Directors shall not be chosen on the second Monday of March, as aforesaid, it shall be lawful to choose them on any other day, in the manner herein prescribed.

SEC. 4. *Be it further enacted*, That the Directors,

Choice of President.

when chosen, shall meet so 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 of Directors.

By-Laws, &c.

Officers to be appointed.

SEC. 5. *Be it further enacted*, That the President and five of the Directors, or six 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 the 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 also shall have power to appoint a Secretary, and so many Clerks and Servants, for carrying on the said business, and with such salaries and allowances to them and to the President, as to the said Board shall seem meet: *Provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

First meeting.

SEC. 6. *Be it further enacted*, That any three or more of the persons named in this act of incorporation, are hereby authorized to call a meeting of the said company, as soon as may be, in Boston, by advertising the same for two successive weeks, in two of the newspapers printed in Boston, for the purpose of electing the first Board of Directors, who shall continue in office until the second Monday of March, in the year of our Lord then next ensuing.

SEC. 7. *Be it further enacted*, That the capital stock of said company shall not be sold or transferred; but shall be holden by the original subscribers thereto, for

and during the term of one year after this charter shall be put into operation as aforesaid ; and in case the same shall not be put into operation, according to the provisions thereof, within one year from the passing of this act, it shall be null and void. Conditions of Charter.

SEC. 8. *Be it further enacted,* That the said company shall never take on any one risk or loan, on respondentia or bottomry, on any one bottom at one time, including the sum insured, in any other way on the same bottom, a sum exceeding ten per centum on the capital stock of said company, actually paid in, agreeably to the provisions of this act. Limitation of risks.

SEC. 9. *Be it further enacted,* That the said insurance company shall be located and kept in the City of Boston. Location.

SEC. 10. *Be it further enacted,* That the said Mercantile Marine Insurance Company shall be liable to be taxed by any general law providing for the taxation of all similar corporations. May be taxed

[Approved by the Governor, February 11th, 1823.]

CHAP. CXII.

An Act incorporating the Worcester Mutual Fire 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 Aaron Tufts, Nathaniel Jones, Salem Town, Junior, John Shepley, Jonas Sibley, Rufus Ballock, James Humphreys, Benjamin Adams, Stephen P. Gardner, Jacob Fisher, Levi Lincoln, Bezaleel Taft, Junior, Abraham Lincoln, Calvin Ammidown, Charles Parkman, Gideon Delano, Dexter Fay, John Hobart, and their associates, being owners of buildings, shall be a corporation, under the name of the Worcester Mutual Fire Insurance Company ; and enjoy all privileges and powers, incident to Persons incorporated. Powers and privileges.

Limitation of
charter.

such corporations, for twenty eight years, from and after the passing of this act.

Officers to be
chosen.

SEC. 2. *Be it further enacted*, That, for the well ordering and governing the affairs of the said corporation, they shall have power to choose a President, Treasurer and Directors, to manage the concerns of the said corporation, and such other officers as they may deem necessary: *Provided, nevertheless*, that no policy of insurance shall be made by said corporation, until the sum subscribed by the associates to be insured, shall amount to two hundred thousand dollars; and at all meetings of said corporation, every matter shall be decided by a majority of votes, each member having as many votes as he has policies, with the right of voting by proxy.

Votes.

SEC. 3. *Be it further enacted*, That the said corporation may, as soon as the said two hundred thousand dollars shall be subscribed to be insured, and they are hereby authorized to insure for the term of from one to seven years, any mansion house, or other building within the County of Worcester, against damage arising to the same by fire, originating in any cause except that of design in the insured, and to any amount, not exceeding three fourths of the value of any building: and in case any member shall sustain damage by fire over and above the then existing funds of the said corporation, the Directors may assess such further sum or sums upon each member, as may be in proportion to the sum by him insured, and the rate of hazard originally agreed upon: *Provided, nevertheless*, that no member, during the term of seven years, shall be held to pay, by way of assessment, more than two dollars for each dollar by him advanced as premium and deposit.

Limitation of
risks.

Proviso.

SEC. 4. *Be it further enacted*, That the monies advanced by each person insured shall, within sixty days after such advancement, be vested in the stock of some incorporate bank, stocks of the United States, or notes and bonds secured by mortgages, at the discretion of the President and Directors; and the proceeds of the same shall be appropriated and applied to pay the damages or loss that any member may sustain by fire, and to defray the expenses of the corporation; and each

Investment of
monies.

of the insured shall, at the expiration of his policy or policies, have a right to demand and receive from the corporation, his share of the remaining funds, in proportion to the sum or sums, by him actually paid.

SEC. 5. *Be it further enacted,* That when any member of the said corporation so insured, shall sustain any loss for which the same corporation shall be held to indemnify him, and he shall recover judgment therefor, against it, he shall have a right to levy his execution issued on such judgment, on any of the funds of the said corporation; and when he shall not find sufficient funds of the said corporation to satisfy the same, and all costs thereon, and the said Directors shall neglect, or refuse, for the space of thirty days from rendering such judgment, to make an assessment agreeably to the principles herein expressed, and deliver the same to the Treasurer of said corporation, and direct him to collect the same, in such manner as the said corporation may point out, to satisfy such execution as far as the said funds and assessments may extend, then, and in that case, it shall be lawful for such judgment creditor to levy or extend his said execution on the private property of any of the said Directors, to the amount of the damage and costs he shall be entitled to recover and receive, on such execution; and any Director, whose estate, real or personal, shall be so taken, may recover compensation therefor, by an action of the case against the said corporation.

Property of Directors may be attached.

SEC. 6. *Be it further enacted,* That whenever any person shall sustain any loss of property by fire so insured, he shall, within sixty days next after, give notice of the same, to such of the Directors as shall be agreed upon by the said corporation for that purpose, whose duty it shall be immediately to view where the fire happened, and to inquire into the circumstances attending the same, and determine, in writing, under their hands, the amount (if any) of the said corporation's liability for such loss; and if the sufferer shall not acquiesce in their determination, he or she, within thirty days next after such determination be made known by said Directors, may bring an action at law against said corporation, for such loss, before any court of competent jurisdiction, within the said County of

Actions may be brought against the corporation, for loss by fire.

Worcester. And in case the sufferer shall not by verdict of a jury recover more than the damage determined on by the Directors as aforesaid, the plaintiff in such action shall have judgment upon the verdict, but the corporation shall recover their costs, and execution shall issue for the balance in favor of the party entitled to recover it.

SEC. 7. *Be it further enacted,* That so soon as the amount of the corporation's liability shall be ascertained in either of the ways mentioned in this act, (and the funds on hand not being sufficient,) the said Directors shall make an assessment upon the members of the said corporation, agreeably to the principles of this act, and deliver the same to the Treasurer of the said corporation to collect. And the said corporation shall have power to make such by-laws, rules, and regulations for the due management of the concerns thereof, as may be thought proper, not repugnant to the constitution and laws of this Commonwealth.

SEC. 8. *Be it further enacted,* That any two of the persons herein named, are hereby authorized to call a meeting of the members of said corporation, at such time and place, as they shall think fit, by advertising the same in the newspapers printed at Worcester, fourteen days at least, previous to said meeting.

SEC. 9. *Be it further enacted,* That the said Worcester Mutual Insurance Company shall be liable to be taxed by any general law providing for the taxation of all similar corporations.

[Approved by the Governor, February 11th, 1823.]

CHAP. CXIII.

An Act to incorporate the Springfield Fire 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 Jonathan Dwight,

Justin Ely, George Bliss, Daniel Bontecou, Oliver B. Persons incor-
 Morris, John Hooker, Moses Bliss, Jonathan Dwight, porated.
 Junior, and Edmund Dwight, their associates, succes-
 sors and assigns, be, and they hereby are incorporated
 into a company and body politic, by the name of the
 Springfield Fire Insurance Company, for and during
 the term of twenty years after the passing of this act;
 and by that name may sue and be sued, plead and be
 impleaded, appear, prosecute and defend to final judg- Powers and pri-
 ment and execution; and have a common seal, which ileges.
 they may alter at pleasure; and may purchase, hold
 and convey any estate, real or personal, for the use of May hold real &
 said company: *Provided*, they shall not hold real es- personal estate.
 tate exceeding the value of ten thousand dollars, ex- Proviso.
 cepting such as may be taken for debt, or held as col-
 lateral security for debts due to said company.

SEC. 2. *Be it further enacted*, That the capital
 stock of said company shall be one hundred thousand Capital Stock.
 dollars, divided into shares of one hundred dollars
 each, fifty per centum of which shall be paid, in
 money, within ninety days from the first meeting of
 said company, and the residue in one year from and
 after the first meeting of said company.

SEC. 3. *Be it further enacted*, That the stock, pro-
 perty, affairs and concerns of said company, shall be
 managed and conducted by seven Directors. 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 shall, at the time of their election, be
 stockholders of said company, and citizens of this
 Commonwealth, and shall be elected annually on the
 first Monday of May, at such time of the day, and at Annual election.
 such place within the Town of Springfield, as a ma-
 jority of the Directors for the time being shall appoint;
 of which election public notice shall be given, in any
 newspaper printed in said town, 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*, no stock-
 holder shall be allowed more than ten votes; and the Votes.
 stockholders not present may vote by proxy, under
 such regulations as the company shall prescribe; and

if, through any accident, the Directors should not be chosen as aforesaid, it shall be lawful to choose them in manner aforesaid, on any other day.

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 number, one person to be President, who shall be sworn faithfully to discharge the duties of his office, during the period for which he is elected; 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, to be notified and held as is herein before directed, in the case of annual elections.

SEC. 5. *Be it further enacted,* That the President and three of the Directors, or four of the Directors in the absence of the President, shall be a Board competent for the transaction of business; and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, in respect to the management and disposition of the stock and property of said company, and the transfer of shares therein, and the powers, duties and conduct of the several Officers, Clerks and Servants employed in the service of the company, and the election of Directors, and the making of policies, and all such matters as appertain to the business of insurance: *Provided,* such by-laws, rules and regulations be not repugnant to the laws or constitution of the United States or this Commonwealth. And they shall also have power to appoint a Treasurer, Secretary, and so many Clerks and Servants as shall be needful, with such compensation to them, severally, and to the President, as to them shall seem fit; and they shall also have power and authority, in behalf of said company, to make insurance on any property or buildings against damage to the same by fire, originating in any cause, except design in the assured, for such time, and on such conditions, as the parties may agree to: *Provided,* that the said company shall not insure, on any one risk, more than ten per centum on the amount of the capital stock paid in; and all poli-

Choice of President.

By-Laws, &c.

Proviso.

Officers to be appointed.

cies of insurance by them made, shall be subscribed by the President, or two of the Directors, and countersigned by the Secretary, and shall be binding and obligatory upon the said company, and have the like effect and force as if under the seal of said company; and all losses duly arising under policies so subscribed, may be adjusted and settled by the President and Board of Directors, or such Agent as they shall authorize; and such adjustment shall be binding on said company.

SEC. 6. *Be it further enacted*, That the said company shall not directly or indirectly deal or trade in buying or selling any goods, wares, merchandize, or commodities, whatever. Shall not trade in goods, &c.

SEC. 7. *Be it further enacted*, That once in 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; and the said company shall, when and as often as required by the Legislature of this Commonwealth, lay before the Legislature a statement of the affairs of said company, and submit to an examination concerning the same, under oath. Statement of affairs to be laid before the Legislature, when required.

SEC. 8. *Be it further enacted*, That in case any loss or losses taking place, which shall be equal to the amount of the capital stock of the said company, and the President or Directors, after knowing of such loss or losses taking place, shall subscribe to any policy of assurance, their estate, jointly and severally, shall be accountable for the amount of any and every loss which shall take place under policies thus subscribed; and the said President and Directors shall cause to be printed or written on every policy they shall make, the amount of the capital stock, and the largest sum they take on a risk. Directors properly accountable for losses, in certain cases.

SEC. 9. *Be it further enacted*, That it shall be the duty of the Directors, on the first Monday of May and October, in every year, to make dividends of so much of the interest arising from the capital stock, and of the profits of the said company, as to them shall appear advisable; but the monies received, and notes taken for Dividends.

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 company; and in case of any loss whereby the capital stock shall be lessened, no subsequent dividend shall be made, until a sum equal to such diminution shall have been added to the capital.

SEC. 10. *Be it further enacted*, That any three of the persons named in the first section of this act, are hereby authorized to call a meeting of the said company in Springfield, by advertising the same, for the purpose of electing the first Board of Directors, who shall hold their offices until another Board shall be chosen.

SEC. 11. *Be it further enacted*, That no transfer of stock in the incorporation shall take place within one year from the passing of this act; and that if the provisions of this act shall not be complied with in one year from the first meeting, then the same shall be void.

SEC. 12. *Be it further enacted*, That the said company shall be liable to be taxed by any general law providing for the taxation of all similar corporations.

[Approved by the Governor, February 11th, 1823.]

CHAP. CXIV

An Act to incorporate the Boston 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 Lemuel Pope, Junior, William H. Boardman, James Perkins, John Bellows, and James Freeman, with their associates, successors, and assigns, be, and they hereby are incorporated into a company and body politic, by the name of the Boston Insurance Company; with all the powers and privileges granted to insurance companies, and subject to all

the restrictions, duties and obligations, contained in a law of this Commonwealth, entitled "an act to define the powers, duties and restrictions of insurance companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled "an act authorizing the several insurance companies in this Commonwealth to insure against fire," passed on the twenty first day of February, in the year of our Lord one thousand eight hundred and twenty, 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 may 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: *Provided*, the said real estate shall not exceed the value of twenty thousand dollars, excepting such as may be taken for debt, or held as collateral security for monies due to said company.

Powers and privileges.

May hold real & personal estate.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per centum of which shall be paid, in money, within sixty days, after the first meeting of the said company, and the residue to be paid, in money also, one half thereof in six months, and one half thereof in twelve months, after said first meeting, under such penalties as the President and Directors shall, in their discretion, direct and appoint: *Provided, however*, that the said company shall not take any risk, or subscribe any policy, by virtue of this act, until one moiety of the capital stock of said company shall have actually been paid in.

Capital Stock.

SEC. 3. *Be it further enacted*, That the stock, property, affairs and concerns of said company, shall be managed and conducted by nine 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 March, in each and every year, at such time of the day.

Board of Directors.

Annual election of officers.

and in such place in the City of Boston, as a majority of the Directors, for the time being, shall appoint; of which election, public notice shall be given in two newspapers printed in the City 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 stockholder shall be allowed more than ten votes; and absent stockholders may vote by proxy, under such regulations as the said company shall prescribe. And if, through any unavoidable accident, the said Directors shall not be chosen on the second Monday in March, as aforesaid, it shall be lawful to choose them on any other day, in the manner herein prescribed.

Votes.

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 of Directors.

Choice of President.

SEC. 5. *Be it further enacted*, That the President and four of the Directors, or five of them in his absence, 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 the 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 also shall have power to appoint a Secretary, and so many Clerks and Servants, for carrying on the said

.

By-Laws, &c.

Officers to be appointed.

business, and with such salaries and allowances to them and to the President, as to the said Board shall seem meet: *Provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth. Proviso.

SEC. 6. *Be it further enacted*, That any three or more persons named in this act of incorporation, are hereby authorized to call a meeting of the said company as soon as may be, in Boston, by advertising the same, for two successive weeks, in two newspapers printed in Boston, for the purpose of electing the first Board of Directors, who shall continue in office until the second Monday of March, in the year of our Lord then next ensuing. First Meeting.

SEC. 7. *Be it further enacted*, That the capital stock of said company shall not be sold or transferred, but shall be holden by the original subscribers thereto, from and during the period of one year after the charter shall be put into operation as aforesaid; and in case the same shall not be put into operation, according to the provisions thereof, within one year from the passing of this act, it shall be null and void. Conditions of Charter.

SEC. 8. *Be it further enacted*, That the said company shall never take on any one risk or loan, on respondentia or bottomry, on any one bottom at one time, including the sum insured, in any other way on the same bottom, a sum exceeding ten per centum on the capital stock of said company, actually paid in, agreeably to the provisions of this act. Limitation of risks.

SEC. 9. *Be it further enacted*, That the said insurance company shall be located and kept in the City of Boston. Location.

SEC. 10. *Be it further enacted*, That the said Boston Insurance Company shall be liable to be taxed by any general law providing for the taxation of all similar corporations. May be taxed.

[Approved by the Governor, February 11th, 1823.]

Commonwealth of Massachusetts.

Secretary's Office, April 12th, 1823.

I HEREBY CERTIFY, That I have compared the Laws printed in this pamphlet, passed by the Legislature, at their Session in January and February last, and that they appear to be correct.

A. BRADFORD, *Secretary of the Commonwealth.*

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LAWS

OF THE

Commonwealth of Massachusetts,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION, WHICH COMMENCED ON WEDNESDAY, THE TWENTY-EIGHTH
OF MAY, AND ENDED ON SATURDAY, THE FOURTEENTH OF JUNE, ONE
THOUSAND EIGHT HUNDRED AND TWENTY-THREE.

Published agreeably to a Resolve of 16th January, 1812.



BOSTON :

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.....
1823.

LAWS

OF THE

COMMONWEALTH OF MASSACHUSETTS,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION, WHICH COMMENCED ON WEDNESDAY, THE TWENTY-EIGHTH OF MAY, AND ENDED ON SATURDAY, THE FOURTEENTH OF JUNE, ONE THOUSAND EIGHT HUNDRED AND TWENTY THREE.

CHAP. I.

An Act to incorporate the Bunker Hill Monument 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 Joseph Story, Jesse Putnam, Daniel Webster, Edward Everett, Samuel D. Harris, Samuel Swett, Theodore Lyman, Junior, Stephen Gorham, Junior, Thomas H. Perkins, W. Tudor, Henry A. S. Dearborn, Benjamin Gorham, Franklin Dexter, William Sullivan, George Ticknor, Charles R. Codman, Warren Dutton, Isaac P. Davis, Thomas Harris, Seth Knowles, Benjamin Welles, John C. Warren, George Blake, and Francis C. Gray, their associates and successors, be, and they are hereby made a body politic and corporate, by the name of The Bunker Hill Monument Association; with all the powers, and subject to all the duties of aggregate corporations, and for the purposes herein after named.

Persons incorporated.

SEC. 2. *Be it further enacted*, That said Corporation shall have power to take and hold by gift, grant or devise, such real and personal estate and property, as may be necessary or convenient to promote the object of the incorporation, the construction of a monument in Charlestown, to perpetuate the memory of the early events of the American Revolution

SEC. 3. *Be it further enacted*, That the said Henry A. S. Dearborn, William Tudor, and Theodore Lyman, Junior. or any two of them may call the first meeting of said corporation, by giving three days previous notice thereof in two public newspapers, printed in Boston; at which, or at any subsequent meeting, the said corporation may choose such officers, agents and trustees as they may think proper, and establish such by-laws and regulations for their own government and the management of their concerns, not repugnant to the laws and constitution of this Commonwealth, as they may deem necessary; and the same may modify and annul at pleasure.

Notice of Meetings.

SEC. 4. *Be it further enacted*, That said corporation may, at any time, after said monument shall be completed, assign and transfer the same, with the land on which it stands, and the appurtenances, to the Commonwealth, and that the Commonwealth will accept the same: *Provided*, that the Commonwealth shall not thereby become liable for debts contracted by said corporation.

To be transferred to the State.

[Approved by the Governor, June 7th, 1823.]

CHAP. II.

An Act concerning Surveyors of Highways 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 City Council of the City of Boston shall have the power and authority of

electing, if they see fit. the Mayor and Aldermen of said City, surveyors of Highways for said City, any thing in the act establishing the City of Boston to the contrary notwithstanding.

[Approved by the Governor, June 10th, 1823.]

CHAP. III.

An Act to incorporate the Canal Manufacturing Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Patrick T. Jackson, and David Moody, their successors and assigns, be, and they are hereby incorporated, by the name of the Canal Manufacturing company, for the purpose of making Machinery, and manufacturing Cotton, Iron and Wool, in the town of Chelmsford, with all the powers and privileges, and subject to all the duties and requirements prescribed in an act, entitled, "An act defining the General powers and duties of manufacturing corporations," passed the third day of March in the year of our Lord, one thousand eight hundred and nine, and the several acts in addition thereto; and said Corporation may take and hold real and personal estate to the amount of six hundred thousand dollars, their real estate not to exceed fifty thousand dollars, exclusive of the improvements to be made thereon. Capital and estate.

[Approved by the Governor, June 10th, 1823.]

CHAP. IV.

An Act to authorize the Trustees of the Baptist Education Fund to divide 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 trustees of the Baptist Education Fund be, and they hereby are authorized to pay over and deliver, one moiety of all the property in their hands belonging to said fund to the Education Society of the Warren Baptist Association, and the other moiety thereof to the Massachusetts Baptist Education Society: *Provided however,* that the whole of said property shall always be appropriated to the objects for which it was originally designed.

[Approved by the Governor, June 10th, 1823.]

CHAP. V.

An Act in addition to an Act, entitled, "An act to incorporate the Proprietors of the Charlestown Bleachery."

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 said Corporation be, and the same hereby is further authorized and empowered to manufacture and print Cotton and other goods, continuing subject however to all the duties and requirements prescribed in the original act of incorporation.

SEC. 2. *Be it further enacted,* That the said Corporation shall be authorized to increase their capital, in a

sum not exceeding in amount the sum of thirty thousand dollars.

[Approved by the Governor, June 10th, 1823.]

CHAP. VI.

An Act to incorporate the Leicester 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 James Anderton, Richard C. Cabot, Edmund Baylies, and Phillips Payson, with their associates, successors and assigns, be, and they hereby are incorporated, by the name of the Leicester Manufacturing Company, for the purpose of manufacturing woollen cloths in the town of Leicester; and shall have all the powers and privileges and be subject to all the duties and requirements prescribed and contained in an act passed in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the General powers and duties of Manufacturing Corporations," and also the several acts supplementary thereto. Persons incorporated.

SEC. 2. *Be it further enacted,* That the said Leicester Manufacturing Company, in their corporate capacity, may hold and possess such real and personal estate as may be necessary or convenient for carrying on the manufactures aforesaid; provided the value of the same shall not exceed the sum of one hundred and fifty thousand dollars. Capital.

[Approved by the Governor, June 12th, 1823.]

CHAP. VII.

An Act in addition to an Act, entitled “An Act to incorporate the Linen and Duck 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 Joseph R. Newhall,* be authorized to call a meeting of the Stockholders and Proprietors of the Linen and Duck Manufacturing Company at such time and place within the town of Boston as he may think proper, by giving personal notice to said stockholders and proprietors four days before said meeting.

Meeting how called.

SEC. 2. *Be it further enacted, That at such meeting, said proprietors and stockholders may proceed to reorganize their Corporation, to choose officers, make by-laws, and do all acts and things, that grantees of a charter of incorporation, may usually, by law, do at their first meeting, and not repugnant to the laws and constitution of the Commonwealth. And all acts, matters and things done at said meeting, and afterwards, upon the recognition, shall be legal and binding to all intents and purposes, in the same manner, that they would have been if said Corporation had been originally, and ever afterwards had kept legally organized, and in operation.*

Organized.

[Approved by the Governor, June 12th, 1823.]

CHAP. VIII.

An Act in addition to an Act, entitled "An Act to incorporate the President, Directors and Company of the Exchange 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 the President, Directors and Company of the Exchange Bank be, and hereby are authorized and empowered to increase their present Capital stock, by an addition of one hundred thousand dollars thereto, which shall be paid in such instalments and at such times, as the President and Directors of said Bank may direct and determine: *Provided, however,* that the whole amount shall be paid in on or before the twentieth day of February next. Increase of
Capital Stock.

SEC. 2. *Be it further enacted,* That the additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions as the present capital stock of said Corporation is now holden, by virtue of the act to which this is in addition. Conditions.

[Approved by the Governor, June 12th, 1823.]

CHAP. IX.

An Act to incorporate the Trustees of the Ministerial Fund of the first Congregational Society in Wendell.

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 Green, Clark Stone, Samuel Brewer, Josiah Richardson, John An- Persons incor-
porated.

draws, Lewis Stone, and Daniel Rogers, all inhabitants of Wendell, be and they hereby are constituted and made a body politic and corporate, by the name of "The Trustees of the Ministerial Fund of the First Congregational Society in Wendell," and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, may have a common seal, and shall possess and enjoy such other powers and privileges as are incident to corporations of a like nature.

Powers of the Trustees.

SEC. 2. *Be it further enacted,* That the said Trustees shall have power to take and receive into their hands and possession, all money, notes, bonds, or other securities now constituting the fund of said Congregational Society, and may receive and hold such further subscriptions, donations, grants, bequests and devices as may hereafter be made to increase said fund, and the same to manage and put on interest, and to apply the income and interest thereof, annually, for the support of the minister of said Society forever: *Provided, however,* the annual income of said fund shall not exceed one thousand dollars; and if at any time the income of said fund shall exceed the amount of the annual salary of the Minister, the surplus may be applied to the increasing the said fund, or appropriated under a vote of the society to the promotion and encouragement of sacred music, or other parochial expenses. *And provided also,* that no appropriation of any gift, grant, or donation shall ever be made contrary to the express intention and direction of the donor.

Proviso.

Number of Trustees.

SEC. 3. *Be it further enacted,* That the number of Trustees shall never be more than seven, nor less than five; and in all cases the attendance of a majority of the board of Trustees shall be requisite for the transaction of business; and they shall have power to fill all vacancies that may happen by death, resignation, removal or otherwise from the Inhabitants of said society: *Provided, however,* that the said Congregational Society, at any legal meeting thereof may remove any member of said Board of Trustees, who, through age, infirmity, misconduct or other cause, shall become unfit or incapable of discharging his duty.

SEC. 4. *Be it further enacted,* That the said Trustees may appoint all such officers as may be necessary for the management of their affairs, and may make, Appointment of Officers. adopt and execute all reasonable by-laws and regulations that may be necessary and proper for the government of the said Corporation, and not repugnant to the Constitution and laws of this Commonwealth; and they shall never receive any compensation for their services in managing the affairs of said Corporation, other than what shall be allowed by the society at their annual meeting.

SEC. 5 *Be it further enacted,* That the records and proceedings of the said Trustees, shall at all times be open to the inspection of any Committee that may be appointed for that purpose, on behalf of the said society; and the said Trustees shall, whenever called upon by a vote of said society, make a report of the state of the fund: And if the said Trustees or either of them, shall suffer the said fund to be impaired or diminished, through their personal misconduct or misapplication, they shall be severally liable and responsible to the said society to make good such loss, out of their private estate. Records and Proceedings.

SEC. 6. *Be it further enacted,* That the Hon. Joshua Green be, and he hereby is authorized to call the first meeting of said Trustees.

[Approved by the Governor, June 12th, 1823.]

CHAP. X.

An Act to incorporate the Trustees of the Ministerial Fund of the Baptist Religious Society in Haverhill.

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 How, James H.

Persons incor-
porated.

Duncan, Leonard White, Jonathan K. Smith, Charles White, be, and they are hereby constituted a body politic and corporate, by the name of the Trustees of the Ministerial fund of the Baptist Religious Society in Haverhill; and they and their successors shall be and continue a body politic and corporate by that name forever; and may have a common seal, and 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; and their deed, sealed with their common seal, subscribed by a majority of said Trustees and duly acknowledged, shall be valid in law.

Number, power
and duties of the
Trustees.

SEC. 2 *Be it further enacted,* That the number of said Trustees shall never be more than seven nor less than five, a majority of whom shall be a quorum for transacting business, and they shall have power to remove any one of their number, who from age, infirmity or misconduct shall become disqualified to discharge the duties of a Trustee; and any Trustee shall be deemed to have vacated his office who shall cease to be a member of said society; and the vacancy so made and all vacancies which may happen by death, resignation or otherwise shall be filled by the members of the Baptist Religious Society in Haverhill, at a legal meeting duly warned for that purpose, by ballot from the members of said Society; and any donor to said fund to an amount not less than one thousand dollars shall have the right of appointing one Trustee, by certifying such appointment to said society at their annual meeting, which Trustee shall succeed to the first vacancy in the Board.

SEC. 3. *Be it further enacted,* That the said Trustees shall meet annually in March or April, and at such other times as may be necessary to transact their business; and at all meetings the Senior member present shall preside; and they shall, at their annual meeting, elect from their number a clerk, who shall be sworn to the faithful performance of his duties, and a Treasurer, who shall give bond with sufficient sureties to the acceptance of the Trustees faithfully to do and perform all the duties of his office.

SEC. 4. *Be it further enacted,* That the said Trustees and their successors be and they are hereby empowered to take, receive and hold all lands, goods or monies or the interest or income of them, which have been or may hereafter be given, contributed, devised or bequeathed to them or to the said Baptist Religious Society in Haverhill, for the support of the Gospel ministry in said Society, or for any other laudable or pious uses connected with said Society: *Provided,* that the annual income of their funds shall never exceed the sum of fifteen hundred dollars; and said Trustees and their successors or the major part of them shall have power to sell and convey all such real estate as they may become seized of, when duly authorized by said Society, at a legal meeting warned for that purpose; and all sums of money which said Trustees shall receive, pursuant to this act, shall be loaned upon interest and secured by mortgage of land to twice the amount of the sum loaned, or by sufficient sureties with the principal, or invested in public funded securities or Bank Stock, as they may judge expedient.

SEC. 5. *Be it further enacted,* That the interest or income of said fund, shall be appropriated and applied to the support of a settled ordained Gospel Minister in said Society of the particular Baptist sentiments, and shall be annually paid over to the society's treasurer for that purpose: *Provided, however,* that no part of the annual interest shall be expended, but shall be added to the principal, until the fund amounts to the sum of two thousand dollars; and not more than two thirds of the annual interest shall be expended until the fund amounts to the sum of three thousand dollars; and whenever said society shall be destitute of a settled Minister, no part of the interest of said fund shall be expended, but shall be added to the principal; and whatever is once added to the principal, shall be considered as principal; and provided that in all cases in which the donors, or testators shall limit and appoint the uses and appropriation of the money or other property, or the interest or income thereof, by them respectively given or bequeathed, it shall be the duty of said Trustees to use and appropriate the same agreeably to

the intention and appointment of said donors or testators ; and it shall never be in the power of said Trustees, or of said society to alter or change the appropriation of said fund, or alienate the same, or expend any portion of the principal thereof.

Duties of Trustees.

SEC. 6. *Be it further enacted*, That it shall be the duty of said Trustees to manage the said fund with care and vigilance, so as best to promote the design thereof and to report annually to said Society at their annual meeting, or to a select committee, if the Society choose one for that purpose, the state of the fund, what property they hold, and how the same is vested or secured, and the receipts and expenditures of the preceding year. Their Clerk shall record all votes and doings of the Trustees in relation to the fund, and certify the same, and shall notify meetings of said Trustees when required by any two of them. The Treasurer shall record and keep an accurate statement of the funds and estate in his hands and the nature and amount of every donation or bequest, the time when made, the design thereof, and the donors' or testators' name and place of abode at large, with such other circumstances as said Trustees may think proper ; and shall pay over promptly to the society's treasurer, the interest or income appropriated to the support of a minister when duly required ; and the said Trustees shall be severally and individually liable to said society in a special action on the case, for any violation of the provisions of this act, or for any negligence or misconduct in their respective offices, and the damages recovered shall be for the benefit of said fund.

Compensation.

SEC. 7. *Be it further enacted*, That the said Trustees shall receive no compensation for their services, excepting such as may be voted them by said society at a legal meeting ; and David How, Esquire is hereby authorized to fix the time and place of holding the first meeting and to notify the Trustees of the same.

[Approved by the Governor, June 12th, 1823.]

CHAP. XI.

An Act to incorporate the Elliot 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 Frederick Cabot, ^{Persons Incorporated.} Samuel Cabot and James Perkins, their associates, successors and assigns, be, and they hereby are made a Corporation, by the name of The Elliot Manufacturing Company, for the purpose of manufacturing cotton goods at Newton in the County of Middlesex; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed 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," and the several acts in addition thereto.

SEC. 2. *Be it further enacted,* That said Corporation may be lawfully seized and possessed of such real estate, not exceeding thirty thousand dollars in value, ^{Amount of Capital.} exclusive of buildings and improvements that may be made thereon by the said corporation, and of such personal estate, not exceeding three hundred thousand dollars in value, as may be necessary and convenient for carrying on the manufacture aforesaid.

[Approved by the Governor, June 12th, 1823.]

CHAP. XII.

An Act to cede to the United States the jurisdiction of a site for a Light house on Monamoy Point.

Cession.

Proviso.

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 four acres, which shall be found necessary for the Light house, authorized by Congress to be built on Monamoy Point in the County of Barnstable; 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 any building which may be erected thereon, in the same way and manner as though this consent had not been granted as aforesaid.

[Approved by the Governor, June 12th, 1823.]

CHAP. XIII.

An Act in addition to an Act, entitled "an Act to provide for the discharge of officers of the Militia."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same. That whenever any corps has been or shall be disbanded by law, the commissioned officers belonging to the same shall be exempt from further duty in the Militia, in the same manner as if they, respectively, had served in the Militia for five years.

[Approved by the Governor, June 12th, 1823.]

CHAP. XIV.

An Act in addition to the Act, entitled, “An act to incorporate the Union Marine Insurance Company,” and 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 act entitled “An act to incorporate Jonathan Mason and others, into a Company by the name of the Union Marine Insurance Company,” passed on the twenty-ninth day of February in the year of our Lord one thousand eight hundred and four, and an act in addition thereto, passed on the fourth day of February one thousand eight hundred and five, also an act in further addition thereto, passed on the fourth day of December, one thousand eight hundred and sixteen, shall be and remain in force for the term of twenty years, from and after the twenty-ninth day of February, in the year of our Lord one thousand eight hundred and twenty-four, with all the powers and privileges granted by an act entitled “An act to define the powers, duties, and restrictions of Insurance Companies” passed the sixteenth day of February in the year of our Lord, one thousand eight hundred and eighteen: *Provided, however,* that said Corporation shall be subject to all the duties and requirements prescribed and contained in the said act, entitled “An act to define the powers, duties and restrictions of Insurance Companies,” and that the said Union Marine Insurance Company shall be liable to be taxed by any general law providing for the taxation of all similar Corporations.

Powers of the act of incorporation, &c. extended for 20 years.

Proviso.

[Approved by the Governor, June 12th, 1823.]

CHAP. XV.

An Act, in addition to an Act, entitled “An Act to incorporate the proprietors of Museum Hall 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 from and after the passing of this act, the name of the Proprietors of the Museum Hall shall be changed, and the said Corporation shall assume, and ever after bear the name of the Fifty Associates.

Name changed.

Power to increase shares.

SEC. 2. *Be it further enacted*, That the said Corporation may at any time when they deem it expedient, increase their present number of shares by a number not exceeding four hundred, and that said four hundred shares shall be held as the common property of the Corporation, until they shall be either divided among the said fifty associates, *pro rata*, according to the number of shares which said associates may at the time possess, or sold, or otherwise disposed of, in such manner as said associates may hereafter determine.

May hold real estate.

Proviso.

SEC. 3. *Be it further enacted*, That the said Corporation is hereby declared and made capable to have, hold and possess real, leasehold, or other estate, without and beyond their present described limits, with full power to build, improve, alter, pull down and rebuild, and to manage, exchange and dispose of the same, according to the general powers heretofore granted to said Corporation: *Provided, always*, that the provisions hereafter enacted for the purchase of said real estate, shall never be exceeded.

Assessments may be made.

Proviso.

SEC. 4. *Be it further enacted*, That when a purchase of real estate is to be made, such an assessment as may be deemed necessary for said purchase, may be laid on the above mentioned shares: *Provided always*, that the amount of all the assessments taken together, on said shares, shall never exceed the sum of two hundred dollars on each share.

[Approved by the Governor, June 12th, 1823.]

CHAP. XVI.

An Act to incorporate certain persons by the name of the Proprietors of Brookline Classical 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 John Pierce, Richard Sullivan, Elisha Penniman, Henry Coleman, Henry A. S. Dearborn, Henry Oxnard, Charles Tappan, Lewis Tappan, John Tappan, William R. Lee, John Robinson. Oliver Whyte, Elijah Corey, Timothy Corey, Thomas Griggs, Samuel Craft, David S. Greenough, Junior, Joseph Sewall, Ebenezer Crafts, James Leeds, Ebenezer Francis, Ebenezer Heath, Augustus Aspinwall, and Charles Wild and their associates and successors be, and they hereby are made a body politic and corporate, by the name of the Proprietors of Brookline Classical School; and by that name may sue and be sued in all actions, real, personal or mixed, and prosecute and defend the same to final judgment and execution, and by that name shall be and continue a body politic forever.

Persons Incorporated.

SEC. 2. *Be it further enacted,* That said Corporation shall have full power to elect from time to time such officers as it may determine to be necessary and convenient for the management of its concerns, to ascertain their duties and fix the tenure of their offices: and to ordain and establish rules, orders and by-laws, not repugnant to the laws of this Commonwealth, for the regulation and government of said School.

Election of officers.

SEC. 3. *Be it further enacted,* That said Corporation may be lawfully seized and possessed of real estate the annual income of which shall not exceed two thousand dollars, and of personal estate the annual income of which shall not exceed five thousand dollars.

Amount of estate to be holden.

SEC. 4. *Be it further enacted,* That the property of said Corporation shall be divided into such number of shares as the Corporation shall at its first or any subsequent meeting determine; that the shares shall be num-

bered in progressive order, and every proprietor shall have a certificate under the seal of the Corporation, signed by the President and countersigned by the Secretary, certifying his property in such share; and any share may be alienated by the Proprietor by deed under his hand and seal acknowledged before a Justice of the Peace and recorded by the Clerk in a book to be kept for that purpose: each share shall entitle the proprietor thereof to one vote at the corporation meetings.

Assessment on shares.

SEC. 5. *Be it further enacted,* That the said Corporation may from time to time at any legal meeting assess upon each share such sum or sums of money as shall be judged by the said Corporation necessary for the building a school house, keeping the same in repair and making such additions thereto and improvements as the said Corporation may from time to time deem expedient. And if the sum assessed on any share shall be in arrear and unpaid for ten days after the same shall be due, the Treasurer shall have full power and authority to sell such share at public auction to the highest bidder, the time and place of such sale being made public at least five days before such sale, in such manner as the Corporation shall have before directed, by some uniform rule or by-law made for that purpose: And the Treasurer shall deduct from the purchase money so much of the said assessment as shall be in arrear, and the reasonable charges of sale, and the residue he shall pay to the delinquent proprietor.

Common seal.

SEC. 6. *Be it further enacted,* That the said Corporation may have a common seal, and the same may alter at pleasure.

SEC. 7. *Be it further enacted,* That the Reverend John Pierce be, and he hereby is authorized and empowered to call the first meeting of said Corporation, and to fix the time and place for holding the same, giving to each proprietor named in this act a written notice thereof.

[Approved by the Governor, June 13th, 1823.]

CHAP. XVII.

An Act in addition to an Act, entitled “ An Act to incorporate the Merrimac 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 Merrimack Manufacturing Company be, and they are hereby authorized to increase its capital stock by adding thereto the sum of six hundred thousand dollars or any smaller sum, and may purchase therewith real estate, not however exceeding in value one quarter of the sum hereby permitted to be added, exclusive of buildings and improvements made by said Corporation. Increase of Capital Stock.

[Approved by the Governor, June 13th, 1823.]

CHAP. XVIII.

An Act to incorporate The Boylston Medical Society of Harvard University. .

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Enoch Hale, Junior, Zabdiel Boylston Adams, John Ware, John Phillips Spooner, and David W. Gorham, together with such other persons as now are or hereafter may be associated with them, be and they hereby are incorporated into a society by the name of the Boylston Medical Society of Harvard University, for the purpose of promoting emulation and enquiry among the Students at the Medical School connected with Harvard University, and others; and by that name shall be a Corporation for ever, with power to have a Common seal, to sue Persons incorporated.

and be sued, to establish by-laws not repugnant to the constitution and laws of this Commonwealth, to choose a President and such other officers, as may be deemed expedient, and to take and hold any real or personal estate, by gift, grant, purchase, or otherwise, and the same to alien or convey, provided the annual income thereof shall not exceed the sum of five hundred dollars.

Election of officers.

SEC. 2. *Be it further enacted*, That the members of said Society shall have power to elect annually seven Trustees, who shall be practising physicians in this Commonwealth, and the Board of Trustees shall have the sole management and controul of all the permanent funds of said society, but the annual income thereof shall be disposed of in such manner as the Society shall direct.

SEC. 3. *Be it further enacted*, That the persons named in this act, or any three of them, shall have power to call the first meeting of said society, at such time and in such manner as they may think proper.

[Approved by the Governor, June 13th, 1823.]

CHAP. XIX.

An Act to incorporate the Trustees of the Ministerial Fund of the first Parish in Longmeadow.

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 Booth, Calvin Burt, William White, Ethan Ely, and Alexander Field, all inhabitants of the first parish in Longmeadow, 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 Longmeadow; and by that name shall have perpetual succession; may sue and be sued. plead and be impleaded, may have a common seal, and shall possess and enjoy such other

Persons incorporated.

powers and privileges as are incident to corporations of a like nature.

SEC. 2. *Be it further enacted*, That the said Trustees shall have power to take and receive into their hands and possession the whole of the funds at present belonging to said parish, and to sell the ministry lands or any part thereof, belonging to said parish, at such time, and in such manner as the inhabitants of said parish shall authorize and direct, and to make and execute deeds thereof to the purchasers, and may receive and hold such further subscriptions, donations, grants, bequests and devises, as may hereafter be made to them, or the inhabitants of said parish; the interest of which fund shall be forever appropriated annually towards the support of such Congregational Minister as shall or may from time to time be ordained over the Church and Society in said first parish: *Provided, however*, the annual income of said fund shall not exceed twelve hundred dollars: *And provided also*, that if the income of said fund shall at any time exceed the amount of the annual salary of the Minister, the surplus may be appropriated under a vote of the parish to the promotion and encouragement of Church music and other parochial expenses.

Power to receive funds.

SEC. 3. *Be it further enacted*, That the Inhabitants of said Parish at any legal meeting to be called for that purpose within one year from the passing of this act, may increase the number of Trustees, by electing by ballot, an additional number, not exceeding two, to those named in this act. And if the said inhabitants shall neglect to make such election, the Trustees herein named, are hereby authorized, if they see fit, to choose an additional number of Trustees, so that the whole number shall never exceed seven; and in all cases the attendance of a majority of the Board of Trustees shall be requisite for the transaction of business.

Number of Trustees.

SEC. 4. *Be it further enacted*, That whenever any vacancy shall happen among said Trustees, by death, resignation, removal or otherwise, the said parish at any legal meeting called for that purpose, may fill up the vacancy, but if the parish shall neglect to fill up any such vacancy for the space of three months after it

Vacancies, how filled.

shall happen, the said Trustees are authorized to elect some suitable inhabitant of said parish, to fill up the vacancy in their board.

Officers.

SEC. 5. *Be it further enacted,* That the said Trustees shall appoint a clerk who shall be under oath faithfully to record all the votes and transactions of the Board, and a Treasurer, who shall give bond to the Trustees and their successors, with sufficient surety with condition to do and perform all the duties incumbent on him as Treasurer; which officers shall hold their respective offices until others shall be chosen to succeed them.

Trustees liable.

SEC. 6. *Be it further enacted,* That the records and proceedings of the Trustees shall at all times be open to the inspection of any committee, that may be appointed for that purpose on behalf of the parish, and the Trustees shall, whenever called upon by vote of the parish, make a report of the state of the fund. And if the said Trustees or either of them shall suffer the said fund to be impaired or diminished through their personal misconduct or misapplication, they shall be severally responsible to the parish to make good such loss out of their private estate.

SEC. 7. *Be it further enacted,* That David Booth be, and he hereby is authorized to call the first meeting of the Trustees.

[Approved by the Governor, June 14th, 1823.]

CHAP. XX.

An Act for annexing a Gore of land therein described, with Abel Wesson and John Wesson, living on the premises, to the town of Grafton.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Abel Wesson and John

Wesson with the following described Gore of Land, be annexed to the town of Grafton, to wit: Beginning at the northwest corner of the town of Grafton on Millbury line, thence on said Millbury line to the northeast corner of said town, thence on the same course, north two degrees west, to Flint's pond, (so called) thence bounding down said pond to the outlet thereof, thence down the thread of said outlet, until it meets Little Blackstone river, thence down the centre of said river until it intersects the line of said Grafton, thence on said Grafton line to the first bounds: And that in future the said Abel and John shall be entitled to all the privileges and subject to all the duties incident to the inhabitants of said town of Grafton.

[Approved by the Governor, June 14th, 1823.]

CHAP. XXI.

An Act relating to State Paupers.

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 June one thousand eight hundred and twenty-three, no male person over the age of twelve years and under the age of sixty years, while of competent health to labour shall be considered a State Pauper and entitled to support as such. Persons not considered paupers.

SEC. 2. *Be it further enacted,* That whenever the Overseers of the Poor in any town or city within this Commonwealth, shall exhibit an account against the same for the support of Paupers, after the first day of June one thousand eight hundred and twenty-three, they shall certify, that no part of such account is for the support of any male person over the age of twelve years, and under the age of sixty years while of competent health to labor.

SEC. 3. *Be it further enacted,* That the act, entitled Repeal of former act. "An act relating to State Paupers." passed February 10th, 1823, be and the same is hereby repealed.

[Approved by the Governor, June 14th, 1823.]

CHAP. XXII.

An Act to continue in force, for the term of five years, an Act, entitled "An Act for the encouragement of Agriculture and Manufactures."

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That an act for the encouragement of Agriculture and Manufactures, passed on the twentieth day of February, in the year of our Lord one thousand eight hundred and nineteen, shall continue and be in force for five years from the twentieth day of February, which will be in the year of our Lord one thousand eight hundred and twenty-four, any thing in the seventh section of said act to the contrary notwithstanding.

Act to continue
in force.

[Approved by the Governor, June 14th, 1823.]

CHAP. XXIII.

An Act making provision for the holding of an additional term of the Supreme Judicial Court, in the County of Hampden.

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, a term of the Supreme Judicial Court, to be holden by one or more of the Justices thereof, shall be annually holden at Springfield, within and for the County of Hampden on the first Tuesday of September.

Where to be
holden.

SEC. 2. *Be it further enacted,* That all writs, appeals, recognizances, processes, and every other matter and thing of what kind soever the same may be, return-

able to or now pending in the Supreme Judicial Court at the term thereof already established in said County, and all parties and persons required before the passing of this act to appear and attend at the term aforesaid, shall be returned to, entered, appear, attend and have day, be tried and determined in said Court at the term established by this act, pursuant to the true intent and meaning thereof.

[Approved by the Governor, June 14th, 1823.]

CHAP. XXIV.

An Act in addition to an Act, entitled “An act to regulate the jurisdiction and proceedings of the Courts of Probate.”

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 the seventh section of the act, entitled “An act to regulate the jurisdiction and proceedings of the Courts of Probate,” so far as the same respect appeals and trials by Jury, be and the same are hereby extended to all cases, where the private claim of the executor or administrator against his testator or intestate is the question in controversy; And the like proceedings shall be had in such cases, in relation to appeal and trial by Jury as are provided in and by said seventh section.

Extension of the 7th section.

[Approved by the Governor, June 14th, 1823.]

CHAP. XXV.

An Act in further addition to an Act, entitled "An Act for suppressing and punishing of Rogues, Vagabonds, Common Beggars, and other idle, disorderly and lewd persons."

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That it shall be lawful for the Justices of the Police Court, within and for the City of Boston, to send and commit unto the House of Correction within the said City, or unto any house or place provided and used as such, under and by virtue of the act, entitled "an Act for suppressing and punishing of Rogues, Vagabonds, Common Beggars, and other idle, disorderly and lewd persons," in addition to the persons therein described, and enumerated, any person or persons selling liquor without licence, in any house, shop, room or hall, used for the purpose of dancing, tipling, gambling, or for the general resort of loose, lascivious, wanton or dissolute persons, and upon conviction or complaint as in said act is provided. the person or persons so sent or committed, are to be kept and governed according to the rules and orders of the said House of Correction; or the said Justices of the Police Court, at their discretion, may punish any offender or offenders under said act. by fine, not exceeding twenty dollars, or imprisonment, not exceeding sixty days in the common jail of the County of Suffolk.

Power of Justices
of Police Court.

May impose fines
or imprisonment.

[Approved by the Governor, June 14th, 1823.]

CHAP. XXVI.

An Act authorizing the taxing of Pews in the North Meeting House in 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 North parish in Marshfield, in the County of Plymouth, be and hereby are empowered to raise any sum or sums of money which the members of said parish may hereafter, at any legal meeting called for the purpose, vote to raise for the repairing and taking care of said meeting house, and for ringing and tolling the bell, by a tax on the pews in said meeting house in Marshfield.

Power to raise money for repairs, &c.

SEC. 2. *Be it further enacted,* That for the equitable apportionment of the taxes, to be assessed on said pews, the members of said parish or society shall cause a valuation thereof to be made by a Committee to be chosen by them for that purpose, and the report of such Committee, stating the respective numbers and value of said pews, shall, when accepted and recorded, be binding on all persons interested, for the purpose of taxation as aforesaid.

Valuation of Pews by a Committee.

SEC. 3. *Be it further enacted,* That the sums voted to be raised on said pews shall, within six months after such vote, be apportioned and assessed thereon, by the assessors of said society for the time being, according to such valuation: *Provided, however,* that said society may by vote except from taxation such pews as they may think fit, not exceeding three in number on the lower floor, and as many in the gallery as they may think proper, and instruct said assessors accordingly, who shall omit such pews in the assessments.

Money voted, how and when to be raised.

SEC. 4. *Be it further enacted,* That said assessors shall as soon as may be, make out a fair and correct list of the taxes assessed on each of said pews, according to this act, and deliver the same to the Treasurer of said society; and it shall be the duty of said Treasurer to give notice of such taxation and assessment to all con-

cerned, by posting a copy of said list in three public places in said town, at least twenty days before the expiration of the time limited by vote of said society for the payment thereof, and calling on all persons, interested therein, to pay him the several sums so assessed according to the vote aforesaid.

To enforce
payment of
assessments—

SEC. 5. *Be it further enacted*, That in case any person, having a right to any pew taxed as aforesaid, as tenant thereof, and notified in manner aforesaid, shall neglect or refuse to pay said tax according to the vote of said society, it shall be the duty of said Treasurer (who shall also be Collector) and he is hereby authorized and empowered to enforce payment thereof by any of the legal means by which payment of ordinary town or parish taxes may be enforced.

Pews may be
sold.

SEC. 6. *Be it further enacted*, That if any person or persons at present entitled, or who shall hereafter become lawfully entitled to any of said pews, either as owner in fee, or as tenants for a term of time exceeding one year, shall neglect or refuse to pay any tax assessed as aforesaid, after notice thereof as herein above provided, in the manner and within the time prescribed by vote of said society, it shall be the duty of said Treasurer and he is hereby authorized and empowered to sell the pews thus owned or held in tenancy, and all the right and title of such owner or tenant upon which such tax or part thereof shall remain unpaid at public auction to the highest bidder; and his deed to the purchaser, recorded according to law, shall give to the purchaser all the right, title and interest in such pew, which said former owner or tenant had in and to the same: *Provided, however*, that the Treasurer aforesaid, shall after the expiration of the time, limited by vote of the Society for the payment of such tax, give twenty days notice of the time and place of the vendue, by posting advertisements in two public places in said town, stating the number of the Pew to be sold, and the tax due upon it; and the remedy provided in this section shall be the only mode of collecting said taxes in all cases where the owner or tenant has, or shall have a right as owner or tenant to any pew so taxed for a term of time exceeding one year.

Proviso.

SEC. 7. *Be it further enacted*, That if the Treasurer shall deem an adjournment of his sales necessary, he may adjourn from time to time, not exceeding seven days at one time, until they be completed ; and in all cases he shall pay over to the former owner or tenant, the balance of monies in his hands arising from such sales, after deducting the taxes due, and his own reasonable charges for advertising and selling the same.

SEC. 8. *Be it further enacted*, That the owner or proprietor of any pew sold as aforesaid, may at any time before the expiration of six months from the time of said sale, redeem the same by paying to the purchaser, his heirs or assigns the amount of the purchase money with interest, who shall thereupon reconvey the same to such owner or proprietor, his heirs or assigns.

[Approved by the Governor, June 14th, 1823.]

CHAP. XXVII.

An Act to incorporate the North Parish Congregational Funding Society in 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 Caleb Sayles, Daniel Cook, Ebenezer Blake, Claudius D. Hayward, Anson Mann, Duty Sayles, Asa Harding, Joseph Ware, Benjamin Rockwood, David Pond, Metcalf Merrifield, Josiah Coddington, Asa Ware, Josiah Ware, Asa Ware, Junior, Jacob Pond, Darius Ware, Solomon Blake, Stephen Turner, Samuel Pond, Jared Wilson, Enoch Wilson, Amos Ware, George Blinn, Simeon Thompson, Junior, with such as may hereafter be associated with them, be, and they hereby are incorporated into a society, by the name of the North Parish Congregational Funding Society in Wrentham ; with power to have a common seal, to sue and be sued, and to make by-laws,

rules and regulations for the government of said society: *Provided*, the same be not repugnant to the constitution and laws of this Commonwealth.

Number of Trustees.

SEC. 2. *Be it further enacted*, That said society, at a legal meeting thereof, may have power to choose five trustees who shall have the management of the prudential affairs of the Society, call annual meetings and all other meetings thereof, by causing notifications of the same, to be posted by their Clerk at the parish meeting house seven days at least before said meetings; a Clerk, who shall be sworn by the moderator of the meeting, or some Justice of the Peace, to the faithful discharge of his duty, and who shall record all the votes of the society, and notify all meetings when thereunto directed by the Trustees as aforesaid; a Treasurer who shall give bonds in such manner as the Trustees shall direct, and receive into his hands all notes, monies and other property of said society, and, under the direction of the Trustees aforesaid, shall put the same to use, or vest the same in stocks, or banks, or loans on interest, as they may direct.

Time of meeting.

SEC. 3. *Be it further enacted*, That said society shall meet annually for the transaction of business, and the choice of their officers, at or about the time of the annual parish meetings, at which time the Trustees shall exhibit a fair statement of their proceedings, and of the state of the funds of said society; and the income of the same, after deducting society charges, shall be annually appropriated for the support of a Calvinistic Congregational Minister in said North Parish; and for that purpose the Treasurer of said parish is hereby authorized to demand and receive the same annually.

Appropriation.

Power to receive funds.

SEC. 4. *Be it further enacted*, That said society shall be, and hereby are made capable in law of receiving and holding any grants or devises of lands or tenements in fee simple, and any donations and bequests of money, or other personal estate, to any amount for the purposes aforesaid: *Provided*, the annual income thereof shall not exceed the sum of six hundred dollars.

SEC. 5. *Be it further enacted*, That said society, at any legal meeting thereof, may have the power of admitting new members, by their paying or securing to the

Treasurer thereof a sum of moneyp, not less than sixteen dollars and sixty-seven cents each ; and of dismissing any member therefrom by returning the capital of his subscription, whenever he may remove from said parish, not having owned any real estate therein.

SEC. 6. *Be it further enacted*, That Caleb Sayles be hereby authorized to call the first meeting of said Society by posting up a notification of the time and place for the same, at said parish meeting house, seven days at least previous to said meeting.

[Approved by the Governor, June 14th, 1823.]

CHAP. XXVIII.

An Act to set off Amasa Bailey and Caleb Bailey, Junior, with their estates from the town of Scituate, and annex them to the town of Cohasset.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Amasa Bailey and Caleb Bailey, Junior, with their dwelling, buildings, and homestead, containing about ninety acres of land, be, and they hereby are set off from said town of Scituate, in the County of Plymouth, and annexed to the town of Cohasset, in the County of Norfolk ; and they shall hereafter be subject to all the duties, and entitled to all privileges of inhabitants of said town of Cohasset: *Provided, nevertheless*, said Amasa Bailey and Caleb Bailey, Junior, shall be liable to pay all taxes that have been legally assessed upon them by said town of Scituate.

[Approved by the Governor, June 14th, 1823.]

CHAP. XXIX.

An Act in addition to an Act, entitled "An Act to incorporate the West Boylston 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 Alpheus Smith be authorized to call a meeting of the stockholders and proprietors of the West Boylston Manufacturing Company, at such time and place within the town of West Boylston, in the County of Worcester, as he may think proper, by publishing the same three weeks successively, in the Massachusetts Spy, printed in Worcester, the last publication to be seven days at least previous to said meeting.

Meeting of stockholders called.

SEC. 2. *Be it further enacted by the authority aforesaid,* That, at such meeting, said proprietors and stockholders may proceed to organize their corporation, choose officers, make by-laws, and do all acts and things, that grantees of a charter of incorporation may usually by law do at their first meeting, conformably to the constitution and laws of this Commonwealth. And all matters and things done at said meeting, and afterwards upon the organization of said corporation, shall be legal and binding to all intents and purposes, in the same way and manner they would have been, if said Corporation had continued legally organized and in operation.

Reorganization.

[Approved by the Governor, June 14th, 1823.]

CHAP. XXX.

An Act to incorporate the proprietors of the Meeting house of the Second Congregational Society in Lynn.

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 Massey,^{Persons incor}^{porated} Henry A. Breed, Winthrop Newhall, William B. Breed, William Chadwell, and their associates, successors and assigns, are hereby constituted and made a body politic and corporate, by the name of the Proprietors of the second Congregational Church in Lynn, and may, by that name, sue and be sued, defend and be defended in all actions, real, personal or mixed, in which the said Corporation may be concerned, and may establish by-laws and regulations not repugnant to the constitution and laws of the Commonwealth; and shall in the month of March or April, annually, choose by ballot, a Board of Trustees, consisting of not less than five, and not more than seven, a majority of whom shall be a quorum for doing business; and the said Trustees shall, at their first meeting, and annually afterwards, choose a President from their own number, who shall preside at all meetings of the trustees, and of the corporation. And the Secretary, Treasurer, and Collector, chosen by the society, shall be Secretary, Treasurer and Collector for the Corporation.

SEC. 2. *Be it further enacted,* That the proprietors at their first meeting, and at their annual meetings afterwards, may vote and raise such sum or sums of money as shall be necessary for the enlarging their meeting house and keeping the same in repair, and for all other purposes necessarily incident to the expenses of said Society; especially for the support and maintenance of public worship: which sum or sums shall be assessed on the said proprietors according to a valuation of their pews in the said meeting house. And any person purchasing a pew, or half of a pew in said meeting house,^{May raise money for expenses.}

Pews may be sold for non-payment of dues.

shall be a proprietor who may vote in all the concerns of the said corporation, which pew or part of a pew, shall be holden for the payment of all assessments: and any proprietor neglecting or refusing to pay the same for three months after it shall become due, the collector may sell the same at public auction, by posting notices of such sale at the meeting house seven days at least before the day of sale, and by notifying the proprietor in writing at least two days before the time of sale, and the overplus (if there be any) after paying the expenses, shall be paid to the said proprietor. And any person whose pew, or share in a pew shall be sold as aforesaid, may redeem the same by paying to the purchaser, the amount of the purchase money, with interest, at any time before the expiration of six months from the time of said sale, and the purchaser shall thereupon reconvey the same to such proprietor.

Deeds.

SEC. 3. *Be it further enacted,* That all deeds of pews or other property, shall be signed by the president of the Board of Trustees, and attested by the Secretary, and by him shall be recorded in a book to be kept for that purpose; which record shall be valid in law, and equivalent to being recorded in the registry for the County; and all monies arising from the sale of pews (after paying for building the meeting house and all other expenses) and donations made to the proprietors, or however otherwise, shall be placed in a fund, the interest of which shall be for the support of public worship (excepting otherwise appropriated by the donor,) which fund shall be under the care and direction of the trustees, who shall be held individually accountable for the funds with which they are entrusted during the term of their continuing in office, and shall annually render an account of the funds to the Corporation: *Provided, however,* that the annual income of said fund shall not exceed one thousand dollars.

Overplus monies, how appropriated.

[Approved by the Governor, June 14th, 1823.]

CHAP. XXXI.

An Act to establish the Town of East 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 the East Parish of Bridgewater, according to the territorial limits thereof, be, and the same is hereby incorporated into a town, by the name of East Bridgewater, and invested with all the powers and privileges, and subject to all the duties and requisitions, to which towns in this Commonwealth are by the constitution and laws entitled and subjected.

SEC. 2. *Be it further enacted,* That the inhabitants of said town of East Bridgewater shall be holden to pay all arrears of taxes, which have been assessed or directed to be assessed upon them by the town of Bridgewater, and shall be entitled to receive, hold and enjoy such proportion of all debts and taxes now due, and assessments voted to said town of Bridgewater, and such proportion of all the privileges and property, real or personal now belonging to said town of Bridgewater, of what kind soever it may be, as the property of the said inhabitants of East Bridgewater bears to the property of all the inhabitants of said town of Bridgewater, according to the latest valuation thereof; and they shall be holden to pay their proportion, to be ascertained as aforesaid, of all the debts now due and owing from said town of Bridgewater.

SEC. 3. *Be it further enacted,* That the said town of East Bridgewater shall be holden to support their proportion of the poor of the town of Bridgewater, which are now chargeable to said town, which proportion shall be ascertained by the present valuation of said town, and all persons who may hereafter become chargeable as paupers to the said town of Bridgewater, or East Bridgewater, shall be considered as belonging to that town, on the territory of which they had their settlement at the time of passing this act, and shall in future be chargeable to that town only.

Meeting to be called.

SEC. 4. *Be it further enacted*, That any justice of the peace for the County of Plymouth is hereby authorized to issue his warrant directed to any freeholder of said town of East Bridgewater, requiring him to warn the inhabitants thereof to meet at the time and place therein appointed for the purpose of choosing all such town officers as towns are by law authorized and required to choose at their annual meetings.

[Approved by the Governor, June 14th, 1823.]

CHAP. XXXII.

An Act to incorporate the Bristol County Agricultural Society.

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 Samuel Crocker, Pitt Clark, Otis Thompson, Francis Baylies, Alvin Cobb, David G. W. Cobb, James L. Hodges, Horatio Leonard, Peter Thacher, Asahel Bliss, Roland Howard, Thomas Almy, Luther Hamilton, Jesse Smith, Junior, Dan Wilmuth, Junior, together with such others as are now associated, or may hereafter associate with them, and their successors, be, and they are hereby made a corporation by the name of the Bristol County 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, and also have power to sell, alien and dispose of the same estate, real and personal, not using the same in trade or commerce.

SEC. 2. *Be it further enacted*, That Samuel Crock-

er, Esquire, of Taunton, in said County, be, and he is hereby authorized to notify and call the first meeting of the Society aforesaid, for the purpose of organizing the same, and for establishing rules and by-laws for the government of the same, not repugnant to the constitution and laws of this Commonwealth, by giving public notice of the time and place of holding said meeting, two weeks in the Newspaper printed in said Taunton.

[Approved by the Governor, June 14th, 1823.]

CHAP. XXXIII.

An Act for the relief of the Danvers Cotton Factory in Danvers.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the laws heretofore passed relative to alewives in the waters running into Ipswich river, be and they hereby are repealed, so far as not to require the continuance of Fish ways at the Danvers Cotton Factory, in the town of Danvers, or in the stream running thither from Humphry's pond.

[Approved by the Governor, June 14th, 1823.]

CHAP. XXXIV.

An Act in addition to an Act to incorporate the Massachusetts Hospital Life 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 said Corporation

Investment of
monies.

may from time to time invest all monies held by them for the purchase of annuities, or in trust for, and during the lives of any person or persons, in notes secured by mortgage of real estate, or by collateral assignment of any of the species of stocks mentioned in the fifth section of an act, entitled "An act to incorporate the Massachusetts Hospital Life Insurance Company," passed February twenty fourth, in the year of our Lord one thousand eight hundred and eighteen, and also that all policies, contracts or other instruments, whether under seal or not, made in the name of said corporation, and signed by the secretary or actuary, shall be as good and valid to all intents, as if the same had been made and executed by the President and Directors of said Corporation.

[Approved by the Governor, June 14th, 1823.]

CHAP. XXXV.

An Act to incorporate the Second Baptist Society in Haverhill.

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 Benjamin Chase, Cutting Moody, William D. S. Chase, with their associates and successors, be, and they hereby are incorporated, for religious purposes only, into a society, by the name of the Second Baptist Society in Haverhill, with all the powers, privileges and immunities to which other religious societies are entitled by the constitution and laws of this Commonwealth. And said corporation is hereby authorised and empowered to take, purchase and hold all real and personal estate necessary and convenient for the purposes aforesaid: *Provided*, that the income of the whole estate of said corporation, exclusive of the meeting house and land under the same, shall not exceed one thousand dollars.

May hold real
and personal
property.

SEC. 2. *Be it further enacted*, That the said society may have power to elect all necessary officers, and to order and establish such regulations, rules and by-laws for their government and for the management of their property and concerns as they may see fit: *Provided*, the same be not repugnant to the constitution and laws of this Commonwealth.

SEC. 3. *Be it further enacted*, That any Justice of the Peace for the county of Essex, upon application therefor, is hereby empowered to issue a warrant directed to a member of the said Baptist Society in Haverhill, requiring him to notify and warn the members thereof to meet at such convenient time and place as shall be appointed in said warrant, to organize the said society by the appointment of its officers.

[Approved by the Governor, June 14th, 1823.]

CHAP. XXXVI.

An Act to incorporate a religious society by the name of the Christian Society in the City 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 Jacob Tidd, Moses Howe, William Gridley, Junior, Benjamin Binney, Thomas Mickle, Loring Newcomb, John G. Loring, Abner Bowman, Lewis Wilder, and Ezra Burley, and all others who may associate with them, and their successors, be, and they hereby are incorporated as a religious society, by the name of the Christian Society in the City of Boston, with all the privileges, powers, and immunities to which other religious societies in this Commonwealth are by law entitled.

SEC. 2. *Be it further enacted*, That the said Society shall be capable in law to purchase, hold and dispose of any real or personal estate, for the use of said soci-

city, the annual income of which shall not exceed four thousand dollars.

SEC. 3. *Be it further enacted*, That Jacob Tidd, Moses Howe, and William Gridley, Junior, or either of them, may call a meeting of said Corporation, by an advertisement printed in a public Newspaper in said Boston, ten days at least before the time of such meeting; at which meeting said Corporation may agree upon the mode of calling future meetings, elect a Moderator, Clerk, Treasurer and such other officers as they may deem necessary, and establish by-laws for the government of said Society.

[Approved by the Governor, June 14th, 1823.]

CHAP. XXXVII.

An Act empowering the Massachusetts Mutual Fire Insurance company to invest their funds.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the Corporation, known by the name of the Massachusetts Mutual Fire Insurance Company, be, and the same hereby is authorized and empowered to invest the funds of said Corporation to such extent as said Corporation may see fit, in promissory notes of the Treasurer of the City of Boston, in the County of Suffolk.

Funds, how In;
vested.

[Approved by the Governor, June 14th, 1823.]

CHAP. XXXVIII.

An Act to change the names of 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, the several persons herein named, shall be known and called by the names they are respectively allowed to assume, namely—that William Adams, of Boston, schoolmaster, may take the name of William Joseph Adams; that Guy Middleton, of Lee, labourer, may take the name of John Middleton; that John Andrews, of Boston, founder, may take the name of George Canning Franklin Andrews; that Mary Poor, of Haverhill, single-woman, may take the name of Mary Sargent Poor; that Minerva Parker, of Hawley, may take the name of Catharine Minerva Lilley; that John Bridge, Junior, of Boston may take the name of John Dana Bridge; that Timothy Morrill, Junior, of Salisbury, trader, may take the name of Timothy Pilsbury Morrill; that Catharine Hannah Adams Willard, of Charlestown, may take the name of Catharine Hannah Adams; that Peter Dow, of Haverhill, housewright, may take the name of Charles W. Dow; that Ezra Gates, of Ashby, may take the name of Ezra Coolidge Gates; that John Stevens, of West Newbury, may take the name of Luther Green Stevens; that Reuben Stackpole, of Boston, may take the name of Reuben Markam Stackpole; that Tabitha Henderson, of Charlestown, single-woman, may take the name of Tabitha Wilder; that Elisha Williams, of Boston, may take the name of Elisha Scott Williams; that Edmund Colburn, of Boston, may take the name of Edmund Wesley Colburn; that William Trowbridge, of Worcester, mechanic, may take the name of William Frederic Trowbridge; that Mariet Jones, of Boston, single-woman, may take the name of Maria Jones; that Asa Green of Northborough, may take the name of Asabel

Persons whose names are changed.

Wood Green; that Oliver Webster, of Otis, a minor, may take the name of Oliver Post Webster; that George Wells, a member of Harvard University, may take the name of George Wadsworth Wells. And the said several persons before named shall hereafter be called and known by the names, which by this act they are respectively allowed to assume as aforesaid; and the same shall be considered as their only proper and legal names.

[Approved by the Governor, June 14th, 1823.]

CHAP. XXXIX.

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

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 Coroner shall, Duty of Coroners as soon as he shall be certified of the dead body of any person supposed to have come to his death by violence or casualty, found or lying within his county, make out his warrant, directed to the Constable of the town where the dead body is found, or lying, or to the Constables of one or more of the adjacent towns, requiring him or them forthwith to summon six good and lawful men, of the same town or towns, to appear before him, at the time and place in such warrant expressed; which warrant shall be in the same form as is described in the act entitled "An act describing the duty and power of Coroners."

SEC. 2. *Be it further enacted,* That the second section of the act aforesaid be and hereby is repealed.

[Approved by the Governor, June 14th, 1823.]

CHAP. XL.

An Act conferring additional powers on Justices of the Peace, 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 Justices of the Peace and Courts, who now by law have power and authority to issue or grant warrants to search for articles alleged to have been stolen, shall have like power and authority to issue warrants to search for money or other securities alleged to be forged or counterfeited, and for any tools, implements or materials used or to be used in the making, forging or counterfeiting the same.

SEC. 2. *Be it further enacted,* That the Justices' Clerk, and Assistant Clerk of the Police Court in the City of Boston, be, and they are hereby exempted from the performance of all military duty in the Militia of this Commonwealth.

[Approved by the Governor, June 14th, 1823.]

CHAP. XLI.

An Act to regulate the fishery in Neponset river in the towns of Dorchester and 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 from and after the passing of this act, no person or persons shall be allowed to put or draw any seine, or seines whatever in Neponset river, so far as that river forms any part of the dividing line between the towns of Dorchester and Milton, for the taking of fish called Smelts and Eels; and every person who shall presume to take any fish

No person to use seines.

called Smelts and Eels with a seine from said river, shall incur and pay a penalty of five dollars for every such offence.

Who are privileged to take Fish.

SEC. 2. *Be it further enacted*, That no person or persons, excepting the inhabitants of the towns of Dorchester and Milton shall be allowed to take from said river, within the limits aforesaid, in any way whatsoever any of the fish called Smelts and Eels, unless by permission of one or more of the Selectmen of said towns, and any person not an inhabitant of said towns who shall presume to take any of said fish, unless by such permission, shall incur a penalty of five dollars for every offence.

Penalties, how recoverable.

SEC. 3. *Be it further enacted*, That all penalties incurred by a breach of this act, may be prosecuted and sued for before any Justice of the Peace for the County of Norfolk, by any of the inhabitants of either of said towns, for the use of him or them who shall sue for and recover the same.

[Approved by the Governor, June 14th, 1823.]

CHAP. XLII.

An Act incorporating the Newton Factories.

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 Rufus Ellis, David Ellis, Jonathan Chapman and Jonathan Mason, 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 Newton Factories, for the purpose of manufacturing woollen, cotton, and Iron; 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, and the several acts in addition thereto.

SEC. 2. *Be it further enacted*, That the said Corporation may lawfully hold and possess such real estate, not exceeding the value of one hundred thousand dollars and such personal estate, not exceeding the value of two hundred thousand dollars, as may be convenient and necessary for carrying on the said manufactories. May hold estate.

[Approved by the Governor, June 14th, 1823.]

CHAP. XLIII.

An Act to establish a fund for the support of the Gospel Ministry in the South Parish of the town of Reading in the County of Middlesex, and to appoint 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 Edmund Parker, Esquire, John Bachelor, Ebenezer Emerson, Capt. Timothy Wakefield, Junior, and Thomas Sweetser, be, and they are hereby constituted a body politic and corporate, by the name of the Trustees of the South Parish in Reading Ministerial Fund; and they and their several successors in their respective offices, shall continue a body politic and corporate by that name forever; and by the same name, may sue and be sued in all actions, and pursue and defend the same to final judgment and execution: *Provided always*, that at the expiration of five years from the first Thursday of March A. D. 1823, and once in five years forever after, the legal voters of said parish at their annual meeting in March may elect a new Board of Trustees, or fill any vacancies which may happen in the old Board, by death, resignation or otherwise; all

Persons incorporated.

vacancies that may happen in the Board of Trustees, during the term of five years for which they were chosen, shall be filled by the remaining trustees.

Devices, &c. to
Trustees valid.

SEC. 2. *Be it further enacted,* That any gift, grant, bequest or devise hereafter made to said Trustees, shall be valid and effectual to all intents and purposes whatever; and they and their successors as aforesaid are hereby empowered by purchase or operation of law, to take, have, hold, use, and improve and manage any estate real or personal, the annual income whereof shall not exceed the sum of two thousand dollars, in trust for the support and maintenance of the Gospel ministry in said parish; and whenever the net annual income or interest of such fund or estate shall amount to the sum of three hundred dollars, and not before, the said trustees shall proceed to pay the same quarterly to such teacher of religion as shall be regularly ordained and settled in said parish, by the joint concurrence of the inhabitants and Church thereof: and such teacher of religion shall be entitled to recover the same by action of debt against said trustees; and during any vacancy in said parish of a regular ordained and settled minister, they shall appropriate such income or interest to the increase of the principal fund, any thing herein to the contrary notwithstanding.

Ministerial lands,
how used.

SEC. 3. *Be it further enacted,* That it shall be, and it is hereby made the duty of the said trustees and their successors to use, manage and improve all ministerial lands of said parish, except what may be improved by their minister, in such way and manner as in their discretion and judgment will best obtain and secure the end of their incorporation; and they are also hereby authorised and empowered to lease, sell or convey in fee simple or otherwise, all or any part of said ministerial land, and for that purpose to make, execute and acknowledge any good and sufficient deed or deeds thereof.

Meetings.

SEC. 4. *Be it further enacted,* That the said trustees may assemble and meet together as often as they may think necessary for the promotion of their trust, any three of whom shall constitute a board for doing business, but the concurrence of three at least shall be re-

quisite for every act and proceeding whatever ; they may determine the manner of calling meetings, they may appoint a clerk and agent or agents, and other need-^{May appoint officers.}ful officers and committees, they may make reasonable rules, regulations and by-laws, and annex penalties for the breach thereof, not repugnant to the laws of this Commonwealth ; they may have a common seal and change the same at pleasure, and they may alienate by good and sufficient deeds in law any real estate, the title whereof shall be vested in them by way of mortgage or by operation of law.

SEC. 5. *Be it further enacted,* That the clerk of ^{Duty of Clerk.} 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, and shall carefully and fairly record all their votes and proceedings in a book 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 there-to required by said trustees ; and do whatever else may be incident to said office ; and he shall deliver up to his successor in office, as soon as may be, all the records, papers and documents in his hands, in good order and condition ; and if he shall neglect so to do for the space of thirty days next after such successor shall be duly appointed, he shall forfeit and pay a fine of fifty dollars, and a further sum of thirty dollars per month for such neglect.

SEC. 6. *Be it further enacted,* That said trustees ^{Treasurer:} shall appoint one of their Board to be treasurer for said trustees and the receiver of all monies, and effects, due, owing and coming to them, and may demand, sue for and recover the same in their name, unless prohibited by them ; and he shall have the care and custody of all the money, and effects, obligations and securities for the payment of money, or other things, and all evidences of property belonging to said trustees, and be accountable to them therefor, and shall dispose of the same as they shall order and direct, and shall render an account of his doings, and exhibit a fair and regular

statement of the property and evidences of property in his hands 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 books and papers, property and evidences of property in his hands, in good order and condition ; and shall give bonds to said trustees and their successors, with sufficient sureties to be approved by them in the penal sum of ten thousand dollars, at least, conditioned to do and perform all the duties incumbent on him as treasurer ; and if he shall fail to deliver up the same as aforesaid, or neglect to give bond as aforesaid, for the space of thirty days next after such treasurer shall be duly chosen, he shall forfeit and pay a fine of fifty dollars, and a further sum of thirty dollars per month for such failure or neglect afterwards.

Duty of Trustees.

SEC. 7. *Be it further enacted,* That it shall be the duty of said trustees to use and improve such fund or estate as shall be vested in them by virtue of this act with care and vigilance, so as best to promote the design thereof ; and they shall be amenable to the inhabitants of said parish for negligence or misconduct in the management or disposition thereof, whereby the same shall be impaired or suffer loss, waste or diminution ; and the inhabitants of said parish may have and maintain a special action of the case against the proper persons of said trustees, and their goods and estates, jointly and severally, for such negligence or misconduct, and recover adequate damages therefor ; and any sum recovered shall be deemed to be for the benefit of said fund, and shall be paid to said trustees who may have an action of debt therefor accordingly.

Funds.

SEC. 8. *Be it further enacted,* That the said trustees shall cause to be recorded and kept in their book of record by their clerk a statement of the funds and estate in their hands, wherein shall be particularly designated the nature and amount of each original grant or donation, the period when made, the design thereof, and the donor's or grantor's name and place of abode at large, with such other circumstances as they may think useful or proper to distinguish the same, and perpetuate the remembrance thereof ; and they shall make report of such statement to the inhabitants of said parish at their

meeting in the month of March or April annually, where the same shall be publicly read, or to a select committee if said parish shall choose one for that purpose, together with a specific estimate of what estate they actually hold, and by what tenure: what money and effects are due to them, and how the same are secured, and what receipts have been obtained, and disbursements made by them the preceding year.

Receipts and expenditures.

SEC. 9. *Be it further enacted,* That the said trustees shall always loan upon interest all money belonging to said funds, in sums of not less than two hundred dollars each, and for the term of one year, upon the bond or note of the borrower, with a mortgage of real estate to three times the value of the sums loaned as collateral security for the repayment of the principal sum, with interest annually till paid; and if any debtor to said corporation shall fail to pay the interest due on his bond or note for the space of ten days after the same shall become due, it shall be the duty of said treasurer to cause such bond or note and mortgage to be put in suit, and prosecuted, until it shall be obtained.

Money, how to be employcd.

Defaulters.

SEC. 10. *Be it further enacted,* That if the said trustees shall fail to pay the annual income of said fund to the settled Minister as herein before provided, for the space of thirty days after the same shall become payable as aforesaid, or if they shall neglect to make report to said parish in the month of 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 of said income as aforesaid, saving always that the trustees shall not be liable for the forfeiture aforesaid for nonpayment of said income, if they shall prosecute, as before in this act provided, within thirty days after the same shall become due for the recovery thereof.

Treasurer to pay over the income.

SEC. 11. *Be it further enacted,* That the said trustees shall be entitled to receive a reasonable compensation to be paid by said parish for their services in managing and taking care of said funds and estate; but no part of such funds or estate or the income thereof shall ever be appropriated to that purpose.

Remuneration of trustees.

Fin. recoverable.

SEC. 12. *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, to the use and benefit of said fund, 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 by this act they may have an action of debt, to recover the same.

First meeting.

SEC. 13. *Be it further enacted,* That Timothy Wakefield, Esquire, is hereby authorised and directed to appoint the time and place for holding the first meeting of said trustees and to warn such meeting accordingly.

[Approved by the Governor, June 14th, 1823.]

CHAP. XLIV.

An act to incorporate the Twelfth Congregational Society in the City of Boston.

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 George W. Otis, Benjamin French, Thomas Powers, Samuel B. Doane and John De Wolf, and all others who may associate with them, and their successors, be, and they hereby are incorporated as a religious society, by the name of the Twelfth Congregational Society in the City of Boston, with all the privileges, powers and immunities, to which other religious societies in this Commonwealth are entitled by law, and the constitution thereof.

Estate.

SEC. 2. *Be it further enacted,* That the said society shall be capable in law to purchase, hold and dispose of any estate real or personal for the use of said soci-

ety: *Provided*, the annual income thereof shall not exceed at any time the value of five thousand dollars.

SEC. 3. *Be it further enacted*, That any Justice of the Peace for the County of Suffolk be and he hereby is authorised to issue his warrant to any member of said society, requiring him to warn the members thereof to meet at such convenient time and place in the City of Boston as shall be therein directed, to choose a Clerk, a Treasurer, and such other officers, Committee or committees as they may deem needful.

[Approved by the Governor, June 14th, 1823.]

CHAP. XLV.

An Act to incorporate the Braintree 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 Ezra Hyde, Jacob Perkins, Increase Robinson, Nathan Lazell, Junior, 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 Braintree Manufacturing Company, for the purpose of manufacturing Cotton Gins, Ironworks, and Machinery, in the town of Braintree in the County of Norfolk; and for those purposes 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," and the several acts in addition thereto.

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

Personal estate.

such personal estate, not exceeding one hundred thousand dollars as may be necessary and convenient for the purposes aforesaid.

[Approved by the Governor, June 14th, 1823.]

CHAP. XLVI.

An Act to incorporate the Trustees of the Methodist Religious Society 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 Amos Binney, John Clark, William Granville, Deming Jarves, Atherton H. Stevens, Joseph Capewell, and Joseph Stone be, and they hereby are incorporated into a body politic, by the name of the Trustees of the Methodist Religious Society in Cambridge, and by that name they and their successors in office, shall be a Corporation forever.

Persons incorporated.

SEC. 2. *Be it further enacted,* That the said Trustees may have and hold any real or personal estate in the town of Cambridge, not exceeding the sum of fifty thousand dollars, for the benefit and in behalf of the Methodist Religious Society in Cambridge, and the same manage and improve, or sell and convey as the case may require, subject moreover to such rules and regulations as may be prescribed and adopted by a majority of the male members of said Methodist Religious Society, at any annual meeting thereof, not inconsistent with the constitution or laws of this Commonwealth.

Estate.

SEC. 3. *Be it further enacted,* That whenever any vacancy may occur in the Board of Trustees hereby constituted, by death or resignation, the said Methodist Religious Society, by a majority of the votes of the male members at any meeting called for that purpose, may elect one or more persons for the male members of

Vacancies.

said society, of twenty-one years of age and upwards to fill such vacancy, so that the number of Trustees be kept up to seven forever, any four of them duly assembled shall be competent to transact any business.

SEC. 4. *Be it further enacted,* That the said Trustees shall meet at least once in each year and elect such officers and prescribe such rules and regulations and by-laws, as they may deem expedient for the management of their affairs, always keeping a fair record of all their proceedings.

SEC. 5. *Be it further enacted,* That John Clark and First meeting. Deming Jarves be and they are hereby authorised to call the first meeting of said Board of Trustees at such time and place as they may appoint; at which first meeting there shall be chosen a Secretary, a Treasurer and a President; and also rules, regulations, and by-laws shall be adopted, which shall remain in force for one year and until altered or amended at any future annual meeting.

[Approved by the Governor, June 14th, 1823.]

CHAP. XLVII.

An Act to amend an Act, entitled "an Act to incorporate the Nantucket Phœnix Insurance Company."

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 to incorporate the Nantucket Phœnix Insurance Company," as requires one of the semi-annual dividends to be made on the second Monday in June, Time of dividend changed. be and the same is hereby repealed; and in lieu thereof, the said dividend shall be made on the second Monday of July in every year, the said act to the contrary notwithstanding.

[Approved by the Governor, June 14th, 1823.]

CHAP. XLVIII.

An Act to incorporate the Mansfield Union Cotton and Wool 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 Ethan Cobb, Adam Smith, and Henry Hatch, with such others as have already associated or may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Mansfield Union Cotton and Wool Manufactory, for the purpose of manufacturing Cotton and Wollen goods in the town of Mansfield in the County of Bristol; and for that purpose shall have all powers and privileges and be liable to all the duties and requirements contained in an act, entitled "An act defining the general powers and duties of manufacturing corporations" passed the third day of March in the year of our Lord, one thousand eight hundred and nine, and the several acts in addition thereto.

Estate.

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

First meeting.

SEC. 3. *Be it further enacted,* That any one or more of the persons abovenamed are hereby authorized and empowered to call the first meeting of the members of said corporation, at such time and place as they may see fit to appoint, by advertising the same in any newspaper printed in the City of Boston, for the purpose of choosing officers, and making by-laws for the regulation of the officers of said Corporation.

[Approved by the Governor, June 14th, 1823.]

CHAP. XLIX.

An Act in addition to an Act, entitled “an Act to incorporate the New-England Religious Tract Society.”

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the corporation known by the name of the New-England Religious Tract Society, be henceforth called and known by the name of the American Tract Society, any thing in the original act of incorporation, entitled “An act to incorporate the New-England Religious Tract Society,” passed December ninth, in the year of our Lord one thousand eight hundred and sixteen, to the contrary thereof notwithstanding.

Name changed.

[Approved by the Governor, June 14th, 1823.]

Commonwealth of Massachusetts.

Secretary's Office, July 30th, 1823.

I HEREBY CERTIFY, That I have compared the Laws printed in this pamphlet, passed by the Legislature at their Session in June last, with the originals in this office, and that they appear to be correct.

A. BRADFORD, *Secretary of the Commonwealth.*

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LAWS

OF THE

Commonwealth of Massachusetts,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION, WHICH COMMENCED ON WEDNESDAY, THE SEVENTH OF
JANUARY, AND ENDED ON SATURDAY, THE TWENTY-FIRST OF
FEBRUARY, ONE THOUSAND EIGHT HUNDRED
AND TWENTY FOUR.

Published agreeably to a Resolve of 16th January, 1812.



BOSTON :

PRINTED BY TRUE AND GREENE, PRINTERS TO THE STATE.

.....

1824.

LAWS

OF THE

COMMONWEALTH OF MASSACHUSETTS,

PASSED BY THE GENERAL COURT,

THEIR SESSION, WHICH COMMENCED ON WEDNESDAY, THE SEVENTH OF JANUARY, AND ENDED ON SATURDAY, THE TWENTY-FIRST OF FEBRUARY, ONE THOUSAND EIGHT HUNDRED AND TWENTY FOUR.

CHAP. L.

An Act in addition to an Act, entitled "An Act to incorporate the Trustees of Phillips Academy in Andover," and the several acts in addition thereto.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Moses Brown, Wm. Bartlett, George Bliss, Calvin Chapin and Jeremiah Day, visitors of the Theological Institution in Phillips Academy in Andover, and their successors, be, and they hereby are constituted a corporation by the name of the visitors of the Theological Institution in Phillips Academy in Andover, to be the guardians, overseers and protectors of such donations as have been, or hereafter may be made subject to their inspection, with the assent of the Trustees of said Academy, according to the terms and conditions prescribed by the Statutes of the founders thereof, agreeably to the intentions of the founders of said Academy; and as such corporation may do and per-

Persons incorporated.

Proviso. form all acts and things required of them by such statutes ; *provided*, that the corporation hereby created shall have no power to take or hold real or personal estate without the consent of the Commonwealth expressly given therfor.

Meetings, how called. SEC. 2. *Be it further enacted*, That the first meeting of said visitors may be called by either of the members of said board, and at such, or at any future meeting duly called for that purpose, they may establish such rules and regulations for the government of said board as they may think proper ; *provided*, the same shall not be repugnant to the constitution, and laws of this Commonwealth, nor to the statutes of the founders of said Institution.

Authorizing appeals. Power of Court. Proviso. SEC. 3. *Be it further enacted*, That if the said visitors shall at any time act contrary to the statutes of the founders of said Institution, or exceed the limits of their jurisdiction, the party aggrieved may appeal to the Supreme Judicial Court, to be holden within and for the County of Essex, and the said Supreme Judicial Court, which may be authorised to decide questions of law in civil actions, is hereby authorised to declare null and void any decree or sentence of the visitors, which they may consider contrary to the statutes of the founders, and beyond the just limits of the power prescribed to them thereby : *Provided, however*, that nothing herein contained, shall be construed to limit or restrain the Supreme Judicial Court from exercising all such jurisdiction in relation to said corporation, as by law they might exercise, had not this special provision been made.

[Approved by the Governor, January 17th, 1824.]

CHAP. LI.

An Act in further addition to 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 at the next meeting of the Stockholders of the said Corporation, they shall elect one of said stockholders to be President of the said Corporation, and that so much of the third section of the act entitled, "An Act to incorporate the Massachusetts Hospital Life Insurance Company," passed February twenty-fourth, in the year of our Lord one thousand eight hundred and eighteen, as provides that the Directors of said corporation at the first meeting after their election shall choose one of their own number as President of the said corporation, be, and the same is hereby repealed.

SEC. 2. *Be it further enacted,* That the agreement entered into, between the Trustees of the Massachusetts General Hospital, and the Massachusetts Hospital Life Insurance Company, in words following, to wit:—"That the Trustees of the Massachusetts General Hospital, do agree to receive one third part of the net profits accruing to said Company from Insurance on lives by sea and on land, reversionary payments, and generally from all kinds of contracts in which the casualties and contingencies of life, and the interest of money are principally involved, after deducting for the use of the said Stockholders, legal interest on the amount of capital actually paid in by them and invested in pursuance of the provisions of their said act, said interest not being calculated on any part of the profits of said stock: *Provided,* the said Insurance Company shall bind itself in writing, to pay over annually to the Trustees of the Massachusetts General Hospital, for the use of said Hospital, one third part of all their net profits, computed

Choice of President.

Agreement of Trustees.

Proviso.

on the principle above stated, as well on reversionary payments and all other contracts made by said Company in which the casualties of life and interest of money are principally concerned, as on insurances on lives, which alone are mentioned in the seventh section of the act to which this is in addition, be, and the same is hereby confirmed.

[Approved by the Governor, January 17th, 1824.]

CHAP. LII.

An Act to incorporate the Evangelical Tract 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, Daniel Sharp, Francis Wayland, Charles Train, Lucius Bolles, Nathaniel W. Williams, Joseph Grafton, Bela Jacobs, Ensign Lincoln, Levi Farwell, Ward Jackson, Thomas Kendall, and John B. Jones, with their associates and successors, be, and hereby are incorporated and made a body politic, by the name of The Evangelical 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 one thousand dollars, and the same shall be faithfully appropriated to the object aforesaid, and not otherwise.

Persons incorporated.

Appropriation of monies.

SEC. 2. *Be it further enacted*, That the said Corporation may make and establish such rules and by-laws as shall be found expedient for the management of their concerns, which are not repugnant to the constitution and laws of this Commonwealth; *provided, however*, that the Legislature may alter or repeal this act at their pleasure. Rules & by laws.

SEC. 3. *Be it further enacted*, That Thomas Baldwin is authorised to call the first meeting of said Corporation, by giving public notice thereof in one of the Newspapers printed in Boston.

[Approved by the Governor, January 27th, 1824.]

CHAP. LIII.

An Act in addition to an Act, entitled an Act to incorporate the Boston Asylum for Indigent Boys.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the power recognised in the act, to incorporate the Boston Asylum for indigent boys of the parent or guardian of any indigent boy or boys, to surrender in writing him or them to the managers of said Asylum, for the purposes mentioned in said act, shall in case said boy or boys have no parent or guardian within the City of Boston, nor legal settlement in any other town in this Commonwealth, be possessed and exercised by the overseers of the poor of the City of Boston, and that the managers of said Asylum shall have the same authority and control over boys surrendered in the manner herein prescribed, as they now have over boys surrendered by their parents or guardians.

[Approved by the Governor, January 27th, 1824.]

CHAP. LIV.

An Act in addition to an Act entitled an Act to establish the Barre Turnpike Corporation.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the proprietors of the Barre Turnpike Corporation be, and they hereby are authorized to erect a gate at any place within fifty rods of the dwelling house of John Davis, in Princeton, when said Turnpike road shall have been completed, any thing in the General Turnpike law to the contrary notwithstanding.

[Approved by the Governor, January 28, 1824.]

CHAP. LV.

An Act to annex John Ward, with his family and estate, and the estate of William Barrell and others to the town of Ashburnham.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by authority of the same,* That J. Ward of Westminster, with his family, and so much of his real estate and of the real estate of W. Barrell, Ohio Whitney, Silas Whitney, and Samuel Whitney, as lies within the said town of Westminster, be, and the same hereby are annexed to the town of Ashburnham, and the real estate aforesaid made a part of said Ashburnham; and that the said John Ward and family, shall hereafter be considered inhabitants of said town of Ashburnham, and shall there exercise and enjoy all the rights and privileges, and be subject to the like duties and requisi-

tions as the other inhabitants of said Ashburnham : *Provided*, That the persons and estate aforesaid, shall Proviso. be holden to pay all taxes now assessed upon the same, in the same manner as if this act had not been passed, and also the proportionate part of all State and County taxes, which shall be laid upon the said town of Westminster, until another general valuation shall be made.

[Approved by the Governor, January 28th, 1824.]

CHAP. LVI.

An Act to incorporate the trustees of the Methodist Episcopal Church in Duxbury.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Studley Sampson, Persons incorpo-
rated. Joseph Winsor, Snow Magoun, Henry Chandler, Seth Sprague, Seth Sprague, Jr. George Winsor, Solomon Washburn, and Lemuel Harlow, all of Duxbury, in the County of Plymouth, be, and they hereby are constituted a body corporate and politic by the name of the trustees of the Methodist Episcopal Church in Duxbury, for the promotion of piety, religion and morality; and they and their successors shall be, and continue a body politic and corporate by that name forever: and they shall have a common seal, subject to be altered at their pleasure; and they may sue and be sued, in all actions, real, personal or mixed, and prosecute and defend the same to final judgment and execution by the name aforesaid.

SEC. 2. *Be it further enacted,* That the aforesaid trustees and their successors shall and may annually elect a President, and a Secretary to record the doings and transactions of the trustees, and a Treasurer Election of
Officers.

to receive and apply the monies or property hereinafter mentioned, as hereinafter directed, and any other officer that may be necessary for the managing of their business ; and they may make rules, regulations and by-laws not repugnant to the laws of this Commonwealth.

Number of Trustees. SEC. 3. *Be it further enacted,* That the number of trustees shall not at any one time be more than nine, nor less than seven : five of their number, shall constitute a quorum for transacting business, and they may and shall, from time to time, fill up vacancies in their number, which may happen by death, resignation, or otherwise as hereinafter provided. And such trustees shall annually hold a meeting in March, or April, and at such other times as may be necessary ; which meetings, after the first, shall be called in such way and manner, as the trustees aforesaid shall hereafter direct.

May possess and hold property. SEC. 4. *Be it further enacted,* That the aforesaid trustees and their successors are hereby made capable in law to possess and hold all the property, both real and personal, belonging to the Methodist Episcopal Church, in Duxbury, in trust forever, for the use and benefit of the members, for the sole purpose of promoting the public worship of Almighty God, according to the doctrines and discipline of said Church. And in further trust and confidence, that whenever one or more of said trustees shall die, or from any cause cease to be a member or members of said corporation, then and in that case, the vacancy shall be supplied according to the direction given in the discipline of said Church, that is, the minister or preacher who shall be regularly appointed to the pastoral charge of the members of said Church for the time being, shall have the right to nominate, and the trustees may confirm or reject such nomination.

Gifts, &c, to be valid. SEC. 5. *Be it further enacted,* That any gift, grant, bequest or devise made, or that hereafter may be made to the said trustees or their successors, shall be valid and effectual to all intents and purposes whatever, and they are hereby empowered to hold real

and personal estate, the annual income of which shall not exceed six hundred dollars : *Provided*, That the Proviso. entire income be strictly appropriated to promote the objects of this corporation, and also that the gifts, grants or donations be faithfully applied according to the real intent and design of the donor.

SEC. 6. *Be it further enacted*, That all deeds and instruments which the said trustees may lawfully Trustees liable make in their said capacity, shall, when made in their name, and signed and sealed with their common seal, and delivered by them, be binding on said trustees and their successors and be valid in law.

SEC. 7. *Be it further enacted*, That Seth Sprague, Esq. be and he is hereby authorized to appoint the time and place for holding the first meeting of said trustees, and to notify them thereof.

[Approved by the Governor, January 28th, 1824.]

CHAP. LVII.

An Act empowering the Centre School District, in the town of Worcester, to raise money.

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 Centre School District, in the town of Worcester, in the County of Worcester, be, and they hereby are authorized and empowered, at legal meetings called and held for that purpose from time to time, to vote and raise money, in addition to the monies voted and raised by the Town, to be appropriated, to the support of Schools within said District, in such manner as the inhabitants of said District may direct ; and the said District shall have the same power and authority to grant and raise money for the support of Power to raise money.

Proviso.

Schools in said District, as School Districts now have by law to grant and appropriate money for the building and repair of School-Houses within the same, and shall proceed in the same manner in relation thereto; and the like proceedings shall be had in the assessment and collection thereof: *Provided, nevertheless,* That nothing in this act, contained, shall be construed to impair, or in any wise affect the rights and obligations of the town in relation to the manner of granting and appropriating money to the support of Schools, within said town, nor the right of said District to a distributive share thereof, but the same shall be and remain as though this act had not been passed.

[Approved by the Governor, January 27th, 1824.]

CHAP. LVIII.

An Act to incorporate the Columbian Society in Marblehead.

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 William B. Adams, Russell Bailey, John Roundy, John Sparhawk, Jr. Samuel Homan, Nathaniel Brimblecom, Jr. John Orne, Jr. and their associates, successors, and assigns, be, and hereby are incorporated and made a body politic forever, by the name of the Columbian Society of Marblehead, with power to have a common seal; to sue and be sued, to make and ordain from time to time a constitution, by-laws, rules and regulations for the government and management of the said corporation: *Provided,* The same are not repugnant to the constitution of this Commonwealth, and that they have all the privileges usually given by acts of incorporations to literary societies.

Proviso.

SEC. 2. *Be it further enacted,* That said corporation may take by purchase, gift, grant, or otherwise, and hold real estate not exceeding the value of five thousand dollars, and personal estate not exceeding the value of ten thousand dollars, for the purposes and uses of said corporation. May hold estate,

SEC. 3. *Be it further enacted,* That any Justice of the Peace in the town of Marblehead be, and is hereby authorised to call the first meeting of said society under this act, by posting notification thereof in three public places in said Marblehead, which meeting shall be held at the hall of said society, at which the constitution and by-laws of said corporation shall be read, after which no alteration, amendment, or addition to the constitution of said society shall be lawful, except the same shall have had three readings at three regular meetings of said corporation, and shall be agreed to by at least two thirds of the whole number of legal members who shall be resident on shore in said Marblehead. Meetings.

SEC. 4. *Be it further enacted,* That whenever the amount of five hundred dollars shall be subscribed for, by any person or persons, the Treasurer of said corporation shall issue certificates to such persons for as many shares which they shall have subscribed for, and paid in to said Treasurer, calculating said shares at ten dollars each, which certificate shall be made payable to the holders thereof, in twenty-one years from the eighth of January, in the year one thousand eight hundred and twenty-four, and bear interest thereon not exceeding half the rate of interest established by the laws of this Commonwealth, which interest, if any, shall be payable on the thirty first day of December, annually, which fund shall be placed in the hands of one or more trustees appointed by said corporation, and the principal thereof held inviolate and untouched: *Provided,* That said certificate shall be countersigned by the President of said corporation. Amount of shares.

SEC. 5. *Be it further enacted,* That the funds and property of said corporation, shall never be divided

among the members thereof, without the approbation of the Legislature of this Commonwealth, two thirds of the whole number of members of said corporation requesting the same.

[Approved by the Governor, January 28th, 1824.]

CHAP. LIX.

An Act to establish the first parish in West Newbury.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the parish in West Newbury, which was formerly known and styled as the second parish in Newbury, shall hereafter be known and styled the first parish in West Newbury, and hold, possess, and enjoy all the rights and privileges now to them belonging, together with all the powers incident to parishes.

[Approved by the Governor, January 28th, 1824.]

CHAP. LX.

An Act to incorporate the Saxon 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 Jeremiah Gore, John S. Harris, Stephen Gore, Jr. Ephraim Jones, Abner Wheeler, Benjamin Wheeler, and Eliphalet Wheeler, their associates, successors and assigns, be, and they are hereby made a Corporation, by the name of the

Saxon Factory, for the purpose of manufacturing wool at Framingham, in the County of Middlesex, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed 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, and the several acts in addition thereto.

SEC. 2. *Be it further enacted*, That said Corporation may be lawfully seized of such real estate, not exceeding the value of one hundred thousand dollars, and of such personal estate, not exceeding two hundred thousand dollars, as may be necessary for carrying on the factory aforesaid. Capital & estate.

[Approved by the Governor, February 4th, 1824.]

CHAP. LXI.

An Act in addition to an Act, entitled 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 the proprietors of the New England Museum and Gallery of Fine Arts, their successors and assigns shall have restored to them, and there hereby are restored to them, all the rights and privileges to them granted in their act of incorporation, and which they were entitled by said act to enjoy at the time of its being granted: *Provided*, The doings of said proprietors have not been contrary to the provisions of said act of incorporation. Proviso.

SEC. 2. *Be it further enacted*, That said proprietors of the New England Museum and Gallery of

May hold estate. Fine Arts, are hereby authorized and made capable in law in their corporate capacity, to hold and possess personal estate to the amount of forty thousand dollars, and real estate to the amount of thirty thousand dollars.

[Approved by the Governor, February 4th, 1824.]

CHAP. LXII.

An Act to incorporate the Norfolk Manufacturing Company.

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 Lemist, Samuel H. Babcock, George Bird, I. Farnsworth and Frederick A. Taft, together with such others, as may hereafter associate with them, their successors or assigns, be and they hereby are made a corporation by the name of the Norfolk Manufacturing Company, for the purpose of manufacturing cotton goods in the town of Dedham, 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 the several acts in addition thereto.

Capital. SEC. 2. *Be it further enacted,* That the said Norfolk Manufacturing Company may lawfully hold and possess such real and personal estate as may be necessary and convenient for carrying on the said Manufacture: *Provided,* The value of such real estate shall not exceed the sum of fifty thousand dollars, and the value of such personal estate shall not exceed one hundred thousand dollars.

[Approved by the Governor, February 4th, 1824.]

CHAP. LXIII.

An Act to incorporate the New-England Crown 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 Deming Jarvis, Edmund Munroe, Daniel Hastings, Amos Binney, and their associates, successors, and assigns, be, and they are hereby made a corporation by the name of the New-England Crown Glass Company, for the purpose of manufacturing Crown Window Glass in the city of Boston, and town of 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," and the several acts in addition thereto.

Persons
Incorporated.

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

Capital.

[Approved by the Governor, February 4th, 1824.]

CHAP. LXIV.

An Act to incorporate the Middlesex Iron Founding Company in the City of Boston and Town of 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 Ezra Stone, Jonah Tenny, William Granville, A. P. Sherman, Joseph Shed, Amos Binney, William Rogers and their associates, successors and assigns be, and they are hereby made a corporation by the name of the Middlesex Iron Founding Company, for the purpose of casting and founding iron of all kinds, in the City of Boston and Town of 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," and the several acts in addition thereto.

Persons incorporated.

Capital.

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

[Approved by the Governor. February 4th, 1824.]

CHAP. LXV.

An Act to incorporate the Boston and Ipswich Lace 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 Joseph Farley, William H. Sumner, Augustine Heard and George W. Heard, with all such others as have already associated, or may hereafter associate with them, their successors and assigns, be and they hereby are made a Corporation, by the name of the Boston and Ipswich Lace Company, for the purpose of manufacturing Lace, and other articles made of linen, silk, cotton and woollen materials, in the town of Ipswich in the County of Essex; and for that purpose shall have all powers and privileges, and be liable to all the duties and requirements contained in an act entitled, "An act defining the general powers and duties of manufacturing corporations," passed the third day of March, in the year of our Lord one thousand eight hundred and nine, and the several acts in addition thereto.

Persons incorporated.

SEC. 2. *Be it further enacted,* That said corporation may be lawfully seized and possessed of such real estate, not exceeding in value fifty thousand dollars, and such personal estate not exceeding one hundred thousand dollars, as may be necessary and convenient for carrying on the manufactures aforesaid.

Capital.

SEC. 3. *Be it further enacted,* That any one or more of the persons above named are hereby authorised and empowered to call the first meeting of the members of said corporation, at such time and place as they may see fit to appoint, by advertising the same in any newspaper printed in the City of Boston, for the purpose of choosing officers, and making by-laws for the government of said corporation.

[Approved by the Governor, February 4th, 1824.]

CHAP. LXVI.

An Act to incorporate and confirm the proprietors of pews in the meeting-house of the second Church and Society in Boston, a religious society by the name of the second Church and Society of Boston.

SEC. I. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Samuel Parkman, James Foster, Enoch Patterson, Robert M. Barnard, and Gedney King, with all others, proprietors of Pews in the Meeting House of the Second Church and Society in Boston, who may become their associates in this behalf, and their successors, proprietors as aforesaid, be, and they are hereby made and constituted a body politic and corporate, by the name of the Second Church and Society of Boston; by which name they may sue and be sued; and the said corporation shall have power to provide and use a common seal, to hold and acquire real estate, not exceeding the yearly income of four thousand dollars, and personal estate not exceeding the capital sum of fifty thousand dollars, and shall be, and they hereby are deemed in law to be seized and possessed of the said meeting house, with all the lands under and adjoining the same, and thereto belonging, with the privileges and appurtenances, and all other real and personal estate which the said Parkman, Foster, Patterson, Barnard and King, and their associates as aforesaid, have in their capacity, as said proprietors, heretofore holden in common and undivided, as fully as the same meeting-house and other real and personal estate have, by them, heretofore been holden and possessed, reserving, however, to the several proprietors of pews in the said meeting-house, their right and interest in said pews respectively.

Persons incorpo-
rated.

Estate.

SEC. 2. *Be it further enacted,* That the said Corporation shall be entitled to all the rights and privileges, and be subject to all the contracts and obligations, heretofore by the said proprietors enjoyed and contracted, and shall be, and hereby are empowered, from time to time, to make such further contracts, and to raise such sum or sums of money as they shall judge necessary for the maintenance and support of the public worship of God, and for the erection, maintenance and repair of churches or other buildings, and for all other parochial and incidental charges whatever.

Power to make
contracts and
raise monies.

SEC. 3. *Be it further enacted,* That said corporation shall have, and hereby is deemed in law to have power to make and ordain all such rules and by-laws, for the purpose of holding meetings, establishing offices and fixing the powers and duties thereof, and determining the mode of electing and appointing the officers therein, assessing and collecting taxes, and whatever else may be necessary and proper for the purpose for which said corporation is hereby created, as a majority of the members of said corporation shall agree to make and ordain: *Provided,* The same be not repugnant to the constitution or laws of this Commonwealth.

SEC. 4. *Be it further enacted,* That the said Samuel Parkman, James Foster, Enoch Patterson, Robert M. Barnard and Gedney King, or any three of them, may cause the first meeting of the said proprietors to be called, for the purpose of making such rules and by-laws, and carrying into effect this act of incorporation, by causing a notification thereof, and of the time and place, to be posted up at the door of said meeting-house, at least seven days before the said meeting shall be holden.

Meeting

[Approved by the Governor. February 4th, 1824.]

CHAP. LXVII.

An Act giving remedy in equity on Gaol Bonds.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That in all actions upon bonds given to entitle imprisoned debtors to the liberty of the gaol yard, the Court before which such actions may be pending, if it shall appear that the condition of such bonds has been broken, after the passing of this act, shall render judgment therein for the plaintiffs to recover so much money, and no more, as may be due according to equity and good conscience, any law or usage to the contrary notwithstanding: *Provided, however,* That judgment aforesaid shall never be rendered for a less sum than the amount of the execution upon which the debtor was committed, with the lawful interest on the same, and all lawful charges thereon.

[Approved by the Governor, February 4th, 1824.]

CHAP. LXVIII.

An Act to incorporate the South Boston Crown 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 Jonathan Hunnewell, Samuel Gore, Samuel H. Walley, Henry G. Foster, and John S. Foster, with such other persons as already have or hereafter may associate with them, their successors, or assigns, be, and they are hereby made a Corporation, by the name of the South Boston Crown Glass Company, for the purpose of manu-

Persons
incorporated.

facturing glass; and for that purpose shall have all the powers and privileges, and be subject to all the requirements in an act passed the third day of March in the year of our Lord one thousand eight hundred and nine, entitled "An Act for defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

SEC. 2. *Be it further enacted*, That said Corporation may be lawfully seized and possessed, of such real estate, not exceeding fifty thousand dollars, and such personal estate not exceeding two hundred thousand dollars in value, as may be necessary and convenient for carrying on the manufacture of glass. ^{Capital.}

[Approved by the Governor, February 4th, 1824.]

CHAP. LXIX.

An Act to incorporate the First Congregational Society in Marblehead, 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 the persons who now are, or who hereafter shall be proprietors of the North Meeting-house, in Marblehead, in the County of Essex, wherein the reverend Samuel Dana officiates, and of the land under and adjoining the same, or of any other building which shall be provided and maintained by the same religious society, for their public worship, and of the land under and adjoining the same, be, and they hereby are incorporated and made a body politic, and religious society, by the name of the First Congregational Society in Marblehead; and in that name may sue and be sued; and shall be invested with all the powers, privileges, and immunities, to which other religious societies in this Com- ^{Persons incorporated.}

Proviso.

monwealth are entitled by law ; and shall be capable of purchasing and holding estate, real and personal : *Provided*, that the annual income of the whole estate of said Corporation, beside the meeting-house, shall not at any time exceed the value of three thousand dollars.

Power to raise money.

Proviso.

SEC. 2. *Be it further enacted*, That said proprietors be and are hereby authorised and empowered to raise by an assessment on the pews and seats in their meeting-house, such sum or sums of money for the settlement and maintenance of a minister or ministers, repairing the meeting-house and defraying the other expenses of public worship, with incidental charges, as they shall agree on, at any legal meeting called for that purpose, and the same may assess, or cause to be assessed upon such pews and seats as the proprietors at any such meeting shall determine on, according to the respective valuation thereof, as recorded in the proprietors' book : *Provided, however*. That exemptions from said assessments shall be extended to all such pews and seats as may be agreed on by the proprietors of the meeting house, at their annual meeting : and the sums so assessed shall be paid by the proprietors of such pews and seats : And if any proprietor of a pew or seat, shall neglect to pay any assessment which shall be legally made thereon, for one year after the same shall have been made, the Standing Committee of said proprietors shall be authorized and empowered to sell and convey said pew or seat of any such delinquent proprietor, at public auction, first giving notice thereof, fourteen days at least, previous to the sale, by posting up a notification at the door of said meeting-house, and upon such sale to execute a good and sufficient deed or deeds thereof ; and after deducting the amount of said delinquent's assessment, together with the legal interest thereon, from the time the same was made, and all incidental charges, the said Committee shall pay the surplus, if any there be, to such delinquent proprietor.

SEC. 3. *Be it further enacted,* That all contracts heretofore made, by the said proprietors, with their minister or others, shall devolve and be binding upon them by their name and in their corporate capacity aforesaid; and all the votes and doings of said proprietors, so far as the same are not repugnant to the laws of this Commonwealth, shall be good and valid in law, and of the same force and virtue as though they had been passed under this act.

Previous contracts
to be binding.

[Approved by the Governor, February 7th, 1824.]

CHAP. LXX.

An Act to incorporate the Dudley 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 John Brown, Nathaniel Lyon, Perez B. Wolcott, and Samuel H. Babcock, their associates, successors, and assigns, be, and they are hereby made a Corporation by the name of the Dudley Woollen Manufacturing Company, for the purpose of manufacturing Wool at Dudley, in the County of Worcester; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an Act passed 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," and the several acts in addition thereto

Persons
incorporated

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

Capital.

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.

SEC. 3. *Be it further enacted*, That John Brown be, and he is hereby authorized to appoint the time, and place for holding the first meeting of said corporators, and to notify them thereof, either by personal notice, or otherwise.

[Approved by the Governor, February 6th, 1824.]

CHAP. LXXI.

An Act to incorporate the Atlas Insurance Company.

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 Samuel Adams Wells, William Savage, William H. Bordman, Jeremiah Fitch, Charles P. Curtis, and Samuel Austin, Jr. with their associates, successors and assigns, be, and they hereby are incorporated into a company and body politic, by the name of the Atlas Insurance Company, with all the powers and privileges granted to insurance companies, and subject to all the restrictions, duties and obligations, contained in a law of this Commonwealth, entitled, "an Act to define the powers, duties and restrictions of insurance companies," passed on the sixteenth day of February, in the year of our Lord eighteen hundred and eighteen, and in a law of this Commonwealth, entitled, "an Act authorizing the several Insurance Companies in this Commonwealth, to insure against fire," passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty, 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 may 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: *Provided*, the said Proviso. real estate shall not exceed the value of thirty thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said Corporation.

SEC. 2. *Be it further enacted*, That the Capital Capital. Stock of said Company shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per centum of which shall be paid in money within ninety days after the first meeting of the said company, and the residue within one year from the passing of this act, in such instalments and under such penalties as the President and Directors shall in their discretion direct and appoint. And the said Capital Stock shall not be sold or transferred, but shall be holden by the original subscribers thereto for and during the term of one year after the said company shall go into operation; and if the provisions of this act shall not be complied with, in one year from the first meeting, the same shall then be void. Condition of holding stock.

SEC. 3. *Be it further enacted*, That the stock, property, affairs and concerns of the said company, shall be managed and conducted by nine Directors, one of whom shall be the President thereof, who shall hold their offices for one year and until others are chosen, and who shall at the time of their election be Stockholders in said company and citizens of this Commonwealth: and shall be elected on the second Monday in March in each and every year, at such time of the day, and in such place in Boston as a majority of the Directors present at any legal meeting thereof, from time to time shall appoint; of which election public notice shall be given in two of the newspapers printed in 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 Officers. Manner of election.

Stockholders present, allowing one vote to each share in the Capital Stock; *Provided*, that no Stockholder shall be allowed more than thirty votes; and absent Stockholders may vote by proxy, under such regulations as the said company shall prescribe. And if through any unavoidable accident the said Directors shall not be chosen on the second Monday in March as aforesaid, it shall be lawful to choose them on any other day, giving notice in manner aforesaid. And it shall be the duty of the Secretary of the Company at any time, upon application in writing of the proprietors of one fifth part of the Capital Stock, to call a meeting of the Stockholders to be holden at such time and place in said Boston as they shall direct, for the purposes mentioned in such application, by giving like notice thereof, as is required for the election of Directors.

Choice of President. 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 (or affirmed) to the faithful discharge of the duties of his office, and shall remain in office one year, and until another shall be chosen. 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 special election for that purpose, to be notified and held in the same manner as is herein prescribed respecting annual elections of Directors.

Powers of the corporation SEC. 5. *Be it further enacted*, That the President, and in his absence one of the Directors, shall preside at all meetings of the corporation and of the Board of Directors, and the President and four Directors or five of them in his absence, shall be a Board competent to the transaction of any and all business, and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe such rules, regulations and by-laws, as to them shall appear needful and proper, touching the man-

agement and disposition of the stock, property, estate and effects of said company, and the transfer of the shares, and the duties and conduct of the several officers, clerks and servants employed, and the election of the Directors, and all such matters as appertain to the business of Insurance; and shall also have power to appoint a Secretary, and as 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*,^{Proviso.} such by-laws and regulations shall not be repugnant to the Constitution and Laws of this Commonwealth.

SEC. 6. *Be it further enacted*, That the said Insurance Company shall be located and kept in the City of Boston, and it shall be liable to be taxed by any general law providing for the taxation of all similar corporations, which are by law liable to be taxed.^{Liable to taxation.}

SEC. 7. *Be it further enacted*, That the said company shall never take on any one risk against fire or other risk, or loan on respondentia or bottomry, on any one bottom, at any one time, including the sum insured in any other way on the same bottom, a sum exceeding ten per centum of the capital stock of the said company actually paid in, agreeably to the provisions of this act.^{Risk to be taken.}

SEC. 8. *Be it further enacted*, That any two or more of the persons named in this act are hereby authorized to call the first meeting of the said company, by advertising the same for two successive weeks in two newspapers printed in Boston, for the purpose of electing their first Board of Directors, who shall continue in office till the second Monday in March in the year of our Lord eighteen hundred and twenty-five, and until others shall be chosen in their stead; *Pro-*^{Meeting.}
vided, that the said company shall not take any risk, nor subscribe any policy by virtue of this act, until one hundred and fifty thousand dollars of the Capital Stock aforesaid shall have been actually paid in: *And*
Provided further, that this charter shall be null and

void unless put in operation within one year from the passing of this act.

[Approved by the Governor, February 6th, 1824.]

CHAP. LXXII.

An Act to change the names of the 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 the several persons herein named, shall hereafter be known and called by the names they are hereby allowed to assume, viz:—

That William Cleverly of Weymouth, may take the name of William Coolidge; that Rachel Cleverly, wife of William Cleverly of Weymouth, may take the name of Rachel Coolidge; that Phebe Thayer Cleverly of Weymouth, minor, may take the name of Phebe Thayer Coolidge; that William Beal Cleverly of Weymouth, minor, may take the name of William Beal Coolidge; that Charles Cleverly of Weymouth, minor, may take the name of Charles Coolidge; that Lucy Ann Cleverly of Weymouth, minor, may take the name of Lucy Ann Coolidge; that Thomas Haskins, may take the name of Thomas Waldo Haskins; that Mary Holden Jackson, may take the name of Mary Howard Jackson; that James Brewer of Boston, a minor, son of Elizabeth Brewer, may take the name of James Hamilton Brewer; that Elam Clark Jr. of Easthampton, may take the name of Elam Calhoun Clark; that George Callender of Boston, son of the late Joseph Callender, Grocer, may take the name of George Henry Callender; that Ashbell Brigham of Boston, may take the name of William Ashbell Brigham; that John Andrews of Boston, may take the name of John Brooks Andrews;

that Jesse J. Sleeper of Boston, may take the name of Romanzo Warwick Montgomery; that Hervey Dival of Winchendon, County of Worcester, may take the name of Abel Hervey Wilder; that Lilbourne Boyd Drane, a member of Harvard University, may take the name of Robert Brent Drane; that William Metcalf Cobb of Holden, minor, may take the name of William Cobb Metcalf; that Bela Burns of Boston, may take the name of William Lovejoy Burns; that Jeremiah Sprague of Boston, may take the name of George James Sprague; that John Haven Dexter of Boston, merchant, son of Aaron Dexter, physician, may take the name of John Coffin Dexter; that Elizabeth Knapp of Newburyport, a minor, daughter of Mary Knapp, widow, may take the name of Jane Knapp; that Mary Adams of Newburyport, may take the name of Mary Hills Adams; that Lyman Stetson, son of Bela Stetson of Chesterfield, may take the name of William Lyman Stetson; that Mary Emerson Knight, daughter of Joseph Knight of Newbury, minor, may take the name of Mary Jane Knight; that John Peirce Batchelder, of Danvers, may take the name of John Batchelder Peirce; that James New of Boston, may take the name of James Edwards New; that Shepherd Gifford of Westport, may take the name of Charles Shepherd Gifford; that Barker Gifford of Westport, may take the name of Stephen Barker Gifford; that James Laha of Gloucester, may take the name of James Green; that Jonathan Hitchcock of West Stockbridge, may take the name of Jonathan Wright Hitchcock; that Josiah Foster, fifth son of Josiah Foster 3d of Beverly, may take the name of Josiah Lovett Foster; that Benjamin Knight Dunbering of Salem, may take the name of Benjamin Knight; that Tryphosa Kenrick of Newton, may take the name of Mary Eleanor Kenrick; that Archelaus Fuller of Middleton, may take the name of Archelaus Putnam Fuller; that Samuel Hazen of Westborough, cooper, may take the name of Henry Otis; that Stephen Glover Spurr of Quincy, may take the name of Stephen Elisha Glover; that

Russell Glover Spurr of Quincy, may take the name of Russell Edward Glover ; that Ebenezer Tarbox Jr. of Charlestown, may take the name of Ebenezer Thorndike ; that Nathaniel Tarbox, son of Ebenezer Tarbox Jr. of Charlestown, may take the name of Nathaniel Thorndike ; that Ebenezer Tarbox, son of Ebenezer Tarbox, Jr. of Charlestown, may take the name of Ebenezer Thorndike ; that Catherine Tarbox, daughter of Ebenezer Tarbox, jr. of Charlestown, may take the name of Catharine Thorndike. And the several persons herein named shall hereafter be called and known by the names which by this act they are respectively allowed to assume aforesaid ; and the same shall be considered as their only proper and legal names.

[Approved by the Governor, February 7th, 1824.]

CHAP. LXXIII.

An Act in addition to an Act entitled “ An Act for regulating marriage and divorce.”

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 it shall be made to appear to the Supreme Judicial Court, upon the complaint of either of the parties to a marriage contract, that the same is void, by reason of the incapacity of one of the parties to enter into such contract, arising from idiocy or insanity at the time of the marriage, the said court shall have power to declare the same void, and to decree a divorce for such cause from the bond of matrimony ; and the wife shall have restored to her all her lands, tenements and hereditaments, and also all or such parts of her personal estate, which shall have come to her husband's hands by force of the marriage, or the value thereof, as the said court, from all the circumstances

of the case, shall determine equitable, in like manner as is provided in said act, when a divorce is decreed for the causes of affinity, consanguinity, or impotency of either of the parties.

[Approved by the Governor, February 7th, 1824.]

CHAP. LXXIV.

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 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 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. Penalty.

SEC. 2. *Be it further enacted,* That if any person, from and after the passing of this act, shall hunt, chase or kill, with hounds or dogs, any deer within the Counties of Barnstable and Plymouth, or either of them, for every such offence he shall forfeit and pay the sum of twenty-one dollars, to be recovered in manner aforesaid, and to the uses aforesaid.

SEC. 3. *Be it further enacted,* That all former laws inconsistent with the provisions of this act be and they hereby are repealed.

[Approved by the Governor, February 7th, 1824.]

CHAP. LXXV.

An Act continuing in force the act establishing the
Massachusetts Bay 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 act passed in the year of our Lord one thousand eight hundred and eighteen, entitled an act to establish the Massachusetts Bay Canal Corporation, with all and every article, clause, matter and thing therein contained, shall continue and be in full force, until the first day of January, which will be in the year of our Lord one thousand eight hundred and thirty; any thing in the said act to the contrary notwithstanding.

[Approved by the Governor, February 7th, 1824.]

CHAP. LXXVI.

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

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 Seth Hastings, Esek Green, Daniel Fiske, Jr. Seth Davenport, John Claffin, Jr. Benjamin Davenport, Eli Warren, Daniel Farnam, Warren Rawson, Amariah Taft, Samuel Wood, and Caleb Hayward, with their associates, successors and assigns, shall be, and are hereby created a Corporation, by the name of the President, Directors, and Company of the Mendon Bank; and shall so continue until the first day of October, in the year of our Lord one thousand eight hundred and thirty-one; and by that name shall be and are hereby made ca-

pable 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 by-laws, ordinances, and regulations, as to them shall appear necessary and convenient for the government of said corporation, and the prudent management of its concerns: *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 contained.

Proviso.

SEC. 2. *Be it further enacted*, That the capital stock of said Bank, shall consist of the sum of one hundred thousand dollars, in gold and silver, in shares of one hundred dollars each, one fourth part of which shall be paid in ninety days, one fourth part in six months, one fourth part in nine months, and the residue in one year, after the first meeting of said corporation, or at such earlier time, as the stockholders, at any meeting may direct, and no dividend of profit shall be declared or paid on the capital stock of said bank, until the whole of said stock shall have been paid in conformably to the provisions of this act.— And the stockholders at their first meeting, shall by a majority of votes, determine the mode of transferring and disposing of the stock and profits of said bank, 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 three 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 prevent said corporator from

Capital Stock.

Transfer of Stock.

Proviso.

taking and holding real estate in mortgage or on execution, to any amount as security for, or in payment of any debt due to said corporation: *And provided, further,* That no money shall be loaned, or discounts made, nor shall any bills be issued from said bank, until the capital subscribed, and actually paid in, and existing in gold and silver, in the vaults of the same, 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 Presidents, Directors, and Company, of the State Bank," shall be binding on the bank hereby established, excepting that the bond to be given by the Cashier, shall be in the penal sum of twenty thousand dollars, and the number of Directors to be annually chosen, shall be nine, five of whom shall constitute a quorum for the transaction of business: *Provided,* That the amount of the bills of said bank in circulation, shall not at any time exceed fifty per centum beyond the amount of the capital actually paid in.

Penalty.

Proviso.

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

Committee of examination.

SEC. 5. *Be it further enacted,* That any Committee, specially appointed for that purpose by the Legislature, 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 examination it shall be found, and after a full hearing of said corporation thereon, be determined by the Legislature, that the said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions, or conditions, in this act provided, this act of incorporation may thereupon be declared, forfeited, and void.

Call of meeting

SEC. 6. *Be it further enacted,* That the persons herein before named, or any of them, are authorised to call a meeting of the members and stockholders of said corporation, at a convenient time and place, by advertising the same, three weeks successively, in the Massachusetts Spy, and National Ægis, two papers printed at Worcester, for the purpose of ma-

king, ordaining and establishing such by-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.

SEC. 7. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall provide therefor, to subscribe, on account of said Commonwealth, a sum not exceeding twenty-five thousand dollars, to be added to the capital stock herein before provided for. And whenever the Commonwealth shall become so interested in said Bank, the Governor and Council shall have a right to appoint four additional Directors for the management of the same.

Right of
Commonwealth
to subscribe to
capital stock.

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

Corporation
liable.

SEC. 9. *Be it further enacted*, That the said Corporation shall pay, by way of tax, to the Treasurer of this Commonwealth, for the use of the same within ten days after the first Monday of October and April, annually, the half of one per centum on the amount of stock, which shall have been actually paid in.

Tax.

SEC. 10. *Be it further enacted*, That one-tenth part of the whole capital of said Bank shall always be appropriated to loans, to be made exclusively to citizens of this Commonwealth, wherein the Directors shall particularly regard the agricultural and manufacturing interest in the same; which loans shall be made in sums, not exceeding five hundred dollars, nor less than one hundred dollars, to be secured by the personal bond of the borrower, and a satisfactory mortgage of real estate, as collateral security, for a term not less than one year; the interest on all such loans to be paid annually, and the estate so mortgaged, subject to the same forfeitures, and entitled to the same rights of redemption as is by law provided in other cases.

Loans, condition
of.

Loans to the
State,
when required.

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 shall be required, not exceeding twenty per centum of the amount of the capital stock actually paid in, 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.

Transfer of
Stock.

SEC. 12. *Be it further enacted*, That the capital stock of the said Bank shall not be sold or transferred, but be holden by the original subscribers thereto, for and during the term of one year from the passing of this act; and in case the same shall not be put into operation, according to the provisions thereof, within the year aforesaid, it shall be void.

[Approved by the Governor, February 7th, 1824.]

CHAPTER LXXVII.

An Act in addition to "An act to incorporate the Blackstone Canal Company."

Power to create
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 Blackstone Canal Company be and it is hereby authorized and empowered to open books in the manner pointed out in the Act to which this an addition, to receive subscriptions for Stock to construct and complete a Canal from the village in Worcester to tide-water in the town of Providence, in the State of Rhode-Island, and to create, if necessary, new stock for that purpose in the manner in said act mentioned; and the subscribers or owners of such shares or stock, shall be members of said Corporation, in the same manner as if the subscriptions had been made for Stock in a Canal from said village to the boundary line of this State, as in said act is provi-

ded; and all monies so raised by subscription or by the sale of new stock may be applied to constructing a navigable Canal from said village in Worcester to tide-water in said Providence, and also to constructing any of the works in said act mentioned whenever the same may be found necessary on said route. And the said corporation may be organized and transact its concerns by subscribers or owners of such stock, and hold its meetings in such places as may be deemed expedient, whether in this State or not: *Provided however*, that nothing contained in this act shall have the effect of diminishing the power or privileges granted by the act to which this is an addition.

Meeting, where to be holden.

SEC. 2. *Be it further enacted*, That the Corporation of said Blackstone Canal Company may be organized in the manner pointed out in the tenth section of the act to which this is an addition, whenever one hundred shares in the Capital Stock of said Corporation shall be subscribed for; any thing in the said act to which this is in addition to the contrary notwithstanding.

Organization.

[Approved by the Governor, February 7th, 1824.]

CHAP. LXXVIII.

An Act altering the times of holding the Courts of Common Pleas, in the Counties of Nantucket and 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 from and after the passing of this act, the Court of Common Pleas, now holden at Nantucket, within and for the County of Nantucket, on the second Monday of May, and on the first Monday in November, shall be holden hereafter on the fourth Monday of May, and the fourth Mon-

Time of holding Courts.

day of October, annually; and that the Court of Common Pleas, now holden at Edgarton, within and for the County of Dukes County, on the third Monday of May, and the second Monday of November, shall be holden hereafter on the Monday next after the fourth Monday of May, and the Monday next after the fourth Monday of October, annually.

SEC. 2. *Be it further enacted*, That all writs, appeals, recognizances and processes, and every other matter or thing returnable to, or now pending in said Courts of Common Pleas, shall be returned to and have day in said Courts, at the times for holding the same established by this act; and all parties and persons before passing this act required to appear and attend, at the terms aforesaid, and shall appear and attend, and have like day in Court, at the terms established by this act, pursuant to its true intent and meaning.

[Approved by the Governor, February 10th, 1824.]

CHAP. LXXIX.

An Act to incorporate the Easton Grammar School and Chapel.

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 Easton, in the County of Bristol, a Grammar School by the name of the Easton Grammar School and Chapel, for the purpose of promoting religion and morality, and for the education of youth in such of the Liberal Arts and Sciences, as the Trustees for the time being shall direct, and that Rev. Luther Sheldon, Howard Lothrop and Deacon Abijah Reed, are nominated and appointed Trustees; and they are hereby incorporated into a body politic by the name of the Easton School and Chapel,

Persons
incorporated.

and they and their successors, shall be a body politic by that name forever.

SEC. 2. *Be it further enacted*, That the said Trustees of said Institution may have a common Seal, which they may change at pleasure, that the Trustees may sue and be sued in all actions real or personal and mixed, and prosecute and defend the same to final judgment and execution, by the name of the Trustees of the Easton Grammar School and Chapel, and may appoint an agent or agents to prosecute and defend such suits. Trustees, power of.

SEC. 3. *Be it further enacted*, That all lands, monies or other property heretofore given or subscribed, for the purpose of erecting or establishing a Grammar School and Chapel, or which shall hereafter be given, granted, or assigned to the said Trustees, shall be confirmed to the said Trustees and their successors in that trust forever, for the uses which in such instruments are or shall be expressed, provided such uses shall not be repugnant to the design of this act. And the said Trustees shall be further capable of having, taking and holding in fee simple, by gift, grant, devise or otherwise, any lands, tenements, or other estate, real or personal: *Provided*, the annual income of the whole shall not exceed the sum of three thousand dollars, and shall apply the interest, rents, and profits, so as most effectually to promote the design of the Institution. Possession of property confirmed. Provided.

SEC. 4. *Be it further enacted*, That the said Trustees for the time being, shall be the visitors and governors of said institution, shall have full power, from time to time, to elect such officers thereof as they shall judge necessary, and fix the tenure of their respective offices, to remove from office any Trustee, when he shall become incapable, from age or otherwise, of discharging the duties of his office, the Trustees then surviving shall elect one or more persons to fill the vacancy or vacancies, and to make and ordain reasonable orders, rules, and by-laws, not repugnant to the Laws of this Commonwealth, for the good gov- Power and duty of Trustees.

ernment of said Institution, as to them may seem fit and requisite.

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.

SEC. 6. *Be it further enacted*, That Cyrus Lothrop, 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 accordingly.

[Approved by the Governor, February 7th, 1824.]

CHAP. LXXX.

An Act to incorporate an Academy in the Town of Wilbraham, by the name of the Wesleyan 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 there be, and hereby is established, in the Town of Wilbraham, in the County of Hampden, an Academy for the purpose of promoting religion and morality, and for the education of youth, in such of the Liberal Arts, and Sciences, as the Trustees for the time being shall direct; and that Amos Binney, Abel Bliss, Abraham Avery, Calvin Brewer, Enoch Mudge, Jr. Wilber Fisk, Joshua Crowell, William Rice, John Lindsey, be nominated and appointed Trustees, and they are hereby incorporated into a body politic, by the name of the Trustees of the Wesleyan Academy; and they and their successors shall be and continue a body politic, by that name forever.

Persons Incorporated.

Gifts, &c. certified.

SEC. 2. *Be it further enacted*. That all lands, monies, or other property, heretofore given, or subscribed, for the purpose of erecting or establishing an Acade-

my as aforesaid, or which shall hereafter be given, granted, or assigned to the said Trustees, shall be confirmed to the said Trustees, and their successors in that trust, forever, for the uses, which in such instrument shall be expressed; and the said Trustees shall be 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*,^{Proviso.} the annual income of the same shall not exceed the sum of ten thousand dollars; and shall apply the profits thereof, so as most effectually to promote the designs of the Institution.

SEC. 3. *Be it further enacted*, That the said Trustees for the time being, shall be the Governors of said Institution; shall have full power from time to time, to elect such officers thereof, as they shall judge necessary and convenient, and fix the tenure of their respective offices; to remove from office any Trustee when he shall become incapable from age or otherwise, of discharging the duties of his office: or when, in the judgment of a majority of the Trustees, he is an improper person to hold such office; to fill all vacancies that may happen in the Board of Trustees, to determine the times and places for holding their meetings, the manner of notifying the Trustees, the method of electing members of the board; to elect instructors and prescribe their duties; to make such by-laws as they may think proper, with reasonable penalties, for the government of the Institution, provided the same be not repugnant to the laws of this Commonwealth.^{Power and duty of Trustees.}

SEC. 4. *Be it further enacted*, That the Trustees of said Academy may have a Common Seal, which they may change at pleasure; and all deeds, sealed with said seal, and delivered and acknowledged by the Secretary of said Trustees by their order, shall be good and valid in law; and said Trustees may sue and be sued in all actions, and prosecute and defend the same to final judgment and execution, by the name of the Trustees of the Wesleyan Academy.^{Common Seal.}

SEC. 5. *Be it further enacted*, That the number of said Trustees shall never exceed fifteen, nor be less^{Number of Trustees.}

than nine, five of whom shall be necessary to constitute a quorum for doing business, but a less number may from time to time adjourn until a quorum can be constituted

SEC. 6. *Be it further enacted*, That Amos Binney and John Lindsey be, and they are hereby authorised and empowered to fix the time and place for holding the first meeting of the Trustees, and to notify them thereof.

[Approved by the Governor, February 7th, 1824.]

CHAP. LXXXI.

An Act establishing the Watertown Turnpike Corporation.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That William Gray, Marshall B. Spring, David Moody, Thomas Bartlett, and Amos Lawrence, together with their associates, successors and assigns, be, and they are hereby incorporated, by the name of the Watertown Turnpike Corporation, for the purpose of making a turnpike road, from the termination of the road made by the Boston and Roxbury Mill Corporation, in Brighton, to a point on the southern bank of Charles river, nearly opposite to the lower wharf of the United States' Arsenal, thence, with the consent of the proper authorities of the government of the United States, and not otherwise, across Charles river, by a bridge, to the land adjoining said Arsenal above the said wharf, and through the same land in the course and manner prescribed by the said authorities; and thence in the straightest convenient course to the square in Watertown, with all the powers and privileges, and subject to all the duties, requisitions and penalties, estab-

Persons incorpo-
rated

lished by the act entitled "An act defining the general powers and duties of Turnpike Corporations," and the several acts in addition thereto. And the same Corporation shall have power to occupy so much of the marshes over which said road shall pass, as shall be requisite for the purpose of making canals where the same are necessary: *Provided*, That neither of the towns of Watertown or Brighton, shall ever be compelled to support any part of said road or bridge without their own consent. ^{f Proviso.}

SEC. 2. *Be it further enacted*, That the Corporation hereby established, may erect any toll gate upon the said road, at such place as they may find most convenient for collecting the tolls, and shall be entitled to demand and receive from each traveller or passenger the same tolls which the Ninth Massachusetts Turnpike Corporation is now authorised to receive at its gate in Bellingham, by an act passed on the eighth day of February last, and no greater: *Provided* however, That the Legislature may at any time reduce the said rates of toll, so that the net proceeds thereof, may not exceed six per cent, per annum, calculating upon the average dividends of the three preceding years. ^{Tolls. Proviso.}

SEC. 3. *Be it further enacted*, That the joint Committee of the Senate, and House of Representatives, on the subject of Bridges, Turnpikes and Canals, or a majority of them, be, and they hereby are authorised to perform all the duties of a committee, for laying out the road herein above described, and their return, made to the Court of Sessions, in the County of Middlesex, shall be as valid and effectual in law, as that of any committee which might be appointed by said Court for the same purpose. ^{Return of Committee to be valid.}

[Approved by the Governor, February 7th, 1824.]

CHAP. LXXXII.

An Act to incorporate the First Universalist Society in Bernardston.

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 Bascom, Stephen Webster, Joseph Davis, David Ryther, George Alexander, Samuel Picket, Jonathan Connable, David Newell, Dorus Bascom, Elizur Chamberlain, Horace Atherton, Solomon Allen, Izatus Sheldon, James Doly, Rufus Horsley, Anson Hitchcock, Charles J. Ryther, John T. Goodrich, Joel Lyons, Smith Hodges, Roswell Purple, Lyman Darling, John Lyon, Louis C. Scott, Linus Stephen Prouty, Nathaniel Tyler, Simcon Allen, Oliver Cook Jr., Isaac Burrows, Ezra Shattuck, Gideon Ryther, Oliver Wilkinson, Wass Hillman, Amos Davis, Israel Phillips, Israel Phillips Jr., Samuel Picket Jr., Pierce Chase, Francis Munn, Phillip Newell, Pliny Warner, Solomon Chapin, Henry Bascom, Jonathan Atherton, Quartus Nash, Ezra Connable, Chester Bascom, Amos Carrier, Benjamin Smith, Joseph Picket, Rufus Scott, Joab Scott, Stephen N. Scott, Alexander Ryther, John Clark, Joseph Atherton Jr., Josephus Slate, Calvin Cushman, and Aaron Spaulding, being inhabitants of several towns in the County of Franklin, with their families and estates, together with such others, living within the said County, as may hereafter associate with them and their successors, be, and they hereby are incorporated into a society, by the name of The First Universalist Society in Bernardston, with all the privileges, powers, and immunities, which other religious societies in this Commonwealth are by law, entitled to; and may purchase, receive by gift, or otherwise, real estate, the value of which shall not exceed the sum of four thousand dollars.

Persons
incorporated.

SEC. 2. *Be it further enacted,* That it shall and may be lawful for all deeds hereafter to be given, on

Respecting
deeds of sale.

the sale of any interest in the meeting-house erected for the use of the said society, to be recorded by the clerk of said society, in a book to be especially provided for that purpose; and all deeds legally executed and recorded as aforesaid shall be deemed sufficient in law, any law or usage to the contrary notwithstanding.

SEC. 3. *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 society, requiring him to notify the first meeting of said society, at such convenient time and place, as ^{Meeting for the choice of officers.} may be appointed in said warrant, for the election of officers, and to transact such other parochial business as may be authorized in said warrant.

[Approved by the Governor, February 7th, 1824.]

CHAP. LXXXIII.

An Act to enable the first Congregational Society in the Town of Falmouth to dispose of 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 first Congregational Society in Falmouth be, and they are hereby authorized and empowered to sell and convey in fee ^{May sell estate} simple, all the real estate of said society, consisting of the ministerial or parsonage lands thereof; and for this purpose, at any legal meeting of the said society, to choose a committee consisting of not less than five, nor more than twelve members of the society, whose duty it shall be to sell and dispose of the lands aforesaid, either at public or private sale;

for cash or on credit as they may deem best, and to make, execute, and acknowledge a good deed or deeds thereof in behalf of said Society, which deed or deeds shall be good and effectual in law, to pass and convey the fee simple from said Society, to the purchaser, to all intents and purposes whatever.

Disposition of funds.

SEC. 2. *Be it further enacted,* That the proceeds arising from the sale of said lands, shall be placed by the committee before named, in some public fund or bank Stock, or put out at interest, at the discretion of said committee, the income arising from which fund shall be appropriated towards the support of the gospel ministry in said Society.

Committee.

SEC. 3. *Be it further enacted,* That the said Society may, and shall, at a legal meeting thereof, held within one year after the said monies and proceeds shall so have been invested, and thereafterwards, annually, choose a committee of the members of said Society, whose duty it shall be to manage said fund for the purposes aforesaid, and who shall hold their offices for one year, and until others are elected in their stead.

[Approved by the Governor, February 7th, 1824.]

CHAP. LXXXIV.

An Act to incorporate the Salem Lead Manufacturing Company.

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 Joseph Peabody, John Derby, Jarathmiel Pierce, Pickering Dodge, Stephen Phillips, and their associates, successors and assigns, shall be, and they are hereby constituted, a body politic and corporate, by the name of the Salem Lead Manufacturing company, and by that name may sue and be sued, plead and be impleaded, defend and

be defended in any Court of Record, or in any place whatsoever, and shall and may do and suffer all matters, acts and things, which bodies politic ought to do and suffer; and shall have power to make, have and use a common seal; and the same again at pleasure to break, alter and renew. And the said Company shall have all the powers and privileges, and be subject to all the duties, contained in an act entitled ^{Powers & duties.} "An Act, defining the general powers and duties of Manufacturing Corporations," passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, and any other acts additional thereto, which shall have been passed from time to time.

SEC. 2. *Be it further enacted*, That the said Corporation be, and the same is hereby empowered, to establish, manage and carry on the manufacture of lead and copper, in their various branches, and such other lawful manufactures, as can be conveniently managed and carried on by the said Company; and to purchase, take, hold and convey real and personal ^{May hold Estate.} estate of every kind, to such an amount, as they may find necessary or convenient in the management of their concerns: *Provided*, ^{Proviso} the same shall not exceed the sum of fifty thousand dollars in real estate, nor one hundred and fifty thousand dollars in personal estate; and the same to manage, improve, change and sell at their pleasure, and to erect on their real estate, to be purchased and held by them as aforesaid, all such buildings, machines, works and improvements, as they may deem necessary or useful in carrying on and managing their manufactures and works, and in conducting the business of the Corporation. And the whole of the Corporate property shall be divided into shares, as the said Corporation shall direct.

SEC. 3. *Be it further enacted*, That the said Corporation be, and are hereby authorized to raise such sums of money, as may, from time to time, be necessary for effecting the objects of the said Corporation, by equal assessments on the several shares therein; ^{Power to raise money.}

and the time when such assessments become due and payable, shall be made known to each proprietor, by the Clerk of the said Corporation, by written notice, left at his last and usual place of abode, or by letter addressed to him, by mail, or by public notice as the Corporation may direct. And the Treasurer of said Corporation, is hereby authorized to sell at public Auction, the share or shares of any proprietor, who shall neglect to pay the assessments, laid thereon, within ten days after the same shall become due and payable, as aforesaid; or so many of such shares, as shall be necessary for that purpose, giving notice of the time and place of such sale, in one of the newspapers printed in Salem, or in one, in which the laws of this Commonwealth are ordered to be printed for the time being, thirty days, at least, before the time of such sale; and a deed of such share or shares duly executed and acknowledged by the Treasurer and recorded, shall be a valid conveyance of such delinquent proprietor's share or shares, to the purchaser thereof; and the surplus money, arising from such sale, if any remain (after paying the assessments due and interest thereon, from the time when the same became due, as also all the charges and expenses of such sale,) shall be paid to such delinquent proprietor, or his assigns; or the said Corporation may recover the amount of such assessments and interest with costs in an action of debt, in any court having jurisdiction thereof, as they shall elect and determine.

Sale of Shares.

Conditions of sale.

SEC. 4. *Be it further enacted,* That the proprietors aforesaid, shall meet at such times, as shall be provided for, in their by-laws, for the purpose of electing such officers, as they shall find necessary, and for transacting any other business, relating to the objects of their incorporation; and every proprietor present, or represented, at any such meeting, shall be entitled to as many votes as he has shares. And in voting for assessments on the shares of the said Corporation, three fourths of the votes cast, shall be required, to make such assessments binding on the members thereof.

Election of Officers.

SEC. 5. *Be it further enacted*, That the said Joseph Peabody, or either of the aforementioned persons, is hereby authorized to call the first meeting of the said Corporation by written notice, to be left at the last and usual place of abode of each proprietor, or by letter addressed by mail, or by public notice, at least seven days previous to the said meeting ; at which first meeting, the proprietors present shall choose a clerk, who shall be sworn to the faithful discharge of his duties.

[Approved by the Governor, February 7th, 1824.]

CHAPTER LXXXV.

An Act to Incorporate the Washington Fire and Marine 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 Oliver Keating, Tobias Lord, Benjamin Guild, John Skinner, and Ralph Haskins, with their associates, successors and assigns, be, and they are hereby incorporated into a Company and body politic, by the name of the Washington Fire and Marine Insurance Company, with all the powers and privileges granted to Insurance Companies, and subject to all the restrictions, duties, and obligations, contained in a Law of this Commonwealth, entitled "An Act to define the powers, duties and restrictions of Insurance Companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled "An Act authorising the several Insurance Companies of this Commonwealth to insure against fire," passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty, for and during the term of twenty years after the passing of this act; and by that name

Persons
incorporated

may sue and be sued, plead and be impleaded, appear, prosecute, and defend to final judgment and execution; and may have a common seal which they may alter at pleasure; and may purchase, hold and convey any estate, real or personal for the use of said Company: *Provided*, the said real estate shall not exceed the value of fifty thousand dollars, excepting such as may be taken for debt, or held for collateral security for money due to said Company.

Proviso.

Capital Stock.

SEC. 2. *Be it further enacted*, That the Capital Stock of said Company shall be two hundred thousand dollars, and shall be divided into shares of one hundred dollars each, one hundred thousand dollars of which shall be paid in money, within sixty days after the first meeting of the said Company, and the residue within one year from the passing of this act, in such instalments, and under such penalties, as the President and Directors shall in their discretion direct and appoint. And the said capital stock shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the term of one year after the said Company shall go into operation; and if the provisions of this act shall not be complied with, within one year from the first meeting, then the same shall be void.

Officers, term and time of election.

SEC. 3. *Be it further enacted*, That the stock, property, affairs and concerns of the said Company shall be managed and conducted by nine Directors one of whom shall be 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 in said Company and citizens of this Commonwealth, and shall be elected on the first Monday of May in each and every year, at such time of the day, and in such place in Boston, as a majority of the Directors for the time being shall appoint, of which election public notice shall be given in two of the Newspapers printed in 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 stockholders present, allowing one vote to each share in the Capital Stock: *Provided*,

Proviso.

that no Stockholder shall be allowed more than thirty votes; and absent Stockholders may vote by proxy under such regulations as the said Company shall prescribe. And if through any unavoidable accident, the said Directors shall not be chosen on the first Monday in May as aforesaid, it shall be lawful to choose them on any other day, in the manner herein provided. And it shall be the duty of the Secretary of said Company, at any time upon application in writing of the proprietors of twenty per centum of the capital stock, to call a meeting of the Stockholders, to be holden at such time and place in said Boston, as they shall direct, for the purposes mentioned in such application, by giving like notice thereof as is herein required for the election of Directors.

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 or affirmed, to the faithful discharge of 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.

Choice of President.

SEC. 5. *Be it further enacted*, That the President and four of the Directors, or five of them in his absence, shall be a Board competent to 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 as many Clerks

Power to make by-laws.

and Servants for carrying on the said business, and with such salaries and allowances to them and to the President as to the said Board shall seem meet: *Provided*, such by-laws and regulations shall not be repugnant to the Constitution and Laws of this Commonwealth.

SEC. 6. Be it further enacted, That any two or more of the persons named in this act, are hereby authorized to call a meeting of said Company, by advertising the same for two successive weeks in the Columbian Centinel, Boston Patriot and Daily Advertiser, printed in Boston, for the purpose of electing their first Board of Directors, who shall continue in office till the first Monday in May in the year of our Lord then next ensuing, and until others shall be chosen in their stead. *Provided however*, that this charter shall be void and of no effect, unless put into operation agreeably to the terms of it, within one year from and after the passing of this act. *And provided also*, that the said Company shall not take any risk, or subscribe any policy, by virtue of this act, until one hundred thousand dollars of the Capital Stock of said Company shall have actually been paid in.

SEC. 7. Be it further enacted, That said Company shall never take on any one risk against fire, or other risk or loan, on respondentia, or bottomry, on any one bottom, at any one time, including the sum insured, in any other way on the same bottom, a sum exceeding ten per centum on the Capital Stock of said Company actually paid agreeably to the provisions of this act.

SEC. 8. Be it further enacted, That the said Insurance Company shall be located and kept in the City of Boston.

SEC. 9. Be it further enacted, That the said Washington Fire and Marine Insurance Company shall be liable to be taxed by any general law, providing for the taxation of all similar Corporations, which are by law liable to be taxed.

[Approved by the Governor, February 7th, 1824.]

CHAP. LXXXVI.

An Act to incorporate the Globe Fire and Marine 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 Enoch Silsby, Lewis Tappan, and Robert Waterston, with their associates, successors, and assigns, be, and they are hereby incorporated into a body politic, by the name of the Globe Fire and Marine Insurance Company, for and during the term of twenty years, from and after the passing of this act, with all the privileges granted to Insurance Companies, and subject to all the restrictions, duties, and obligations contained in a law of this Commonwealth, entitled, "an act to define the powers, duties, and restrictions of Insurance Companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled "an act authorizing the several Insurance Companies in this Commonwealth, to insure against fire," passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty;" 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: *Provided*, They shall not hold real estate exceeding the value of seventy thousand dollars, excepting such as may be taken for debt, or held as collateral security for monies due to said company.

Persons Incorporated.

Provido.

SEC. 2. *Be it further enacted*, That the capital stock of said company, exclusive of premium notes and profits, arising from business, shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per centum

Capital Stock.

of which shall be paid in money, within ninety days after the first meeting of said company, and the residue in money to be paid, twenty-five per centum thereof in six months, and twenty-five per centum in one year from and after said first meeting, under such penalties as three fourths of the Directors may determine; and the said capital stock shall not be sold or transferred, but shall be holden by the original subscriber thereto, for and during the term of one year after said company shall go into operation as aforesaid.

Officers, time and term of election.

SEC. 3. *Be it further enacted,* That the property, affairs, and concerns of said company, shall be managed and conducted by nine Directors, one of whom shall be President thereof, who shall hold their offices for one year, and until others are chosen, and who shall be stockholders in said company, and citizens of this Commonwealth, at the time of their election, which shall be on the second Monday of March in every year, at such time of the day, and place in Boston, as a majority of the Directors, for the time being, shall appoint: notice of which election shall be given in two newspapers printed in Boston, at least ten days previous to the election, which shall be made by written ballots; and 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 thirty votes; and absent stockholders may vote by proxy. And if from any cause, the Directors shall not be chosen on the second Monday in March aforesaid, it shall be lawful to choose them on any other day in manner herein provided. And it shall be the duty of the Secretary of said company, upon application in writing, made by the proprietors of twenty per centum of the capital stock, to call a meeting of the stockholders, by giving like notice thereof, as is herein prescribed for the election of Directors.

Proviso.

Choice of President.

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 faithfully sworn to discharge the duties of his office, and who shall preside for one year; and in case of death, resignation, or inability to serve of the president, or any of the directors, such vacancy or vacancies may be filled, for the remainder of the year, by the surviving and continuing directors.

SEC. 5. *Be it further enacted*, That the President and two of the Directors, or three Directors in the absence of the President, shall be a board, competent to the transaction of the business of the company; and all questions before them shall be decided by a majority of the Board; and they shall have power to make such rules and by-laws as they may deem proper, for the management of the affairs, and security of the property of said company; and have power to appoint a Secretary, and such other officers as they may think expedient, and make such compensation as they may deem adequate to the services performed: *Provided*, That such rules and by-laws, Power of Directors. be not repugnant to the Constitution and laws of this Commonwealth.

SEC. 6: *Be it further enacted*, That any two of the persons named in this act, are hereby authorized to call a first meeting of this company, for the purpose of organizing and putting the same into operation, by giving notice in two newspapers printed in Boston, three days previous to the time of holding such first meeting: *Provided, however*, That this charter shall be void, and of no effect, unless put into operation agreeably to the terms of it, within one year from and after the passing of this act: *Provided, also*, That the said company shall not take any risk, or subscribe any policy, by virtue of this act, until one moiety of the capital stock of said company shall have actually been paid in. Call of meeting, Proviso.

SEC. 7. *Be it further enacted*, That the said Insurance Company shall be located, and kept in the City of Boston.

SEC. 8. *Be it further enacted*, That the said Company shall never take, on any one risk, or loan, on Risks to be taken.

respondentia, or bottomry, on any one bottom, at any one time, including the sum insured in any other way, on the same bottom, a sum exceeding ten per centum on the capital stock of said company actually paid in, agreeably to the provisions of this act.

Liable to
taxation.

SEC. 9. *Be it further enacted*, That the said Globe Fire and Marine Insurance Company, shall be liable to be taxed by any general law providing for the taxation of all similar corporations, which are by law liable to be taxed.

[Approved by the Governor, February 9th, 1824.]

CHAP. LXXXVII.

An Act to incorporate the Boston Copper Manufacturing Company.

Persons incorpo-
rated.

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 C. F. Andrews, James Bartlett, and Isaac Washburn, and their associates, successors and assigns, be, and they hereby are made a Corporation, by the name of the Boston Copper Manufacturing Company, for the purpose of Smelting and Rolling sheet copper and copper bolts and casting copper composition and metals of all kinds, in the town of Boston and Cambridge, 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 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 the several acts in addition thereto.

SEC. 2. *Be it further enacted*, That the said Corporation may be lawfully seized and possessed of

such real estate not exceeding one hundred thousand ^{Capital.} 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.

[Approved by the Governor, February 9th, 1824.]

CHAP. LXXVIII.

An Act to establish the Salem Marine Railway 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 Stephen Phillips, William P. Richardson, Pickering Dodge, James Cook, and Joseph A. Peabody, all of Salem, in the County of Essex, and such other persons as have associated, and may hereafter associate themselves with them, be, and they hereby are made a body politic and corporate, by the name of the Salem Marine Railway Corporation, for the purpose of making and supporting a marine railway in the town of Salem; and by that name, they and their successors may sue and be sued, and generally do and execute whatever by law shall appertain to bodies politic and corporate, and shall be capable in law to take, and hold, in fee simple or otherwise, any lands, tenements and hereditaments, not exceeding in the whole the value of five thousand dollars, and shall also be capable in law to take and hold personal estate, not exceeding in the whole, the sum of ten thousand dollars; and shall also have power to sell, demise, exchange, and otherwise dispose of or manage all, or any part of their lands, tenements, hereditaments and personal estate aforesaid, for the benefit of said corporation, and shall also have a common seal, which they may break, alter and renew at their pleasure; and shall also have

Persons
incorporated.

May hold estate.

power to make by-laws with suitable penalties, and not repugnant to the laws of this Commonwealth.

Number and value of shares.

SEC. 2. *Be it further enacted*, That the whole property of said corporation shall be divided into one hundred and fifty shares, not exceeding the value of one hundred dollars each, and said shares shall be considered in all respects as personal estate; and the said corporation shall have power, from time to time, to assess upon each of said shares such sums of money as may be deemed necessary for the purposes of said corporation; and for the payment of any such assessment, the said corporation shall have power, after notice given pursuant to their by-laws in that behalf, to sell and dispose of the shares of delinquent proprietors, at such time and manner as the said corporation may determine; and in case of any sale of such shares aforesaid, a deed or deeds duly executed and acknowledged by the President of said corporation, or by any person authorized by said corporation, and recorded in their records, shall be as effectual to convey such delinquent proprietor's estate and interest in such shares as if such deed had been made and executed by such proprietor himself.

Call of Meeting.

SEC. 3. *Be it further enacted*, That the first meeting of said corporation shall be called either by personal notice to each of the proprietors, or by advertisement in any of the public newspapers printed in Salem aforesaid, such notice or advertisement to be at least seven days before the day of such meeting; and at the said first meeting, or any other legal meeting, the said corporation may agree on the mode of calling and warning their annual and other meeting; and

Choice of officers.

may elect a President and such other officers as they may judge proper for the orderly conducting of their affairs and the management of their property, and may change or remove such officers at pleasure; and at all meetings each proprietor present shall be entitled to one vote for each of his shares, and any absent proprietor shall be entitled to vote in like manner by proxy authorized in writing.

SEC. 4. *Be it further enacted*, That the several persons herein before named, or any two of them, be, and they hereby are authorized to call the said first meeting in manner aforesaid.

[Approved by the Governor, February 9th, 1824.]

CHAP. LXXXIX.

An Act to incorporate the First Baptist Society in Dighton.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Peleg Francis, Nathan Simmons, George Horton, Jonathan P. Sears, Ebenezer Lee, Gideon Hicks, Daniel Witherell, Leander T. Wing, James Paull, Stephen Smith, Jr. Caleb Paull, David S. Smith, Percy N. Perce, Anson Horton, Seth Horton, Elisha K. Paull, Baylies Horton, Elisha Moulton, Philip Nichols, Thomas Lawton, Crummell Goff, George A. Goff, Ezekiel Smith, Simeon Percy, Epraim R. Witherell, Asa Smith, Benjamin Pidge, Thos. Francis, Thos. H. Francis, Stephen Smith, Benjamin Smith, Constant Simmons, George B. Simmons, G. Briggs, George Briggs, Jr. Nathan Briggs, Israel Lee, Seth S. Horton, Abdiel Bliss, Solomon Horton, Jathniel Peck, William W. Waldron, Cromwell Peck, Stephen Moulton, Joseph Nichols, Golon Nichols, Otis Nichols, Cyrus M. Wheaton, Alancy R. Lawton, Richard Goff, Jr. Richard Goff, Nelson Goff, Leonard Goff, Horatio Goff, Joseph Bowen, Darius Goff, George L. Horton, Orin N. Horton, Abdiel Bliss, Seth Talbert, Aaron M. Smith, Otis Peck, Nathan Hicks, Jotham Hicks, Stephen Bowen, Seneca Bliss, Talbot Horton, Darius Perry, Robert Whitmarsh, Enoch Wheeler, Ebenezer Gooding, and Israel Pierce, their associates, successors and assigns, be, and they hereby are incorporated as a religious soci-

Persons Incorporated.

ety by the name of the first Baptist Society in Dighton, with all the powers and privileges, and subject to all the duties and liabilities of Parishes and other Religious societies, according to the constitution and laws of this Commonwealth.

Meeting.

SEC. 2. *Be it further enacted*, That any Justice of the Peace, for the County of Bristol, is hereby empowered upon application therefor, to issue a warrant, directed to any Freeholder and member of said First Baptist Society, requiring him to notify and warn the members thereof, to meet at such convenient time and place, as shall be appointed in said warrant, to organize said Society, by the appointment of its officers.

[Approved by the Governor, February 9th, 1824.]

CHAP. XLC.

An Act to incorporate the Boston Mechanics' and Traders' Insurance Company.

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 Samuel T. Armstrong, William Parker, Stephen Fairbanks, Uriel Crocker and Charles Ewer, with their associates, successors and assigns be, and they hereby are incorporated into a company and body politic, by the name of the Boston Mechanics' and Traders' Insurance Company, with all the privileges and powers granted to Insurance Companies, and subject to all the restrictions, duties and obligations, contained in a law of this Commonwealth, entitled, "An Act to define the powers, duties and restrictions of Insurance Companies," passed on the sixteenth day of February in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled, "An Act authorising the several Insurance Companies in this Common-

wealth, to insure against fire," passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty, 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 may 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: *Provided*, The said real estate shall not exceed the value of thirty thousand dollars, excepting such as may be taken for debt, or held collateral security for monies due to said company. Prov iso.

SEC. 2. *Be it further enacted*, That the Capital Stock of said Company shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per centum of which shall be paid in money within ninety days after the first meeting of the said company, and the residue to be paid in money also, within one year from the passing of this act, under such penalties as the President and Directors, shall in their discretion direct and appoint: *Provided, however*, That the said company shall not take any risk, or subscribe any policy by virtue of this act until one moiety of the capital stock of said company shall have actually been paid in. Capital Stock. Proviso.

SEC. 3. *Be it further enacted*, That the stock, property, affairs and concerns of 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 March, in each and every year, at such time of the day and in such place in the City of Boston as a majority of the Directors, for the time being, shall appoint: of which election public notice shall be given in two newspapers printed in the City of Boston, and continued for the space of ten days immediately preceding such election, and the election shall be made by Officers, time and term of election.

Proviso.

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 absent stockholders may vote by proxy, under such regulations as the said company shall prescribe; and if through any unavoidable accident, the said Directors shall not be chosen on the second Monday in March, as aforesaid, it shall be lawful to choose them on any other day in the manner herein prescribed.

Choice of President.

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 of Directors.

Powers granted.

SEC. 5. *Be it further enacted*, That the President and four Directors, or five of them in his absence, 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 the 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:

Proviso.

Provided, such by-laws and regulations shall not be

repugnant to the constitution and laws of this Commonwealth.

SEC. 6. *Be it further enacted,* That any three or more persons named in this act of incorporation are hereby authorized to call a meeting of the said company as soon as may be, in Boston, by advertising the same for two successive weeks, in two newspapers printed in Boston, for the purpose of electing the first Board of Directors, who shall continue in office until the second Monday of March in the year of our Lord then next ensuing. Call of Meeting.

SEC. 7. *Be it further enacted,* That the capital stock of said company shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the period of one year, after the charter shall be put into operation as aforesaid: and in case the same shall not be put into operation, according to the provisions thereof, within one year from the passing of this act, it shall be null and void. Relating to transfer of Stock.

SEC. 8. *Be it further enacted,* That the said company, shall never take on any one risk, against fire, or other risk or loan, on respondentia, or bottomry, on any one bottom, at any one time, including the sum insured, in any other way on the same bottom, a sum exceeding ten per centum on the capital stock of said company, actually paid in agreeably to the provisions of this act. Risks to be taken.

SEC. 9. *Be it further enacted,* That the said Insurance Company shall be located and kept in the City of Boston.

SEC. 10. *Be it further enacted,* That the said Boston Mechanics' and Traders' Insurance Company shall be liable to be taxed by any general law providing for the taxation of all similar corporations. Liable to taxation

[Approved by the Governor, February 9th, 1824.]

CHAP. XCI.

An Act to provide for the appointment of the Treasurer of the County of Nantucket.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after passing this act the Treasurer of the Town of Nantucket shall be *ex-officio* the Treasurer of the County of Nantucket, any law of this Commonwealth to the contrary notwithstanding.

[Approved by the Governor, February 7th, 1824.]

CHAP. XCII.

An Act for the preservation of Westport Harbor.

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 whatsoever, to dig or carry away any sand from the beach called Horse-neck, within sixty rods of the East side of the mouth of the Harbor, or the most westerly end of said Horse-neck beach, in the town of Westport, in the County of Bristol.

SEC. 2. *Be it further enacted,* That if any person or persons shall offend against the provisions of this act, he or they shall forfeit and pay the sum of fifteen ^{Penalty.} dollars for each and every such offence, to be recovered by action of debt in any Court proper to try the same, one moiety to the use of any person who shall sue for and recover the same, and the other moiety to the use of said town of Westport.

[Approved by the Governor, February 7th, 1824.]

CHAP. XCIII.

An Act to authorize Nathan Bridge to dispose of certain real estate in Charlestown, 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 Nathan Bridge, of Charlestown, in the County of Middlesex, merchant, be, and he hereby is duly authorized and empowered at any time within three years, to sell and dispose of the dwelling house, with the land and appurtenances occupied by the said Bridge, in said Charlestown, and which were devised to him for life, remainder to his children, by his late father, Matthew Bridge, late of said Charlestown, deceased; and to invest the proceeds to arise from said sale or sales, in real estate, situate in the City of Boston, or in the United States' stock or stocks of one or more of the banks within this Commonwealth, to be placed in the hands of three trustees, to be appointed by the Judge of Probate, for the said County of Middlesex; and to be by them holden in trust to pay over the rents, interest, and income of said real estate and stocks to the said Nathan Bridge, or his assigns, during his life; and after his decease, then in trust to hold said estates and stocks, to the use of the children of the said Nathan, and their personal representative, their heirs and assigns forever: *Provided*, The said Nathan Bridge first give bond with sufficient sureties, to the Judge of Probate, for the County of Middlesex, that he will faithfully endeavor to cause said land and tenements to be sold to the best profit and advantage; and will well and truly invest or cause to be invested, the proceeds that shall arise from said sale or sales, in the manner herein above provided; and place the same in the hands of trustees to be appointed as aforesaid, upon the trust aforesaid, immediately from and after said sale or

Conditions of sale.

Proceeds of sale how to be invested.

Proviso.

sales; and any deed or deeds made and executed by the said Nathan Bridge, of the said lands and tenements in pursuance of the powers to him herein granted, and duly acknowledged and recorded in the registry of deeds for the County of Middlesex, shall make a complete and legal title in fee to the purchaser or purchasers thereof.

Power of Courts. SEC. 2. *Be it further enacted*, That the said Judge of Probate for the County of Middlesex, and the Supreme Court of Probate of the Commonwealth, shall have all the power and authority over the said trust, and the funds and the trustees thereof, which by law they now have in cases of trusts for the benefit of minors or other persons, arising under any last will and testament.

[Approved by the Governor, February 10th, 1824.]

CHAP. XCIV.

An Act to alter and amend an act, entitled, "An Act to establish 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 any person who may hereafter wish to unite in religious worship, and become a member of said Society; or who may wish to leave said Society, and join some other Parish, or religious Society, shall at any time have liberty so to do, by complying with the formalities prescribed by the act of which this is an amendment.

SEC. 2. *Be it further enacted*, That so much of the act, of which this is an amendment, as is inconsistent with this act, be repealed.

[Approved by the Governor, February 10th, 1824.]

CHAP. XCV.

An Act to incorporate the Proprietors of the Mill-pond Wharf 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 Israel Thorndike, Joseph Sewall and John Bunstead, and their associates, successors and assigns, be and they hereby are constituted a body politic and corporate, by the name of the proprietors of the Mill-pond 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 their corporate property and estate, consistent with the laws of the Commonwealth, and generally to do and execute whatever by law shall appertain to bodies politic.

Persons Incorporated.

SEC. 2. *Be it further enacted,* That the property of the said corporation shall be divided into shares, not exceeding three hundred in number, as the said corporation may find to be most expedient, and certificates of the shares shall be signed by the President of the corporation, and issued to the proprietors respectively: and the shares in said corporation shall be transferable by endorsement on 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 be considered in all respects personal estate.

Number of shares.

Manner of transfer.

SEC. 3. *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 building or repairing any building or other property of said corporation, or necessary for the building of any new wharves or tenements, or for the

Power to raise money.

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 the 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.

SEC. 4. Be it further enacted, That the said corporation, by virtue of this act, shall have power to hold and possess real and personal property, not to exceed the value of two hundred thousand dollars, at one time: 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 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 by publication thereof, in one or more of the newspapers printed in Boston. Proprietors may appear and act at any meeting by proxy in writing.

SEC. 5. Be it further enacted, That either of them, the said Thorndike, Sewall, or Bumstead, 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 elect a President and clerk, and may elect all such other officers as said corporation may think fit for conduct-

ing 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 10th, 1824.]

CHAP. XCVI.

An Act to incorporate the First Universalist Society in Marlborough.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Ephraim How, James Wood, Lyman Morse, William Amet, Micah Sherman, Silas Temple, Ephraim Drury, Jedediah Wood, Samuel Winchester, Phineas Hall, Truman Hagar, John Maynard, Benjamin Parker, Silas Felton, Silas Winch, John Sawin, Samuel M. Sherman, Benjamin Lufkin, John Arnold, Amory Cotting, Eli Maynard, Stephen Ames, William Felton, Jr. Truman Stow, Sullivan Thayer, Jonathan Sawin, Ephraim Maynard, Jr. William Rice, John Cotting, George E. Monson, Eliphalet Spurr, Jonathan Smith, Willard Morse, Bezaleel Hayden, Abel Brigham, Edward Hager, John Nurse, Samuel Jennisson, Jr. Abijah Brown, John G. Barnard, Elijah Puffer, Pierce Burnham, Samuel Arnold, and Elijah Hale, with their families, polls, and estates, together with all others who may hereafter associate with them, and their successors, be, and they are hereby incorporated into a religious society, by the name of the First Universalist Society in Marlborough, 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 of any estate, real or personal, for the use of ^{of} Estate.

Proviso.

said society : *Provided* the annual income thereof, shall not exceed at any one time, the sum of two thousand dollars.

Rules and by laws.

SEC. 3. *Be it further enacted*, 'That the 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 and Constitution of this Commonwealth.

Levy of taxes.

SEC. 4. *Be it further enacted*, That all taxes for building and repairing a house for public worship, supporting a Minister or Ministers, and all other incidental charges attending the same, may be levied and collected by assessments on the polls and estates of the members of said Society, or on the pews in such house as they may build or purchase, in such manner as the society shall hereafter determine at a meeting legally notified for said purposes.

Call of Meeting.

SEC. 5. *Be it further enacted*, That any Justice of the Peace, for the County of Middlesex, is hereby authorized to issue a warrant directed to some member of said Society, requiring him to notify and warn the members thereof, to meet at such convenient time and place as shall be appointed in said warrant, for the choice of such officers, as parishes are by law empowered to choose at their annual meetings, and to transact all such business as religious societies have a right to transact.

[Approved by the Governor, February 10th, 1824.]

CHAP. XCVII.

An Act more effectually to prevent the destruction of Shad and Alewives, in the Saugus River, and its tributary streams within the towns of Lynn, Saugus, South Reading and Lynnfield.

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 towns of Lynn, Saugus, South Reading, and Lynnfield, shall be, and they are hereby respectively empowered and directed, at their annual meetings for the choice of town Officers, to choose in each town, three persons, inhabitants thereof, to see that the laws respecting the passage ways for Shad and Alewives, be observed, and each person so chosen, shall be sworn to the faithful discharge of his duty. And the said Committees of said Towns shall meet together annually, on or before the first day of April at such time and place as the person first chosen by the town of Lynn shall appoint to be by him duly notified. And the major part of those of the said Committees who shall be present at such meeting, are hereby authorized and empowered to order the times, places and manner, in which said fish may be taken in Saugus river and streams in each of said towns. And the members of the said Committees shall have joint and concurrent jurisdiction in each of said towns, so far as respects said river and streams. And in case either of said towns shall neglect to choose the Committee assigned to it, the Committee or Committees, which shall be duly chosen and sworn within the other towns or either of them, shall have the powers and shall perform the duties hereby required. And the regulations which shall be so agreed upon by said Committees shall be written and posted, in three public places at least, in each of said towns.

Choice of Committees,

Power of Committees.

SEC. 2. *Be it further enacted,* That the said Committees, or the majority of the members, not less than

Opening of sluices.

three in number, who shall be present at any meeting duly notified by the first chosen or eldest member of the Committee, which shall be chosen in the town of Lynn, or by the request of any three members of said Committees, shall be, and they are hereby authorized and empowered to require of the owner or occupant of any dam or sluice head of any mill, erected or that may be erected over said river, or streams to open and keep therein a sufficient passage way for said fish, at such time on or after the first day of April, annually, as the said Committees or the major part present, as aforesaid, shall think necessary; and may also require of the owner or occupant of any canal or course, whereby any natural stream is or shall be in part changed or altered, to leave sufficient water in the natural stream for the easy and safe passage of the said fish; and upon neglect or refusal of such owner or occupant of any dam, or sluice-head, or canal, as aforesaid, to comply with this act, the said Committee or major part who shall be present at any meeting as aforesaid, shall and may cause such sufficient passage way and opening, as they shall judge necessary for the purposes aforesaid, to be made in such dam, sluice-head, or canal, with least prejudice to the owner or occupant, and at his expense. And such passage and opening shall and may be continued at the discretion of the said Committee, from the time they shall order the same, as aforesaid, and until they shall order or permit the closing of the same, not exceeding the fifteenth day of June in every year. And if any person or persons shall obstruct the passage way or opening, required or allowed by the said Committees, or the major part of them, as aforesaid in any dam, sluice-head, or canal, within their jurisdiction as aforesaid, such offender or offenders shall forfeit and pay the sum not exceeding sixty dollars, nor less than thirty dollars.

Penalty.

SEC. 3. *Be it further enacted,* That if any person or persons, shall be found taking any of the aforesaid fish on any day, or in any place, or in any manner contrary to the regulations of the said Committees, or of

otherwise killing and wasting such fish, such offender shall forfeit and pay a sum not exceeding two dollars nor less than one dollar for each offence.

SEC. 4. *Be it further enacted,* That it shall be the duty of the said Committees, jointly, and of each Committee in their respective towns, to see the observance of this act, and they shall have authority therefor to go upon the land bordering upon the said river or streams, and shall not be considered as trespassers therein. And any person who shall molest said Committees, or either of them in the execution of their office, or shall injuriously obstruct the said river and streams, shall forfeit and pay a sum not exceeding three dollars nor less than one dollar, according to the aggravation of the offence. And all fines and forfeitures given by this act shall and may be sued for and recovered, by action of debt, in any court proper to try the same, by the said Committees or any one of them; one moiety to the use of the prosecutors, and the other moiety to the use of the poor of the town in which the offence shall happen. ^{Taxes, how to be applied.}

SEC. 5. *Be it further enacted,* That all laws heretofore made for regulating the fishery in the said river and streams in Lynn, Saugus, South Reading and Lynnfield, with joint or separate authority are hereby ^{Proviso.} repealed: *Provided nevertheless,* that nothing in this act shall be so construed as to effect in any way an Act passed March third, one thousand eight hundred and two, so far as it respects the stream leading from the flax-pond and emptying into said Saugus river, or any other streams within the said town of Lynn: ^{Proviso.} *Provided also,* that said joint Committee shall have no controul nor jurisdiction over any stream within the town of Lynn other than said Saugus river.

[Approved by the Governor, February 10th, 1824.]

CHAP. XCVIII.

An Act in addition to an Act making further provision in the Judicial Department.

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 of this Commonwealth shall consist of one Chief Justice and three other Justices, and no more: And all Laws, inconsistent with the foregoing, are hereby repealed.

[Approved by the Governor, February 11th, 1824.]

CHAP. XCIX.

An Act to establish the division line between Dighton and Wellington.

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 line of division between the towns of Wellington and Dighton, in the County of Bristol, be so altered, in the western extremity thereof, as to run from the corner near Abiezer Briggs' house, west seventeen degrees and one half north, until it strikes the line of Rehoboth, in such course that the said line of division between Wellington and Dighton, being thus altered, may run straight from the corner near the house of Constant Simmons to Rehoboth line; and that all that part of the territory of the town of Dighton lying north of the line aforesaid be set off from the town of Dighton, and annexed to the town of Wellington.

SEC. 2. *Be it further enacted,* That any person who may have gained an inhabitancy, at any time be-

Line to be altered

Respecting
Paupers.

fore the passing of this Act, within that part of the town of Dighton, which is, by this Act, annexed to the town of Wellington, and who now is or hereafter may need to be supported as a pauper, shall be supported by the said town of Wellington; and all such persons, together with those who may derive their settlement from or under them, shall be deemed and taken to have their settlement in the town of Wellington, aforesaid.

[Approved by the Governor, February 12th, 1824.]

CHAP. C.

An Act authorizing the taxing of the Pews in the Congregational Meeting-House in New-Bedford.

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 members of the Congregational Society known by the name of the Bedford Precinct in the town of New-Bedford, in the County of Bristol, be, and they hereby are empowered to raise any sum or sums of money, which the said members may hereafter, at any legal meeting called for that purpose, vote to raise, for the support of a Gospel Minister in the said Society, and for other necessary expenses, by a tax upon the pews, in said Meeting-house. *Provided however,* that said Society may by vote except from taxation such pews, as they may think fit, not exceeding six in number on the lower floor, and and as many in the gallery as they may think proper, and instruct the assessors accordingly, who shall omit such pews in the assessments.

Power to raise money.

Proviso.

SEC. 2. *Be it further enacted,* That for the equitable apportionment of the taxes to be assessed on said pews, the members of said Society shall cause a valuation thereof to be made, by a committee to be chosen by them for that purpose; and the report of that com-

Valuation of Pews.

mittee, stating the number and value of said pews shall when accepted and recorded, be binding on all persons interested, for the purpose 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.

Duties of Assessors.

SEC. 3. *Be it further enacted*, That the assessors of said Society 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 Society, to receive and collect the taxes; and it shall be the duty of the said Treasurer, as soon as may be, after receiving the 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 taxes set against it, with a notification written thereon, for persons interested in said pews, to pay the tax upon the same within thirty days from the date of the said notification; and if the tax upon any pew shall not be paid to the Treasurer, within 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 deed to the purchaser recorded in the records of the town of New-Bedford shall give to the purchaser a perfect right and title to said pew; and he or she, shall afterwards be considered the legal owner thereof: *Provided however*, that the Treasurer shall, 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.

Duty of Treasurer.

Proviso.

Sales of Pews.

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 sale for a time not exceeding seven days at a time, until his sales are completed; and in all cases, he shall pay over on demand, to the former owner 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.

[Approved by the Governor, February 12th, 1824.]

CHAP. CI.

An Act to repeal an act, entitled, "An Act to restrain the issuing of printed Promissory Notes of certain denominations, and for other purposes."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That an act entitled "an act to restrain the issuing of printed Promissory Notes of certain denominations, and for other purposes," passed on the eighteenth day of February, in the year of our Lord one thousand eight hundred and five, be, and the same is hereby repealed.

[Approved by the Governor, February 12th, 1824.]

CHAP. CII.

An Act to incorporate the Trustees of the Green Foundation.

WHEREAS the heirs of Thomas Green, late of Boston, in the County of Suffolk, deceased, in pursuance of a design formed by the said Green in his life time, have made a donation of a certain sum to the Ministers, Wardens and Vestry of Trinity Church, in said Boston, for the time being, in trust, as a fund for the support of an assistant minister

Preamble.

for said church ; and the present minister, wardens and vestry of said church, have by their petition, prayed this Legislature to incorporate them Trustees for the due management of said fund, and vest them with the power necessary to carry into effect the pious purpose of the Donors :

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 Minister, Wardens and Vestry of Trinity Church, in Boston, for the time being, be, and they are hereby incorporated as Trustees, by the name of the Trustees of the Green Foundation, 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 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, and plead and be impleaded by the name aforesaid.

Persons
incorporated.

SEC. 2. *Be it further enacted,* That said Trustees and their successors, shall annually elect from their number, a President, and clerk to record the doings and transactions of the Trustees at their meetings, and a Treasurer to receive and pay the monies belonging to the said fund, or which may hereafter be given, or added thereto, and to invest the same according to the direction of the Trustees thereof ; and all other officers necessary for the management of their business.

Choice of officers.

Power
of Trustees.

SEC. 3. *Be it further enacted,* That the Trustees and their successors be and hereby are invested with full power, to hold all sums of money, notes, bonds, or obligations, and all deeds, bequests, legacies, devises and donations that may be given or made to them in trust, for the benefit of said fund : *Provided,* That they shall not at any one time hold real estate to an amount exceeding fifty thousand dollars, and to collect the interest or rents and profits of the same, and also to collect the principal sum when due and paya-

Proviso.

ble, or require security for the payment, when in their apprehension the debts are in danger of being lost. And they are hereby authorized to add the annual interest to the principal, and place the whole at interest on good security; or invest it either wholly or in part, in such other manner as to them shall seem expedient. But nothing in this 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 Donors as set forth in their deed of donation.

SEC. 4. *Be it further enacted*, That the said Trustees may hold, sell or lease any real estate (not exceeding the amount above mentioned) which may be given, devised, sold, mortgaged or set off on execution to them, or which shall be otherwise vested in them for the support of said fund, and they may 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, or any less interest according to the tenor of said deed or deeds to the purchaser, to all intents and purposes whatever. And the said Trustees may assemble and meet as often as they think necessary for the promotion of their trust, any seven of whom shall constitute a Board for doing business, but the concurrence of ten at least shall be requisite to every act and proceeding whatever, except the adjournment of a meeting, for which purpose any number may be sufficient. And they may make laws, regulations and by-laws, not repugnant to the laws of this Commonwealth.

Estate.

May execute
deeds of sale.

SEC. 5. *Be it further enacted*, That the said Trustees, Treasurer, clerk or other officers employed by them shall be entitled to receive no compensation for the services they may perform out of any monies belonging to said fund.

SEC. 6. *Be it further enacted*, That Joseph Head Esq. of said Boston, be. and he is hereby authorized

Call of meeting, to call the first meeting of the said Trustees, at such time and place as he shall judge expedient.

[Approved by the Governor, February 12th, 1824.]

CHAP. CIII.

An Act to incorporate the Trustees of the Congregational Ministerial Fund in the Town of Hadley.

Preamble.

WHEREAS, William Porter and others, members of the Congregational Church in Hadley, are desirous of establishing a fund to be raised by subscription, for the purpose of aiding in the support of an orthodox minister of the gospel in said town, and in behalf and at the request of said church have petitioned that they may be incorporated as Trustees for the management and application of said fund when raised :

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 William Porter, Esq. Jacob Smith, Erastus Smith, Jason Stockbridge, Nathaniel Coolidge, Jun. William Dickinson and Elisha Dickinson, all inhabitants of the town of Hadley, be, and they are hereby constituted a body politic and corporate, by the name of "The Trustees of the Congregational Ministerial Fund in Hadley," and by that name may sue and be sued, plead and be impleaded, and may have a common seal, and shall possess and enjoy all such other powers and privileges, as are incident to Corporations of a like nature.

Powers of Trustees.

SEC. 2. *Be it further enacted,* That the said Trustees shall have power to take into their hands and hold all such subscriptions, donations, grants, bequests and devises, as may hereafter be made to them; *Provided however,* The annual income thereof, shall not exceed the sum of twelve hundred dollars; and said

income shall be by them appropriated in manner following, to wit: No part of said income shall be expended until it shall amount to one hundred dollars, and when it shall amount to one hundred dollars, fifty dollars thereof and so much more of said income as said trustees shall deem expedient, shall be annually added to the principal, until the annual income shall exceed five hundred dollars, after which the whole income may be expended if necessary; and the said trustees subject to the aforesaid limitations, shall annually appropriate the income of the fund vested in them to the support of such Congregational minister of the church in Hadley, as they shall by their by-laws and regulations, to be made at their first meeting, limit and appoint.

SEC. 3. *Be it further enacted*, That the said Trustees at their first meeting, to be called as herein after provided, and within three months from the passing of this act, shall adopt such rules and regulations for the management and appropriation of said fund, as they shall deem wise and expedient, and such rules and regulations when so adopted, shall be forever afterwards unalterable and binding as well upon said trustees as upon the contributors to the fund aforesaid; *Provided however*, that such rules and regulations shall not be repugnant to the Constitution and laws of this Commonwealth; and the said trustees at such first meeting shall prescribe the mode of calling future meetings, and appoint a clerk, who shall be sworn faithfully to record all their votes and proceedings, and also a Treasurer who shall give bond to the said trustees and their successors, with sufficient surety conditioned to perform all the duties incumbent upon him as Treasurer; and such officers, so appointed, shall hold their offices, until others are appointed and qualified in manner aforesaid to succeed them.

SEC. 4. *Be it further enacted*, That the number of trustees shall never be more than seven, nor less than three; and the said trustees, whenever any vacancy shall happen by death, resignation, removal or other-

wise, shall at their next meeting, after such vacancy occurs, elect some person to fill the same, and shall not suffer any vacancy to remain unfilled more than twelve months, and shall have power to remove any member, who may from age, infirmity or misconduct become unfit to discharge the duties of a trustee.

Principal not to be expended.

SEC. 5. *Be it further enacted*, That in no case shall the principal of said fund be expended, but the same shall be unalienable; and whereas the same fund is created by the voluntary donation and contribution of individuals, the said trustees shall keep and preserve a list of the donations and of the names of the donors thereto, and in case the same shall be mismanaged or not appropriated according to this act and the permanent regulations to be adopted as aforesaid, any one or more of the donors, or his or their heirs, or any of them, may have and file a bill in equity against the said trustees or any one or more of them, therein specifying as distinctly as may be such mismanagement or neglect, before the Supreme Judicial Court holden for the County of Hampshire, and the said Court is hereby authorized to hear and determine the same, and to exercise jurisdiction thereon, according to the rules of proceeding in chancery, and to decree as equity and good conscience shall require, each of said trustees to be responsible for his own acts and not one for another; and any sum of money awarded or decreed to be paid by any of said trustees shall be for the benefit of said fund and be paid over accordingly, and a final decree against any one of said trustees for mismanagement in said office, shall ipso facto be a disqualification for his acting as a trustee; and in case all of said trustees shall be at once so disqualified, new trustees may be appointed by the male members of the Congregational Church in Hadley, which shall by law be deemed the same with or successor to the present Congregational Church, said appointment to be made at a meeting for that purpose, warned at least seven days previously, and said trustees, so appointed, shall have the

Power of Court.

powers and be subject to the duties of the trustees herein first mentioned.

SEC. 6. *Be it further enacted*, That the said trustees, within four months from the passing of this act, shall file in the Clerk's office of the town of Hadley a copy of their permanent rules and regulations, attested by their clerk, which copy shall and may be used as evidence in all cases where the original would be evidence; and the said trustees, their officers, agents or attorneys shall never receive any compensation for their services from the proceeds of said fund. Rules to be filed

SEC. 7. *Be it further enacted*, That any four of the persons herein before named as trustees, may call the first meeting of the trustees, giving to each of the other of said trustees seven days previous notice of the time and place of holding the same. Call of meeting

[Approved by the Governor, February 12th, 1824.]

CHAP. CIV.

An Act in addition to an Act to incorporate the President, Directors and Company of the City 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 the President, Directors and Company of the City Bank, be, and hereby are authorized and empowered to increase their present Capital Stock, by an addition of two hundred and fifty thousand dollars thereto, in shares of one hundred dollars each, which shall be paid in such instalments and at such times as the President and Directors of said bank may direct and determine: *Provided however*, that the whole amount shall be paid in, on or before the first day of June next. Increase of Stock

SEC. 2. *Be it further enacted*, That the additional Stock aforesaid shall be subject to the like tax, regula-

tions, restrictions and provisions as the present Capital Stock of said Corporation is now holden, by virtue of the act to which this is in addition.

SEC. 3. *Be it further enacted*, That so much of the tenth section of the act incorporating the President, Directors and Company of the City Bank, as prohibits them from paying or receiving any Bill or Note of any other Bank, for any less sum than the nominal value expressed in such bill or note be, and the same is hereby repealed.

[Approved by the Governor, February 13th, 1824.]

CHAP. CV.

An Act authorizing the inhabitants of the Town of Berlin to tax the pews in the Congregational Meeting-house of said town.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the inhabitants of the Congregational Society in the Town of Berlin, in the County of Worcester, be, and they hereby are empowered to raise one third part of any sum, which said inhabitants of said Congregational Society, may at any legal meeting called for that purpose, vote to raise for the purpose of repairing said Congregational Meeting-house in said town, by a tax on the pews in said House, according to an appraisal now made on said pews in said House, the other two thirds being assessed on the inhabitants of said society.

[Approved by the Governor, February 16th, 1824.]

CHAP. CVI.

An Act in addition to an Act entitled "An Act respecting Public Worship and Religious Freedom."

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 Parish, Precinct, and Religious Society in this Commonwealth, may organize itself agreeably to the Act entitled "An Act ^{Organization.} regulating Parishes and Precincts, and the officers thereof;" and the several acts in addition thereto. And any Justice of the Peace, within the County wherein any Parish, Precinct, or Religious Society may be, which is not organized, agreeable to said Acts, is hereby authorized, upon application therefor, by any ten or more of the legal voters of such Parish, Precinct, or Religious Society, to issue a warrant for calling the first meeting thereof, directed to some suitable member of said Parish, Precinct, or Religious Society, requiring him to notify and warn the members thereof, qualified by law to vote in Town Affairs, to meet at some time and place as shall be appointed ^{Call of Meeting} in such warrant, to choose all such officers, and transact all such business as Parishes are by law authorized to choose and transact in the months of March and April, annually. And in all Parish meetings the qualifications of the voters shall be the same as are now required by law to vote in town affairs.

SEC. 2. *Be it further enacted,* That any person may separate from one Religious Society and join another, either of the same, or of a different denomination, by filing with the Clerk of the Society left, a certificate of the fact, under the hand of the Clerk of the Society, which such person elects to join; but such person shall remain liable to pay all such taxes as may have been actually granted or assessed ^{Terms of separation.} against him previous to such separation; and any person who may come to dwell within any Town in this Commonwealth, shall be deemed and taken to be a

member of the oldest Religious Society in said Town; unless such person shall, previous to the first day of May following, file with the Clerk of such Religious Society, a certificate, that he or she has joined him or herself to, and is a member of some other Religious Society within the Commonwealth, under the hand of the Clerk thereof.

Duties of Assessors.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Assessors of every Parish, Precinct or Religious Society in this Commonwealth, in assessing or levying taxes for the support of Public Worship, and all charges incident thereto, to assess all the property, both real and personal, (not exempted by law from taxation) of all the members thereof, wherever the same may be situate within the Commonwealth; and no citizen of this Commonwealth, being a member of any Religious Society in the Commonwealth, shall be assessed or liable to pay any tax for the support of Public Worship, or other Parochial charges, to any Parish, Precinct, or Religious Society whatever, other than to that of which he is a member.

SEC. 4. *Be it further enacted*, That all laws inconsistent with, or contrary to the provisions of this Act, be, and the same are hereby repealed.

[Approved by the Governor, February 16th, 1824.]

CHAP. CVII.

An Act to incorporate the Trustees of the Ministerial Fund in the Parish in Foxborough.

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 Forrest, Stephen Rhoads, Melatiah Everett, Jacob Leonard, Oliver Comer, and Isaac Winslow, and their successors, be, and they hereby are made a body politic, by the name of the Trustees of the Ministerial Fund in

the parish in Foxborough, and by that name to remain a corporation forever, capable and liable in law to sue and be sued in any action real, personal or mixed, and shall have power to appoint a clerk who shall be sworn, and a Treasurer who shall give bonds Officers. for the faithful performance of his trust, and all such other officers as may be necessary for the management of their affairs, and make, adopt, and execute all reasonable by-laws and regulations that may be necessary and proper for the government of said corporation and not repugnant to the laws and constitution of this Commonwealth.

SEC. 2. *Be it further enacted,* That said Trustees Power of Trustees. shall have full power to receive and hold all gifts, grants, donations or subscriptions, real or personal, that may be hereafter made for a Ministerial Fund, and the same to manage, and to apply the income thereof, annually, for the support of a Congregational Minister, in said Parish in Foxborough; provided the amount of said Fund shall never exceed the sum of fifteen thousand dollars, and provided also, that no appropriation of any gift, grant or donation, or the income thereof, shall ever be made contrary to the express intention and direction of the donor.

SEC. 3. *Be it further enacted,* That said Trustees Duties of Trustees. shall keep a fair record of their proceedings, which shall be open to any Committee of the Congregational Church or Parish in Foxborough; and they shall annually exhibit to said Church and Parish, a correct statement of the funds in their possession, and of the expenditure of the income thereof, and shall be liable Liability. individually for any waste or misapplication of said Fund, and shall receive no compensation for their services, unless the annual income of said fund exceed the sum of five hundred dollars.

SEC. 4. *Be it further enacted,* That the number of Number of Trustees. said Trustees shall never be less than five nor more than seven, and no person shall be a Trustee, unless he be a member of the Congregational Parish in Foxborough; and whenever any Trustee shall, by age, removal or infirmity, be rendered incapable of per-

forming the duties of his office, the Trustees shall declare his office vacant, and shall have power to fill all vacancies that may happen in their Board.

Deeds of
Sale.

SEC. 5. *Be it further enacted*, That all deeds and instruments requiring a seal which the Trustees shall have lawfully determined to make, shall be sealed with their seal; and being signed and acknowledged by the Treasurer thereof, shall bind the said Trustees and their successors, and be valid in law.

Meeting

SEC. 6. *Be it further enacted*, That Melatiah Everett, Esq. is hereby authorized and empowered to issue his warrant directed to some one of the Trustees named in this Act, requiring him to notify the first meeting of said corporation, to organize the same by the establishment of by-laws, and the appointment of its officers.

[Approved by the Governor, February 16th, 1824.]

CHAP. CVIII.

An Act to change the name of the "Bedford Precinct" in the town of New-Bedford, and to confirm the doings of the said Precinct.

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 name of the "Bedford Precinct," in the town of New-Bedford, shall cease, and the said Precinct shall forever hereafter be called and known by the name of the First Congregational Society, in New-Bedford, any law to the contrary notwithstanding; and nothing in this act contained, shall be construed to impair any rights of the said corporation; but the inhabitants and members of said Precinct shall have, enjoy and exercise, all its powers and privileges, by the name of the First Congregational Society in New-Bedford, in as

Change of name.

Privileges
granted.

full and ample a manner, as though the name of the said Precinct had not been changed.

SEC. 2. *Be it further enacted,* That the records of the said Bedford Precinct, or otherwise the said First Congregational Society, from the third day of January, eighteen hundred and twenty-three, to the third day of January, eighteen hundred and twenty-four, shall be deemed and taken to be valid and effectual, to all intents and purposes, as if the said Precinct, and the officers thereof, had proceeded according to the laws regulating their proceedings in this behalf, in relation to parish or precinct meetings.

Records to be recorded.

[Approved by the Governor, February 16th, 1824.]

CHAP. CIX.

An Act to allow the Alford and Egremont Turnpike Corporation, to alter the location of their road.

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 Alford and Egremont Turnpike Corporation be, and they are hereby authorized and empowered to make the following alteration in the location of their road, viz: beginning at the old sign post at the dwelling house occupied by Daniel Messenger, in Egremont, in the County of Berkshire, thence running south, twenty-one and a quarter degrees east, three chains to a stake opposite the office of C. Leavensworth Esq., thence south thirty-two degrees east, one chain and sixty-five links, to the south west corner of an old store, thence south forty and an half degrees east, six chains and twenty five links to a stake, thence south forty-four and an half degrees east, eight chains and sixty-four links to a stake, thence south forty-four and one quarter degrees east, fifteen chains and fifty-five links to a stake,

Power to make alterations.

Alteration described.

thence south forty-three and three fourth degrees east, twenty-four chains and eight links to a stake and stones, a corner of the Turnpike opposite the dwelling house of Nicholas Race, the line aforesaid, to be the east line of the road, and the road to be four rods wide, except at the place where it passes between the dwelling house and horse shed of Daniel Messinger, in said Egremont, and the same is hereby established a part of said Turnpike road, and all parts of said road as now located and established, which interfere with the alteration aforesaid, be, and they hereby are discontinued.

Corporation
liable.

SEC. 2. *Be it further enacted*, That said corporation shall be holden to pay all damages which may arise to any person by taking his land aforesaid, and when not ascertained by voluntary agreement, to be estimated by a committee to be appointed by the Court of Sessions for the County of Berkshire, saving to either party the right of trial by Jury, according to the law which provides for the recovery of damages accruing by laying out public highways.

[Approved by the Governor, February 16th, 1824.]

CHAP. CX.

An Act to prevent the destruction of Fish in the town 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 from and after the passing of this act, it shall not be lawful for any person to set or use more than one hook at any one time, on any of the ponds in the town of Lincoln, in the County of Middlesex, between the first day of December, and the first day of April annually: and if any person or persons shall after the passing of this act

be found setting or using more than one hook, at any one time, such person or persons, shall for each hook so set or used, after the first, forfeit and pay a sum of not less than one dollar, nor more than two dollars.

SEC. 2. *Be it further enacted*, That all penalties incurred by any breach of this act, may be recovered by any person, who shall sue for the same, in any Court in said County of Middlesex, proper to try the same; and if any minor or minors, shall offend against the provisions of this act, and shall thereby incur any of the penalties aforesaid, the parent, master or guardian, of such minor or minors, shall be answerable therefor, in which case the action shall be commenced against such parent, master or guardian, (as the case may be) of such minor or minors, and judgment rendered accordingly: *Provided, however*,^{Recovery of Penalty.} That the inhabitants of the said town of Lincoln may, at their meeting in March or April, annually suspend in whole or in part, the provisions and restrictions of the act aforesaid, for any term of time not exceeding one year.^{Proviso.}

[Approved by the Governor, February 16th, 1824.]

CHAP. CXI.

An Act to alter and amend an act entitled "An Act to provide for the Instruction of Youth and for the promotion of good Education."

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 town in this Commonwealth containing less than five thousand inhabitants, and now required by law to be provided with a school master or with school masters, well instructed in the Latin and Greek languages, shall, after the passing of this act, if such town shall so elect, at their annual meeting in March or April, duly warned for the

purpose, be provided instead thereof, with a teacher or teachers well qualified to instruct youth in Orthography, Reading, Writing, Arithmetic, English Grammar, Geography and good behavior, whose qualifications shall be certified in like manner as is provided by law in the case of public school masters in the Latin and Greek languages.

SEC. 2. *Be it further enacted*, That any town in this Commonwealth containing less than five thousand inhabitants, is hereby authorized and empowered, if such town shall so elect at their annual meeting in March or April, duly warned for the purpose, to appropriate the money such town shall raise for the support of public schools, to be applied for the support of such schools in the several districts in such town, in such manner as the town may judge to be best for the instruction of their youth: *Provided nevertheless*, that no town shall so avail itself of any of the provisions of this act, as to diminish the term of time of public schools which such town is by law now required to maintain.

Appropriation of monies.

PROVISO.

SEC. 3. *Be it further enacted*, That all laws contrary to the provisions of this act are hereby repealed.

[Approved by the Governor, February 18th, 1824.]

CHAP. CXII.

An Act to alter the time of holding the Spring Term of the Supreme Judicial Court for the County of Essex.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, the Spring Term of the Supreme Judicial Court for the County of Essex, shall be holden at Ipswich, within and for said County, on the eighth Tues-

day next after the first Tuesday of March annually, instead of the sixth Tuesday, as now provided by law; and that all writs, precepts, recognizances, and processes of whatever kind, whether criminal or civil, which are or may be returnable to the next term of said Court for said County; all appeals claimed, or which may, before the sitting of said Court in pursuance of this act, be claimed from the judgment, order or decree of any Court of Common Pleas in said County; and all actions, suits, processes, matters and things whatsoever, which stand continued to the next term of said Supreme Judicial Court for said county, shall be entered, have day, be proceeded in, heard and determined at the term established by this act, any law now in force to the contrary notwithstanding.

[Approved by the Governor, February 18th, 1824.]

CHAP. CXIII.

An Act to prevent the wanton destruction of Lamps.

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 willfully and maliciously break, throw down or extinguish any Lamp that is or shall be put up to light any Road, Bridge, Street or Passage-way, in this Commonwealth, or shall wilfully and maliciously damage the post, the iron or other furniture of such lamp, he shall, upon conviction thereof, forfeit and pay a sum not less than ten dollars nor more than thirty dollars for each lamp so broken or damnified, and the like sum for each post or the iron or other furniture so broken or damaged, and costs of prosecution.

Penalty.

SEC. 2. *Be it further enacted,* That all fines and forfeitures accruing under this act shall enure, the one moiety thereof to the use of the Commonwealth, and the other moiety to the use of the person who shall prosecute for the same.

Disposal of fines.

[Approved by the Governor, February 18th, 1824.]

CHAP. CXIV.

An Act to incorporate the first Baptist Society in Methuen.

Persons incorpo-
ated.

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 W. Wilson, Stephen Barker, Ebenezer Whittier, William Richardson, Matthew Messer, William Whittier, Lewis Gage, Joseph F. Kimball, Thomas Thaxter, Abraham Tilton, Ebenezer Whitmarsh, Ebenezer Carlton, Jr. John Watson, John Pecker, Jr. Benjamin F. Bodwell, Samuel Parker, Joseph W. Carlton, Daniel Frye, Jonathan Merrill, Stephen Gage, Michael Gage, Jonathan Swan, Richard Whittier, James Fry, Jr. Simon Hibberd, Samuel Richardson, Jr. Jonathan Merrill, 2d, William Richardson, 2d, Cyrus Robinson, Jeremy B. Parker, John A. Bodwell, George A. Waldo, Christopher Messer, Alpheus Bodwell, Philip How, Theodore Parker, David Clark, John L. Bodwell, Benjamin Wilson, Jacob Messer, Stephen Messer, and Thomas How, with their associates and successors, whether inhabitants of said town of Methuen, or of the adjacent towns within this Commonwealth, be, and they hereby are incorporated, for religious purposes only, into a society, by the name of the first Baptist Society in Methuen, with all the powers, privileges and immunities to which other religious societies are entitled by the constitution and laws of this Commonwealth. And said incorporation is hereby authorized and empowered to take, purchase, and hold all real and personal estate necessary and convenient for the purposes aforesaid; provided the annual income of such real estate of said incorporation, exclusive of the meeting house, and the land under the same, shall not exceed seven hundred dollars.

May hold Estate.

Officers and
By-laws.

SEC. 2. *Be it further enacted,* That said Society shall have power to elect all necessary officers, and to order and establish such regulations, rules and by-laws

for their government, and for the management of their property and concerns as they may see fit; provided the same are not repugnant to the constitution and laws of this Commonwealth.

SEC. 3. *Be it further enacted*, That any Justice of the Peace, for the County of Essex, upon application therefor; of any five of the members of said society, in writing, is hereby empowered to issue his warrant, directed to one of the members of said society applying therefor, requiring him to notify and warn the members of said society to meet, at such time and place as shall be appointed in said warrant, to organize the said society by the appointment of its officers, and to transact such other business as may be found necessary at such meeting, the purport of which having been previously inserted in the warrant for calling the same.

[Approved by the Governor, February 18th, 1824.]

CHAP. CXV.

An Act to annex the estates of John Bronson and Levi Hare to the Town of Egremont.

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 real estate of John Bronson and Levi Hare, as lies in the Town of Sheffield in the County of Berkshire, be set off from said Town of Sheffield and annexed to the town of Egremont: *Provided*, that the said Bronson and Hare shall pay all taxes assessed upon them respectively, in the said town of Sheffield before the passing of this act.

[Approved by the Governor, February 16th, 1824.]

CHAP. CXV.

An Act to incorporate the President, Directors and Company of the Mechanics' and Traders' 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 Charles Ewer, William Parker, John Rayner, Abner Phelps, Timothy Bedlington, Thomas Gaffield, and Lawson Valentine, their associates, successors and assigns, shall be, and hereby are created a Corporation by the name of the President Directors and Company of the Mechanics' and Traders' Bank, and shall so continue from the third Wednesday of April, and until the first Monday of 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 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: *Provided however,* That the amount of Bills issued from said Bank at any one time, shall not exceed fifty per centum, beyond the amount of the Capital Stock, actually paid in.

Persons
incorporate

Restrictions and
privileges

Proviso.

Capital Stock.

Payment of
shares.

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 and silver, to be, besides such part as this Commonwealth may subscribe in manner herein after mentioned, divided into shares, of one hundred dollars each, which shall be paid in manner following, that is to say, one fourth part thereof on or before the first day of August next, one fourth part thereof on or before the first day of October next; one fourth part thereof on or before the first day of December next, and the residue on or be-

fore the first day of February next; and no dividend shall be declared on the Capital Stock of said Bank, until the whole of said Stock shall have been paid in, conformably to the provisions of this act. And the Stockholders at their first meeting shall by a majority of votes determine the mode of transferring and disposing of said Stock, and the profits thereof, which being entered on the books of said Corporation shall be binding on the Stockholders, their successors and assigns until they 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, dispose and convey the same by deed, under the seal of said Corporation, and signed by the President or two of the Directors; and to loan and negotiate their monies and effects by discounting on banking principles on such security as they may 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 actually paid in, and existing in gold and silver, in their vaults, shall amount to one hundred and twenty-five thousand dollars, nor until said Capital Stock, actually in said vaults shall have been inspected and examined by three Commissioners to be appointed by the Governor for that purpose, whose duty it shall be at the expense of the Corporation to examine 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 the payment of their respective shares, and not for any other pur-

Dividend.

Transfer of Stock.

May hold Estate

Loans.

Proviso.

Proviso.

Issue of Notes.

Duty of Commissioners.

pose; and that it is intended therein to remain as a part of said capital, and to return a certificate thereof, to the Governor. And no Stockholder shall be allowed to borrow money at said Bank, until he shall have paid in his proportion of the said Capital Stock, as herein before provided and required.

Loans to Stockholders.

SEC. 3. *Be it further enacted*, That the said Bank shall be established, and kept in 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 shall be required, not exceeding ten per centum of the capital Stock actually paid in, at any time, reimbursable by five annual instalments, or any shorter time at the election of the Commonwealth, with 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 paid in.

Loans to the State.

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 Boston, for the purpose of making, ordaining and establishing such by-laws and regulations for the orderly conducting the affairs of said Corporation, as the Stockholders shall deem necessary, and the choice of the first Board of Directors, and such other officers, as they shall see fit to choose.

Call of Meeting.

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.

Right of State, to hold Stock.

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 to said Bank, in proportion as the sum paid from the Treasury of the Commonwealth, shall be to the whole amount of Stock actually paid into said Bank, if at any time hereafter they shall see fit to exercise that right.

Right of State to
appoint Direc-
tors.

SEC. 8. *Be it further enacted*, That the Cashier, before he enters upon the duties of his office, shall give bond with sureties to the satisfaction of the Board of Directors in a sum not less than fifty thousand dollars, with conditions for the faithful discharge of his office.

Bond of Cashier.

SEC. 9. *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 October and April annually, the half of one per centum on the amount of Stock which shall have been actually paid in.

State Tax.

SEC. 10. *Be it further enacted*, That the said Corporation shall be liable to pay any bona fide holder the original amount of any note of said Bank counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alteration. And that the said Corporation shall not at any place whatever, directly or indirectly purchase, receive, pay or exchange, any bill or note of said Bank for any less sum than the nominal value expressed in such bill or note.

Altered Notes.

SEC. 11. *Be it further enacted*, The Capital Stock of the said Bank shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the period of one year, from the time of passing of this act, and in case the same shall not be put into operation according to the provisions thereof, within the year aforesaid, it shall be void.

[Approved by the Governor, February 19th, 1824.]

CHAP. CXVI.

An Act to incorporate the Congregational Parish
in Topsfield.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 all the Inhabitants of the Town of Topsfield with all the lands in said town, (except such inhabitants and such lands, as do belong to some other Parish or Religious Society, or are exempt by law from Parish charges in said town of Topsfield), be, and they are hereby incorporated into a parish by the name of the Congregational Parish in Topsfield, subject to all the duties and vested with all the rights and privileges to which Parishes are by law entitled.

Town votes con-
firmed.

Proviso.

SEC. 2. *Be it further enacted*, That the votes and proceedings of the said town of Topsfield relative to Parish business are hereby confirmed and made valid to all intents and purposes And the said Congregational Parish shall be deemed and taken to be successors to the said town of Topsfield, as far as relates to parochial proceedings, rights and privileges, and subject to all contracts of a parochial nature which may have been made by said town: *Provided however*, That nothing herein contained, shall take from any persons inhabitants of said Topsfield, not included in this act, any legal rights or property they now possess.

Meeting.

SEC. 3. *Be it further enacted*, That the first meeting of said Parish shall be convened by a warrant to be issued by any Justice of the peace in the County of Essex, directed to any 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, February 19th, 1824.]

CHAP. CXVII.

An Act for preventing fraud in the admeasurement of
Salt and Grain.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That all measures, by which Salt or Grain shall be sold, in addition to being conformable, as to capacity and breadth, to the public allowed Standards established by law, shall have a bar of iron across the centre thereof, at the top, to be approved by a Sealer of Weights and Measures; and a bar or standard of like metal, from the centre of the afore mentioned bar to the centre of the bottom of the measure, to be in like manner approved; and all such measures shall be filled by shovelling such salt or grain into the same; and the striking thereof shall always be lengthwise of said bar. And if any person shall sell, or expose to sale, any salt or grain in any other measure, or shall fill or strike such measure in any other manner than is herein provided, such person shall forfeit and pay fifty cents for every bushel of salt or grain, measured, filled, or stricken contrary to the provisions of this act; to be recovered by action of the case, or by complaint, with costs, before any Court of competent jurisdiction: *Provided however,* That salt may be measured from vessels in such measures as are used by the government of the United States, and that nothing in this act shall prevent the measuring of salt in tubs, or any proportional parts of hogsheads, without bars, as may be agreed by the City Council of any city or by any Town Meeting legally held: *And provided always,* that nothing in this act shall be deemed to have effect or operation in any town or city, except such as at a legal meeting of the inhabitants of such town, or of the City Council of such city, shall declare that the same shall have effect and operation therein; nor until one month af-

Construction of
Measure.

Penalty.

Proviso.

ter such declaration shall have been published in some newspaper printed in such town or city, or its vicinity, where no newspaper is printed therein.

[Approved by the Governor. February 20th, 1824.]

CHAP. CXVIII.

An Act making further provision for the Service of Writs and Setting off Judgments.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That when a suit shall be brought against an inhabitant or inhabitants of this Commonwealth, by a person or persons not an inhabitant or inhabitants thereof or resident therein, nor having any property in the same to be attached, such party defendant, pending said suit, may commence any suit against the person or persons, plaintiffs as aforesaid, in any court proper to try the same; and the service thereof by the proper officer, by delivering a summons, or copy of the process to the Agent or Attorney of Record of such party not resident as aforesaid, or by leaving the same at the last and usual place of abode of such Agent or Attorney, shall be good and valid in law, to all intents and purposes whatsoever.

Suit may be made against Plaintiff.

Mode of process

SEC. 2. *Be it further enacted,* That when each of the parties aforesaid shall have obtained judgment against the other, upon the application of either party to the Court which rendered such judgment against him or them, the said court is authorized and directed to offset the said judgment (excepting the taxable costs) against each other, and to cancel them so far as to leave only the balance of the largest judgment to be executed.

Process of Court.

[Approved by the Governor, February 20th, 1824.]

CHAP. CXIX.

An Act to incorporate the President, Directors and Company of the American 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 Ralph Huntington, Sherman Leland, Joseph B. Henshaw, Samuel D. Harris, Charles F. Kupfer, Elijah D. Harris, Samuel F. Coolidge and William Whitney, their associates, successors and assigns, shall be and hereby are created a Corporation, by the name of the President, Directors and Company of the American Bank, and shall so continue from the third Wednesday in April next, until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty-one; and the said corporation shall be always subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same 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: *Provided however*, That the amount of bills issued from said bank at any one time, shall not exceed fifty per centum beyond the amount of the capital stock actually paid in.

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 the Commonwealth may subscribe in manner herein after mentioned, divided into shares of one hundred dollars each, which shall be paid in manner following, that is to say, one fourth part thereof, on or before the fourth day of May next, one fourth part thereof on or before the first day of August next, one fourth part thereof on or be-

fore the first day of November next, and the residue on or before the first day of February next, and no dividend shall be declared on the Capital Stock of said bank until the whole of the said Stock shall have been paid in, conformably to the provisions of this act; and the Stockholders at their first meeting shall, by a majority of votes, determine the mode of transferring and disposing of said Stock and the profits thereof, which being entered on the books of said Corporation, shall be binding on the Stockholders, their successors and assigns, until they 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 the power to bargain, sell, dispose and convey the same by deed under the seal of said Corporation, and signed by the President and two of the Directors, and to loan and negotiate their monies and effects by discounting on banking principles, on such security as they may 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 actually paid in, and existing in gold and silver in their vaults, shall amount to one hundred and twenty five thousand dollars; nor until said capital stock actually in said vaults shall have been inspected, and examined by three Commissioners to be appointed by the Governor for that purpose, whose duty it shall be, at the expense of the Corporation, to examine 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

Transfer of stock

May hold estate.

Loans

Proviso.

Issue of notes.

Duties of Commissioners.

not for any other purpose; and that it is intended therein to remain as a part of said capital, and to return a certificate thereof to the Governor. And no Stockholder shall be allowed to borrow any money at said Bank until he shall have paid in his full proportion of the whole of said Capital Stock, as herein before provided and required.

Loans to
Stockholders.

SEC. 3. *Be it further enacted*, That the said bank shall be established and kept in 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 shall be required, not exceeding ten per centum of the Capital Stock actually paid in at any one time, reimbursable by five annual instalments, or any shorter time, 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 not stand indebted to the said Corporation without their consent for a larger sum than twenty per centum of their Capital Stock then paid in.

Loans to the
State.

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, and at such time and place as they may see fit to appoint, by advertising the same in any two of the newspapers printed in Boston, for the purpose of making, ordaining and establishing such by-laws and regulations for the orderly conducting the affairs of said Corporation, as the Stockholders shall deem necessary, and the choice of the first Board of Directors and of such other officers as they shall see fit to choose.

Call of Meeting.

SEC. 6. *Be it further enacted*, That the Commonwealth shall have a right when ever 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

Right of State
to hold stock.

management thereof as shall be by the Legislature made and established.

Right of State to
appoint Directors

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 to said Bank, in proportion as the sum paid from the Treasury of the Commonwealth, shall be to the whole amount of Stock actually paid into said Bank, if at any time hereafter they shall see fit to exercise that right.

Bond of Cashier.

SEC. 8. *Be it further enacted*, That the Cashier before he enters on the duties of his office, shall give bond with sureties to the satisfaction of the Board of Directors in a sum not less than fifty thousand dollars, with conditions for the faithful discharge of his office.

State Tax.

SEC. 9. *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 October, and April, annually, the half of one per centum on the amount of Stock which shall have actually been paid.

Altered Notes.

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, counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alteration.

SEC. 11. *Be it further enacted*, That the Capital Stock of said Bank shall not be sold or transferred, but shall be holden by the original subscribers thereto for and during the period of one year from the time of passing this act; and in case the same shall not be put into operation according to the provisions thereof within the year aforesaid, it shall be void.

[Approved by the Governor, February 20th, 1824.]

CHAP. CXX.

An Act to set off a Gore of Land from Bridgewater to Halifax.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That a Gore of Land lying within the corporate bounds of the town of Bridgewater, according to the following described line, be, and hereby is set off from the town of Bridgewater, and annexed to the town of Halifax, according to the mutual consent and agreement of the said towns, viz : Beginning at a stake standing on the west side of the road, which is a corner of said towns, where was formerly an Oak Tree, and to extend easterly across said Gore, in the same direction as the line runs from Bridgewater river to the aforesaid stake, in the laying out of the town of Halifax, until it strikes the line of Bridgewater and Halifax ; and the said land, with all the buildings and the inhabitants living thereon, or who may hereafter live thereon, shall be considered a part of the said town of Halifax, as fully and completely as if it had been originally incorporated therewith.

[Approved by the Governor, February 20th, 1824.]

 CHAP. CXXI.

An Act in addition to an Act, entitled “ An Act providing for the appointment of Inspectors, and regulating the manufacture of Gunpowder.”

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 Gunpowder man-

ufactured in this Commonwealth shall be put into strong and tight casks, containing twenty-five pounds, fifty pounds, or one hundred pounds each.

SEC. 2. *Be it further enacted,* That all Gunpowder, which shall be manufactured within this Commonwealth or which shall be brought into the same by land or by water and landed, shall be marked on the head of the cask with black paint in legible characters, with the name of the manufacturer, the weight of the cask, and the year in which the same was manufactured.

Manufacturer
and quantity in
in Cask.

Penalty.

SEC. 3. *Be it further enacted,* That if any person or persons shall knowingly mark any cask of Gunpowder with the name of any person other than the manufacturer of the same, or shall knowingly change any Gunpowder from any cask or casks marked with the name of one manufacturer into any cask or casks marked with the name of any other manufacturer, every such person or persons so offending shall forfeit and pay for every such offence, not less than five nor more than twenty dollars, to be recovered in an action on the case in any Court of competent jurisdiction to try the same, one half to the use of the Commonwealth, and the other half to the use of the person or persons who shall sue for and recover the same.

SEC. 4. *Be it further enacted,* That all laws heretofore made respecting the inspection of Gunpowder in this Commonwealth, be, and the same hereby are repealed.

[Approved by the Governor, February 20th, 1824.]

CHAP. CXXII.

An Act in addition to an Act, entitled "An Act, concerning Hawkers, Pedlars and Petty Chapmen."

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 articles of GlassWare be added to the list of excepted articles in the proviso, contained in the first Section of the Act aforesaid.

SEC. 2. *Be it further enacted,* That this Act shall be in force from and after the first day of June next.

[Approved by the Governor, February 20th, 1824.]

CHAP. CXXIII.

An Act to incorporate Charles Grinnell and others as Proprietors of the Purchase-Street School-House, in New-Bedford.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Abraham Barker, William Beetle, Ichabod Clap, Charles Grinnell, Roger Haskell, Benjamin Hill, Manasseh Kempton, Elisha W. Kempton, Ephraim Kempton, Thomas Kempton, John Avery Parker, and Jireh Perry, together with the present owners and proprietors, and such others as may hereafter associate and become proprietors in the said School-house, their heirs, successors and assigns, be, and they are hereby made and declared to be a Corporation, by the name of the Proprietors of the Purchase-Street School-house, and they, their heirs, successors and assigns are hereby vested with all the powers and privileges usually given and exercised by other corporations of a like nature and purpose.

[Approved by the Governor. February 20th. 1824.]

CHAP. CXXIV.

An Act in addition to an act incorporating the Worcester Mutual Fire 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 said Corporation of the Worcester Mutual Fire Insurance Company be, and hereby is authorized to insure Household Furniture in any mansion-house or other building within the County of Worcester, against damage arising to the same by fire, upon like terms and conditions, and under the same limitations and restrictions as are provided in the act to which this is in addition, in relation to insurance against damage by fire in any mansion-house or other building within the said County.

Powers granted.

SEC. 2. *Be it further enacted,* That whenever the said Corporation shall make insurance upon any mansion-house or other building, the said mansion-house or other building insured, together with the land under the same, shall be held by the said Corporation as security for the sum of the deposit money required to be paid, or secured upon such insurance, together with such assessment or assessments, as the member of the said Corporation thus insured shall be liable to pay, pursuant to the provisions of the act to which this is in addition; and the policy of insurance to any member upon his said mansion-house or other building, shall of itself, from the time it issues, create a lien upon such mansion-house or other building and the land under the same, to the amount of the sum of such deposit money, and any assessment or assessments, which may be made upon the insured as a member of said Corporation, and the costs which may accrue in collecting the same, without any other act or ceremony in law whatsoever. And said lien shall continue and be in force upon said mansion-house, or other building insured with the land under the same for the security to the said Corporation, of the pay-

Conditions of Insurance.

Lien on property insured.

ment of said deposit money and the assessment or assessments upon the member so insured with costs, until the said deposit money with the sum or sums of said assessments shall be paid or otherwise satisfied to, or released by said Corporation, notwithstanding any transfer or alienation thereof: *Provided nevertheless*, that nothing herein contained shall restrict said Corporation from receiving any other security in lieu of said lien for said deposit and assessments, upon which their authorized agents and the insured may agree: *And provided also*, that in all cases where the said Corporation rely upon the security of the lien created by the Policy, it shall be expressed in said policy that the insurance is made upon the said mansion-house or other building insured, subject to the lien created by law.

SEC. 2. *Be it further enacted*, That if any member of said Corporation, who shall obtain insurance of his mansion-house or other building subject to the lien aforesaid, or in case of his decease, his legal representatives shall neglect for the space of thirty days next after demand made by the authorized agent or agents of said Corporation (which demand may be in such manner as said Corporation shall in their by-laws direct) to pay the sum of the deposit money upon the insurance of his mansion-house, or other building, or any assessment or assessments made upon him as a member of said Corporation pursuant to the provisions of the act to which this is in addition, he shall be liable to the suit of the Corporation therefor, in an action of the case, in any Court of competent jurisdiction. And the said Corporation having obtained judgment and execution for the amount of such deposit money, assessment or assessments, may at their election cause the said execution to be levied upon the said mansion-house, or other building insured with the land under the same, and the officer having said execution, shall proceed to satisfy the same by the sale and conveyance of said mansion-house or other building with the land under the same, in the same manner, and after the like previous advertisement and notice as is pro-

Proviso.

Liability of members insured.

Levy of execution.

Right of Redemp-
tion.

Provisc.

Proceeds of sale.

vided by law when the right of redeeming real estate is sold, which has been conveyed in mortgage, saving to the owner or owners of such mansion-house, or other building with the land under the same, the right of redemption, at any time within one year from the time of sale, by paying the purchaser or any under him, the sum for which it was sold, and interest at the rate of twelve per centum, deducting therefrom the rents and profits over and above the necessary repairs: *Provided however*, that in case of the alienation and transfer by deed of record of any mansion-house or other building insured, with the land under the same, previous to the levy of said execution, notice of the intended sale shall be given by the officer to the owner thereof, or his tenant in possession instead of the debtor in said execution; and the excess of money, if any shall arise from any sale as aforesaid, beyond satisfying the debt, costs and necessary intervening charges, shall be returned by the officer to the debtor in the execution, or in case of an alienation by him as aforesaid to the owner thereof at the time of the levy of said execution.

[Approved by the Governor, February 20th, 1824.]

CHAP. CXXV.

An Act repealing all acts imposing restrictions on the erection of buildings in the Town of Charlestown.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That an Act entitled “An Act for the better security of the Town of Charlestown against fire,” passed February the fifteenth, in the year of our Lord, one thousand eight hundred and ten, and all subsequent additions to said act, be and the same are hereby repealed.

[Approved by the Governor, February 20th, 1824.]

CHAP. CXXVI.

An Act to incorporate the President, Directors and Company of the Commonwealth 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 Andrew Dunlap, John K. Simpson, Hall J. How, John Henshaw, Jonathan P. Stearns, Russell Jarvis, their associates, successors and assigns, shall be and hereby are created a Corporation, by the name of the President, Directors and Company of the Commonwealth Bank, and shall so continue from the second Monday in March next, until the first Monday of 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: *Provided however*, That the amount of bills issued from said bank at any one time, shall not exceed fifty per centum beyond the amount of the capital stock actually paid in.

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 herein after mentioned, divided into shares of one hundred dollars each, which shall be paid in manner following, that is to say, one fourth part thereof, on or before the first day of May next, one fourth part thereof on or before the first day of August next, one fourth part thereof on or be-

Persons incorpo-
rated.

Restrictions and
privileges.

Proviso.

Capital stock.

Payment of
shares.

fore the first day of November next, and the residue on or before the first day of February next, and no dividend shall be declared on the Capital Stock of said bank until the whole of said Stock shall have been paid in, conformably to the provisions of this act; 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, dispose and convey the same by deed under the seal of said Corporation, and signed by the President or two Directors, and to loan and negotiate their monies and effects by discounting on banking principles, on such security as they may 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 actually paid in, and existing in gold and silver in their vaults, shall amount to one hundred and twenty five thousand dollars; nor until said Capital Stock actually in said vaults shall have been inspected, and examined by three Commissioners to be appointed by the Governor for that purpose, whose duty it shall be, at the expense of the Corporation, to examine 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.

Transfer of stock

May hold estate.

Loans.

Proviso.

Issue of notes.

Duties of Commissioners.

not for any other purpose; and that it is intended therein to remain as a part of said capital, and to return a certificate thereof to the Governor. And no Stockholder shall be allowed to borrow any money at said Bank until he shall have paid in his full proportion of the whole of said Capital Stock, as herein before provided and required.

Loans to
Stockholders.

SEC. 3. *Be it further enacted,* That the said bank shall be established and kept in 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 shall be required, not exceeding ten per centum of the Capital Stock actually paid in at one time, reimbursable by five annual instalments, or any shorter time, 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

Loans to the
State.

Proviso.

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 Boston, for the purpose of making, ordaining and establishing such by-laws and regulations for the orderly conducting the affairs of said Corporation, as the Stockholders shall deem necessary, and the choice of the first Board of Directors and such other officers as they shall see fit to choose.

Call of Meeting.

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

Right of State
to hold stock.

management thereof as shall be by the Legislature made and established.

Right of State to
appoint Directors

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 to said Bank, in proportion as the sum paid from the Treasury of the Commonwealth shall be to the whole amount of Stock actually paid into said Bank, if at any time hereafter they shall see fit to exercise that right.

Bond of Cashier.

SEC. 8. *Be it further enacted*, That the Cashier, before he enters upon the duties of his office, shall give bond with sureties to the satisfaction of the Board of Directors in a sum not less than fifty thousand dollars, with conditions for the faithful discharge of his office.

State Tax

SEC. 9. *Be it further enacted*, That the said Corporation from and after the first day of May next, shall pay by way of tax to the Treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October, and April, annually, the half of one per centum on the amount of Stock which shall have actually been paid in.

Altered Notes.

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, counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alteration.

SEC. 11. *Be it further enacted*, That the Capital Stock of the said Bank shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the period of one year from the time of passing this act; and in case the same shall not be put into operation according to the provisions thereof within the year aforesaid, it shall be void.

[Approved by the Governor, February 20th, 1824.]

CHAP. CXXVII.

An Act to continue in force the act for incorporating the Nantucket 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 act entitled "An Act to incorporate Josiah Barker, George Myrick and others, by the name of the Nantucket Union Marine Insurance Company," passed on the twenty-first day of June, one thousand eight hundred and four, shall be, and remain in full force for the term of twenty years, from and after the twenty-first day of June, one thousand eight hundred and twenty-four, with all the powers and privileges, granted by an act, entitled "An Act to define the powers, duties and restrictions of Insurance Companies," passed on the sixteenth day of February, one thousand eight hundred and eighteen: *Provided however,* That the said Corporation shall be subject to all the duties and requirements prescribed and contained in the said act, entitled "An Act to define the powers, duties and restrictions of Insurance Companies;" and the said Nantucket Union Marine Insurance Company shall be liable to be taxed by any general law, providing for the taxation of all similar Corporations.

[Approved by the Governor, February 20th, 1824.]

CHAP. CXXVIII.

An Act to alter the division line between New-Salem and Shutesbury.

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, one range of lots in the easterly side of the town of Shutesbury, in the County of

Line described. Franklin, shall be set off from said town of Shutesbury, and annexed to the town of New-Salem, in said County, and the divisional lines between the said towns, shall be as follows, beginning on the North line of said town of Shutesbury, one hundred and sixty rods west from the North east corner thereof, thence Southerly in a line parallel to the present divisional line between the said towns of Shutesbury, and New-Salem, near the dwelling-house of Asa Powers; and that all the inhabitants of the territory by this act annexed to the said town of New-Salem, be, and they are hereby annexed to the said town of New-Salem: *Provided*, That they shall pay all taxes assessed or voted to be assessed on their polls and estates by the said town of Shutesbury, before the passing of this act.

Proviso.

SEC. 2. *Be it further enacted*, That any person who may have gained an inhabitancy in the said town of Shutesbury, by a residence on the territory which is by this Act, annexed to the said town of New-Salem, who now does or hereafter shall need to be supported as a poor person, shall be supported by said town of New-Salem.

[Approved by the Governor, February 20th, 1824.]

CHAP. CXXIX.

An Act in addition to an act, entitled "An Act to incorporate the President, Directors and Company of the Dedham 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 the Directors of said Bank, with the consent of a majority of the Stockholders thereof, be, and they are hereby authorized and empowered at any time within one year from the first day of May next, at their discretion, to call on the

Power of Directors.

Stockholders to pay in a further instalment not exceeding in amount one third part of their original capital, as fixed by law, notice being given of the amount of said instalment, and the time of paying in the same, by publishing three weeks successively in the newspaper printed in Dedham, or some paper printed in Boston, to the Stockholders, at least thirty days before the day appointed for the payment of such instalment: *Provided however*, that nothing herein contained shall authorize or empower the President, Directors and a majority of the Stockholders of said Bank to increase their Capital Stock to a greater amount than one hundred thousand dollars.

SEC. 2. *Be it further enacted*, That if any Stockholder that shall neglect to pay in the instalment on his shares so required by the Directors, and notified as aforesaid, for the space of sixty days after notice as aforesaid, the Directors shall be authorized to make sale at public auction of such shares, one or more as may be sufficient to pay said instalment and incidental charges, after duly notifying in the newspaper printed in Dedham, or some paper printed in Boston, the sum due on such shares, and the time and place of sale, at least ten days prior to the day of sale, and giving the proprietor like notice in writing, and such sale shall be a transfer of the share or shares sold to the persons purchasing, and a certificate of such sale shall be entered by the Cashier on the books of said Bank; and such purchaser shall be considered to all intents and purposes proprietor thereof, and the overplus, if any, shall be paid on demand by the Cashier to the person whose shares were thus sold.

[Approved by the Governor, February 20th, 1824.]

CHAP. CXXX.

An Act to incorporate the Commonwealth 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 Russell Jarvis, John Brazer Davis, Joseph E. Smith, David Henshaw, Caleb Eddy, George Hallet, John Henshaw, M. Richards, George Seaver, Thaddeus Page, John K. Simpson, with their associates, successors and assigns, be, and hereby are incorporated into a Company by the name of the Commonwealth Insurance Company, with power of insurance of lives, and against marine losses and losses by fire, and of loaning monies on bottomry and respondentia principles, and with all the powers, immunities and privileges granted to Insurance Companies, and subject to all the restrictions, duties and obligations, contained in a law of this Commonwealth, entitled "An Act to define the powers, duties and restrictions of Insurance Companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled "An Act authorizing the several Insurance Companies of this Commonwealth to insure against fire," passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty, for and during the term of twenty years from 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 may 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: *Provided*, The said real estate shall not exceed the value of seventy-five thousand dollars, excepting such as may be taken for debt or held for collateral security for money due to said Company.

Persons incorpo-
rated.

May hold Estate.

SEC. 2. *Be it further enacted,* That the Capital Stock of said Company shall be three hundred thousand dollars and shall be divided into shares of one hundred dollars each; one hundred and fifty thousand dollars of which shall be paid in money, within ninety days after the first meeting of the said Company, and the residue within one year from the passing of this act, in such instalments and under such penalties as the President and Directors of said Company shall in their discretion direct and appoint. And if the provisions of this act shall not be complied with within one year from said first payment, then the same shall be void.

SEC. 3. *Be it further enacted,* That the stock, property, affairs and concerns of 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 in said Company, and citizens of this Commonwealth, and shall be elected on the second Monday of April, in each and every year, at such time of the day, and in such place in Boston, as a majority of the Directors for the time being shall appoint, of which election public notice shall be given in two of the newspapers printed in 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 Stockholders present, allowing one vote to each share in the Capital Stock: *Provided,* That no Stockholder shall be allowed more than ten votes, and absent Stockholders may vote by proxy, under such regulations as said Company shall prescribe. And if through any unavoidable accident the said Directors shall not be chosen on the second Monday of April as aforesaid, they may be chosen on any other day in the manner herein provided. And the Secretary of said Company, shall at any time upon application in writing of the proprietors of twenty per centum of the Capital Stock, call a meeting of the Stockholders, to be holden at such time and place

in Boston, as they shall direct, for the purpose mentioned in such application, by giving like notice thereof as is herein required for the election of Directors.

Choice of President.

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 or affirmed to the faithful discharge of 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 Directors, 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.

Power of President and Directors.

SEC. 5. *Be it further enacted*, That the President and six of the Directors, and seven in his absence, shall be a board competent to 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 useful 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 the 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 the President, as to the said Board shall seem meet: *Provided*, such by-laws, and regulations, shall not be repugnant to the constitution and laws of this Commonwealth.

Call of Meeting.

SEC. 6. *Be it further enacted*, That any two or more of the persons named in this act are hereby authorized to call a meeting of said Company, by advertising the same for two successive weeks in the Boston Patriot, American Statesman, and New-England Palladium, printed in Boston, for the purpose of electing their first

Board of Directors, who shall continue in office till the second Monday of April, in the year of our Lord eighteen hundred and twenty-five, and till others shall be chosen in their stead: *Provided, however,* that this Charter shall be void and of no effect, unless put into operation agreeably to the terms of it within one year from the passing of this act: *And provided also,* that the said Company shall not take any risk, or subscribe any policy by virtue of this act, until one hundred and fifty thousand dollars of the Capital Stock of said Company shall have been paid in.

Provis.

SEC. 7. *Be it further enacted,* That said Company shall never take on any one risk against fire, or other risk, on loan or respondentia or bottomry on any one bottom at any one time, including the sum insured in any other way on the same bottom, a sum exceeding ten per centum on the Capital Stock of said Company actually paid in according to the provisions of this act.

Risks to be taken.

SEC. 8. *Be it further enacted,* That the said Insurance Company shall be located and kept in the City of Boston.

SEC. 9. *Be it further enacted,* That the said Insurance Company shall be liable to taxation by any general law providing for the taxing of all similar Corporations which are by law liable to be taxed

Liabiletotaxation

[Approved by the Governor, February 20th, 1824.]

CHAP. CXXXI.

An Act to incorporate the Proprietors of Mechanic Hall in Lynn.

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 Ingalls, William F. Ingalls, John B. Burrell, Richard Richards, and Timothy Alley, 3d, all of Lynn, their associates, successors and assigns be, and they are hereby constitu-

Persons incorporated.

ted a body politic and corporate by the name of the Proprietors of Mechanic Hall in Lynn; and the said Corporation by the same name, are hereby declared and made capable in law to sue and be sued, plead and be impleaded, to have a common seal, and the same to alter at pleasure, to make rules and by-laws for the regulation and management of the estate herein after described, consistent with the laws of the Commonwealth, and generally to do and execute whatever by law doth or may appertain to bodies politic and corporate within the meaning and intent of this act.

Possession of
Estate guaran-
teed.

SEC. 2. *Be it further enacted*, That the said Corporation be, and the same hereby is declared and made capable to have, hold, and possess all that certain real estate, situate in said Lynn, bounded and described as follows, viz: Southeasterly on the highway measuring five rods, southwesterly on the highway measuring six rods and twenty-two links of chain, northwesterly on land of Daniel Silsbee, measuring three rods and thirteen links of chain, northeasterly on land of Samuel Neall, there measuring five rods and one link of chain, or however otherwise bounded, together with all the privileges and appurtenances thereunto belonging, provided the lawful proprietors of the same convey it legally 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 to lease, manage and improve, build, re-build, or alter the same, according to the will and pleasure of said Corporation, expressed at any legal meeting by the said associates, or their assigns, or a major part of them.

Disposal of prop-
erty.

SEC. 3. *Be it further enacted*, That the said Corporation property shall be divided into shares not exceeding one hundred in number, as the said Corporation may find it most expedient; and the said shares shall be divided among the several proprietors according to the interest and portions which they may respectively have in said corporate property, and cer-

Number of
Shares.

tificates of such shares shall be signed by the President of the Corporation, and issued to the proprietors accordingly, and shall be transferable by assignment on the back thereof, and the property in the same shall vest in the assignee or vendee thereof, when a record of such assignment shall be made by the clerk of the corporation, whereupon new certificates shall issue accordingly, and the shares in said Corporation shall in all respects, and at all times be held and considered personal estate.

Transfer of
shares.

SEC. 4. *Be it further enacted*, That the said Corporation shall have power from time to time, to assess such sums of money as at any legal meeting held and notified for that purpose, may be deemed necessary for building, rebuilding and repairing or altering any buildings whatever, on the land within the said described limits, or for the improvement or management of the corporate estate agreeably to the true intent and meaning of this act. And in case any proprietor shall neglect or refuse to pay any assessment so laid, the said Corporation may cause such of the shares of such proprietors as may be sufficient therefor, to be sold at public auction after ten days notice in two public places in said Lynn, to the highest bidder; and after deducting the amount assessed and unpaid, together with the charges of sale and advertisement, the surplus, if any, shall be paid over to such proprietors, and the purchaser of such share or shares, shall be entitled to receive a certificate of the share or shares by him purchased accordingly.

Power to raise
money.

SEC. 5. *Be it further enacted*, That the said proprietors shall annually in the month of March, elect by ballot, a board of Trustees to consist of five members, who shall choose one of their number for President, and the said proprietors shall also elect by ballot, a clerk and all other officers that they may deem necessary for conducting their corporate affairs and estate.

Choice of
Officers.

SEC. 6. *Be it further enacted*, That the trustees or a major part of them, by a vote of a majority of the proprietors, each proprietor being allowed one

Power
of Trustees.

vote for each share he may own, are hereby authorized and empowered to sell and convey in fee simple, lease or mortgage, all or any part of the real estate which they may hold as herein aforesaid, and to make, execute and acknowledge a good and sufficient deed or deeds thereof, which deed or deeds subscribed by the President, with the seal of said Corporation thereunto affixed, shall be good and valid in law.

Call of Meeting.

SEC. 7. *Be it further enacted*, That Jacob Ingalls, be, and he is hereby authorized to call the first meeting of said proprietors, by posting one or more notices of the time and place thereof, in one or more public place or places in said town, eight days at least before the time of meeting. And the said proprietors are hereby authorized to determine the mode of calling future meetings.

[Approved by the Governor, February 20th, 1824.]

CHAP. CXXXII.

An Act regulating the Lobster Fishery in the Town of 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 from and after the first day of April next, it shall not be lawful for any person to take any Lobsters, within the harbors of the town of Gloucester, for the purpose of carrying away from said harbors. And any and every person offending against the provisions of this act, shall forfeit and pay the sum of ten dollars for every offence, and shall also forfeit all the Lobsters so taken: *Provided nevertheless*, That the Selectmen of said town, may allow said Lobsters to be taken and carried away as aforesaid, by all the citizens of this Commonwealth, by a general permission to them only and for

a time not less than one month, at one time, first giving public notice of such times in each year, within which they give such permission, by advertising the same two weeks successively in one public newspaper printed in the County of Essex, and two public newspapers printed in the County of Suffolk.

SEC. 2. *Be it further enacted,* That the harbors of said Gloucester shall be considered and taken by this Harbor limits, act to be and to extend as follows, to wit: The harbor of Gloucester from Norman's Woe, on the west side, to Eastern Point, on the south side. The harbor of Sandy Bay, from Gap-head on the east side, to Pigeon Cove on the north side. The harbor of Annis Squam, from Hallibut Point on the east side, to Two Penny Loaf on the west side.

SEC. 3. *Be it further enacted,* That all fines and forfeitures which may be incurred for offences against this act, shall accrue one half to him or them who Appropriation and recovery of fines. may first sue for the same, and the other half to the use of the Commonwealth. And the said fines and forfeitures may be recovered with legal costs of suit by action of debt, or information before any Justice of Peace for the County of Essex; and any person or persons aggrieved by the sentence of the Justice of Peace, given in pursuance of this act, may appeal thereupon to the next Court of Common Pleas to be held in the County, in which judgment may be rendered.

[Approved by the Governor, February 20th, 1824.]

CHAP. CXXXIII.

An act to apportion and assess a tax of seventy-five thousand dollars, and to provide for the reimbursement of sixteen thousand nine hundred and ninety-nine dollars, paid out of the public treasury, to the members of the House of Representatives, for their attendance the two last sessions of the General Court.

[Approved by the Governor. February 21st, 1824.]

CHAP. CXXXIV.

An Act to provide payment to the County of Worcester, for the use of their House of Correction.

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 to the Treasurer of the County of Worcester, from the Treasury of this Commonwealth, for the use and occupation of so much of the House of Correction, in said County, as has been used by the convicts sentenced to the same by the Justices of the Supreme Judicial Court, or either of them, at the rate of three hundred dollars per annum for such term of time as said House of Correction has been occupied for the use of the Commonwealth in manner aforesaid. And his Excellency the Governor, by, and with the advice of Council, is hereby authorized to draw his warrants on the State Treasurer, for such sums as may be due to the County of Worcester, agreeably to the provisions of this act.

[Approved by the Governor, February 21st, 1824.]

CHAP. CXXXV.

An Act to authorize Thomas Manning to erect a Dam across Ipswich 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 Thomas Manningbe, and he is hereby authorized and empowered to erect and maintain a Dam across Ipswich river, so called, about three miles above the stone bridge, and near a way leading from Topsfield road, to said river, at the

fording place, between the towns of Ipswich and Hamilton; which said dam, the said Thomas Manning, his heirs and assigns may continue and maintain, so long as he or they may see fit, for the purpose of erecting grist or other mills, factory or factories, or any other valuable purpose for which the same is suitable: *Provided, however,* The said Thomas Manning, his heirs and assigns, shall make, and keep open through said dam, a passage way for the fish to pass up said river or stream, of the dimensions, and constructed in the same manner and subject to the same rules and penalties, as is provided by an act passed March twenty-eighth, one thousand seven hundred and eighty-eight, and the acts in addition thereto, to prevent the destruction of alewives and other fish in Ipswich river: *And provided also,* That the said towns of Ipswich and Hamilton, shall not hereafter be subjected to any expense in laying out or making any road or bridge leading from the roads in Hamilton or Ipswich, to, or for the accommodation of said mills or factory, but said roads or bridge shall always be made at the expense of said Manning, his heirs or assigns.

SEC. 2. *Be it further enacted,* That any person or persons whose land or other property may be injured by erecting and maintaining or using said dam and water, whether by flowing or otherwise, shall have the like remedy and process for obtaining indemnity therefor as is now provided for like injuries under the several laws relating to mills in this Commonwealth.

[Approved by the Governor, February 21st, 1824.]

CHAP. CXXXVI.

An Act in addition to an act, entitled "An Act regulating the practice of Physic and Surgery."

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 graduated a doctor in medicine in the Berkshire Medical Institution, by the authority of Williams College, shall be entitled to all the rights, privileges and immunities granted to the Medical graduates of Harvard University; *Provided however,* that at any time hereafter when it shall be thought proper, the Commonwealth shall have the right of creating a board of overseers, to be composed of the Trustees of said Institution, and such other persons as the Commonwealth may designate for that purpose.

[Approved by the Governor, February 21st, 1824.]

CHAP. CXXXVII.

An Act for the encouragement of Medical Science.

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 shall be appropriated, allowed and paid out of the Treasury of this Commonwealth annually, the sum of one thousand dollars, for the term of five years, to the Trustees of the Berkshire Medical Institution: *Provided* that the said Trustees shall faithfully apply the same to the purchase, erection and repairing of suitable buildings, to the procuring of a library, chemical and philosophical apparatus, anatomical preparations and models, and for such other purposes as shall be deemed most conducive to the best interests of the Institution.

And his Excellency the Governor is hereby authorized and requested to draw his warrant accordingly.

[Approved by the Governor, February 21st, 1824.]

CHAP. CXXXVIII.

An Act in addition to An Act for the choice and appointment of Assessors, and for assigning their powers and authority.

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 Treasurer of this Commonwealth shall be directed to send a tax act to the Assessors of any city, town or district, it shall be his duty to send therewith a suitable number of blanks for invoice and valuation books, in the form hereinafter prescribed, and also suitable and convenient forms of warrants, certificates of assessments for state, county, city, town, and district taxes, forms of notices to be posted up previous to the making of any tax, and also blanks for tax lists or books, sufficient for such city, town or district.

Powers of Assessors.

SEC. 2. *Be it further enacted,* That the Assessors of any city, town or district, may add their proportion of any State and County tax to the city, town or district tax, for assessment, whenever they may deem it convenient. And in every case where assessors shall so add their state, county, town or district taxes for assessment, it shall be the duty of all such assessors to insert in the commitment of their list or lists of assessments to the collectors, the proportion of the state and county tax each respectively may bear to the whole amount of such assessment.

Time of assessment.

SEC. 3. *Be it further enacted,* That a copy of the lists of the assessment of all taxes, together with a copy of the invoice and valuation from which such as-

Deposit of lists.

assessments shall be made, shall, before the taxes assessed are committed for collection, be deposited in the assessors office, where such office is kept, otherwise shall be lodged with the chairman or principal assessor, there to remain, to the end that all persons interested may have an opportunity of examining, and exposing any error, for the purpose of correction, which may have happened in the assessment of said taxes.

SEC. 4. *Be it further enacted,* That hereafter, the form of an invoice or valuation, with the assessments thereon, to be deposited as aforesaid, in the assessors' office, or with the principal assessor, shall be substantially as follows.

Names.	Number of Polls.	Description of Estate taxed.	True value.	Reduced value.	Poll Tax.	Tax on Real Estate.	Tax on Personal Estate.	Total Tax.
A. B.	2	<i>Real</i> —1 House & Barn.	500		1 75	12 00	33 30	47 05
		4 a. home lot.	500					
		10 a. meadow.	500					
			1500	90				
		330 a. unimproved.	1500	30				
				120				
		<i>Personal</i> —1 Horse.	50					
		1 Chaise.	200					
		Plate.	300					
		Money at interest.	5000					
		5550	333					

Responsibility of Assessors.

SEC. 5. *Be it further enacted,* That the Assessors of cities, towns, districts, parishes or religious societies shall not hereafter be made responsible for the assessment of any tax upon the inhabitants of any city, town, district, parish or religious society of which they are assessors, when thereto required by the constituted authorities thereof, but the liability, if any, shall rest solely with said city, town, district, parish or religious society, and the assessors shall be responsible only for their own integrity and fidelity.

SEC. 6. *Be it further enacted*, That all acts heretofore passed, so far as they may be inconsistent with the provisions of this Act, be, and the same are hereby repealed.

[Approved by the Governor, February 21st, 1824.]

CHAP. CXXXIX.

An Act to incorporate the Second Congregational Society in Medford.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Thatcher Magoun, John Bishop, John Bishop, Jun. John P. Clisby, Timothy Rich, Aaron Blanchard, Andrew Blanchard, Nathan Bryant, Elisha L. Tainter, Nathaniel Jaqueth, George B. Lapham, Jacob Butters, Galen James, Edward Rogers, Henry Rogers, Thomas Jameson, Joseph Clisby, Willard Butters, William Rogers, Jesse Crosby, George W. Reed, Jun. William Nash, John J. White, William C. Pratt, Thompson Kidder, Charles J. Hall, Gilbert Blanchard, Isaac Goodhue, Zenas Stoddard, Gilbert Brooks, James Kidder Jun. Amos Joslyn, Edward Pratt, Benjamin Eastman, Thomas Pratt, Reuben Richardson, John B. Fitch, John Clough, Anthony Hatch, Charles James, Lazarus Drew, James H. Drew, Jacob Day, Bela Cushing, John Hinkson, Nathaniel H. Bishop, James Forsyth, William A. Edgery, and their associates and successors, be, and they are hereby incorporated as a religious society, for the support of the public worship of God, and for religious purposes, and constituted a body politic and corporate, by the name of the Second Congregational Society in Medford, and invested with all the rights, powers, liberties, privileges, franchises and immunities, commonly had, held, used, exercised or enjoyed by other religious

Persons
incorporated.

societies incorporated for similar purposes in this Commonwealth. And the said Corporation may sue and be sued in their corporate name aforesaid, and may make all reasonable rules and regulations for the government and management of the affairs, business and concerns of the said society, not repugnant to the laws and Constitution of this Commonwealth.— And the said Corporation may take and hold by purchase, gift or otherwise, any estate, personal, real or mixed, the net amount of the income whereof shall not any time exceed five thousand dollars.

SEC. 2. *Be it further enacted,* That no person shall be taken or considered as a member of said society excepting the proprietors of a pew or pews, or any part of a pew in the meeting-house of the said society, until he or she shall have obtained the approbation in writing, of a majority of the standing committee of the said society, and all persons who shall have obtained such approbation as aforesaid, or who may be owners of a pew or pews, or any part of a pew in such meeting-house, as aforesaid, and who shall usually attend the public worship of God with the said society, and shall be liable to pay taxes for the support and maintenance thereof, in the same society for the time being, shall with their families, polls and estates, be taken and considered for all religious purposes, as members of the said society and all the members of the said society liable to taxation, as aforesaid, shall be entitled to vote at any meeting of the said society, on all questions, matters and things, excepting such as relate to the property of the said society, or to any sale or exchange, or investment thereof, or to the management, appropriation or disposal thereof, or any part thereof, or to the assessing or raising money by taxes, on the pews in such meeting-house as aforesaid, to be built, used and occupied by the said society for the public worship of God. But on all questions, matters and things to be determined or ordered, resolved, authorized, ratified, done or transacted in the said society, at any meeting thereof, relating in any way to the property of the

Rules and By-Laws.

May hold Estate.

Qualifications of Members.

Rights of members.

said Corporation or to any sale, exchange or investment thereof, or to the management, appropriation or disposal thereof, or any part thereof, no person shall be taken or considered as a legal voter, but the actual Who are legal voters. proprietors of a pew or pews, or of any part of a pew in such meeting-house as aforesaid, or their agents duly authorized, and the proprietor or proprietors of each pew in such house as aforesaid shall be entitled to two votes and no more for such pew as aforesaid, in voting in all cases where only such proprietors and persons, by them authorized shall be entitled to vote, but in all other cases the said proprietors shall each be entitled only to a single vote: *Provided nevertheless,* Proviso. That while the said society have no such meeting-house as aforesaid, and until such meeting-house shall have been built and completed, all persons who have subscribed for or may subscribe for any pew or pews, or part of a pew, and have agreed, or may agree to purchase the same in such meeting-house about to be built for the purposes aforesaid, shall be entitled to vote in like cases, and in like manner, to have and exercise all the rights, powers and privileges given by this act to such proprietors as aforesaid.

SEC. 3. *Be it further enacted,* That all monies to be raised by the said society by taxation for the support of the public worship of God and other parochial purposes may be assessed upon the polls and estates of the members of the said society, or upon the pews in the meeting-house of the said society, in case, by a majority of votes of such proprietors as aforesaid, to be given in manner aforesaid, it shall be so determined, or partly on the polls and estates aforesaid, and partly on such pews, if by a majority of such votes it shall be so determined. And in case any assessment shall be made upon such pews as aforesaid, according to such determination as aforesaid, the said pews may be taken and sold for the payment of all assessments duly made upon them as aforesaid, and for the expenses and charges of sale in such manner, and on such conditions as by a majority of such proprietors shall be determined: *Provided nevertheless,* Proviso. Mode of raising monies.

less, That the assessments to be made on the polls and estates of the respective members of the said society during any year for the purposes aforesaid shall in no case exceed the assessments that during the same year may be made upon the polls and estates of the respective members of the first Congregational Society in Medford for like purposes, regard being had to the relative value of their estates.

SEC. 4. *Be it further enacted*, That the persons entitled to vote in said society, shall annually at such time and place as the said society shall hereafter appoint, choose by written ballot a committee of seven persons, being proprietors as aforesaid, to be called the Standing Committee for the purpose of managing the financial and prudential concerns of said society; and a Clerk, Treasurer, three Assessors, a Collector, and a Sexton, which said several officers shall continue in office during the year, and until others shall be chosen in their stead; and the said society may from time to time choose such other officers and committees as they may think necessary and expedient for the managing, conducting and transacting the affairs and concerns of business of the society.

Choice of standing Committees and other Officers.

SEC. 5. *Be it further enacted*, That when any member of the said society shall wish to withdraw from the same, he or she shall leave a written notification thereof with the Clerk of the said society, and the poll and estate of such member shall thereafter be exempted from taxation in said society, but such persons so seceding from said society shall be holden to pay all the taxes already assessed upon his poll, or his or her estate; and if he or she shall be a proprietor of a pew or pews, or part of a pew, shall at all times thereafter, so long as he or she may remain such proprietor, be liable to pay such assessment as may from time to time be made on the pews in such meeting-house as aforesaid.

Withdrawal from the society.

SEC. 6. *Be it further enacted*, That all the contracts and doings of the said society previous to the passing of this act, be, and the same are hereby confirmed and made valid and binding in law, on the members thereof in their corporate capacity aforesaid.

Previous contracts made valid.

SEC. 7. *Be it further enacted*, That Thatcher Magoun, or any other of the persons mentioned in the first section of this act, may cause the first meeting of the said society to be called for the purpose of choosing the officers of said society, and for any other purpose, to be specified in a notification to be posted up in three conspicuous places, in said town of Medford, seven days at least, before the time to be appointed for such meeting.

[Approved by the Governor, February 21st, 1824.]

CHAP. CXL.

An Act in addition to an act, entitled, "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 in all cases, where any goods or chattels, deed, bond, note, bill, specialty, writing or other personal property, of any person or persons shall be taken or detained, from him or them, and secreted or withheld, so that the same cannot be found, or come at, to be replevied, the Justices of the Supreme Judicial Court, on application by bill, petition or complaint, may order the same to be delivered up, or compel such discoveries and disclosures, and make such orders, injunctions and decrees, and upon such terms and conditions, as equity shall in such cases seem to require.

SEC. 2. *Be it further enacted*, That the said Justices of the Supreme Judicial Court may hear and determine in equity, all disputes between co-partners, joint-tenants and tenants in common, and their legal Representatives, in cases where there is no adequate remedy at law; and may thereupon compel such discoveries and disclosures, and make such orders, in-

junctions and decrees, as equity, in such cases, shall seem to require.

SEC. 3. *Be it further enacted*, That 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 full effect the powers hereby granted.

[Approved by the Governor, February 21st, 1824.]

CHAP. CXLI.

An Act establishing Salaries for Judges and Registers 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 all the fees of the several Judges and Registers of Probate in this Commonwealth, heretofore established by law, shall from and after the last day of May next, be, and the same are hereby abolished, and instead thereof, the said Judges and Registers of Probate, shall receive for their services a stated annual salary, which salary in the several Counties in this Commonwealth shall be as follows: For the Judges of Probate in the County of Suffolk, one thousand dollars; Essex, seven hundred dollars; Middlesex, eight hundred dollars; Worcester, six hundred dollars; Plymouth, four hundred dollars; Bristol, four hundred and twenty five dollars; Barnstable, three hundred dollars; Dukes County, sixty dollars; Nantucket, one hundred and twenty dollars; Berkshire, four hundred and fifty dollars; Norfolk, five hundred dollars; Hampden, two hundred and eighty dollars; Hampshire, two hundred and eighty dollars; Franklin, two hundred and eighty dollars. For the Registers of Probate, in the County of Suffolk, two thousand dollars; Essex, fifteen hundred dollars; Middlesex, fifteen hundred dollars; Worcester, eleven

Abolishment of fees.

Amount of salaries for the different Counties.

hundred dollars; Plymouth, seven hundred and fifty dollars; Bristol, seven hundred dollars; Barnstable, five hundred dollars; Dukes County, one hundred dollars; Nantucket, one hundred and fifty dollars; Berkshire, six hundred dollars; Norfolk, seven hundred dollars; Hampden, four hundred and sixty dollars; Hampshire, four hundred and sixty dollars; Franklin, four hundred and sixty dollars.

SEC. 2. *Be it further enacted*, That said salaries shall be paid quarterly out of the Treasury of this Commonwealth, to the Judges and Registers of Probate, on the first day of September, December, March and June, annually; the first quarterly payment of said salaries to be made on the first day of September next. ^{Time of payment.}

SEC. 3. *Be it further enacted*, That no Judge of Probate, shall receive any fee, or compensation, for any business done in his Court; or in his capacity of Judge of Probate, on any pretext whatever: and no Register of Probate shall on any pretext whatever, receive any fee or compensation from any executor, administrator, guardian, trustee, heir, devisee, legatee, or other person, in any case whatever, for any business done by said Register in the Court of Probate, or for one set of copies of all orders and decrees and reports of Committees on petition for partition of real estate, and of returns setting off the dower of widows, of inventories returned, accounts settled, and wills proved; but for any other copies he shall be entitled to receive twelve cents a page and no more, in addition to the salary aforesaid. ^{Fees for copying.}

SEC. 4. *Be it further enacted*, That each County shall provide all books necessary for the keeping of records, for the Register of Probate; but Stationary, and all other incidental expenses, shall be considered as provided for by the above salaries.

SEC. 5. *Be it further enacted*, That this act shall take effect, and be in full force from and after the last day of May next.

[Approved by the Governor, February 20th, 1824.]

CHAP. CXLII.

An Act to prevent fraud in the attachment of real or personal 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 in all cases where the same estate, whether real or personal, has been attached on mesne process in two or more suits, that the plaintiff, or plaintiffs in any suit, after that in which the first attachment shall have been made, may petition the Court whereto the writ shall be returnable, on which such first attachment shall have been made, at the return term of such Court, or at the next term thereof, if such suit shall still be therein pending, and not afterwards, for leave to defend against such first suit, in like manner as the party therein sued could or might have done.

Petition to Court.

SEC. 2. *Be it further enacted,* That the party so petitioning to defend such previous suit, shall set forth in his petition such matter as he may see fit, to entitle himself to defend in such previous suit, and shall make oath that all facts by him stated in his petition are true, or are by him believed to be so, and it shall be in the discretion of the Court to grant the prayer of such petition or not, as to the Court may seem just and proper.

Oath of Petitioners.

SEC. 3. *Be it further enacted,* That if the Court shall permit such petitioner to defend as prayed for, the petitioner shall give bond, or enter into recognizance, in such manner as the Court shall order, to pay to the plaintiff in such previous action, all such costs and damages as the Court shall adjudge and decree to have been occasioned to the plaintiff by such defence ; and in case a recognizance shall have been entered into, and the petitioner shall fail in the defence of such action, the Court shall award execution on such recognizance in favor of the plaintiff therein, and against the petitioner, and shall proceed

Bond of Petitioners.

to render judgment in the original suit between the parties thereto, as though such defence had not been made.

SEC. 4. *Be it further enacted*, That if the petitioner shall prevail in defending against such previous action, either by verdict of a jury, or by the confession of the plaintiff, or by the plaintiff's neglecting to prosecute his said action, the Court shall render judgment thereon, and shall award execution to the petitioner for his reasonable costs; and such judgment shall be rendered for costs, if any, to the party sued in such action, as the Court may direct.

Judgment of
Court.

SEC. 5. *Be it further enacted*, That whenever any such petitioner shall be admitted to defend as aforesaid, and shall have given bond, or shall have entered into recognizance, as herein before provided for, it shall be entered on the record of the Court that such petitioner is so admitted to defend, and in case of appeal or process in error, such admission to defend shall appear of record.

Record of peti-
tioner's defence.

[Approved by the Governor, February 21st, 1824.]

CHAP. CLXIII.

An Act to repeal An Act, entitled "an Act against self-murder."

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That an Act entitled "An Act against self-murder," passed in the year of our Lord one thousand six hundred and sixty, and providing that the bodies of persons who shall be guilty of self-murder shall be buried in some public highway, be, and the same is hereby repealed.

[Approved by the Governor. February 21st, 1824.]

CHAP. CXLIV.

An Act authorising Executors and Administrators to plead plene administravit in certain cases, and to settle the estates of their testators, or intestates.

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 Executor or Administrator in all actions now pending, or which shall be hereafter pending against him, shall be permitted, after having settled an account of his administration, in the Probate Court, to give in evidence under the plea of *plene administravit*, that he has disposed of all the deceased's estate, in paying the expenses of administration, and the allowance made to the widow of the deceased by the Judge of Probate, and in discharging debts due the Commonwealth, and all rates or taxes, and for the deceased's last sickness, and for funeral charges, although said estate may not have been represented insolvent.

SEC. 2. *Be it further enacted*, That whenever any Executor or Administrator, who has given due notice of his administration, shall after one year from the time of his appointment, pay away in the due course of Administration, all the effects and estate belonging to the estate of the testator or intestate, which shall have come into the hands and possession of said Executor or Administrator, then, and in such case, such Executor or Administrator shall not be held to answer personally, to any creditor of such estate, who shall not, by himself, his agent or Attorney, have exhibited his claim against such estate, to the Executor or Administrator, before such Executor or Administrator shall have paid away all the effects and estate in his hands and possession, in the manner before mentioned. Nor shall any Executor or Administrator, by reason of any claim, so exhibited, be obliged to render the estate of the testator or intestate insolvent, or claim a contribution of creditors who have been paid in full.

SEC. 3. *Be it further enacted*, That when any creditor of an estate, who shall not have exhibited his claim against such estate, to the Executor or Administrator within one year after his appointment, and before the Executor or Administrator shall have paid away all the effects and estate which have come to his hands, shall exhibit his claim to the Executor or Administrator, and demand payment thereof, and by reason of the presentment of such claim, the estate of the testator or intestate, is apparently insolvent, it shall be the duty of the Judge of Probate of the County where such administration was granted, to declare such estate insolvent; and the effects and estate of the testator or intestate, remaining in the hands of the Executor or Administrator after satisfying all the claims exhibited within one year after the appointment of said Executor or Administrator, shall be distributed among the creditors of such testator or intestate, whose debts shall be proved before the Commissioners of Insolvency, and allowed by the Judge of Probate; but the creditors of the testator or intestate, thus paid in full by the Executor or Administrator, shall not be liable to refund or contribute any part of the debts received by them.

Duty of Judge of Probate.

Distribution of property.

[Approved by the Governor, February 21st, 1824.]

CHAP. CXLV.

An Act altering the time of holding the Court of Sessions in the County of Barnstable.

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 Court of Sessions shall be holden in the County of Barnstable on the second Tuesdays of April and October, instead of the terms

heretofore established ; and all laws inconsistent with the provisions of this act are hereby repealed.

[Approved by the Governor, February 21st, 1824.]

CHAP. CXLVI.

An Act authorizing Femmes Covert to join with the Guardians of their Husbands in the sale of Real Estate, held in right of the Wife, and to release their dower 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, whenever the guardian of any person non compos mentis, lunatic, or distracted, or of any person given to excessive drinking, idleness, gaming or debauchery, shall have obtained license from any Court empowered to grant the same, to sell the interest of his ward on any real estate held by him in right of his wife, it shall be lawful for her to join with such guardian in the sale and conveyance thereof, and all deeds of such real estate, duly executed by the said guardian and the wife of his said ward, and duly acknowledged and recorded, shall be good and valid and pass and convey, as complete a title therein to the purchaser, as the husband and wife might or could have conveyed for a valuable and sufficient consideration, if he had been under no legal disability: *Provided nevertheless*, that whenever any agreement shall be entered into between such femmes covert, and the guardian of such ward, as to the disposition of the proceeds of such sale or any part thereof for her benefit, the Courts of Probate in the several Counties, and the Supreme Court of Probate, shall have power to enforce such agreement as a subject of trust upon principles of equity.

Description of cases,

Authority to join.

Proviso.

SEC. 2. *Be it further enacted*, That whenever any guardian as aforesaid, shall have duly obtained license to sell the real estate of his ward, and the wife of such ward shall release her dower therein to the purchaser, either by a relinquishment thereof in the deed of the guardian, or by any other deed which shall be duly acknowledged and recorded, said release shall forever afterwards legally bar and exclude her from any dower, or right of dower, in said real estate.

Right of Dower.

[Approved by the Governor, February 21st, 1824.]

CHAP. CXLVII.

An Act authorising the extension of Faneuil Hall Market 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 whenever the City Council of the City of Boston, shall declare that the public exigences require that the limits of Faneuil Hall Market should be extended in any direction between Ann-Street, on the north, a line drawn from the east end of Faneuil Hall, on the west, the south side of Faneuil Hall, and the lane leading to Green's Wharf, on the south, and the harbour on the east, it shall be lawful for the Mayor and Aldermen of said City, within one year from the first day of April next, to lay out and widen Faneuil Hall Market, in such direction within the limits aforesaid not exceeding one hundred and eighty feet wide, as may be prescribed by the City Council: *Provided*, That the land taken, by virtue of this Act, shall never be used for any other purposes than those herein described, without the previous consent of the Legislature being obtained therefor.

Condition of the power.

Proviso.

SEC. 2. *Be it further enacted*, That it shall be the duty of said Mayor and Aldermen, previously to re-

Duty of the Mayor and Aldermen towards proprietors.

moving any building or doing any act affecting said property, to notify a meeting of the proprietors, or legal representatives, of the estates which may be included within the said limits, and directed by the City Council to be appropriated for the purposes aforesaid, and invite their concurrence in a submission and reference of all questions relating to the damages which they may sustain by such appropriation, to five disinterested freeholders and inhabitants of this Commonwealth, two to be chosen by said Mayor and Aldermen and two by the proprietors; which four persons shall elect one more; and the five thus chosen shall forthwith, after the said Market shall have been extended in manner aforesaid, give notice to both parties to appear, if they see fit, for a hearing before them, and shall proceed to the duties of their appointment. And they shall first enquire whether any damage has been sustained from the proceeding aforesaid, and if any, they shall estimate the same, and their award shall be binding and conclusive on the inhabitants of said City of Boston, and on said proprietors. And in case any of said proprietors shall not agree to said submission, the same reference shall be had, in manner and form aforesaid, with those who do agree to the same.

Manner of appointing referees.

SEC. 3. *Be it further enacted,* That any of said proprietors, or legal representatives of any estates taken for the purposes aforesaid who may not agree to said reference, may, within three years from the time that the land or estates shall have been so taken, file his petition for indemnity in the Supreme Judicial Court within the County of Suffolk, before or during any term thereof, and after fourteen days notice, which shall be given by leaving a copy of said petition with the Mayor of the City of Boston, the Court may proceed to the hearing of the said petitioners, upon the appearance or default of the adverse party; and the said Court are hereby authorized and empowered to appoint five Commissioners, who shall be disinterested freeholders and inhabitants of this Commonwealth, whose duty it shall be to estimate and

Appeal from the decision of referees.

Appointment of Commissioners.

determine the damages which the plaintiff may have sustained, in the manner and upon the principles set forth and expressed in the second section of this Act, and shall make return of their award into said Court as soon as may be, and upon the acceptance thereof judgment shall be rendered thereon for the party prevailing, with costs : *Provided however*, That if either party shall be dissatisfied with said award, it shall be lawful for such party to apply to the Supreme Judicial Court, at any term thereof holden within, and for the County of Suffolk next, after such award, for a trial by a Jury, at the Bar of said Court, and thereupon the Court shall direct the Sheriff of the County of Suffolk. to name and return a special jury, who shall be disinterested freeholders, to hear and determine in said Court, all questions relating to said damages, and to assess the amount thereof ; and the verdict of such jury be final and conclusive upon the parties ; and if the party applying for a jury shall not obtain, in case it shall be the original plaintiff, or applicant, an increase of damages, or in case it be the original defendant, a decrease of damages awarded by the Commissioners, such party shall pay reasonable costs of such trial, otherwise shall recover reasonable costs, and upon any judgment rendered on the verdict of such jury, the Court may issue execution accordingly.

SEC. 4. *Be it further enacted*, That in case any property or estates shall be taken under the provisions of this Act, which may be held in trust, or be the property of married women, or belong to minors, or persons non-compos, or the unsettled estates of persons deceased, the trustees of such estates held in trust, such married women with their husbands, and the guardians of such minors or persons non-compos, and the administrators and executors of such estates are hereby authorized to enter into such references, or take such other measures as proprietors are by this Act authorized to do : *Provided however*, that the damages which may be awarded by the Commissioners or recovered by verdict, belonging to

Proviso.

Damages.

Trustees, Administrators, &c. of estates to act.

Proviso.

estates held in trust, or the property of married women, shall be paid to the trustees of such estates so held in trust, and the husbands of such married women if such married women shall thereto consent in writing, and if not, then to trustee or trustees to be appointed by the Supreme Judicial Court, at any term thereof, on application of any such married woman, in trust to hold and invest the same, and pay over the income thereof, to the husband of such married woman, so long as he would have been entitled to the use and possession of said estate, and then to pay over the principal to such person or persons as would have been intitled to have said estate, if the same had not been taken by the provisions of this Act, with such securities, limitations and restrictions as said Court shall, on such application direct. And the damages awarded to unsettled estates of deceased persons, or minors, or persons non-compos shall be subject to the same disposition which is now by law provided for the surplus arising from the sales of real estate by administrators and guardians, under the order of Court.

Disposition of
damages.

[Approved by the Governor, February 21st, 1824.]

CHAP. CXLVIII.

An Act for the better regulation of Gaols, and the prisoners 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 Gaol Keeper of each Gaol in said Commonwealth, shall furnish necessary fuel for all prisoners unable to support themselves, and confined in his respective gaol upon charge or conviction of crimes or offences against said Commonwealth, or on mesne process or execu-

Gaoler to furnish
fuel.

tion, at the expense of the County where said gaol may be situated, and the charges therefor, shall be allowed in manner following: Said gaol keeper shall render on oath to the Court of Sessions of the County an account of the charges incurred by him for said fuel, and said Court shall make a reasonable allowance therefor to said gaol keeper, to be paid out of the County Treasury.

Manner of charging.

SEC. 2. *Be it further enacted*, That whenever the Court of Sessions, or Mayor and Aldermen of the City of Boston, in their respective Counties, shall order and direct what specific rations or articles of food, soap, fuel or other necessaries shall be furnished for the prisoners confined in any such gaol by the keeper thereof, and said gaol keeper shall neglect or refuse to furnish the same accordingly, or if said gaol keeper shall give, sell or deliver, or shall knowingly suffer to be given, sold or delivered to any person who is committed to gaol, on mesne process or execution, and who is supported by his or her creditors, or to any other person for the use of said prisoner, any spirituous liquor, 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, and no more; said gaol keeper shall, for committing either of the offences, the first time, forfeit the sum of twenty-five dollars, to be recovered in an action of debt, by any person who will sue for the same, for his own use, in any Court of Common Pleas, in said County, or by indictment in said Court, in which last case the forfeiture shall be for the use of the County. And for committing either of said offences the second time, said gaol keeper shall forfeit the sum of fifty dollars, to be recovered in the 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.

Rations to be ordered.

Spirituous liquors forbid.

Penalty.

Gaol Police.

SEC. 3. *Be it further enacted,* That if any person confined in gaol, upon charge or conviction of crimes or offences against said Commonwealth, shall be unruly or disorderly, or shall wantonly break, injure or destroy any article of bedding, furniture or the windows of said gaol, it shall be lawful for the Sheriff of the County where said gaol may be, after due inquiry into the circumstances of the case, to order such prisoner to be kept in solitary imprisonment in the most retired and solitary part of said gaol; and during such solitary imprisonment, the said prisoner shall be fed with bread and water only, unless other food be necessary for the preservation of his or her life; provided such solitary imprisonment shall not be for a longer time than ten days for every such offence. And if any person confined on mesne process, or execution, in any such gaol, shall be guilty of either of said offences in this section mentioned, and be convicted thereof before any Justice of the Peace in said County, or before the Police Court of the City of Boston, in the County of Suffolk, on complaint made by the keeper of said gaol, said Justice or Police Court, may order the same punishment of solitary confinement, and bread and water, and for a time not exceeding five days for any one offence, to be inflicted on said last mentioned prisoner as is above provided against said offences; but nothing herein contained shall be construed to take from the keeper of any gaol or prison the authority which is now by law vested in him to preserve order therein, and strict discipline among the prisoners.

No person to deliver spirituous liquors to prisoners.

SEC. 4. *Be it further enacted,* That if any person shall have in his possession any spirituous liquor within the precincts of any gaol, house of correction, or prison in said Commonwealth, with an intent to convey or deliver the same without the consent of the gaol keeper of said gaol, master of such house of correction, or keeper of such prison, to any prisoner confined in any gaol, house of correction, or prison, within said Commonwealth, he shall forfeit and pay

for each offence, a sum not less than five nor more than ten dollars, with costs of prosecution, to be recovered by complaint to any Justice of the Peace for the same County, or the Police Court of the City of Boston, in the County of Suffolk, one moiety thereof to him who shall prosecute for the same, and the other moiety to the use of the Commonwealth.

[Approved by the Governor, February 21st, 1824.]

CHAP. CXLIX.

An Act regulating the storage of Gunpowder.

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, it shall be lawful for the inhabitants of each town in this Commonwealth, at any of their legal town meetings, to order and direct that no gunpowder above the quantity of fifty pounds, shall be kept or deposited in any shop, store, or other building, which shall be within the distance of twenty-five rods from any other building—and the inhabitants of each town aforesaid may also order and direct at their legal town meetings, respectively, that no gunpowder shall be kept at any place within the limits of such town, unless the same be well secured in tight casks or cannisters.

Quantity to be kept.

SEC. 2. *Be it further enacted,* That upon complaint made by either of the Selectmen of any town aforesaid to either of the Justices of the Peace within the County in which said town is situated, in which complaint is set forth by such Selectman, that he has good cause to suspect and does suspect that gunpowder is deposited and kept within the limits of his town contrary to the provisions of this act, such Justice of the Peace may be and he is hereby authorized to issue his warrant, directed to either of the constables with-

Complaint of Selectmen.

in the town wherein such complainant may live, ordering him to enter any shop, store or other building specified in said warrant, and there to make diligent search for the gunpowder therein suspected to have been deposited as aforesaid, and to make return of his doings to said Justice forthwith.

Penalty.

Proviso.

SEC. 3. *Be it further enacted*, That any person who shall violate the provisions of this act, shall forfeit and pay a sum not less than five dollars nor more than twenty dollars, to be recovered in an action of debt before any Justice of the Peace within the County wherein the offence may be committed, and to be appropriated to the use of the town, wherein the offence shall be committed: *Provided always*, That the provisions of this act shall not extend to the establishments erected for the manufacturing of gunpowder, nor in any case to prevent the transportation of the same through any of the towns in this Commonwealth.

[Approved by the Governor, February 21st, 1824.]

Commonwealth of Massachusetts.

SECRETARY'S OFFICE, }
April 17th, 1824. }

By this I CERTIFY, that the Laws printed in this Pamphlet and passed during the Session of the General Court in January and February 1824, have been compared with the originals in this office, and appear to be correct.

ALDEN BRADFORD,

Secretary of the Commonwealth.

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LAWS

OF THE

Commonwealth of Massachusetts,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION, WHICH COMMENCED ON WEDNESDAY, THE TWENTY-SIXTH OF MAY, AND ENDED ON SATURDAY, THE TWELFTH OF JUNE, ONE THOUSAND EIGHT HUNDRED AND TWENTY-FOUR.

Published agreeably to a Resolve of 16th January, 1812.



BOSTON :

PRINTED BY TRUE AND GREENE, PRINTERS TO THE STATE.

.....
1824.

L A W S

OF THE

COMMONWEALTH OF MASSACHUSETTS,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION, WHICH COMMENCED ON WEDNESDAY, THE TWENTY
SIXTH OF MAY, AND ENDED ON SATURDAY, THE TWELFTH OF JUNE,
ONE THOUSAND EIGHT HUNDRED AND TWENTY FOUR.

CHAP. I.

An Act to incorporate the South Church in Dedham.

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 Cogswell, Jacob Guild, David Andrews, Jesse Gay, Jesse Gay, Jr. Enoch Talbot, Phineas E. Dean, John Dean, 2d. Dean Chickering, Luke Coney, Homer Fales, Eliphalet Fales, Ebenezer Blake, Aaron Guild, with their associates, be, and they hereby are incorporated and made a body politic, by the name of the South Church in Dedham; and shall have power to make and use a common seal, and the same to break and alter at their pleasure; and to make such by-laws for the orderly direction of the business of said body politic, as shall not be repugnant to the Constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted,* That said body politic may hold property, real or personal, or both, to the amount of ten thousand dollars, for the purpose

of supporting, with the income thereof, the preaching of the Gospel, and for other benevolent and religious purposes; and that the property which has heretofore been bequeathed or otherwise given to the South Church in Dedham, and now in possession of the Deacons of said Church, shall hereafter be held by said body politic, subject to all the conditions, and under all the trusts, that were annexed to such bequest and gifts by the donors thereof.

Officers.

SEC. 3. *Be it further enacted*, That said body politic shall, at their first meeting, elect a Clerk, a Treasurer and a Committee of three, with such powers as shall be prescribed by the by-laws of said body politic; and that the first meeting thereof, may be called by William Cogswell above-named, by posting a notification thereof, eight days before the time appointed for such meeting, in the meeting house, in the South Parish in Dedham.

[Approved by the Governor, June 5th, 1824.]

CHAP. II.

An Act in further addition to an Act for incorporating the Proprietors of the Boston Pier, otherwise called the Long-wharf, in the Town of Boston.

Persons incor-
porated.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the Proprietors of Boston Pier, or Long-wharf, so called, in the Town of Boston, now the City of Boston, be, and they are hereby declared capable in law, in their corporate name and capacity, to purchase, and to have, hold and enjoy any and all such lands, tenements, and hereditaments, and the rents, profits and benefits there-

of, as the same Proprietors shall judge necessary, or expedient for the improvement of said wharf, for widening or improving the passages thereto; provided that such lands, tenements, and hereditaments so to be purchased and held, in addition to the real estate now held by said Proprietors, at the time of the purchase thereof, shall not exceed in value the sum of one hundred thousand dollars.

Real estate in addition.

Capital.

[Approved by the Governor, June 5th, 1824.]

CHAP. III.

An Act in addition to an Act, entitled "an Act to regulate the exportation of Smoaked Herring and Alewives."

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 Smoaked Herrings and Alewives, arriving from any town in the State of Maine, may be exported in any vessel or vessels, to any port or ports in the United States, or to any foreign port or ports, without being reinspected.

Exported without reinspection.

SEC. 2. *Be it further enacted,* That any act now in force, that is contrary to the provisions of this act, be, and the same is hereby repealed.

[Approved by the Governor, June 5th, 1824.]

CHAP. IV.

An Act in addition to an Act, entitled An Act to incorporate the Proprietors of the Branch Church in Salem, in the County of Essex.

Name.

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 corporation aforesaid, shall, from and after the passing of this Act, be known and called by the name of "The first Presbyterian Church in Salem," any thing in the said Act, to which this Act is in addition, to the contrary notwithstanding.

Powers, privileges, &c.

SEC. 2. *Be it further enacted,* That said Corporation shall be, and hereby are vested with, and entitled to all the powers, privileges, rights and immunities, under their said corporate name of "The First Presbyterian Church in Salem," and shall also be subject to all the duties and liabilities to which they are entitled and subject by the said Act to which this Act is in addition.

[Approved by the Governor, June 5th, 1824.]

CHAP. V.

An Act establishing a Corporation by the name of the East India Marine Hall Corporation.

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 Stephen Phillips, John Andrew, Abijah Northey, Nathaniel L. Rogers, and Samuel Red, and all such persons as may hereafter associate with them as proprietors, their successors

and assigns shall be, and hereby are constituted a body politic and corporate, by the name of the East India Marine Hall Corporation, and by that name may sue and be sued, plead and be impleaded, defend and be defended in any Courts of Record, or in any other place whatsoever, and shall and may do and suffer all matters, acts and things, which bodies politic ought to do and suffer and shall have power to make, have, and use a common seal, and the same again at pleasure to break, alter and renew, and also to ordain, establish and put in execution such by-laws, ordinances and regulations as to them shall appear necessary and convenient for the government of said Corporation, and for the prudent management of their property and affairs; and for the breach of such by-laws, ordinances and regulations may order fines and penalties, not exceeding ten dollars for every breach: *Provided*, that such by-laws, ordinances and regulations shall not be repugnant to the laws of this Commonwealth.

Power

Government.

Proviso.

SEC. 2. *Be it further enacted*, That the said Corporation, shall be, and hereby is declared capable to purchase, have, hold and possess any lands, tenements or hereditaments, not exceeding fifty thousand dollars in value, lying in the town of Salem in the County of Essex, and shall have power to erect any houses and other buildings, on any real estate owned by them, and shall have power to grant, sell and alien in fee simple or otherwise, the said corporate property or any part thereof, and to lease, exchange, manage and improve the same according to their will and pleasure. And the rents, profits, and receipts, which may accrue from the improvements, leasing or other management of the corporate property aforesaid, may and shall, once at least in every year, be divided among the proprietors according to their respective shares.

Capital.

Dividends.

SEC. 3. *Be it further enacted*, That said proprietors may, at any legal meeting, agree upon the number of shares into which said estate shall be divided, not ex-

Number of
shares.

ceeding two hundred and fifty, of which the Salem East India Marine Society, shall be entitled to hold any number which it may choose to take or purchase; and may agree upon the form of certificates to be given to the proprietors, of the number of shares by them respectively held, and upon the mode and conditions of transferring the same; which shares shall be held and considered as personal estate, to all intents and purposes whatsoever; the said proprietors shall also have power to assess on each share, such sums of money as may be deemed necessary for purchasing any lands, tenements or hereditaments for the use of the Corporation, and for repairing and erecting houses and other buildings, on any part of their real estate; and generally for the improvement and good management of their said estate, agreeably to the true intent of this act; and to sell and dispose of the same shares, or of the shares of any delinquent proprietor, for the payment of assessments, in such way and manner, as said corporation may, by their by-laws and regulations, determine and agree upon: *Provided, however,* that the value of the houses and buildings, which may be owned by the said corporation at any one time, shall not exceed fifty thousand dollars, exclusive of such as may be taken as security for debts due to them.

Assessments.

Proviso.

Capital exclu-
sive of debts.

Meetings.

Officers.

Vacancy, how
filled.

SEC. 4. *Be it further enacted,* That all meetings of the Corporation shall be called in such manner as the by-laws and regulations thereof shall provide, and there shall be an annual meeting at some time and place to be prescribed by such by-laws and regulations, at which there shall be chosen a President, and three Directors, and such other officers as the proprietors may deem meet; But no person shall be eligible as President or as a Director, who is not a member of the Salem East India Marine Society; and in case of any vacancy in any office, before the annual meeting, the proprietors may, at a special meeting to be called for that purpose, proceed to fill such vacant office, and the person so chosen and ac-

cepting, shall, unless otherwise removable, hold the same until the next annual meeting: And at all meetings of the Corporation, the Salem East India Marine Society, shall be entitled to one vote for every two shares owned by the same Society, and every other proprietor shall be entitled to one vote for every share owned by him, but in no case to have more than ten votes: *Provided however,* That no Proviso. person shall be entitled to vote at any meeting of the Corporation, who shall not at the time, be a member of the said Salem East India Marine Society.

SEC. 5. *Be it further enacted,* That the President Officers, time of serving, powers, &c. and Directors shall hold their offices during one year, and until others are chosen in their stead; and a majority of the persons so being President and Directors, shall constitute a Quorum for transacting business, and the said President and Directors shall have the management of the property and other prudential concerns of the Corporation, and shall exercise such other powers and authorities as shall from time to time, be entrusted to them by the Corporation, by their by-laws or otherwise.

SEC. 6. *Be it further enacted,* That Stephen Phillips, John Andrew, and Abijah Northey, or any two of them, shall have authority to call the first meeting First meeting. of the said Corporation, by advertising the same in some public News-Paper, printed in the town of Salem, at least ten days before the time of meeting, and at that or any other meeting, the proprietors may proceed to choose a President, Directors, Treasurer, Officers, and their business. Clerk, and other officers, to serve until others shall be chosen in their stead, and to make such by-laws and rules, for the government of the Corporation and management of its concerns, as to them shall seem meet, and to authorize the President, and Directors, to purchase any real estate, erect houses and other buildings, levy and collect assessments, sell delinquents shares, and generally to do and transact all and every business which the Corporation is by this Charter authorized to transact.

[Approved by the Governor, June 7th, 1824.]

CHAP. VI.

An Act to incorporate the Proprietors of the Monitorial School 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 James Savage, Jonathan Phillips, Francis J. Oliver, John S. Foster, and their associates and successors, be and hereby are incorporated and made a body politic, by the name and style of the Proprietors of the Monitorial School, in the City of Boston, with power to hold real Estate, not exceeding the Amount of twelve hundred dollars annual income, and personal Estate not exceeding the amount of three thousand dollars annual income, for the establishment and support of one or more Schools for instruction of youth of both sexes on the Monitorial System or principle of Mutual Instruction, with such additions and improvements as experience may justify.

Persons incorporated.

Name.

Estate, real and personal.

Number of shares.

Proviso.

SEC. 2. *Be it further enacted,* That the Stock of said Corporation may be divided into as many shares, of the value of twenty dollars each, as to the associates may seem expedient, and may be entitled to such privileges and subject to such restrictions as they shall direct and establish; *Provided however,* That such rules and regulations shall not be repugnant to the Constitution and laws of this Commonwealth.

First Meeting.

SEC. 3. *Be it further enacted,* That the first meeting of said Corporation shall be holden after three days notice in two News-Papers in the City of Boston, by any two of the persons named in the first section of this Act.

[Approved by the Governor, June 8th, 1824.]

CHAP. VII.

An Act to extend the term for the proprietors of the Merrimack Canal to open and complete the same.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the proprietors of the Merrimack Canal be, and they hereby are allowed a further time of six years, from and after the nine-^{Time.}teenth day of June, which will be in the year of our Lord one thousand eight hundred and twenty-five, to open and cut said Canal, and to do all things, which in and by their act of incorporation they are authorized to do, and on the same terms, any limitation in the said act of incorporation to the contrary notwithstanding.

[Approved by the Governor, June 9th, 1824.]

CHAP. VIII.

An Act providing for holding the Probate Courts alternately at Uxbridge and Mendon, 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 from and after the passing of this act, the annual May and November^{Terms.} terms of the Probate Courts, which have heretofore been holden at Uxbridge, shall be holden alternately in Uxbridge and in the first parish in Mendon.

[Approved by the Governor, June 12th, 1824.]

CHAP. IX.

An Act in addition to an Act, to incorporate the President, Directors, and Company of the 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 the President, Directors and Company of the Merchants' Bank, be, and hereby are authorized and empowered to increase their present Capital Stock, by an addition of one hundred thousand dollars thereto, in shares of one hundred dollars each, which shall be paid in, in such instalments, and at such times, and shall be so disposed of, as a majority of the Stockholders at any legal meeting, may direct and determine: *Provided however,* That the whole amount shall be paid in on or before the first day of November next.

Increase of
Capital Stock.

Proviso.

SEC. 2. *Be it further enacted,* That the additional Stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions, as the Capital Stock of said Corporation is now liable to, by virtue of the Act to which this is in addition.

Subject to.

[Approved by the Governor, June 12th, 1824.]

CHAP. X.

An Act to incorporate the Trustees of the Ministerial Fund of the Congregational Society in the Town of Leicester.

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 P. Denny, Austin Flint, Henry Sargent, John Sargent, and Josh-

Trustees.

ua Murdock, be, and they are hereby constituted a body politic and corporate, by the name of the Trustees of the Ministerial Fund, belonging to the Congregational Society in the town of Leicester; and by that name shall have perpetual succession, and may sue and be sued, plead and be impleaded, may have a common seal, and shall possess and enjoy such other powers and privileges as are incident to Corporations of a like nature.

SEC. 2. *Be it further enacted,* That the said Trustees shall have power to take and receive in their hands and possession, the whole of the funds at present belonging to said Society, and may receive and hold such further subscriptions, donations, grants, bequests, and devises, as may hereafter be made to them, or the inhabitants of said Society, the interest of which fund, shall be forever appropriated annually towards the support of such Congregational Minister as shall or may, from time to time, be ordained over the Church and said Society, in said town; provided the annual income of said fund shall not exceed two thousand dollars; and provided also, that if the income of said fund shall at any time, exceed the annual salary of the Minister, the surplus may be appropriated under a vote of said Society to the promotion and encouragement of Church Music, or other parochial charges.

SEC. 3. *Be it further enacted,* That the inhabitants of said Society, at any legal meeting called for that purpose, within one year from the passing this Act, may increase the number of Trustees, by electing, by ballot, an additional number from said Society, not exceeding two, to those named in this Act. And if the said inhabitants shall neglect to make such election, the Trustees herein named, are hereby authorized, if they see fit, to choose one additional Trustee, so that the whole number shall never exceed seven, nor be less than five; and in all meetings the attendance of a majority of the Board of Trustees shall be requisite for the transaction of business.

Vacancies, how
filled.

SEC. 4. *Be it further enacted,* That whenever any vacancy shall happen among said Trustees, by death, resignation, removal or otherwise, the said Trustees are authorized and directed, at their next meeting, to elect some suitable member of said Society to fill up the vacancy in their Board.

Clerk and
Treasurers'
duties.

SEC. 5. *Be it further enacted,* That the said Trustees shall appoint a Clerk, who shall be under oath faithfully to record all the votes and transactions of the Board, and a Treasurer, who shall give bond to the Trustees and their successors, with sufficient surety, conditioned to do and perform all the duties incumbent on him as Treasurer, which officers shall hold their respective offices until others shall be chosen and qualified to succeed them.

SEC. 6. *Be it further enacted,* That the records and proceeding of the Trustees shall at all times be open to the inspection of any Committee that may be appointed for that purpose on behalf of the Society; and Trustees shall whenever called upon by vote of the Society, make a report of the State of the fund; and if the said Trustees, or either of them, shall suffer the said fund to be impaired or diminished through their personal misconduct or misapplication, they shall be severally responsible to the Society to make good such loss out of their private estate.

SEC. 7. *Be it further enacted,* That Austin Flint, Esqr. be, and he hereby is authorized to call the first meeting of said Trustees.

[Approved by the Governor, June 12th, 1824.]

CHAP. XI.

An Act in addition to An act, entitled “An act to incorporate the Manufacturers’ Insurance Company of Boston.”

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the said Manufacturers’ Insurance Company be, and they are hereby invested with all the powers and privileges, and subject to all the restrictions and obligations contained in a law of this Commonwealth, passed on the tenth day of February, in the year of our Lord one thousand eight hundred and twenty-three, entitled “An act to incorporate the Franklin Insurance Company in Boston.”

Empowered
by, and subject
to a former act.

[Approved by the Governor, June 12th, 1824.]

CHAP. XII.

An Act in addition to an Act, entitled an Act incorporating the Atlas 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 from and after the passing of this Act, the said Atlas Insurance Company shall be, and hereby is authorized and empowered to purchase, hold and convey real estate, for the use and benefit of said Company, to and of the value of one hundred thousand dollars.

Real Estate.
Amount.

SEC. 2. *Be it further enacted,* That the Stock, property, affairs and concerns of said Company shall be managed by Fifteen Directors.

Number of
Directors.

SEC. 3. *Be it further enacted*, That so much of the aforesaid Act, incorporating the Atlas Insurance Company as is inconsistent with this Act, be and hereby is repealed.

[Approved by the Governor, June 12th, 1824.]

CHAP. XIII.

An Act to establish the Central Turnpike Corporation.

Persons incor-
porated.

Route.

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 Slater, Jonathan Davis, Joseph Valentine, Eli Warren, John Brown, Sylvanus Holbrook, Daniel Tourtilot, and John J. Clark, 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 Central Turnpike Corporation, for the purpose of making a Turnpike road, from the Worcester Turnpike road, by White and Sargent's, in Needham, in the County of Norfolk, in the best direction through Natick, to the Southerly end of Farm Pond, in Framingham, in the County of Middlesex, or to begin at said Worcester Turnpike, a little west of Natick Pond, so called, thence in the best course to intersect the first named route, at the Southerly end of said Farm Pond, as the locating Committee shall judge most fit and proper; thence in the best course to Jones's Mills, in said Framingham; thence in the best direction to Hopkinton Meeting-House; thence in the best course to Samuel Forbush, Jr. in Upton, in the County of Worcester; thence, in the best direction, to the House formerly kept by Lovel Baker, in said Upton, thence in

the best course to or near the Fowler or Southwick Bridge, over Blackstone river, near Sylvanus Holbrook's Factory in Northbridge, thence in the best direction to Jason Waters, in Sutton; thence in the best course to Samuel Slater's Factory Village in Oxford and Dudley; thence in the best direction to the line between the States of Massachusetts and Connecticut, running near Phipps' and Buckston's dwelling houses, and shall have the right to erect four whole gates, and 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 defining the general powers and duties of Turnpike Corporations and the several Acts in addition thereto." Powers, privileges, and penalties.

SEC. 2. *Be it further enacted*, That the Stock of said Corporation, shall be divided into four hundred shares of seventy-five dollars each, and every person who may subscribe for any share in said Corporation shall bind himself and his heirs to the payment of the sum of seventy-five dollars on each and every share for which he may subscribe, payable in such instalments as the Corporation, by their vote, may direct; and no person shall be holden to pay a greater sum than seventy-five dollars on any share by him subscribed for, in the Stock of said Corporation. Shares, number, value, and how paid for. *Provided nevertheless*, That if the proceeds of said four hundred shares shall be insufficient to defray the expense of completing said Turnpike Road, and keeping the same in repair, the said Corporation shall have power and authority to increase the number of shares to such an extent as they may deem necessary for the purposes aforesaid. Proviso. Power to increase the shares.

SEC. 3. *And be it further enacted*, That the Committee who were appointed to view said route, be a Committee, at the expense of the Corporation, to lay out or locate said Turnpike Road, who shall be invested with the same powers, observe the same rules, be under the same restrictions, perform the same duties, and make return of such part of their doings to the Court of General Sessions of the Peace, within Locating Committee, duties, &c.

and for the respective Counties in which said road is situated, in the same manner as is provided by law for Committees appointed by said Court for laying out public highways, any law or usage contrary to the provisions of the above section notwithstanding.

[Approved by the Governor, June 12th, 1824.]

CHAP. XIV.

An Act in addition to an Act to incorporate the President, Directors and Company of the Columbian 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 the tenth section of the act, incorporating the President, Directors and Company of the Columbian Bank, as prohibits them from paying or receiving any bill or note of any other Bank, for any less sum than the nominal value expressed in such bill or note, be and the same is hereby repealed.

Repeal.

[Approved by the Governor, June 12th, 1824.]

CHAP. XV.

An Act to authorize the Proprietors of West Boston Bridge to establish a Turnpike Road from Cambridge to 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 the Proprietors of the West Boston Bridge, be, and they are hereby authorized and empowered to make and establish a Turnpike Road from a point in the old road in said Cambridge, near the store of Edmund T. Hastings, in nearly a straight line, crossing Charles' river by a bridge, to a point in the old road, near the dwelling house of James Hovey, in Brighton; thence in a direction nearly in the course of the old road, to a point therein, near the dwelling house of John Herrick, in said Brighton; thence across Charles' river, by a bridge passing northerly of the United States' Arsenal, and entering the square in Watertown, northerly of the Watertown Turnpike, under the direction of the Locating Committee, and with the consent of any person or persons through whose premises said road shall pass, bounding on the old road or square in Watertown; with all the powers and privileges, and subject to all the requisitions and penalties established by the Act, entitled an Act defining the general powers and duties of Turnpike Corporations, and the several acts in addition thereto; said road over the marshes to be laid out of such width as the Locating Committee may deem necessary and expedient, for the making and security thereof: *Provided, That* neither the towns of Watertown, Cambridge or Brighton, shall ever be compelled ever to support any part of said road or bridges without their own consent:—*Provided, also,* That said Proprietors shall be required to erect a drawer for the passage of vessels in the bridge leading from Cambridge to Brighton, of the same dimensions, and upon the same conditions

Route.

Powers, &c.

Proviso.

as are prescribed for the erection of a drawer, in the Act, entitled an Act incorporating certain persons for the purpose of building a bridge over Charles' river, between Cambridge and Brighton, in the County of Middlesex, passed March second, in the year of our Lord one thousand eight hundred and eight: *And provided, also,* That said Proprietors shall be required to erect a drawer in the other bridge, granted by this act, leading from Brighton to Watertown, of the same dimensions and upon the same conditions as above prescribed for the erection of the other drawer, whenever there shall be erected and established a drawer in the old bridge leading from Cambridge to Brighton.

SEC. 2. *Be it further enacted,* That the Joint Committee of the Senate and House of Representatives, for the time being, on the subject of Bridges, Turnpikes and Canals, or a majority of them, be, and they hereby are authorized to perform all the duties of a Committee for laying out the road hereby granted, and for assessing the damages which may be occasioned by the establishment of said road and bridges to any individuals whose lands may be taken therefor, and to the town of Brighton, in their rights of fishing in Charles' river, if any; and their return made to the Court of Sessions in the County of Middlesex, shall be effectual in law, as that of any Committee which might be appointed by said Court of Sessions for the same purpose, saving to either party the right of trial by Jury, as is provided by the General Turnpike act.

SEC. 3. *Be it further enacted,* That said Proprietors of West Boston Bridge, be, and they are hereby authorized to erect a Toll Gate, upon any part of said road, which they may find most convenient for collecting tolls, and shall be entitled to demand and receive from each traveller or passenger the same amount of tolls which the ninth Massachusetts Turnpike Corporation is now authorized to receive at its gates in Bellingham, by an act passed on the eighth day of February in the year of our Lord one thousand

Committee,
and their du-
ties.

eight hundred and twenty-two, and no greater: *Pro-Provido.*
vided, however, That the Legislature may at any time
 reduce the toll, so that the net proceeds thereof may
 not exceed six per cent per annum, of the cost of
 said road and bridges, calculating upon the average
 dividends of three preceding years.

[Approved by the Governor, June 12th, 1824.]

CHAP. XVI.

An Act to regulate the Side Walks in the town of
 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 in all streets which
 shall hereafter be paved in the town of Charlestown,
 the side walks shall be made according to the follow-
 ing regulations, viz: The foot path or side walk on Regulations.
 each side of the street, shall be of a breadth not ex-
 ceeding one sixth part of the whole width of the street.
 and shall be paved with brick or flat stone, and shall
 be secured with good and sufficient hammered edge
 stone on the out side of the same.

SEC. 2. *Be it further enacted,* That whenever the
 town shall direct the paving of any public street as Owners' duties.
 aforesaid, each and every owner or owners of a lot or
 lots of land adjoining the same, shall without delay,
 at his or her own expense, cause the side walk in
 front of his or her land, to be paved with brick or
 flat stone, and supported by hammered edge stone,
 and kept in repair, the same to be done under the di-
 rection, and to the acceptance of the Surveyors of
 the Highways. And if the owner or owners of such
 lot or lots shall neglect or refuse to pave and support In case of neg-
 lect, or refusal.
 the side walk as aforesaid, for the space of twenty

days after he or she, or the tenant of such lot or lots, or the attorney of such owner or owners, shall have been thereto required, by any of the Surveyors of Highways, then it shall be lawful for said Surveyors, and they are hereby enjoined and required to pave and support the same in manner aforesaid, or to repair the same, and shall recover the whole amount of the expense thereof, by action of the case, to be brought by the Surveyors of Highways, before any Court, proper to try the same. *Provided, nevertheless,* That whenever in the opinion of the Selectmen, any owner or owners of any lot on such street, shall be unable to comply with the foregoing requisitions, the said Selectmen may direct the Surveyors of Highways to cause such side walk to be made at the expense of the town: *Provided, also,* That when there are any vacant lots of land on any such street, the Surveyors of Highways may at their discretion, allow the owner or owners thereof, to cover the side walk with plank, and support the same with timber, which shall be removed, and the edge stone, and brick or flat stone pavement be completed, whenever in the judgement of said Surveyors, it shall become necessary.

Expense, how recovered.

Proviso.

Canopy, balcony, &c.

Width and how built.

In case of neglect or refusal.

SEC. 3. *Be it further enacted,* That no canopy, balcony, portico or door steps, hereafter erected, in any street, lane or alley, in the town of Charlestown, shall project into such street, lane or alley more than one twelfth part of the width thereof, and in no case more than three feet, and all cellar doors hereafter made or repaired, shall be built with upright cheeks, which shall not project from the line of the house, into the street, lane or alley, more than nine inches, nor shall the platform of the same rise above the level of the side walk. And if any proprietor, owner or owners, shall erect any canopy, balcony, portico, cellar door, door step, or other obstruction, contrary to the provisions of this Act, and shall refuse or neglect to remove or take down the same, within five days after having been directed and required thereto, by any of the Surveyors of Highways, such proprietors, owner

or owners shall forfeit and pay the sum of two dol-^{Forfeit.}lars for each and every day the same shall remain, after the expiration of the said five days.

SEC. 4. *Be it further enacted,* That all forfeitures and fines which may be recovered in pursuance of this Act, shall go, and be distributed, one moiety ^{Distribution of} thereof to the poor of the town of Charlestown, and ^{fines.} the other moiety to the Surveyors of Highways.

[Approved by the Governor, July 12th, 1824.]

CHAP. XVII.

An Act to repeal the second section of an Act, entitled “an Act for altering the dividing line between the towns of South Hadley and Granby,” and to establish the line between said towns.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the second section of an Act, entitled “an Act, for altering the dividing line between the towns of South Hadley and Granby,” passed on the twenty-eighth day of June, in the year of our Lord, one thousand seven hundred and eighty-one, be and the same is hereby repealed; and that ^{Repeal.} in future the dividing line between said towns shall be as follows, viz: Beginning at a Pine Tree, now a ^{Dividing line} boundary between said towns, standing on Springfield ^{in future.} line, about half a mile west of Stoney Brook, so called, thence running northwardly a direct course to the parting of the roads on the north side of Bachelors’ Brook, near the Sand Banks, so called, one of said roads leading to Amherst and the other to Granby; and from thence to continue straight forward, the same point of compass, to Hadley bounds.

[Approved by the Governor, June 12th, 1824.]

CHAP. XVIII.

An Act in addition to “an Act to incorporate the President, Directors and Company of the Eagle 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 the tenth section of the Act incorporating the President, Directors and Company of the Eagle Bank, as prohibits them from paying or receiving any bill or note of any other bank, for any less sum than the nominal value expressed in such bill or note, be, and the same is hereby repealed.

Repeal.

[Approved by the Governor, June 12th, 1824.]

CHAP. XIX.

An Act to incorporate the Christian Union Society in Haverhill.

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 Plummer, Henry Plummer, Hiram Plummer and Abel Nichols, and all others who may associate with them, and their successors, be, and they hereby are incorporated as a religious society, by the name of the Christian Union Society in the town of Haverhill, with all the privileges, powers and immunities to which other religious societies in this Commonwealth are entitled by law.

Persons incorporated.

Name, privileges, powers, &c.

Holding, &c. of estate.

SEC. 2. *Be it further enacted,* That the said society shall be capable in law, to purchase, hold and dispose 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 One Thousand Dollars.

SEC. 3. *Be it further enacted*, That any Justice of the Peace for the County of Essex, 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, as shall be therein directed, to choose a Moderator, a Clerk, a Treasurer, and such other Officers, Committee or Committees as they shall deem needful. Meeting for choice of officers.

[Approved by the Governor, June 12th, 1824.]

CHAP. XX.

An Act in addition to an Act, entitled “an Act to incorporate the Suffolk 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 Suffolk Insurance Company, incorporated in the year of our Lord, one thousand eight hundred and eighteen, be, and is hereby authorized to have and hold real estate, (exclusive of mortgages), to the value of one hundred thousand dollars, any thing in the Act to which this is in addition to the contrary notwithstanding. To hold real estate and value.

[Approved by the Governor, June 12th, 1824.]

CHAP. XXI.

An Act to incorporate the Plymouth Cordage 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 Bourne Spooner, William Lovering, Jr. John Dodd, and John Russell, together with such others as may be associated with them, and their successors, be, and they are hereby made a corporation by the name of the Plymouth Cordage Company, for the purpose of manufacturing cordage; and for that purpose shall have all the powers and privileges, and 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 Companies," and the several Acts in addition thereto.

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 twenty thousand dollars, and such personal estate, not exceeding the value of sixty thousand dollars, as may be necessary and convenient for carrying on the manufacture of Cordage.

[Approved by the Governor, June 12th, 1824.]

CHAP. XXII.

An Act in addition to an Act, entitled “an Act, to incorporate the Trustees of the Green Foundation.”

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That an *e* final, be annexed to the name of Green, in the style and title of said Corporation, and also to said name wherever it occurs in said Act, so that the same may be read and understood to be Greene.

Annexing *e* to Green.

SEC. 2. *Be it further enacted,* That not less than nine of the Trustees of said Corporation shall constitute a board for doing business, and the concurrence of at least two thirds of the Trustees present at any meeting, shall be requisite to every act and proceeding whatever, except the adjournment of a meeting, for which purpose a majority of any number present, shall be sufficient; any thing in the Act to which this is in addition to the contrary notwithstanding.

Trustees, number for doing business.

SEC. 3. *Be it further enacted,* That all transactions of said Trustees, in which the name of Greene has been heretofore used with a final *e*, shall be as valid in law as though the said name had been spelt as in the Act to which this is in addition.

Green valid as heretofore used.

[Approved by the Governor, June 12th, 1824.]

CHAP. XXIII.

An Act in addition to an Act entitled “an Act in addition to an Act defining the general powers and duties, and regulating the Office of Sheriff.”

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That whenever any surety or sureties upon any bond given by any Sheriff to

Sureties.

the Treasurer of this Commonwealth, or the heirs, executors or administrators of any such surety or sureties, shall petition the Justices of the Court of Common Pleas, at any term thereof in the County of such Sheriff, that he or they may be discharged from any further responsibility upon such bond, the said Court shall cause a record of such petition to be made by the Clerk of said Court, and shall cause such Sheriff to be served with an attested copy of such record, and shall require said Sheriff to procure and give new security, to the satisfaction of said Court, at the next term thereof, in the County of said Sheriff; and upon such new security being given, such surety or sureties, their heirs, executors and administrators, shall be discharged from any further responsibility on said bond.

In case of neglect or refusal.

SEC. 2. *Be it further enacted*, That if any Sheriff shall neglect or refuse to give the new security, which may be required by the Court aforesaid, and at the term thereof required by this Act, he shall be liable to the same forfeitures, to be recovered in like manner, and subject to removal from Office in the same way, and to be proceeded against in the same manner, in all respects, as are provided in the Act to which this is in addition.

[Approved by the Governor, June 12th, 1824.]

CHAP. XXIV.

An Act to alter the name of the West Parish in West Newbury.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the Parish in West Newbury, which was formerly known and styled as

the third parish in Newbury, shall hereafter be known and styled the second parish in West Newbury, and hold, possess and enjoy all the rights and privileges now to them belonging, together with all the powers incident to parishes, and shall be subject to all the liabilities of parishes and precincts.

Formerly styled. Now styled.

Powers and liabilities.

[Approved by the Governor, June 12th, 1824.]

CHAP. XXV.

An Act in addition to an Act entitled an Act to establish a fund for the support of the Gospel Ministry in the South Parish, in the town of Reading, in the County of Middlesex, and to appoint 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 the parish shall have power at all times to remove any or all the Trustees for inability, negligence or misconduct in the performance of the duties of their office, and said Trustees shall always be elected from the members of said parish, and whenever any Trustee shall cease to be a member of said parish, his office as Trustee, shall thereby become vacated, and any vacancy so made, and all vacancies which shall happen in the Board of Trustees may be filled by the parish, at a legal meeting for that purpose, and if the parish shall neglect to fill any vacancy or vacancies for the space of three months after the same shall happen, the remaining Trustees shall proceed to fill such vacancies immediately, in like manner.

Trustees, removal of.

How elected.

Vacancies, how filled.

SEC. 2. *Be it further enacted,* That the Trustees of the Ministerial Fund are hereby vested with, and en-

Investment.

Power.

titled to receive all the property which has been vested in them by the parish on the condition of the passing this Act to be managed agreeably to the Act incorporating said Trustees, and this additional Act thereto. And said Trustees are hereby empowered to loan money in sums of two hundred dollars, and under, by taking security of the principal and two sufficient sureties and not otherwise.

Minister's salary.

SEC. 3. *Be it further enacted*, That the said Trustees shall pay to the minister no more than three hundred dollars annually, until the annual income amount to three hundred and fifty dollars, and no more than three hundred and fifty dollars until the annual income shall amount to four hundred dollars, and no more than four hundred dollars. until the annual income shall amount to four hundred and fifty dollars; and so on, in like manner, until the annual income shall amount to two thousand dollars.

SEC. 4. *Be it further enacted*, That all parts of the Act to which this Act is in addition, inconsistent with the provisions of this Act, be and the same are hereby repealed.

Repeal.

[Approved by the Governor, June 12th, 1824.]

CHAP. XXVI.

An Act to establish the Boston Water Power Company.

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 Thomas Bartlett, Horace Gray and Nathan Parker, with their associates, successors and assigns, be, and they hereby are

incorporated under the name of the Boston Water ^{Name, powers, &c.} Power Company, and by that name may sue and be sued, have a common seal, and make by-laws and regulations not inconsistent with the Constitution and Laws of this Commonwealth, and may purchase and hold any quantity of the water power created by the establishment of the dams between Boston and Roxbury, or any lands contiguous to said dams, or within the limits of the Basins connected therewith or either of them, and may make Flumes, Canals, and Race-ways, and may construct Mill Wheels, Factories, and other buildings and fixtures, at any convenient places within the limits aforesaid, and may dispose of the same, by lease or otherwise: *Provided, however,* ^{Proviso.} That the said Company shall not make any such Flume, Canal or Race-way, or construct any such Mill-wheel, Factory or other building or fixture through or upon the land belonging to any City, Town, Company, or Individual, without the consent of such owner in writing to be recorded in the Registry of Deeds, in the County where the land may be; *And Provided, also,* ^{Proviso.} That nothing in this act shall be construed to extend the rights of the water power so to be purchased and held under the provisions of this act, beyond the rights of water power now possessed by the Boston and Roxbury Mill Corporation, by virtue of the acts establishing the same, or to alter, or prejudice the rights of the City of Boston, or of any of the adjacent towns as they now exist.

SEC. 2. *Be it further enacted,* That the said Company may hold real estate and water power not exceeding the value of Three Hundred Thousand Dollars, at the time of the purchase thereof, and personal ^{Capital.} estate not exceeding the value of One Hundred Thousand Dollars. And the first meeting of said Compa- ^{First meeting.} ny may be called by any one of the persons herein named, by public notice, printed in any Newspaper in the City of Boston, ten days at least before the time appointed for such meeting.

[Approved by the Governor, June 12th, 1824.]

CHAP. XXVII.

An Act to authorize the members of the First Parish in Lynn, to sell real estate, for the purposes therein expressed.

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 members of the First Parish in Lynn, whenever they shall deem it necessary, may by such Committee as they shall appoint, at a legal meeting for that purpose, be, and they are hereby authorized and empowered, by and with the consent of their Minister for the time being, if any there be, to sell and convey such part of said lands, or the whole if necessary, as shall be sufficient to pay all the debts now due from said parish, and for repairing their meeting house, and to make and execute good and sufficient deed or deeds to convey the same according to law.

Members, to act by Committee, are empowered.

SEC. 2. *Be it further enacted,* That if there should be a surplus of money, arising from such sale, over and above the payment of said debts and repairs, the said members may, by a Committee chosen for the purpose, at the annual meeting in the month of March, or April, vest the said surplus, and any other property of said parish, in the most productive funds, the interest of which shall be applied towards the support of the minister or ministers in said parish.

Surplus.

How applied.

[Approved by the Governor, June 12th, 1824.]

CHAP. XXVIII.

An Act concerning the regulation of the House of Correction in the City of Boston, and concerning the form of actions commenced under the By-laws of said City, and providing for filling vacancies in the Board of Aldermen.

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 City of Boston shall be entitled to the same remedies in order to recover the expences of supporting any poor person maintained in the House of Industry of said City, that towns in this Commonwealth are entitled to for the recovery of the expenses of persons, for whom support or relief is provided by overseers of the poor, or under their direction.

Supporting
poor persons.

SEC. 2. *Be it further enacted,* That the House of Correction within the City of Boston, shall be the House of Correction for the County of Suffolk, and that the City Council of said City, shall have power from time to time, to appoint such a number of overseers of the House of Correction in said City of Boston, not exceeding nine, as they shall deem expedient, who shall have, use and exercise all the powers and authority in regulating and governing said House of Correction, and the inhabitants thereof, subject to the controul of the Mayor and Aldermen of the said City, that are granted to overseers of houses of Correction, in and by an Act, entitled "an Act, for suppressing and punishing of rogues, vagabonds, common beggars, and other idle and lewd persons," passed on the twenty-sixth day of March, in the year of our Lord, one thousand seven hundred and eighty-eight, and the several Acts additional thereto; and the said overseers so appointed, or the major part thereof, shall, from time to time, make, ordain and establish such rules and orders, not repugnant to the constitution and laws of the Commonwealth, for the

Appointment
of overseers.

Rules by
which they are
to be governed.

governing and punishing of persons committed to the said house, as they shall find needful and proper, which within one month after they shall have been made, shall be submitted to the said City Council, and shall be in force until repealed by the said Overseers, or until disapproved of by the said City Council, and the power of discharging persons committed to the said House of Correction, by the Justices of the Police Court of said City, or by any Justice of the Peace, for the County of Suffolk, before the expiration of their term of commitment, upon the recommendation of the Overseers of said House, shall be and hereby is vested in any one or more of the Justices of the Police Court of said City.

Persons may
be discharged.

City Council,
their power.

SEC. 3. *Be it further enacted,* That the said City Council shall have power from time to time, to appoint a Master of the said House of Correction, who shall be under the direction and controul of the said Overseers, and shall be compensated in such manner as the said City Council shall direct. And the said City of Boston shall bear and defray all the expenses of the said House of Correction, and shall be entitled to the same remedies to recover the charges of maintaining any person therein, that the Masters or Overseers of the several Houses of Correction throughout the Commonwealth, or that Towns, or Counties are now entitled to by law.

Fines, penal-
ties, &c.

SEC. 4. *Be it further enacted,* That all fines, penalties and forfeitures, accruing under a statute of this Commonwealth, passed the twentieth day of June, in the year of our Lord, One Thousand Eight Hundred and Sixteen, entitled "an Act to empower the Town of Boston, to choose a Board of Health, and to prescribe their power and duty," or accruing under any rules, regulations, by-laws or ordinances which have been, or hereafter shall be passed, by the City Council of the City of Boston, in relation to the health of the said City, or of the inhabitants thereof, shall be sued for, prosecuted and recovered by complaint or information before the Justices of the Justices Court, for the County of Suffolk, in the name of the "City

of Boston," by any Officer or person authorized to institute the same, and in the manner prescribed in the statute above mentioned, and such fines, penalties and forfeitures, shall enure and be recovered for the use of the said City; and no person shall be disqualified from acting as a magistrate, juror, or witness in any such suit or prosecution by reason of any interest which he may have as an inhabitant of the said City, in the sum or sums of money to be recovered thereby.

SEC. 5. *Be it further enacted,* That in all prosecutions by complaint before the Police Court for the City of Boston, founded on the special acts of the Legislature, the by-laws of the town of Boston, or the ordinances or by-laws of the City of Boston, it shall be sufficient to set forth in such complaint, the offence fully and plainly, substantially and formally, and in such complaint it shall not be necessary to set forth such special act, by-law, ordinance or any part thereof.

SEC. 6. *Be it further enacted,* That in case of the death or resignation of any member of the Board of Aldermen, the citizens of Boston shall have power to fill such vacancy at any regular meeting that may thereafter be convened for that purpose.

[Approved by the Governor, June 12th, 1824.]

CHAP. XXIX.

An Act increasing the rates of toll, at the Connecticut river bridge, the Northampton Bridge and the Sunderland 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 Proprietors of the Connecticut River Bridge, the Proprietors of the

Rates of toll.

Northampton Bridge, and the Proprietors of the Sunderland Bridge, be and they hereby are authorized, from and after the passing of this act, to demand and receive at the several Bridges aforesaid (instead of the toll heretofore granted) according to the following rates of toll, viz. For each foot passenger, three cents; for each horse and rider, eight cents; for each horse and chaise, chair or sulkey, twenty cents; for each coach, chariot, phaeton, or other four wheeled carriage for passengers, fifty cents; for each curricule thirty-three cents; for each sleigh drawn by one horse, ten cents; by more than one horse, sixteen cents; for each cart, sled, or other carriage of burden, drawn by one beast, twelve and a half cents; if drawn by two beasts, twenty cents, and if drawn by more than two beasts, twenty-five cents; for each horse without a rider, and for neat cattle each three cents; for sheep and swine each one cent.

Power of Legislature.

SEC. 2. *Be it further enacted*, That the Legislature of this Commonwealth, shall always hereafter have the right of regulating, reducing and abolishing the tolls hereby granted.

[Approved by the Governor, June 12th, 1824.]

CHAP. XXX.

An Act to change the Names of the 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, the several persons herein named shall be called and known by the names which by this act they are respectively allowed to assume, viz. William Andrews, of Boston, merchant, may take the name of William Stutson Andrews; that Joseph

Bradford, of Boston, merchant, may take the name of Joseph Nash Bradford; that Joseph Haydn Von Hagen, a minor, may take the name of Joseph Adams Ballard; that Joannette Catharine Elizabeth Von Hagen, a minor, may take the name of Joannette Catharine Elizabeth Ballard; that Robert Dyer, printer, may take the name of Robert Spencer Dyer; that John Haskell, machinist, may take the name of John Augustus Haskell; that Benjamin Holmes, the third, a minor, may take the name of Benjamin Salter Holmes; that Chloe Lincoln, mantua maker, may take the name of Martha Ann C. Lincoln; that Nancy Lovejoy, mantua maker, may take the name of Ann Frances Lovejoy; that William S. Newman, cordwainer, may take the name of William Homer Newman; that David Murphy Rupp, a minor, may take the name of David Collson Mosely Rupp; that Matilda Sleeper, may take the name of Matilda Ormond Montgomery; that John Smith, may take the name of John Henry Smith; that James Scott Thordike, may take the name of James Franklin Thordike; that Edward Tuckerman the second, may take the name of Francis Edward Tuckerman; that Woodis Lee Wheeler, trader, may take the name of Woodhouse Lee Wheeler; that Thomas Herrick Waterman, may take the name of Thomas Waterman Herrick; that Thomas Frederick Palmer, may take the name of Thomas Frederick Temple Palmer; that William James Palmer, may take the name of William Bowdoin Palmer; all of Boston in the county of Suffolk. And that John Clark Fillis, a minor, of Salem, may take the name of John L. Clark; that Luther Britton, of Salem, cordwainer, may take the name of Luther Reed; that Aaron Field, of Lynn, may take the name of Aaron Chauncey Clark Field; that Equality Weston, of Lynn, may take the name of John Equality Weston; that Thomas Lambert, Jun. of Rowley, may take the name of Thomas Merrill Lambert; that Elizabeth Ann Tyler, of Newburyport, may take the name of Sarah Elizabeth Tyler—all of the county of Essex;

Names changed.

Names changed.

that Amos Baker, jun. of Lincoln, may take the name of Amos Prescott Baker; that Luther Fish, of Sudbury, may take the name of Luther Richardson; that Mary G. Tarbox, of Charlestown, may take the name of Mary G. Thorndike; that Alexander White McQuillin, of East Sudbury, may take the name of Alexander White—all of the county of Middlesex; that William Marble the second, of Charlton, may take the name of William Proctor Marble; that Otis McLane, of the town of Worcester, husbandman, may take the name of Otis David Lane; that Haliburton McLane, son of said Otis McLane, may take the name of Haliburton Lane; that Joseph Jennings McLane, son of said Otis McLane, may take the name of Joseph Jennings Lane; that Caleb Henry Mellen Prentiss, of Leominster, may take the name of Caleb M. Prentiss; that Cornelius Rix, of Harvard, may take the name of Eleazer Rix; that Cephas Whitcomb, of Bolton, may take the name of James Bedingfield Whitcomb—all of the county of Worcester; that Warham Crooks, of Springfield, in the county of Hampden, may take the name of James Warham Crooks; that Luther Frink, of Greenwich, may take the name of William Field; that Samuel Partridge, third, of Hatfield, may take the name of Samuel Dwight Partridge—both of the county of Hampshire; that Joseph Atkins Montenari, of Plymouth, mariner, may take the name of Joseph Atkins. And the several persons herein named, shall hereafter be called and known by the names which by this act, they are respectively allowed to assume as aforesaid; and the same shall be considered as their only proper and legal names.

[Approved by the Governor, June 12th, 1824.]

CHAP. XXXI.

An Act in addition to an act entitled “An Act to incorporate the Commonwealth 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 Stockholders of said Company, may, at any meeting of said Company to be hereafter called at any such time and place as a majority of the present Directors shall appoint, choose thirteen additional Directors, who shall be stockholders of said Company, and citizens of this Commonwealth, and who shall hold their offices till the expiration of one year, from the time that the first twelve Directors were chosen, and until others are chosen in their room, who shall possess similar powers and perform similar duties with the twelve Directors first chosen.

Choice of Directors.

SEC. 2. *Be it further enacted,* That the Stockholders of said Company, at their annual meetings hereafter to be holden for the choice of Directors, shall choose twenty-five Directors, one of whom shall be President thereof, and said twenty-five Directors shall possess the powers, and perform the duties of the twelve Directors mentioned in the act of incorporation, and shall be elected in the same manner.

President.

[Approved by the Governor, June 12th, 1824.]

CHAP. XXXII.

An Act establishing the First Universalist Society in the town of Hardwick.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Daniel Ruggles, Constant Ruggles, Ezra Ruggles, Samuel Weston, Ira

Persons incorporated.

Ruggles, Samuel Granger, Gardner Ruggles, Anson Ruggles, Franklin Ruggles, Creighton Ruggles, Moses Mandell, Ebenezer Cobb, Simeon Crosby, Daniel B. Hinkley, Nathan Perry, James Sturtevant, William P. Jordan, Seth Hinkley, Stephen W. Paige, Ebenezer Perry and Noah Beach, with their families and estates, together with such others as may hereafter join with them, be, and they hereby are incorporated into a religious society, by the name of the First Universalist Society in Hardwick, with all the powers and privileges, and subject to all the liabilities which other parishes and religious societies are entitled and liable to by the Constitution and laws of this Commonwealth.

Powers, privileges, &c.

[Approved by the Governor, June 12th, 1824.]

CHAP. XXXIII.

An Act in addition to an act, entitled "An Act to incorporate Isaac Story and others, by the name of the Marblehead Social Insurance Company."

Further time allowed.

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 five years, from and after the seventeenth day of July next, be allowed to the Stockholders of the Marblehead Social Insurance Company, to pay in the residue of the capital stock of said company, amounting to fifty dollars on each share, and being the last moiety of their instalments of the sum of one hundred thousand dollars the capital stock of said company, and that the said residue shall be paid in such proportions, and at such periods within the time mentioned, as the Directors of said company for the time being shall order and appoint, any thing in

the Act to which this is in addition, or in the Act of Incorporation, to the contrary notwithstanding: *Pro-Provido.* *vided however,* That nothing in this Act shall be construed to exonerate or discharge the estates of the Stockholders of said Company from being liable in the same manner, and for the same purposes mentioned in said Act, to which this is in addition.

[Approved by the Governor, June 12th, 1824.]

CHAP. XXXIV.

An Act to incorporate the Oriental Insurance Company 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 William Fettyplace, John Andrew, Henry Prince, Jr. Richard S. Rogers, John B. Osgood, Tucker Deland, William Proctor, Franklin H. Storey, and Joseph Ropes, with their associates, successors and assigns, be, and hereby are incorporated into a company and body politic by the name of the Oriental Insurance Company in Salem, with all the powers and privileges granted to Insurance Companies, and subject to all the restrictions, duties and obligations contained in a law of this Commonwealth, entitled "An Act to define the powers, duties and restrictions of Insurance Companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled "An Act, authorizing the several Insurance Companies in this Commonwealth, to insure against Fire," passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty, 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 may 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, *Provided* the said real estate shall not exceed the value of twenty thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said Company.

Proviso.

SEC. 2. *Be it further enacted*, That the Capital Stock of said Company, exclusive of premium notes and profits arising from business, shall not be less than one hundred and fifty thousand dollars, nor more than two hundred thousand dollars ; and shall be divided into shares of one hundred dollars each, fifty per cent. of which shall be paid in money, by each and every subscriber, on the amount of his subscription, within thirty days after public notice given by the President and Directors, chosen by the Stockholders, in two Newspapers printed in the Town of Salem, and the residue shall be secured by a deposit of Stock of the United States, or of this Commonwealth, or of some bank within this Commonwealth, or such other security, as may be approved by three fourths of the Directors, and to be paid in such sum or sums, at such time or times, and under such penalties, as the said President and Directors shall in their discretion direct and appoint.

Capital Stock.

SEC. 3. *Be it further enacted*, That the Stock, property, affairs, and concerns of the said Company, shall be managed and conducted by nine Directors, one of whom shall be 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 in said Company, and citizens of this Commonwealth, and shall be elected on the second Monday of April, in each and every year. and at such time of the day, and in such place in the Town of Salem, as a majority of the Directors for the time being shall appoint ; of which election

Power of Directors.

Time of election.

public notice shall be given by publication in some Newspaper printed in Salem, ten days at least previous to such meeting; 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 absent Stockholders may vote by proxy, under such regulations as the said company shall prescribe, and if through any unavoidable accident, the said Directors should not be chosen on the second Monday of April, as aforesaid, it shall be lawful to choose them on any other day in the manner herein provided. And it shall be the duty of the Secretary of said company, at any time upon application in writing of the proprietors of twenty per centum of the Capital Stock, to call a meeting of the Stockholders to be holden at such time and place in the Town of Salem, as they shall direct for the purposes mentioned in such application, by giving like notice thereof as is herein required for the election of Directors.

Proviso.

Secretary's duty.

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 or affirmed to the faithful discharge of the duties of his office, and who shall preside for one year; and in case of 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 notified and held in the same manner as herein before directed, respecting annual elections of Directors.

Choice of President.

In case of vacancy.

SEC. 5. *Be it further enacted*, That the President and four of the Directors, or five of them in his absence, shall be a board competent to 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 prop-

Business, how transacted.

er, 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; also, shall have power to appoint a Secretary, and so many clerks and servants for the carrying on the said business, and with such salaries and allowances to them, and to the President, as to the said board shall seem meet; *Provided* such by-laws and regulations, shall not be repugnant to the Constitution and laws of this Commonwealth.

Proviso.

SEC. 6. *Be it further enacted*, That any two or more of the persons named in this Act, are hereby authorized to call a meeting of the said Company by advertising the same in some Newspaper printed in Salem, in two successive papers for the purpose of electing their first board of Directors, who shall remain in office, until the second Monday in April, in the year of our Lord one thousand eight hundred and twenty-five, and until others shall be elected in their stead: *Provided however*, That this charter shall be void and of no effect, unless put into operation agreeably to the terms of it within one year from and after the passing of this Act. *And provided also*, That the said Company shall not take any risk or subscribe any policy by virtue of this Act, until one moiety of the Capital Stock of said Company shall have actually been paid in.

Election of Directors.

Provisos.

SEC. 7. *Be it further enacted*, That the said Company shall never take on any one risk or loan, or respondentia, or bottomry on any one bottom, at any one time, including the sum insured, in any other way on the same bottom, a sum exceeding ten per centum on the Capital Stock, of said company actually paid in agreeably to the provisions of this Act.

Restrictions.

SEC. 8. *Be it further enacted*, That the said Insurance Company shall be located and kept in the Town of Salem.

SEC. 9. *Be it further enacted,* That the said Oriental Insurance Company shall be liable to be taxed by a general law providing for the taxation of all similar Corporations. ^{Liable to be taxed.}

[Approved by the Governor, June 12th, 1824.]

CHAP. XXXV.

An Act to incorporate the Boston and Canton 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 William Hill, Darius B. Holbrook, and Charles P. Dexter, together with such other persons as may become associates with them, their successors and assigns, be and they hereby are, made a corporation by the name of the Boston and Canton Manufacturing Company for the purpose of Manufacturing Cotton and Wool in the Town of Canton, in the County of Norfolk, and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an Act passed on the third day of March, in the year of our Lord eighteen hundred and nine, entitled "An Act, defining the general powers and duties of Manufacturing Corporations." ^{Persons incorporated.} ^{Name.}

SEC. 2. *Be it further enacted,* That the said Corporation may hold and possess such real estate, not exceeding in value the sum of one hundred thousand dollars, and such personal estate, not exceeding in value the sum of two hundred thousand dollars, as may be necessary and convenient for carrying on the Manufacture of Cotton and Wool in the said Town of Canton. ^{May hold real estate.}

[Approved by the Governor, June 12th, 1824.]

CHAP. XXXVI.

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

Persons incor-
porated.
Privileges, &c.
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 Ebenezer Rollins, Enoch Silsby, Samuel C. Gray, their associates successors and assigns, shall be, and hereby are created a Corporation by the name of the President, Directors and Company of the Globe Bank, and shall so continue from the first day of July, one thousand eight hundred and twenty-four until the first Monday of 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: *Provided however,* That the amount of bills issued from said Bank at any one time, shall not exceed fifty per centum beyond the amount of the Capital Stock actually paid in.

Capital Stock.
SEC. 2. *Be it further enacted,* That the Capital Stock of said Corporation shall consist of the sum of five hundred thousand dollars, with liberty at any time to increase the same to seven hundred and fifty thousand dollars, in gold and silver, to be besides such part as this Commonwealth may subscribe, in manner hereinafter mentioned, divided into shares of one hundred dollars each, which shall be paid in manner following, that is to say, one fourth part thereof, on or before the first day of November next, one fourth part thereof on or before the first day of January next, one fourth part thereof on or before

the first day of April next; and the residue thereof on or before the first day of June next; and no dividend shall be declared on the Capital Stock of said Bank, until the whole of said Stock shall have been paid in, conformably to the provisions of this Act; 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, dispose and convey the same by deed under the Seal of said Corporation and signed by the President or two of the Directors, and to loan and negotiate their monies and effects by discounting on banking principles, on such security as they may 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 actually paid in and existing in gold and silver in their vaults, shall amount to one hundred and twenty-five thousand dollars, nor until said Capital Stock actually in said vaults shall have been inspected and examined by three Commissioners to be appointed by the Governor for that purpose, whose duty it shall be at the expence of the Corporation to examine 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,

Transferring
stock.

Power, &c.

Provisos.

Capital.

and towards the payment of their respective shares, and not for any other purpose, and that it is intended there to remain as a part of said Capital, and to return a certificate thereof to the Governor; and no Stockholder shall be allowed to borrow money at said Bank, until he shall have paid in his proportion of the said Capital Stock, as herein before provided and required.

SEC. 3. *Be it further enacted,* That whenever the Legislature shall require it, the said Corporation shall loan to the Commonwealth any sum of money which shall be required, not exceeding ten per centum of the Capital Stock actually paid in, at any time reimbursable by five annual instalments, or any shorter time at the election of the Commonwealth, with 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 paid in.

SEC. 4. *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 Boston, for the purpose of making, ordaining and establishing such by-laws, and regulations for the orderly conducting the affairs of said Corporation as the Stockholders shall deem necessary, and the choice of the first Board of Directors and such other officers as they shall see fit to choose.

SEC. 5. *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.

Shall loan to
Common-
wealth.

Proviso.

May call a
meeting.

Common-
wealth may
subscribe.

SEC. 6. *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 to said Bank, in proportion as the sum paid from the Treasury of the Commonwealth shall be to the whole amount of Stock actually paid into said Bank, if any time hereafter they shall see fit to exercise that right.

SEC. 7. *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 October and April, annually, the half of one per centum on the amount of Stock, which shall have been actually paid in. Corporation shall pay taxes.

SEC. 8. *Be it further enacted,* That the Cashier, before he enters upon the duties of his office, shall give bond with sureties, to the satisfaction of the Board of Directors, in a sum not less than fifty thousand dollars, with conditions for the faithful discharge of his office. Cashier shall give bond.

SEC. 9. *Be it further enacted,* That the said Corporation shall be liable to pay any bona fide holder the original amount of any note of said Bank, counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alteration; and that the said Corporation shall not at any place whatever, directly, or indirectly purchase, receive, pay or exchange any bill or note of said Bank, for any less sum than the nominal value expressed in such Bill or Note. Shall pay original amount of bill counterfeited.

SEC. 10. *Be it further enacted,* That in case this Act shall not be put into operation, according to the provisions thereof, within one year from the time of passing the same, then it shall become void. And that the said Bank shall be established and kept in Location, Boston.

[Approved by the Governor, June 12th, 1824.]

CHAP. XXXVII.

An Act to incorporate the First Universalist Society
in Haverhill.

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 Thomas Meady, Thomas Runnells, Asaph Kendall, and Caleb Woodward, and all others who may associate with them, and their successors, be, and they are hereby incorporated as a Religious Society, by the name of the First Universalist Society in the town of Haverhill, with all the privileges, powers and immunities to which other religious societies in this Commonwealth are entitled by law.

May hold real
estate.

Proviso.

SEC. 2. *Be it further enacted*, That the said Society shall be capable in law, to purchase, hold, and dispose 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 One Thousand Dollars.

Choice of Offi-
cers.

SEC. 3. *Be it further enacted*, That any Justice of the Peace for the County of Essex, 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, as shall be therein directed, to choose a Moderator, a Clerk, a Treasurer, and such other Officers, Committee or Committees, as they shall deem needful.

[Approved by the Governor, June 12th, 1824.]

CHAP. XXXVIII.

An Act to incorporate the Danvers Cotton Factory 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 Rufus Davenport, his associates, successors and assigns, be, and they here-^{Persons incor-}_{porated.} by are made a Corporation by the name of the Danvers Cotton Factory Corporation, for the purpose of manufacturing Cotton and other materials in the town of Danvers; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in the act entitled, "An Act defining the general powers and duties of Manufacturing Corporations," and also the several acts supplementary thereto, or that may hereafter be passed in addition to the same.

SEC. 2. *Be it further enacted,* That the said Cor-^{May hold real}_{estate.} poration may be lawfully seized and possessed of such real estate, not exceeding the value of Fifty Thousand Dollars, and such personal estate, not exceeding One Hundred Thousand Dollars, as may be necessary and convenient for carrying on the manufacturing aforesaid.

[Approved by the Governor, June 12th, 1824.]

CHAP. XXXIX.

An Act to change the name of the Parish or Precinct called the East Parish or Precinct of Bridgewater.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Parish heretofore known and called by the name of the East Parish or Precinct of Bridgewater, in the County of Plymouth, shall no longer bear that name, but henceforth shall be called and known by the name of the First Parish in East-Bridgewater, and all officers of said Parish shall hold and exercise their respective offices in the same manner as they would have done had not the name of said Parish been changed.

Name changed.

[Approved by the Governor, June 12th, 1824.]

CHAP. XL.

An Act to incorporate the President, Directors and Company of the Asiatic 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 Robert Stone, John B. Osgood, Richard S. Rogers, William Fettyplace, 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 Asiatic Bank, and shall so continue 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 :

Persons incorporated.

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 Merchants' Bank," a Bank established and kept in the Town of Salem, except as the same are so far 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 the said Corporation, shall consist of the sum of two hundred thousand dollars, divided into shares of one hundred dollars each, twenty-five per centum of which shall be paid in Gold and Silver, in ninety days after the first meeting of the said Corporation, and the residue in three instalments of fifty thousand dollars each; the first in six months, the second in nine months, and the third in one year after said first meeting, or at such earlier time or times, as the Stockholders may direct at said meeting, and no dividend shall be made or declared on the Capital Stock of said Bank, until the whole of said Capital Stock shall have been paid in, conformably to the provisions of this Act. And the Stockholders at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of the said Stock, and the profits thereof, which being entered in the Books of the said Corporation, shall be binding on the Stockholders, their successors and assigns, 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 twenty thousand dollars, and no more at any one time, with power to bargain, sell and dispose of the same, and to loan and negotiate their monies and effects by discounting on banking principles, on such security as they shall think advisable. *Provided however,* That nothing herein contained, shall restrain or prevent said Corporation from taking and holding real estate on mortgage or execution, to any amount as security for, or

Capital Stock.

Transferring stock.

May hold real estate.

Proviso.

in payment of any debts due to the said Corporation: *And provided further*, That no monies shall be loaned or discounts made, nor shall any bills or promissory notes be issued from said Bank, until the Capital subscribed and actually paid in, and existing in Gold and Silver in their vaults, shall amount to one hundred thousand dollars, nor until said Capital Stock actually in said vaults shall have been inspected and examined by three Commissioners to be appointed by the Governor for that purpose, whose duty it shall be, at the expense of the Corporation, to examine the monies actually existing in the vaults, and to ascertain by the oath of the Directors, or a majority of them, that said Capital Stock has 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 to remain therein as part of said Capital, and to return a certificate thereof to the Governor.

Proviso.

Location.

SEC. 3. *And be it further enacted*, That the said Bank shall be established and kept in the town of Salem.

Shall loan to Commonwealth.

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 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, not exceeding five per centum per annum. *Provided however*, That the Commonwealth, shall never stand indebted to such Corporation, without their consent, for a larger sum than twenty per centum of their Capital then paid in.

Proviso.

SEC. 5. *Be it further enacted*, That Robert Stone, John B. Osgood, Richard S. Rogers, William Fettyplace, or any two of them, are authorized to call a meeting of the Members and Stockholders of said Corporation, at such time and place as they may see fit to appoint, by advertising the same in the Essex Register, printed in Salem, for the purpose of making,

May call a meeting.

ordaining and establishing such by-laws and regulations, for the orderly conducting the affairs of the said Corporation, as the Stockholders shall deem necessary, and for the choice of a Board of Directors, to consist of nine persons, and such other officers as they shall see fit to choose.

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 one half part of the Stock actually paid in, to be added to the Capital Stock of said Corporation, subject to such rules as to the management thereof, as shall be by the Legislature made and established.

Common-
wealth may
subscribe.

SEC. 7. *Be it further enacted*, That in case the said Bank shall not be put into operation, according to the provisions of the Charter, within one year from the passing of this Act, then the same shall be void.

SEC. 8. *Be it further enacted*, That the said Corporation shall be liable to pay any bona fide holder, the original amount of any note of said Bank, counterfeited or altered in the course of its circulation to a larger amount. notwithstanding such alteration.

[Approved by the Governor, June 12th, 1824.]

Commonwealth of Massachusetts.

SECRETARY'S OFFICE, JULY 27, 1824.

I HEREBY CERTIFY, that I have compared the Laws printed in this pamphlet, with the originals as passed by the Legislature, at their session in May and June last, and that they appear to be correct, excepting at page 437, 9th line from the top, at the end of Chap. XVI. where for *July* read *June*.

EDWARD D. BANGS,

Secretary of the Commonwealth.

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LAWS

OF THE

Commonwealth of Massachusetts,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION, WHICH COMMENCED ON WEDNESDAY, THE FIFTH
OF JANUARY, AND ENDED ON SATURDAY, THE TWENTY-SIXTH
OF FEBRUARY, ONE THOUSAND EIGHT HUNDRED AND
TWENTY-FIVE.

Published agreeably to a Resolve of 16th January, 1812.



BOSTON:

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1825.



# LAWS

OF THE

## COMMONWEALTH OF MASSACHUSETTS.

PASSED BY THE GENERAL COURT,

AT THEIR SESSION, WHICH COMMENCED ON WEDNESDAY, THE FIFTH OF  
JANUARY, AND ENDED ON SATURDAY, THE TWENTY-SIXTH OF FEBRU-  
ARY, ONE THOUSAND EIGHT HUNDRED AND TWENTY-FIVE.

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### CHAP. XLI.

An act for the incorporation of the Proprietors of  
the Independent Congregational Church in Barton  
Square, 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 Stephen Phillips,  
Ezekiel Hersey Derby, Willard Peele, Nathaniel  
West, George Nichols, Samuel Mansfield, Stephen  
C. Phillips, Jabez Smith, Arad Pomroy, Joseph Ropes,  
Benjamin Dodge, David Pulsifer, Joseph Pulsifer,  
Abel Hersey, Samuel Hodges, William Fettyplace,  
Franklin H. Story, Stephen White, George Cleaveland,  
Jonathan Hodges, Nathaniel West, Jr. John Derby,  
William Stearns, John D. Treadwell, George S.  
Johonnot, Ichabod Nichols, Charles Saunders, John  
Nichols, and William Peele, and all other persons,  
who now are, or hereafter may become proprietors  
of and in the Independent Congregational Church

Persons incor-  
porated.

in Salem, in the county of Essex, of which the Reverend Henry Colman is the elected Pastor, their successors and assigns, shall be, and hereby are created and established, as a religious society and body corporate and politic, by the name of The Proprietors of the Independent Congregational Church in Barton Square, in Salem, and by that name may sue and be sued, plead and be impleaded, and possess and enjoy all the privileges, powers, and immunities, to which parishes, and other religious societies, are, by the Constitution and Laws of this Commonwealth entitled; and shall have authority to take, hold, and possess, by grant, gift, devise, or otherwise, any real or personal estate, for the purpose of supporting public worship, and other religious, parochial, and charitable purposes, not exceeding the annual income of five thousand dollars, and shall also have authority to choose and appoint all such officers, and make all such by-laws and regulations as may seem to them expedient or convenient, for the due government of the said society, and the management of their funds, and other parochial concerns: *Provided*, such by-laws and regulations shall be in no wise contrary to the Constitution and Laws of this Commonwealth: and all meetings of the said society shall be called and warned in such manner as the by-laws and regulations thereof shall provide.

SEC. 2. *Be it further enacted*, That at all meetings of the said society, the proprietor or proprietors of the pews, and no other persons, shall be entitled to vote, allowing one vote for every pew; but the society may, nevertheless, by their by-laws and regulations, provide for the admission of the occupant or occupants of any pew to vote in the choice of any minister hereafter to be settled over the said society.

SEC. 3. *Be it further enacted*, That the said society shall have full power and authority, at any meeting duly called for that purpose, to assess on the

May sue and  
be sued.

Real and per-  
sonal estate.

Officers.

Proviso.

Who may  
vote.

Tax on pews.



pews in the said church, all such taxes as may be necessary or proper for the maintenance of public worship, and the repairs and preservation of the said Church, and for all other parochial charges and expenses, according to the relative value of the said pews, as the same are now paid; and the taxes so assessed shall be a lien on the same pews respectively; and in case of the non-payment of the tax or taxes so assessed, for the space of two successive years after the same shall be so assessed, the pew or pews respectively, on which the same shall be assessed, shall be forfeited to the said Society, and may be sold at public auction, in such manner as the said society shall, by their by-laws and regulations, provide; and the net proceeds of said sale, after deducting the amount of all taxes due thereon, and the charges of sale, shall be paid over to the proprietor of the pew so sold, or to his assigns; and the society shall have full authority to convey it to the purchaser of any pew so sold, a good and valid title as proprietor thereof.

Pews forfeited.

SEC. 4. *Be it further enacted*, That there shall be an annual meeting of the society, on the first Monday of May in every year, unless some other day shall be prescribed by the by-laws and regulations thereof, at which meeting, or any other meeting duly called, the said society may choose their officers, who shall hold their offices during one year, and until others are chosen in their stead; and may also assess all taxes for the maintenance of public worship, and other parochial charges and expenses, and exercise all, and any other powers, which, under this act of incorporation, the said society are enabled at any time to exercise.

Annual meetings.

Power to raise money.

SEC. 5. *Be it further enacted*, That any person who shall unite in religious worship with the said society, by becoming a proprietor or occupant of any pew in said Church, in part or in whole, and shall obtain a certificate thereof, from the minister and clerk of the said society, that he hath so united in public worship with them, shall, from and after ob-

Exemption  
from certain  
taxes.

taining such certificate, and filing the same with the clerk of the society left, be exempted, as well in person as in estate, from all taxation for the support of religious worship in every other religious society, so long as he shall continue a proprietor or occupant as aforesaid.

By whom first  
meeting shall  
be called.

SEC. 6. *Be it further enacted,* That the first meeting of the said society shall be called by the said Stephen Phillips, Ezekiel Hersey Derby, Willard Peele, George Nichols, and Nathaniel West, Junior, or by any two or more of them, by an advertisement in some newspaper printed in Salem, seven days before the time of holding such meeting; and at such meeting, all business may be transacted which should be done at any annual meeting, and all the proceedings may be had to organize the said society, and to carry into effect all the powers given in this act to the said society, in the same manner as if they were herein specially enumerated.

[Approved by the Governor, January 26, 1825.]

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## CHAP. XLII.

### An Act to incorporate the Newton Chemical 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 Samuel L. Dana, Nathaniel Williams, and John A. Lowell, and all such persons as may hereafter associate with them, their successors and assigns, be, and they hereby are, constituted a body politic and corporate, by the name of "The Newton Chemical Company," with all the powers and privileges, and subject to all the duties 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," and the several acts in addition thereto.

SEC. 2. *Be it further enacted,* That the said Corporation be, and they hereby are, declared capable to have, hold, and possess lands, tenements, and hereditaments, not exceeding in value the sum of twenty thousand dollars, exclusive of improvements, and may erect on the same all such buildings, furnaces, machinery and apparatus as may be necessary and proper for making mineral acids and any other chemical article or articles; and the said Corporation is further authorized to hold and possess personal estate not exceeding one hundred thousand dollars in amount, the whole of which corporate property shall be divided into one hundred shares.

May possess  
and hold real  
estate.

May hold and  
possess per-  
sonal estate.

[Approved by the Governor, January 26, 1825.]

### CHAP. XLIII.

An Act to establish the Boundary Line between the towns of North Bridgewater and West Bridgewater, in the county of Plymouth.

**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 Boundary Line between the towns of North Bridgewater and West Bridgewater, in the County of Plymouth, shall forever hereafter be known, fixed and established, to be as follows, to wit: to begin at a large stone erected on the easterly line of the town of Easton, in the County of Bristol, marked N. B. and from thence running north eighty-eight degrees east, to a stone standing by the side of the highway to the southward of Daniel Manly's house, marked N. B.; from thence continuing the same course, to wit; north, eighty-eight degrees

Line describ-  
ed.

east, passing the southerly end of Ebenezer Dunbar's dwelling house, to a stone standing on the westerly side of the highway leading from New Bedford to Boston, between the old saw-mill dam and the dwelling house of the widow Betty Thayer, marked N. B. and W. B. and from thence running north eighty-eight degrees east, to a station on the west bank of Salisbury Plain river, so called, and from thence running southerly on the westerly bank of said river, and crossing the highway, in the centre, between the two bridges at Cart Bridge, so called, to a station on the south side of said highway, then easterly, by the southerly side of said highway, to the westerly line of Captain Robert Packard's homestead farm, and from thence running southerly on the westerly line of said Packard's homestead farm, ninety-seven rods to a station on said line, and from thence running north, eighty-eight degrees east, until it intersects the westerly line of East Bridgewater. The said town of North Bridgewater being on the northerly and easterly side of said line, and the said town of West Bridgewater being on the southerly and westerly side of said line; and the above described line shall forever hereafter be known, fixed and established, to be the true Boundary Line between said towns, any law to the contrary notwithstanding.

[Approved by the Governor, January 26, 1825.]

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#### CHAP. XLIV.

An Act to incorporate the Hamilton 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 Batchelder, Benjamin Gorham, William Appleton, William Sturgis, and John Lowell, Jr. their associates, suc-

Persons incor-  
porated.

cessors, and assigns, be, and they are hereby made a Corporation, by the name of "The Hamilton Manufacturing Company," for the purpose of Manufacturing Cotton and Woollen Goods, in Chelmsford, in the County of Middlesex, and for this purpose shall have all powers and privileges, and be subject to all 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," and the several acts in addition thereto.

Powers and privileges.

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 one hundred thousand dollars, exclusive of improvements, and such personal estate, not exceeding the value of five hundred thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid.

Estate real, and personal.

SEC. 3. *Be it further enacted*, that any one of the persons mentioned in this Act, be, and is hereby authorized to appoint the time and place for holding the first meeting of said Corporation, and to notify them thereof, either by personal notice or otherwise.

Who may appoint first meeting.

[Approved by the Governor, January 26, 1825.]

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## CHAP. XLV.

An Act, in further addition to an Act, entitled, "An Act to incorporate certain persons into a Company, by the name of the South Boston Association."

**BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That an Act made and passed on the fourteenth day of June, in the year of our

Lord, one thousand eight hundred and five, entitled, "An Act to incorporate certain persons into a company by the name of the South Boston Association," be, and the same hereby is continued in force until the fourteenth day of June, which will be in the year of our Lord, one thousand eight hundred and thirty-five, any thing in the act, to which this is in addition, to the contrary notwithstanding.

[Approved by the Governor, January 26, 1825.]

## CHAP. XLVI.

### An Act to incorporate the First Universalist Society in Acton.

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 Robert Chaffin, Samuel Sargent, Simon Hosmer, Charles Hendley, 2d. John Hendley, Ephraim Robbins, John Hendley, 2d. Cephas Hartwell, Joseph Robbins, Jonathan B. Davis, Simon Hosmer, 2d. Ward S. Haskell, Aaron Chaffin, Solomon Smith, 2d. Joseph Chaffin, Daniel White, 2d. Moses Woods, Thomas Thorp, Josiah Brown, 2d. John Fletcher, Samuel Sargent, 2d. John Harris, John Harris, 2d. Nathan Raymond, Elias Chaffin, Levi Warren, Calvin Hale, Charles Whitmarsh, Luther Trobridge, Nathan Patch, John Olivers, John Chaffin, Charles Hendley, Daniel Hendley, Isaac How, Lewis How, Abel Hendley, Joshua Sawyer, Abraham Foster, Theodore Wheeler, Simeon Knight, Silas Piper, 2d. Charles Davis, John D. Robbins, Joshua Tower, Jonathan Wheeler, 2d. Nathaniel G. Brown, Silas Conant, and James Ross, and all others who may associate with them, be, and they are hereby incorporated as a religious society,

by the name of "The First Universalist Society in Acton," with all the privileges, powers, and immunities to which other religious societies in this Commonwealth are entitled by law.

SEC. 2. *Be it further enacted*, That said Society may have power to order and establish such rules, regulations and by-laws, for the management of their concerns, as they may think proper, provided the same are not repugnant to the Constitution and Laws of this Commonwealth. Rules and by-laws.

SEC. 3. *Be it further enacted*, That any Justice of the Peace for the County of Middlesex, is hereby authorized to issue a warrant directed to some member of said society, requiring him to notify and warn the members thereof, to meet at such convenient time and place as shall be appointed in said warrant, for the choice of such officers as parishes are by law empowered to choose at their annual parish meetings. Choice of officers.

[Approved by the Governor, January 27, 1825.]

## CHAP. XLVII.

An Act relating to the Locks and Canals on Merrimack river.

**BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the proprietors of the Locks and Canals on Merrimack River be, and they hereby are authorized to purchase, take, and hold, all or any part of the real estate, with its appurtenances, water power, and mill privileges, which are now holden by the Merrimack Manufacturing Company, and also to purchase, take, and hold such other real estate in the towns of Chelmsford, Dracut, May hold real estate, &c.

Proviso.

and Tewksbury, as they may think proper, not exceeding in value one hundred thousand dollars, exclusive of improvements; and all such or other estates in their possession, with the mill or water power, which they have acquired, or may acquire, by enlarging their canal, to improve, sell, or lease, as all other proprietors and owners of estates, may lawfully do: *Provided, however,* that nothing contained in this Act, shall give to the proprietors of the said Locks and Canals, or the said Merrimack Manufacturing Company, any other rights, powers, or privileges in and over the said mill or water power, than they now have and possess, or may acquire by purchase as owners and proprietors thereof.

[Approved by the Governor, January 27, 1825.]

## CHAP. XLVIII.

An Act in addition to an Act to establish Courts of Sessions.

Time of holding Courts.

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 Court of Sessions, within and for the county of Hampden, shall be holden at Springfield on the first Tuesday in April, and on the second Tuesday in September.

SEC. 2. *Be it further enacted,* That the Act to which this is in addition, so far as it relates to the time of holding the Court of Sessions in and for the County of Hampden, be, and the same is hereby repealed.

[Approved by the Governor, January 27, 1825.]



## CHAP. XLIX.

An Act, in further addition to an Act, entitled "An Act establishing the City 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 the election of the Mayor, Aldermen, and Common Councilmen, and such other officers of the City of Boston, as are now by law to be chosen on the second Monday in April, annually, shall in future be made on the second Monday in December, annually, and the said officers so chosen shall hold their respective offices for the same term of time, and the same proceedings shall be had in relation to such elections as is provided in and by the Act entitled, "An Act establishing the City of Boston," to which this is in addition: *Provided, nevertheless,* that the next choice of the said City officers shall be made at such time, and in such manner, as are prescribed in and by the Act aforesaid, and the officers so elected shall severally hold their offices until the first Monday of January next, any thing in this Act to the contrary notwithstanding.

Time of election.

Proviso.

SEC. 2. *Be it further enacted,* That the officers chosen under and by virtue of this Act, shall enter on the duties of their respective offices on the first Monday of January in each year, and shall be liable to all the duties and restrictions, and shall exercise all the powers to which the said officers are respectively subject or entitled, under and by virtue of the Act to which this is in addition, and of all other Acts having relation to this subject matter.

SEC. 3. *Be it further enacted,* That this Act shall be void, unless the inhabitants of the City of Boston, at any general meeting duly warned by public notice, of at least fourteen days, by the Mayor and

This Act, how void

Aldermen, shall, within sixty days from the passing hereof, by written vote adopt the same.

SEC. 4. *Be it further enacted*, That all the provisions of the Act to which this is in addition, or of any other Act inconsistent with the provisions of this Act, shall be, and hereby are repealed.

[Approved by the Governor, January 27, 1825.]

## CHAP. L.

An Act to incorporate the Plympton Iron 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 Lobdell of Plympton, in the County of Plymouth, Lewis Tappan, Isaac C. Kendall, and William Lovering Jr. of the City of Boston, together with such other persons as may hereafter associate with them, their successors and assigns, we and they hereby are made a Corporation by the name of the Plympton Iron Company, for the purpose of manufacturing nails, nail plates, tacks, and iron work of all kinds, in the Town of Plympton aforesaid, 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," and the several acts in addition thereto.

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 seventy five thousand dollars, and such personal estate, not exceeding the value of fifty thousand dollars, as may

Persons incorporated.

Powers, privileges, &c.

Estate, real and personal.

be necessary and convenient for carrying on the manufactory aforesaid.

[Approved by the Governor, January 29, 1825.]

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## CHAP. LI.

An Act to prevent and punish Frauds upon 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 any cashier or other officer or servant of any Bank incorporated within this Commonwealth, for the purpose of issuing bills or notes, who shall embezzle or fraudulently convert to his own use, or fraudulently take or secrete, with intent to convert to his own use, any money, note, bill, obligation, security, bullion, or effects, of and belonging to such bank, and in its possession, or belonging to any person or persons, or body or bodies politic or corporate, and deposited in such bank, shall be deemed, in so doing, to have committed the crime of larceny; and every person so offending, or assisting and aiding therein, being thereof duly convicted in any court of this Commonwealth having jurisdiction of such offence, shall be punished by solitary imprisonment in the common Gaol or the State Prison, for a period of not less than three months, and not exceeding one year, and by confinement, afterwards, to hard labor, in the common Gaol or the State Prison, for a period of not less than three years and not exceeding ten years, according to the degree and aggravation of the offence.

Punishment.

SEC. 2. *Be it further enacted*, That an Act entitled, "An Act to prevent frauds on the Massachusetts Bank," passed on the sixteenth day of March, in the year of our Lord one thousand seven hundred and eighty four, be, and the same hereby is repealed.

[Approved by the Governor. January 29, 1825.]

## CHAP. LII.

An Act for the better security of owners of land from claims for light, air, and way.

**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 right shall by lapse of time accrue, or be deemed to have accrued, to any person or body corporate, to have any privilege of air, or light, or way, from, in, upon or over the land of any other person or body corporate in any case in which the owner or owners of such land (or his, her, or their guardians, if the same be owned by persons under guardianship,) shall have caused to be recorded in the Registry of Deeds for the county in which said land lies, before the time when such right would otherwise by law have accrued, a notification of his, her or their intention thereby to prevent the accruing of such right; a copy of which notification shall be served upon such person, his or her agent, attorney or guardian if within the Commonwealth, and if not, upon the tenant or occupant of the estate, in favor of which such privilege would so accrue by lapse of time, or upon the President, Secretary or Clerk of such body corporate to whom such privilege might otherwise so accrue, and the evidence of such service shall be returned upon such original notification, to be recorded therewith, as aforesaid.

[Approved by the Lt. Governor, February 3, 1825.]

## CHAP. LIII.

An Act to empower the Selectmen of the Town of New-Bedford to increase the number of 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 New-Bedford, for the time being, be, and hereby are authorized and empowered, hereafter to nominate and appoint fifteen Enginemen in addition to the number now authorized by law, to be attached to the Suction Engine in New-Bedford, making the number of forty Engine-Men, hereafter to be appointed for said Engine, in the month of March, annually, so long as the said Suction Engine continues to be in good order, 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.

Selectmen authorized to appoint, &c.

Number, and when appointed.

Duties, powers, &c.

[Approved by the Lt. Governor, February 8, 1825.]

## CHAP. LIV.

An Act to establish the Annawan 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 Abraham Wilkinson, Benjamin Rodman, and Bradford Durfee, together with such other persons as have associated, or may hereafter associate with them, their successors and

Persons incorporated.

assigns, be, and they are hereby made a Corporation, by the name of the Annawan Manufactory, for the purpose of manufacturing Cotton and Woollen Cloths, and of stamping and printing the same in the town of Troy, and 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," and in the several acts passed in addition thereto.

Name.  
Powers, privileges, &c.

SEC. 2. *Be it further enacted,* That the said corporation may be lawfully seized of such real estate, not exceeding the value of one hundred thousand dollars, and such personal estate, not exceeding one hundred thousand dollars, as shall be necessary and convenient for establishing and carrying on the manufactures aforesaid.

Estate, real and personal.

[Approved by the Lt. Governor, February 8, 1825.]

## CHAP. LV.

### An Act to incorporate the Saxon and Leicester 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 the Saxon Factory and the Leicester Manufacturing Company be, and they are hereby made one Corporation, by the name of the Saxon and Leicester Factory, for the purpose of Manufacturing Wool, Cotton, and Machinery, in the towns of Leicester, in the County of Worcester, and Framingham, in the County of Middlesex; and for this purpose, shall have all the powers and privi-

Name.

Powers, &c.

leges, 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," and the several Acts in addition thereto.

SEC. 2. *Be it further enacted*, That said Corporation may be lawfully seized of such real and personal estate, not exceeding six hundred thousand dollars, as may be necessary for carrying on the Factory aforesaid.

Estate, real  
and personal.

SEC. 3. *Be it further enacted*, That the Clerk of either of said Corporations be authorized to call the first meeting of the Corporation hereby established, by giving public notice thereof in one or more newspapers published in the City of Boston, at least ten days before the time appointed for said meeting.

First meeting.

[Approved by the Lt. Governor, February 8, 1825.]

## CHAP. LVI.

An Act to incorporate the Calvinist Society in 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 Daniel Waldo, John Hubbard, Moses M. Child, and Lawrence Hubbard, with their associates and successors, be, and they hereby are incorporated by the name of the Calvinist Society in Worcester, with all the powers, privileges, and immunities to which parishes and other religious societies are entitled by the Constitution and Laws of this Commonwealth.

Persons incor-  
porated.

Powers and  
privileges.

SEC. 2. *Be it further enacted*, That any Justice of the Peace in the town of Worcester, upon applica-

Power to  
warn mem-  
bers.

cation therefor, is hereby authorized and empowered to issue his warrant to some member of said Calvinist Society in Worcester, 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 said society, and transact such other business as may be necessary.

[Approved by the Lt. Governor, February 8, 1825.]

## CHAP. LVII.

An Act to incorporate the Hingham Umbrella Manufacturing Company.

Persons incor-  
porated.

Powers and  
privileges, &c.

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 S. Williams, Samuel F. Coolidge, Benjamin Poor, Francis Head, James Howe, Hall J. Howe, Eliphalet Kimball, John Clark, together with such others as now have or may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation by the name of The Hingham Umbrella Manufacturing Company, for the purpose of manufacturing umbrellas and parasols, and the furniture for the same, in the town of Hingham, in the County of Plymouth, 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 the several Acts in addition thereto.



SEC. 2. *Be it further enacted*, That the said Hingham Umbrella Manufacturing Company, in their corporate capacity, may lawfully hold and possess such real and personal estate as may be necessary and convenient for carrying on the said Manufactory: *provided* the value of such real estate shall not exceed the sum of twenty-five thousand dollars, and the value of such personal estate shall not exceed fifty thousand dollars.

Real and personal estate.

Proviso.

[Approved by the Lt. Governor, February 8, 1825.]

## CHAP. LVIII.

An Act in addition to an Act, to incorporate the Eagle 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 said Eagle Insurance Company be, and they hereby are empowered to increase their present capital stock, by the addition of any sum or sums not exceeding in the whole, the further sum of two hundred thousand dollars. The whole capital stock of said company being at no time to exceed the sum of three hundred thousand dollars.

Capital stock.

SEC. 2. *Be it further enacted*, That the said Eagle Insurance Company may purchase and hold real estate, other than such as may be taken for debt, or held as collateral security for money due, to an amount equal to twenty per cent. on their capital, which shall, at the time, have been actually paid in.

May hold real estate, &c.

[Approved by the Lt. Governor, February 8, 1825.]

## CHAP. LIX.

An Act in addition to an Act, entitled, "An Act to incorporate the Proprietors of the Farmers' Hotel in the town of Brighton."

**BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That a further time of three years from and after the passing of this Act, be, and the same is hereby allowed the Proprietors of the Farmers' Hotel, in the town of Brighton, to erect a spacious Hotel, any thing in the Act to which this is in addition, to the contrary notwithstanding.

[Approved by the Lt. Governor, February 8, 1825.]

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## CHAP. LX.

An Act to establish the Fall River Iron Works 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 Abraham Wilkinson, Isaac Wilkinson, William Valentine, Joseph Butler, and Bradford Durfee, together with such other persons as have associated, or may hereafter associate with them, their successors and assigns, be, and they are hereby made a Corporation by the name of The Fall River Iron Works Company, for the purpose of making iron from the ore, of rolling copper and iron, of manufacturing nails and other modifications of iron in the town of Troy, and County of Bristol; and for this purpose shall have all the powers and privileges, and be subject to all the duties

Persons incorporated.

Powers and privileges.

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," and in the several acts in addition thereto.

SEC. 2. *Be it further enacted*, That the said Corporation may be lawfully seized of such real estate not exceeding one hundred thousand dollars, and such personal estate, not exceeding one hundred thousand dollars, as shall be necessary and convenient for establishing and carrying on the manufactures aforesaid.

Estate, real  
and personal.

[Approved by the Lt. Governor, February 8, 1825.]

## CHAP. LXI.

An Act to incorporate the Boston and Braintree Copper and Brass 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 Paul Revere, of Braintree, William Blake, of Braintree, and John W. Sullivan, of Boston, 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 Boston and Braintree Copper and Brass Manufactory, for the purpose of manufacturing Copper and Brass, and for that purpose shall have all the powers and privileges, and 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

Persons incor-  
porated.

Powers, privi-  
leges, &c.

general powers and duties of Manufacturing Companies," and the several acts in addition thereto.

Estate, real  
and personal.

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 the value of three hundred thousand dollars, as may be necessary and convenient for carrying on the business of said Corporation.

[Approved by the Lt. Governor, February, 8, 1825.]

## CHAP. LXII.

An Act to incorporate the American Insurance Company in Salem.

Powers, privi-  
leges, &c.

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 P. Richardson, Dudley L. Pickman, Pickering Dodge, John W. Rogers, Nathaniel West, junior, Robert Brookhouse, Charles Saunders, Nathan W. Neal, John Forrester, and Robert Upton, with their associates, successors, and assigns, be, and hereby are incorporated into a Company and body politic, by the name of The American Insurance Company in Salem, with all the powers and privileges granted to insurance companies, and subject to all the restrictions, duties and obligations, contained in a law of this Commonwealth, entitled, "An Act to define the powers, duties and restrictions of Insurance Companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled, "An Act authorizing the several Insurance Companies in this Commonwealth to insure against fire," passed on the

twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty, 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 may 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: *Provided*, Proviso. the said real estate shall not exceed the value of twenty thousand dollars, except such as may be taken for debt or held as collateral security for money due to said Company.

SEC. 2. *Be it further enacted*, That the Capital Capital Stock. Stock of said Company, exclusive of premium notes and profits arising from business, shall not be less than one hundred and fifty thousand dollars, nor more than two hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per cent of which shall be paid in money by each and every subscriber on the amount of his subscription, within thirty days after public notice given by the President and Directors, chosen by the stockholders, in two newspapers printed in the town of Salem, and the residue shall be secured by a deposit of stock of the United States, or of this Commonwealth, or of some bank within this Commonwealth, or such other security as may be approved by three fourths of the Directors, and to be paid in such sum or sums, at such time or times, and under such penalties as the said President and Directors shall in their discretion direct and appoint.

SEC. 3. *Be it further enacted*, That the stock, property, affairs and concerns of the said Company shall be managed and conducted by not less than seven, and not more than 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 in said Company and citizens of this Commonwealth, and shall be elected on the second Officers. Manner of election.

Monday of February in each and every year, and at such time of the day, and in such place in the town of Salem as a majority of the Directors for the time being shall appoint, of which election public notice shall be given by publication in some newspaper printed in Salem, ten days at least previous to such meeting: 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 absent stockholders may vote by proxy under such regulations as the said Company shall prescribe: and if, through any unavoidable accident, the Directors should not be chosen on the second Monday of February as aforesaid, it shall be lawful to choose them on any other day in the manner herein provided; and it shall be the duty of the Secretary of said Company, at any time, upon application in writing of the proprietors of twenty per centum of the capital stock, to call a meeting of the stockholders, to be holden at such time and place in the town of Salem, as they shall direct, for the purposes mentioned in such application, by giving like notice thereof as is herein required for the election of Directors.

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 or affirmed to the faithful discharge of the duties of his office, and who shall preside for one year, and in case of death, resignation or inability to serve, of the President or any Directors, 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 notified and held in the same manner as herein before directed respecting annual elections of Directors.

Choice of  
President.

SEC. 5. *Be it further enacted*, That the President and half the Directors, or in his absence a majority of the Directors shall be a Board competent to 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: also shall have power to appoint a Secretary and so many clerks and servants for carrying on the said business, and with such salaries and allowances to them and to the President, as to the said Board shall seem meet: *Provided*, such by-laws and regulations shall not be repugnant to the Constitution and laws of this Commonwealth.

SEC. 6. *Be it further enacted*, That any two or more of the persons named in this act, are hereby authorized to call a meeting of said Company, by advertising the same in some newspaper printed in Salem, in two successive papers, for the purpose of electing their first Board of Directors, who shall remain in office until the second Monday in February, in the year of our Lord one thousand eight hundred and twenty-six, and until others shall be elected in their stead: *Provided however*, that this charter shall be void and of no effect unless put into operation, agreeably to the terms of it, within one year from and after the passing of this act: *And provided also*, that the said Company shall not take any risk, or subscribe any policy, by virtue of this act, until one moiety of the capital stock of said Company shall have actually been paid in.

SEC. 7. *Be it further enacted*, That the said Company shall never take on any one risk or loan on respondentia or bottomry on any one bottom, at any one time, including the sum insured in any other way on the same bottom, a sum exceeding ten per centum on the capital stock of said Company actually paid in, agreeably to the provisions of this act.

SEC. 3. *Be it further enacted*, That the said Insurance Company shall be located and kept in the town of Salem.

Liabie to  
taxation.

SEC. 9. *Be it further enacted*, That the said American Insurance Company shall be liable to be taxed by a general law, providing for the taxation of all similar corporations.

[Approved by the Lt. Governor, February 3, 1825.]

### CHAP. LXIII.

An Act to incorporate the Mercantile Insurance Company in Salem.

Persons in-  
corporated.

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 Winn, junior, Michael Shepard, Joseph Howard, Francis Boardman, and Timothy Bryant, junior, with their associates, successors, and assigns, be, and hereby are incorporated into a Company and Body Politic, by the name of The Mercantile Insurance Company in Salem, with all the powers and privileges granted to Insurance Companies, and subject to all the restrictions, duties, and obligations, contained in a law of this Commonwealth, entitled, "An Act to define the powers, duties, and restrictions of Insurance Companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled, "An Act authorizing the several Insurance Companies in this Commonwealth to insure against fire," passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty, 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 execu-



tion, and may 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: *Provided*, the said real estate shall not exceed the value of twenty thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said Company.

Proviso

SEC. 2. *Be it further enacted*, That the capital stock of said Company, exclusive of premium notes and profits arising from business, shall be one hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per cent of which shall be paid in money by each and every subscriber, on the amount of his subscription, within thirty days after public notice given by the President and Directors, chosen by the Stockholders, in two newspapers printed in the town of Salem, and the residue shall be secured by a deposit of stock of the United States, or of this Commonwealth, or of some Bank within this Commonwealth, or such other security as may be approved by three fourths of the Directors, and to be paid in such sum or sums, at such time or times, and under such penalties as the said President and Directors shall in their discretion direct and appoint.

Capital Stock.

SEC. 3. *Be it further enacted*, That the stock, property, affairs and concerns of the said Company, shall be managed and conducted by nine Directors, one of whom shall be 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 in said Company, and citizens of this Commonwealth, and shall be elected on the second Monday of April annually, and at such time of the day, and in such place in the town of Salem, as a majority of the Directors for the time being shall appoint, of which election public notice shall be given, by publication in some newspaper printed in Salem, ten days at least previous to such meeting, and the election shall be made by ballot, by a majority of the votes of the Stockholders pres-

Officers.

Manner of election.

Proviso.

ent, allowing one vote to each share in the capital stock: *Provided*, that no Stockholder shall be allowed more than ten votes, and absent Stockholders may vote by proxy, under such regulations as the said Company shall prescribe, and if, through any unavoidable accident, the said Directors should not be chosen on the second Monday of April as aforesaid, it shall be lawful to choose them on any other day in the manner herein provided; and it shall be the duty of the Secretary of the said Company, at any time, upon application in writing of the proprietors of twenty per centum of the capital stock, to call a meeting of the Stockholders, to be holden at such time and place in the town of Salem as they shall direct, for the purposes mentioned in such application, by giving like notice thereof as is herein required for the election of Directors.

Choice of President.

SEC. 4. *Be it further enacted*, That the Directors, when chosen, shall meet as soon as may be after every election, and choose out of their body, one person to be President, who shall be sworn or affirmed to the faithful discharge of the duties of his office, and who shall preside for one year, and in case of death, resignation, or inability to serve, of the President or any Directors, 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 notified and held in the same manner as herein before directed, respecting annual elections of Directors.

SEC. 5. *Be it further enacted*, That the President and four of the Directors, or five of them in his absence, shall be a Board competent to 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; also shall have power to appoint a Secretary, and so many clerks and servants, for carrying on the said business, and with such salaries and allowances to them and to the President, as to the said Board shall seem meet: *Provided*, such by-laws and regulations shall not be repugnant to the Constitution and laws of this Commonwealth. Proviso.

SEC. 6. *Be it further enacted*, That any two or more of the persons named in this act, are hereby authorized to call a meeting of the said Company, by advertising the same in some newspaper printed in Salem, in two successive papers, for the purpose of electing their first Board of Directors, who shall remain in office until the second Monday in April, in the year of our Lord one thousand eight hundred and twenty-five, and until others shall be elected in their stead: *Provided however*, That this charter shall be void, and of no effect, unless put into operation agreeably to the terms of it, within one year from and after the passing of this act: *And provided also*, That the said Company shall not take any risk, or subscribe any policy, by virtue of this act, until one moiety of the capital stock of said Company shall have actually been paid in. Meeting  
Proviso.

SEC. 7. *Be it further enacted*, That the said company shall never take on any one risk, or loan on respondentia, or bottomry, on any one bottom, at any one time, including the sum insured in any other way on the same bottom, a sum exceeding ten per centum on the capital stock of said Company actually paid in, agreeably to the provisions of this act. Risk to be taken

SEC. 8. *Be it further enacted*, That the said Insurance Company, shall be located and kept in the town of Salem.

SEC. 9. *Be it further enacted*, That the said Mercantile Insurance Company shall be liable to be taxed by a general law providing for the taxation of all similar corporations. Liable to taxation

[Approved by the Lt. Governor, February 8, 1825.]

## CHAP. LXIV.

An Act to incorporate the Proprietors of Eastern Harbour Meadows and Beaches in the town of Truro, in the County of 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 all the proprietors and owners of Eastern Harbour Meadows and Beaches in the town of Truro, in the County of Barnstable, 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 Eastern Harbour Meadows and Beaches in Truro, 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.

SEC. 2. *Be it further enacted,* That after the passing of this act it shall not be lawful for the inhabitants of Provincetown, or Truro, or any other person or persons whatsoever, to turn out, feed, or suffer to run at large, any neat cattle, sheep or horse kind, on any of the meadows or beaches called and known by the name of Eastern Harbour Meadows and Beaches in Truro, upon the penalty, for each offence, of one dollar a head for all neat cattle and horse kind, and twenty cents a head for every sheep, so turned out, fed or suffered to run at large, on the meadows or beaches aforesaid, to be recovered by any inhabitant of either of the said towns before any Justice of the Peace for the County of Barnstable, by action of debt.

Penalty.

SEC. 3. *Be it further enacted,* That any Justice of the Peace in the County of Barnstable, 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 pro-

prietors 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 notifications thereon, at the Presbyterian Meeting house in Truro, and the Methodist Meeting house in Provincetown, seven 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 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 making fences, setting out or planting beach grass, and for any other purposes which said proprietors may deem necessary for the preservation of 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 beaches; 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 sixty days after the assessment shall have been shewn to him by 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

Meeting.

Choice of  
Officers.

Assessment.

in some public place in each of the aforesaid towns of Provincetown and Truro, thirty days prior to the sale, with the names of the proprietor or proprietors, the amount of taxes assessed upon their meadow or meadows 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 meadows 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 redeeming 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 at 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, any law of this Commonwealth now existing to the contrary notwithstanding.

Rules and  
regulations.  
Proviso.

[Approved by the Lt. Governor, February 11, 1825.]

## CHAP. LXV.

An Act in addition to an Act, entitled “ An Act, in addition to an Act entitled an Act to enable the proprietors of Social Libraries to manage 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 any seven settled and ordained Ministers of the Gospel, within this Commonwealth, who shall become proprietors in common of any Theological Library, may form themselves into a society or body politic, by the name of the Theological Society in the town of —— for the express purpose of holding, increasing, preserving and using such Library : and shall have all the powers and privileges, and be subject to all the duties and requirements contained in an Act passed the eighth day of March, in the year of our Lord, one thousand eight hundred and six, entitled “ an Act to enable the proprietors of Social Libraries to manage the same” ; and to this end, any five of them may make application to any Justice of the Peace within the county in which the Library is to be kept, stating the purposes of their meeting, and requesting him to call a meeting of said proprietors ; and the said Justice may thereupon grant his warrant to any one of them, directing him to call such meeting accordingly. And said meeting shall be called by posting up the purport of said warrant in such public places in said county as said Justice shall order, and the proprietors, thus met and organized, may then agree upon the method of calling future meetings.

Powers, privileges, &c.

Meeting

[Approved by the Lt. Governor, February 12, 1825.]

## CHAP. LXVI.

An Act to preserve the Eel Fishery and to prevent the wilful destruction of Oysters and all other shell fish in the town of Harwich.

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 date of this act, no fisherman, or any other person, shall take from the waters within the town of Harwich any Eels, without a permit from the Selectmen of said town, under a penalty of three dollars for each bushel of fish so taken.

Penalty.

SEC. 2. *Be it further enacted,* That to prevent the destruction of Oysters and all other shell fish within the waters belonging to the said town of Harwich, that all the provisions, fines, forfeitures, penalties, seizures and appropriations, prescribed and contained in an act passed in the year of our Lord seventeen hundred and ninety six, entitled, "An act to prevent the destruction of Oysters and other shell fish in this Commonwealth," and also the several acts in addition thereto, so far as they may be applicable to the purposes of this act, be, and they are hereby extended to the said town of Harwich.

[Approved by the Lt. Governor, February 12, 1825.]

## CHAP. LXVII.

An Act to incorporate the Boston and Salem 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 William Lander,



Pickering Dodge, Benjamin T. Pickman, Edward Lander, William Lawrence, Humphrey Devereux, Isaac Bangs, Robert Stone, Joseph H. Adams, William Silsbee, and Ebenezer Rollins, with their associates, successors, and assigns, be, and they are hereby incorporated into a Company and Body politic, by the name of The Boston and Salem Insurance Company, with all the powers and privileges granted to Insurance Companies, and subject to all the restrictions, duties and obligations, contained in a law of this Commonwealth, entitled, "An Act to define the powers, duties, and restrictions of Insurance Companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled, "An Act authorizing the several Insurance Companies in this Commonwealth to insure against fire," passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty, 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 may 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: *Provided*, the said real estate shall not exceed the value of one hundred thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said Company.

Persons incorporated.

Powers and privileges,

Estate, real and personal.

Proviso.

SEC. 2. *Be it further enacted*, That the capital stock of said Company, exclusive of premium notes, and profits arising from business, shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per cent of which shall be paid in money, by each and every subscriber on the amount of his subscription, within thirty days after public notice given by the President and Directors chosen by the stockholders, in two news-

Capital Stock.

papers printed in the city of Boston, and the residue shall be secured by a deposit of stock of the United States, or of this Commonwealth, or of some Bank within this Commonwealth, or such other security as may be approved by three fourths of the Directors, and to be paid in such sum or sums, at such time or times, and under such penalties, as the said President and Directors shall in their discretion direct and appoint.

SEC. 3. *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 in said Company, and citizens of this Commonwealth, and shall be elected on the second Monday in January, in each and every year, and at such time of the day, and in such place in the City of Boston, as a majority of the Directors for the time being shall appoint, of which election public notice shall be given by publication in some newspaper printed in Boston, ten days at least previous to such meeting, 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 thirty votes, and absent stockholders may vote by proxy, under such regulations as the said Company shall prescribe; and if through any unavoidable accident the said Directors should not be chosen on the second Monday in January as aforesaid, it shall be lawful to choose them on any other day in the manner herein provided. And it shall be the duty of the Secretary of said Company, at any time, upon application in writing of the proprietors of twenty per centum of the capital stock, to call a meeting of the stockholders, to be holden at such time and place in the city of Boston, as they shall direct, for the purposes mentioned in such application, by giving

Officers.

Manner of election.

Proviso

like notice thereof, as is herein required for the election of Directors.

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 or affirmed, to the faithful discharge of the duties of his office, and who shall preside for one year, and in case of death, resignation, or inability to serve, of the President, or any Directors, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by a special election for that purpose, to be notified and held in the same manner as herein before directed, respecting annual elections of Directors.

Choice of  
President.

SEC. 5. *Be it further enacted*, That the President and four of the Directors, or five of them in his absence, shall be a Board competent to 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; also shall have power to appoint a Secretary, and so many clerks and servants, for carrying on the said business, and with such salaries and allowances to them and to the President, as to the said Board shall seem meet: *Provided*, such by-laws and regulations shall not be repugnant to the Constitution and laws of this Commonwealth.

Rules and  
regulations

Proviso.

SEC. 6. *Be it further enacted*, That any two or more persons named in this act, are hereby authorized to call a meeting of the said Company, by advertising the same in some newspaper printed in Boston, in two successive papers, for the purpose of

Meeting.

Proviso

electing their first Board of Directors, who shall remain in office until the second Monday in January, in the year of our Lord one thousand eight hundred and twenty-six, and until others shall be elected in their stead: *Provided, however,* That this charter shall be void and of no effect, unless put in operation agreeably to the terms of it, within one year from and after the passing of this act: *And provided also,* That the said Company shall not take any risk, or subscribe any policy, by virtue of this act, until one moiety of the capital stock of said Company shall have actually been paid in.

Risk to be taken.

SEC. 7. *Be it further enacted,* That the said Company shall never take on any one risk, or loan on respondentia, or bottomry, on any one bottom, at any one time, including the sum insured in any other way on the same bottom, a sum exceeding ten per centum on the capital stock of said Company actually paid in, agreeably to the provisions of this act.

SEC. 8. *Be it further enacted,* That the said Insurance Company shall be located and kept in the city of Boston.

Liable to taxation.

SEC. 9. *Be it further enacted,* That the said Boston and Salem Insurance Company shall be liable to be taxed by a general law, providing for the taxation of all similar corporations.

[Approved by the Lt. Governor, February 12, 1825.]

## CHAP. LXVIII.

An Act to incorporate the Trustees of the Methodist Religious Society in Marblehead.

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 Warren Shepard,

Elijah Bliss, John Bartlett, Andrew F. Patrick, James Pratt, Ezekiel Darling and Stephen Roundy, and their associates and successors, be and they hereby are constituted a body politic and corporate, by the name of the Trustees of the Methodist Religious Society in Marblehead; 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 their corporate property and estate, consistent with the laws of this Commonwealth, and generally to do and execute whatever by law shall appertain to similar bodies politic.

Rules, by-laws, &c.

SEC. 2. *Be it further enacted*, That the number of said Trustees at no time shall exceed seven, four of whom shall constitute a quorum for doing business. And the said Trustees shall, annually, in the month of March, elect from their own body, a Treasurer, who shall give bonds for the faithful performance of his trust and who shall have charge of all monies, securities for monies, and other property and effects belonging to said Methodist Religious Society. They shall also, at the time aforesaid, elect a Secretary or Clerk, who shall keep a faithful Record of all their votes, doings and proceedings; the said Trustees shall have power to make such rules and by-laws as may be necessary for the management of their affairs and the regulation of their officers, and also for the raising of money for the support of their public Teacher, for the repairs of their Chapel, and for calling such meetings, from time to time, as are not repugnant to the Constitution and laws of this Commonwealth.

Number of Trustees.

Officers.

SEC. 3. *Be it further enacted*, That whenever there shall occur any vacancy in the board of Trustees, by reason of death, resignation or removal from office, the Secretary for the time being, shall notify and call a meeting of the remaining Trustees, as soon as may be, and the Minister having the pastoral charge

Vacancies, how filled, &c.

of said Methodist Religious Society shall nominate suitable persons being members of said Society, and from such nomination the Trustees shall by a majority of votes elect a person to fill such vacancy.

SEC. 4. *Be it further enacted,* That the lands and other property that may be hereafter purchased by or given to the said Trustees for the use and benefit of the said Methodist Religious Society, either for the support of the worship of God, or for the support of the poor of said Society, shall be confirmed to the said Trustees and their successors in that trust forever, and the said Trustees and their successors may have and hold, by purchase, grant, devise, bequest or otherwise, any lands, tenements or hereditaments, or other estate real or personal, *Provided,* the annual income thereof shall not exceed the sum of two thousand dollars, and may sell and dispose of the same, and may apply the rents and proceeds thereof in such manner as shall best promote the end and design of the said Methodist Religious Society.

Estate, real  
and personal.  
Proviso.

SEC. 5. *Be it further enacted,* That all deeds and instruments requiring a seal, which the Trustees shall have lawfully determined to make, shall be sealed with their seal, and being signed by the Treasurer and Secretary of said Corporation for the time being, and duly acknowledged, shall be good and valid in law.

First meet-  
ing.

SEC. 6. *Be it further enacted,* That James Pratt herein before named, is hereby authorized and empowered to call the first meeting of the Trustees, giving to each of the other of said Trustees, seven days previous notice of the time and place of holding the same.

[Approved by the Lt. Governor, February 12, 1825.]

## CHAP. LXIX.

## An Act incorporating the Norfolk Mutual Fire 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 Fisher, John Endicott, Josiah J. Fiske, George Barber, junior, Henry Gardner, David Shepard, Charles Davis, Daniel A. Sigourney, Samuel J. Gardner, Josiah S. Fisher, Pliny Bingham, Ebenezer Fisher, junior, Erastus Worthington, George Dixon, Seth Mann, Leonard Everett, Thomas French, John Ruggles, Samuel Dogget junior, Jonathan A. Richards, John W. Child, David Baker, William Bacon, Eliphalet Baker, Isaac Whiting, and their associates, shall be a Corporation by the name of the Norfolk Mutual Fire Insurance Company, and possess all the powers and privileges incident to such corporations, for twenty-eight years.

Persons in-  
corporated.

SEC. 2. *Be it further enacted*, That said Corporation may choose such officers, and establish such by-laws as they may deem necessary, not inconsistent with the Constitution and laws of this Commonwealth. In all matters decided in any general meeting of said Corporation, each member shall have a right to as many votes as he has policies, and may vote by proxy.

Officers,  
by-laws, &c

SEC. 3. *Be it further enacted*, That when the sum subscribed by the associates to be insured, shall amount to one hundred and fifty thousand dollars, said Corporation shall then be authorized to insure for the term of one to seven years, any dwelling house, or other building, and household furniture, in the County of Norfolk, to any amount not exceeding three quarters of the value of the property insured.

SEC. 4. *Be it further enacted*, That the funds of the Corporation shall be vested in stocks or loaned on such securities as the Directors may order. And the funds shall be appropriated, first to pay the ex-

penses of the Corporation, and next to pay the damage which any member may be entitled to recover on his policy. In case any member shall have a just claim against the Corporation exceeding the amount of their then existing funds, the Directors shall, without delay, assess such sums as may be necessary, on the members ; which assessment shall be in proportion to the amount of his premium and deposit for seven years, but shall not in any case exceed double the amount of said premium deposit.

Assessment.

SEC. 5. *Be it further enacted*, That whenever any member shall recover judgment against said Corporation, he may levy his execution on any of their funds ; but if he cannot find sufficient funds, he may levy the same on the private property of any one of the Directors, *Provided*, they refuse or neglect for the space of sixty days to satisfy the execution, after a demand made on them for that purpose. And any Director who may thus have his property taken, may sustain an action on the case to recover compensation therefor of the Corporation.

Proviso.

SEC. 6. *Be it further enacted*, That, as each member of this Corporation is liable to pay such assessments as the Directors shall order, and likewise to pay his deposit notes given for his premium ; now to secure the payment of the same, it is hereby provided, that a policy of insurance shall of itself, without any other ceremony whatever, create a lien on any dwelling house or building insured, and on the land under it. *Provided* said policy shall express the intention of the Corporation of relying on such lien. This provision shall not prevent the Corporation from securing any other kind of collateral security.

Proviso.

SEC. 7. *Be it further enacted*, That in case it should become necessary to resort to such lien, as is before provided, it shall be the duty of the Treasurer before he attempts to compel payment by selling the insured premises, first to demand payment of the insured, and, in case of his decease, on his legal representative, and likewise of the tenant of the insur-



ed estate. In case payment is refused, said Corporation may then sustain an action on the case, against the insured, or his legal representative, for any sum due, either on a deposit note, or by assessment, and their execution, which may issue thereon, may be levied on the insured premises; and the officer making the levy, may sell the whole or part thereof, at public auction, giving the same notice, and proceeding in the same manner, as is required in the sale of equities of redemption on execution. The owner of the estate shall likewise have a right to redeem the estate thus sold, within one year, provided he shall first pay the costs of sale, the execution, and twelve per cent thereon.

SEC. 8. *Be it further enacted*, That this Corporation shall be liable to be taxed by any general law of the Commonwealth. Any two members named in this act may call the first meeting, by publishing notice thereof, in the Boston Patriot, and Village Register published at Dedham.

Liabie to  
taxation  
  
First meet-  
ing.

[Approved by the Lt. Governor, February 12, 1825.]

CHAP. LXX.

An Act to incorporate the Trustees of the Methodist Religious Society, in South 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 William Granville, James Venable, John Staniford, Edward Phillips, Samuel Moor, and Samuel Holbrook, and John Norris, be, and they hereby are incorporated into a body politic, by the name of the Trustees of the Methodist Religious Society, in South Boston, and by that name, they and their successors in office shall be a Corporation forever.

Persons in  
corporated.

SEC. 2. *Be it further enacted*, That the said Trustees may have and hold any personal or real estate in South Boston, not exceeding the sum of fifty thousand dollars, for the benefit, and in the behalf of the Methodist Religious Society in South Boston, and the same manage and improve, or sell and convey, as the case may require, subject however, to such rules and regulations as may be prescribed and adopted by a majority of the male members of said Methodist Religious Society, at any annual meeting thereof.

Estate, real and personal.

Rules and regulations.

Vacancies how filled.

SEC. 3. *Be it further enacted*, That whenever any vacancy may occur in the board of Trustees hereby constituted, by death or resignation, the said Methodist Religious Society, by a majority of the votes of the male members, at any meeting called for that purpose, may elect one or more persons from the male members of said church, of twenty-one years of age or upwards, to fill such vacancy, so that the number of Trustees be kept up to the number of seven forever; any four of them, duly assembled, shall be competent to transact any business.

SEC. 4. *Be it further enacted*, That said Trustees shall meet at least once in each year, and elect such officers, and prescribe such rules, regulations and by-laws, as they may deem expedient for the management of their affairs, always keeping a fair record of all their proceedings.

Officers.

First meeting.

SEC. 5. *Be it further enacted*, That William Granville, be, and he hereby is authorized to call the first meeting of the said Board of Trustees at such time and place as he may appoint, at which first meeting there shall be chosen a Secretary, a Treasurer, and a President; also a code of rules, regulations, and by-laws shall be adopted, which shall remain in force one year, and until altered or amended at any future annual meeting. *Provided however*, That nothing in this act, or in the rule, regulations, and by-laws of the aforesaid Methodist Religious Society, shall in any manner be repugnant to the constitution and laws of this Commonwealth.

Proviso.

[Approved by the Lt. Governor, February 15, 1825.]

## CHAP. LXXI.

An Act to prevent the destruction of the Lobster and Clam Fishery in the town of Truro, in the County of Barnstable, and to preserve and regulate the same, within the waters and shores of 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, it shall not be lawful for any person or persons to take any Lobsters, Clams, or any other shell fish, within the waters and shores of the town of Truro, without first obtaining a permit in writing from the Selectmen of the said town, which they are hereby authorized to grant to any person or persons, for such sum paid to the use of said town, and on such conditions, as they shall think proper. And every person offending against the provisions of this Act, shall, for every such offence, forfeit and pay the sum of ten dollars, and in case the number of Lobsters, so unlawfully taken, shall exceed one hundred, such person or persons shall, in addition to such penalty, forfeit and pay a further sum of ten dollars for each hundred Lobsters so taken, and in that proportion for a larger or smaller number over the first hundred; and two dollars for every bushel of clams or quahogs, including their shells, and in that proportion for a larger or smaller quantity that shall be so unlawfully taken.

Penalty.

SEC. 2. *Be it further enacted,* That the waters and shores of the town of Truro shall be considered and taken, by this act, to extend to a line drawn as follows, to wit: beginning at the town line betwixt Provincetown and Truro, on the south side of Cape Cod, at high water-mark, from thence running south-erly across the harbour until it strikes the line at

Line describ  
ed.

low water-mark betwixt Truro and Wellfleet, on the west side of said towns.

Choose fish wardens.

SEC. 3. *Be it further enacted*, That the said town of Truro be, and the said town hereby is authorized to choose annually such number of fish wardens as it may judge necessary, who shall be sworn to the faithful discharge of their duty; whose duty it shall be to prosecute for all offences against this Act; and all fines and forfeitures that shall be incurred by virtue of this Act, shall be recovered, the one half 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 Truro, with legal costs of suit, by an action of debt, in any court proper to try the same.

[Approved by the Lt. Governor, February 15, 1825.]

## CHAP. LXXII.

An Act granting further time for the payment of the last instalment of the Capital Stock of the Globe Fire and Marine Insurance Company.

Further time allowed.

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 Stockholders of the Globe Fire and Marine Insurance Company, may, and shall, have a further time of five years from the date of this Act, to pay in their last instalment, or twenty-five per centum of the capital stock of said company.

SEC. 2. *Be it further enacted*, That the second section of the Act, entitled, "An Act to incorporate the Globe Fire and Marine Insurance Company," so far as it relates to the payment of said last instalment, or twenty-five per centum of said capital stock in one year from the first meeting of said company, be, and the same is hereby repealed.

[Approved by the Lt. Governor, February 15, 1825.]

## CHAP. LXXIII.

An Act to establish the Baptist Society in Montgomery.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Moses Parks, Holly Clark, Warham Mather, Benjamin Phillips, Guy Moor, Apollos Moor, Ebenezer Tillotson, and such others as now are, or may hereafter be associated with them, be, and they hereby are incorporated by the name of The Baptist Society in Montgomery, with all the privileges, powers, and immunities to which parishes or religious societies, in this Commonwealth are entitled.

Persons incorporated.

Powers and privileges.

SEC. 2. *Be it further enacted,* That Moses Parks is hereby authorized to notify the members of the said society, qualified to vote, to assemble at some suitable time and place in said town of Montgomery, then and there to elect such officers, to adopt such by-laws and regulations, and to take such other measures as they may deem necessary for the proper management of the affairs of said Corporation.

Elect officers, and make by-laws.

[Approved by the Lt. Governor, February 15, 1825.]

## CHAP. LXXIV.

An Act in addition to an Act, for the better managing Lands, Wharves, and other real estate, lying in common.

**BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Committee of the proprietors of Lands, Wharves, or other real

estate, lying in common, chosen in pursuance of the Act to which this is in addition, are hereby authorized, in the names of such committee, for the time being, to sue, commence, and prosecute any suits or actions, for damages for any trespass, in any Court proper to try the same, and such actions may be plead in abatement or bar to any suit, in the names of the proprietors, for the same trespass.

[Approved by the Lt. Governor, February, 15, 1825.]

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## CHAP. LXXV.

An Act to repeal part of an Act, entitled, "An Act to incorporate the Second Parish in the town of Deerfield," 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 sixth section of an Act, passed in the year of our Lord one thousand eight hundred and eighteen, entitled, "an Act to incorporate the Second Parish in the town of Deerfield," be, and the same hereby is repealed.

SEC. 2. *Be it further enacted,* That the selectmen, for the time being, of the said town of Deerfield, or the major part of them, be, and they hereby are authorized and required to call the first meeting of the First Congregational parish in said Deerfield, by issuing their warrant, directed to some one member of the same parish, requiring him, by posting up a written notification, at or near the new meeting-house, in the same parish, to give notice to the members of the same, qualified to vote in parish affairs, to assemble and meet at such convenient time and place in said town, as shall be expressed in said warrant, to choose such officers, as parishes are by

First meet-  
ing.

Choice of of-  
ficers.

law authorized or required to choose, in the month of March or April, annually, and to transact all other business, matters, and things which shall by the said meeting be thought necessary or proper for the well being of the same parish.

SEC. 3. *And be it further enacted,* That it shall be the duty of the Clerk, who shall be chosen and appointed at the said first meeting, to transfer from the book of records, of the said town of Deerfield, all votes, matters, and things therein recorded of a merely parochial nature, relating to the concerns of the said first parish, which have been passed or transacted since the first day of January, in the year of our Lord one thousand eight hundred and twenty-three, and to enter and record the same in the book of records to be procured and kept by the same parish, and the said clerk, and all future clerks of the said first parish shall be the legal and proper officer and officers to certify the same, at any future time, whenever it may be necessary or requisite.

Duty of clerk.

[Approved by the Lt. Governor, February 15, 1825.]

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## CHAP. LXXVI.

An Act regulating the taking of fish in the town of Bridgewater, 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 first day of June next, it shall be lawful for the town of Bridgewater to catch the fish called Shad and Alewives in Titicut river, so called, which forms the boundary line between said town of Bridgewater and the town of Middleborough, with a seine or net, and for that purpose they may sell at public auction

May sell  
privilege, &c.

Manner of  
catching.

for their own benefit, the privilege of catching said fish, in said river, with one seine or net only, fifteen rods in length, four days in each week, between the fifteenth day of March, and the first day of June, in each year, to commence at four o'clock on Monday morning, and to end at four o'clock on Friday morning, any thing in any law of this Commonwealth, now existing, to the contrary, notwithstanding. *Provided*, that the said town of Bridgewater shall, at a legal meeting, between the first day of September, and the last day of December, in each year, dispose and make sale of, at public auction, for the next year, and so from year to year, their privilege for catching Shad and Alewives with a seine or net, in the river aforesaid, for the time aforesaid, to such person or persons as shall offer the most for the same, and give sufficient security for the payment of the purchase money at such time, and in such manner as the said town shall order. *Provided also*, that it shall not be lawful for said town, or the purchaser of said privilege, to catch the fish aforesaid, within seventy-five rods of the dam across said river, known by the name of Pratt's Dam.

Proviso.

SEC. 2. *Be it further enacted*, That the purchaser or purchasers of said privilege, shall select the place where he or they intend to use his or their seine or net, for the purpose of catching Shad and Alewives, and shall file a certificate thereof with the Clerk of the town of Bridgewater, on or before the first day of March, in each year; and no purchaser of the privilege aforesaid, shall make use of a seine or net, for the purpose aforesaid, at any other place in said river than the place so selected and certified as aforesaid, during the time aforesaid.

Penalty.

SEC. 3. *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 the fish aforesaid, in said Titicut river, 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 Bridgewater and the other half to him who shall sue or prosecute for the same. *Provided*, that in all prosecutions for any violation of this Act, by the fish inspectors or any other inhabitant of the town of Middleborough, one half of the penalty shall accrue to that town, instead of the town of Bridgewater.

SEC. 4. *Be it further enacted*, That said town of Bridgewater shall, at their 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 the town of Bridgewater, 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.

[Approved by the Lt. Governor, February 15, 1825.]

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## CHAP. LXXVII.

An Act to incorporate the Williamsburg 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 Southworth Jenkins and Joseph Jenkins, their associates, successors and assigns be, and they are hereby made a Corporation by the name of the Williamsburg Manufacturing Company, for the purpose of manufacturing Woollen, Cotton and Linen Goods in the town of Williamsburg, in the County of Hampshire, and for these pur-

Persons in-  
corporated

Powers, privileges, &c.

poses 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, and the several acts in addition thereto.

Estate, real and personal.

SEC. 2. *Be it further enacted*, That said Corporation may be lawfully seized of such real estate, not exceeding the value of one hundred thousand dollars, and such personal estate, not exceeding the value of one hundred and fifty thousand dollars, as may be necessary for carrying on the manufactures aforesaid.

[Approved by the Lt. Governor, February 15, 1825.]

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## CHAP. LXXVIII.

An Act regulating the transportation of Gun Powder in and through the Town of Charlestown.

How conveyed.

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 Gun Powder, brought into or conveyed through the town of Charlestown by the Middlesex Canal, in any boat or otherwise, the same shall be closely and entirely covered with leather or painted canvass, and shall proceed without delay, (other than is necessary in passing locks,) through the Mill Pond to Charles River and to the place of its destination: *Provided nevertheless*, That whenever such boat or other vehicle, be impeded in its passage by wind, low water, or other cause, the same shall be removed at a distance of not less than one hundred yards from the shore or landing place

Proviso.

in said Mill Pond, nor shall it approach said landing place again, unless it proceed without delay to Charles River; and no boat or other vehicle loaded or principally loaded with Gun Powder, shall approach another loaded in like manner and belonging to the same concern within one hundred yards, and no such boat or vehicle shall be allowed to have any fire on board, nor be left without being under the immediate care and inspection of some suitable person.

SEC. 2. *Be it further enacted*, That whenever any quantity of Gun Powder, exceeding fifty pounds, is conveyed into or through said town of Charlestown otherwise than by the Canal, the same shall proceed, without delay, to the place of its destination in carriages or vehicles closely and entirely covered with leather or painted canvass, and the bottom and sides covered with some soft substance that shall prevent any dangerous friction; and all Gun Powder, whether conveyed by land or water carriage, shall be enclosed in tight casks, boxes or cannisters that shall prevent the escape of any particle of their contents; and no load of Gun Powder shall exceed fifteen hundred pounds, or be approached or followed by another load of Gun Powder, belonging to the same concern, within two hundred yards, nor be left without being under the immediate care of some suitable person: *Provided however*, That the provisions of this act shall not extend to the transportation of Gun Powder on the old road leading from Cambridge common to Malden bridge, or in any part of said Town of Charlestown north and West of said road.

SEC. 3. *Be it further enacted*, That Gun Powder shall not be landed in said Town of Charlestown from any vessel or boat, unless the passage to the Powder House by water is so far obstructed, as to render it dangerous or impassible, and in all such cases, when it is necessary for Powder to be landed, it may be done, by an application for that purpose being first made to one or more of the Fire Wards of said Town, and under his or their direction, it

shall be transported forthwith to the Powder House.

SEC. 4. *Be it further enacted*, That Gun Powder found within the Town of Charlestown aforesaid, in violation of the provisions of this Act, may be seized by one or more of the Fire Wards of said Town, and shall be forfeited agreeably to the provisions of an Act entitled "An Act to provide for the safe keeping of Gun Powder in the Town of Charlestown." *Provided however*, That the seizure and forfeiture, in consequence of a violation of this Act, shall in no case exceed five hundred pounds of any one load.

Proviso.

[Approved by the Lt. Governor, February 15, 1825.]

## CHAP. LXXIX.

An Act to incorporate the North River Bridge 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 Edward P. Little, Nathaniel Phillips, together with such other persons as now are associated, or may be hereafter associated with them, be, and they hereby are made and constituted a Corporation and body politic, by the name of The North River Bridge Company, and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution, and do and suffer all matters and things which bodies politic may or ought to do and suffer; and that said Corporation shall and may have full power and authority to make, have, and use, a common seal, and the same to break and alter at pleasure.

Persons incorporated.

May sue and be sued, &c.

May have a seal.

SEC. 2. *Be it further enacted*, That the said Edward P. Little, and Nathaniel Phillips, may, by posting up notifications at some public places in the

towns of Scituate and Marshfield, warn and call a meeting of the proprietors, to be holden at any suitable time and place after ten days from the first posting up said notifications; and the proprietors, by a vote of the majority of those present, or duly represented at said meeting, allowing one vote to and for each single share: *Provided however*, that no one proprietor shall be allowed more than ten votes, shall choose a clerk, who shall be sworn to the faithful discharge of said office, and shall also agree on a method of calling future meetings, and may elect such officers, and make and establish such rules and by-laws as to them may seem necessary or convenient for the regulation and government of the said Corporation, and for collecting the toll hereinafter granted, and may annex penalties to the breach of any by-laws, not exceeding ten dollars; and all rules, regulations, and proceedings of said Corporation shall be fairly and truly recorded by the said clerk, in a book or books to be provided for and kept for that purpose.

First meet-  
ing.

Proviso

Shall choose  
a clerk, &c.

Penalties.

SEC. 3. *Be it further enacted*, That the said proprietors be, and they hereby are authorized and empowered to erect a bridge over North River, between the towns of Scituate and Marshfield, in the County of Plymouth, near the dwelling-house of Edward P. Little, with a convenient draw, at least thirty feet wide, for the passing of vessels; and the said proprietors shall constantly keep some suitable person or persons at the said bridge, who shall raise said draw for any vessel that may be passing up or down said river, free of expense to the owners thereof; *And provided*, that when said bridge is opened to receive tolls, if the person, whose duty it shall be to raise the draw for the passage of vessels, shall unreasonably neglect or refuse to do the same, the proprietors of said bridge shall, for every such neglect or refusal, be liable to a fine of ten dollars for the benefit of the person or persons damaged by such delay, to be recovered in any court of competent jurisdiction to try the same.

Proviso.

Penalty

SEC. 4. *Be it further enacted*, That a toll be, and hereby is granted and established for the sole benefit of said proprietors, according to the rates following to wit: for each foot passenger, one cent; for each horse and rider, five cents; for each horse and chaise, chair, sulky, or sleigh, ten cents; for each coach, chariot or phaeton, twenty cents; for each sleigh drawn by more than one horse, sixteen cents; for each cart, sled, or other carriage of burthen, drawn by one beast, eight cents, if drawn by more than one beast, ten cents; for each horse without a rider, and for neat cattle, two cents each; for sheep and swine, six cents for each dozen; and one person, and no more, shall be allowed to each team as a driver, to pass free of toll. And the toll shall commence on the day of first opening the said bridge, and shall continue for the term of seventy years. And at the place where the toll shall be received, there shall be erected, and constantly exposed to view, a sign-board, with the rates of toll fairly and legibly written or painted thereon in large letters: *Provided nevertheless*, that the Legislature shall have a right, at any time after the expiration of fifteen years, to alter and regulate anew the rates of toll to be received by said proprietors: *Provided also*, that when the receipts of toll or income of said bridge shall have amounted to a sum sufficient to defray the expense of building, repairing, and sustaining the same, and paying an interest of nine per cent. on the first cost, the said bridge shall revert to the Commonwealth; or when the inhabitants of the towns of Scituate and Marshfield shall remunerate the said proprietors for the expense of said bridge, with nine per cent. interest thereon (deducting what may have been received by tolls) said bridge may be opened free of toll, any thing in this Act to the contrary notwithstanding.

Rates of toll.

Proviso.

Proviso.

Power to  
make a road.

SEC. 5. *Be it further enacted*, That the said proprietors be, and hereby are authorized and obliged to lay out, make, and maintain a good and convenient road over the salt marsh, and a small island of up-

land adjoining the north end of said bridge, in the town of Scituate, until it comes to the main upland, being about eighty-three rods. And the said proprietors shall be holden to pay all damages which shall arise to any person, by taking his or her land for such road, where it cannot be obtained by voluntary agreement, to be estimated by a committee to be appointed by the Court of Sessions for the county of Plymouth, saving to either party the right of trial by jury, according to the law which makes provision for the recovery of damages happening by laying out public highways.

SEC. 6. *Be it further enacted*, That the said bridge shall be well built, with suitable materials, at least twenty-two feet wide, and covered with planks, with sufficient rails on each side. And the said bridge shall be kept in good repair at all times; and when the said bridge is built, the clerk of the proprietors shall make a return into the office of the Secretary of the Commonwealth, of the actual expense of building the same: and at the end of fifteen years from the time of opening said bridge, the clerk aforesaid shall make a return into the said Secretary's office, stating the amount of receipts, expenditures, and dividends during the said term of time.

Bridge described.

The Clerk to make returns to the Secretary's office.

SEC. 7. *Be it further enacted*, That if the said proprietors shall neglect, for the space of four years from the passing of this Act, to build and erect said bridge, then this Act to be void and of no effect.

This Act, how void

[Approved by the Lt. Governor, February 15, 1825.]

## CHAP. LXXX.

## An Act to incorporate the Proprietors of Christ Church in Leicester.

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 Hartwell, Seth Hartwell, Hezekiah Stone, Abraham F. Howe, John B. Shaw, Henry K. Newcomb, and James Anderton, with such as may hereafter associate with them, with their polls and estates, according to law, be, and they hereby are incorporated into a religious society, by the name of Christ Church in Leicester, with all the privileges, powers, and immunities to which religious societies are entitled by the Constitution and Laws of this Commonwealth, and according to the rites and discipline of the Protestant Episcopal Church of the United States of America.

Persons incorporated.

Powers, privileges, &amp;c.

Power to warn members.

Choice of officers.

SEC. 2. *Be it further enacted,* That Samuel Hartwell, Esq. be, and he hereby is authorized to issue his warrant, directed to some principal member of said society, requiring him to warn the members of said society qualified to vote, to assemble at some suitable time and place in said Leicester, then and there to choose such officers as they shall see fit, and as parishes are by law required to choose in the month of Mørch or April, annually, and to transact such other business as may be necessary or proper to be done and transacted by said society.

[Approved by the Lt. Governor, February 15, 1825.]



## CHAP. LXXXI.

## An Act to incorporate the Franklin Typographical 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 Amos Sampson, Andrew Wright, Samuel W. Mortimer, William H. Cook, Peter H. Richards, Hiram Adams, and John M. Howes, and their associates and successors, be, and they are hereby incorporated, and made a body politic, by the name of The Franklin Typographical Society, and by that name shall be a Corporation, 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 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 gift, grant, subscription, 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 five thousand dollars, nor the value of the personal estate exceed ten thousand dollars.

Persons in-  
corporated.Have a com-  
mon seal.May sue and  
be sued By-  
laws, &c.  
Proviso.Estate, real  
and personal

Proviso.

SEC. 2. *Be it further enacted*, That any three of the persons named in this Act, be, and they are hereby empowered, by advertisement in any one or more newspapers printed in Boston, to call a meeting of the members of the said society, to be holden at such convenient time and place as shall be appointed in said advertisement, to organize the said society, by the election and appointment of its officers.

Call a meet-  
ing.Election of  
officers.

[Approved by the Lt. Governor, February 15, 1825.]

## CHAP. LXXXII.

An Act to incorporate the Gore Turnpike Corporation.

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 Samuel Slater, Thomas Keith, Willard Arnold, Paul Dudley, their associates, and such as may hereafter associate with them, their successors and assigns, shall be a Corporation, by the name of The Gore Turnpike Corporation, for the purpose of making a Turnpike road from the meeting-house in Douglas to the factory of Samuel Slater, Esq. in Slater's village, in the south westerly part of Oxford, in the county of Worcester, in the most direct and convenient way ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, requirements, and penalties, contained in an Act, entitled, "an Act defining the general powers and duties of Turnpike Corporations," passed on the sixteenth day of March, in the year of our Lord one thousand eight hundred and five, and the several Acts in addition thereto.

Situation of the road.

Powers, privileges, &c.

First meeting. **SEC. 2.** *Be it further enacted,* That any two of the persons named in the first section of this Act, are authorized to call the first meeting of the said Corporation.

[Approved by the Lt. Governor, February 16, 1825.]

## CHAP. LXXXIII.

An Act to incorporate the Trustees of the Ashley School and Charitable Fund.

*Whereas,* Deacon John Ashley, late of West Springfield, in the County of Hampden, deceased,

devised and bequeathed the remainder of his estate, after the payment of certain specific legacies and bequests, to trustees named in his will, for the support of schools in the town of West Springfield, and for the propagation and diffusion of Christian knowledge; *Therefore*, in order that the intention of the said Testator may be carried into effect.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Heman Day, Esquire, Jonathan Parsons, Gentleman, Samuel Lathrop, Esquire, and Justin Ely Esquire, be, and they are hereby constituted a body politic and corporate, by the name of the "Trustees of the Ashley School and Charitable Fund," and by that name shall have perpetual succession, may sue and be sued, may have a common Seal, and possess all the powers incident to corporations by the Laws of this Commonwealth, which are necessary to enable them to carry into effect the last will and testament of Deacon John Ashley, aforesaid, and to execute the trust reposed in them, by that instrument.

Persons incorporated.

May sue and be sued. Have a seal. Have powers, &c.

SEC. 2. *Be it further enacted*, That the said Trustees are authorized to demand, take, and receive all such sums of money, or other property, as are bequeathed or devised to them, by said last will and testament, and shall divide the same into two distinct funds, two third parts thereof, into a fund for the support of schools in the said town of West Springfield, the interest of which shall be annually appropriated and apportioned among the several school districts in said town, for the purposes, and conformable to the directions in said will; the other third part thereof, into a fund for the propagation and diffusion of Christian knowledge, the interest of which, shall be annually paid, one half part thereof, to the Treasurer of the Society for Foreign Missions, and the other half towards the support of missionaries within the United States; *Provided never-*

Proviso.

*theless*, that the said Trustees may at any time discharge themselves of that part of their trust, which relates to the propagation and diffusion of Christian knowledge, by paying over one half part of the principal to the Treasurer of the society for Foreign Missions, and the other half to the Treasurer of the Hampshire Missionary Society.

Vacancies,  
how filled.

Appoint a  
Clerk, Treas-  
urer, &c.

SEC. 3. *Be it further enacted*, That the said Trustees shall have power to fill the vacancy now existing in their body, by the death of Ruggles Kent, one of the Trustees named, by the said John Ashley, and shall, at all future times, have the like power of filling all vacancies which may exist in their Board, and whenever their number shall be reduced below five, shall fill the vacancy, at the first meeting which shall be holden thereafter, by some person qualified according to the provision of said will; said Trustees shall have power to appoint a Clerk, who shall be under oath, faithfully to record all votes and transactions of the Board; a Treasurer, who shall give bonds to the Trustees and their successors, with sufficient surety, in such sum as they shall direct, with condition to do and perform all the duties incumbent on him as Treasurer, and such other officers as they shall think necessary and expedient to enable them to execute the trust reposed in them, which officers shall hold their offices until others shall be chosen and qualified to succeed them.

First meeting

SEC. 4. *Be it further enacted*, That Samuel Lathrop, Esquire, be, and he is hereby authorized to call the first meeting of the Trustees, at which time they may agree upon the mode of calling future meetings, which mode they shall be at liberty to alter at any future meeting.

[Approved by the Lt. Governor, February 16, 1825.]

## CHAP. LXXXIV.

An Act to establish a College in the town of Amherst.

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 incorporated in the town of Amherst, in the county of Hampshire, a College for the education of youth; and that the Rev. Heman Humphrey, D. D., Hon. William Gray, Hon. Marcus Morton, Rev. Joshua Crosby, Hon. John Hooker, Rev. Joseph Lyman, D. D., Israel E. Trask, Esq., Rev. Jonathan Going, Elisha Billings, Esq., Rev. James Taylor, S. V. S. Wilder, Esq., Rev. Joseph Vaill, Hon. Jonathan Leavitt, Rev. Alfred Ely, Hon. Lewis Strong, Rev. Francis Wayland, junior, and Elihu Lyman, Esq., be, and hereby are constituted a body corporate, by the name of The Trustees of Amherst College; and that they and their successors, and such as shall be duly elected members of said Corporation, shall be, and remain a body corporate by that name forever. And for the orderly conducting the business of said Corporation, the said Trustees shall have power and authority, from time to time, as occasion may require, to elect a President, Vice President, Secretary, and Treasurer, and such other officers of said Corporation, as may be found necessary, and to declare the duties and tenures of their respective offices; and also to remove any Trustee from the same Corporation, when, in their judgment, he shall be rendered incapable, by age, or otherwise, of discharging the duties of his office, or shall neglect or refuse to perform the same; and also from time to time to elect new members of the said Corporation: *Provided nevertheless*, That the number of members, (including the President of said College, for the time being, who shall, ex officio, be one of said Corpora-

Persons incorporated.

Power to elect a President and other officers.

Proviso

Vacancies,  
how filled

tion,) shall never be greater than seventeen, and that the five vacancies which shall first happen in the Board of Trustees, shall be filled, as they occur, by the joint ballot of the Legislature in convention of both Houses; and whenever any person so chosen by the Legislature to fill such vacancy, or his successor, shall cease to be a member of the Corporation, his place shall be filled in like manner, and so on forever. And it shall be the duty of the Trustees to fill all other vacancies of their Board, as soon after they occur, as reasonably and conveniently may be done: *And provided further*, That as vacancies shall occur in said Board, they shall be so filled that the said Board, shall, as soon as may be, and forever after, consist of seven clergymen and ten laymen; and the Rev. Heman Humphrey, D. D., is authorized to fix the time and place of the first meeting of the said Trustees, and to notify each of them thereof, in writing.

Proviso.

First meet-  
ing.

SEC. 2. *And 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 the manner of notifying the Trustees to convene at such meetings; and also from time to time to elect a President of said College, and such Professors, Tutors, Instructors, and other officers of the said College, as they shall judge most for the interest thereof, and to determine the duties, salaries, emoluments, responsibilities, and tenures of their several offices. And the said Corporation are further empowered to purchase or erect, and keep in repair, such houses and other buildings, as they shall judge necessary for the said College; and also to make and ordain, as occasion may require, reasonable rules, orders, and by-laws, not repugnant to the constitution and laws of this Commonwealth, with reasonable penalties, for the good government of the said College, and for the regulation of their own body, and also to determine and regulate the course of instruction in said College, and to confer such Degrees as are usually conferred by Colleges in New-

Officers, du-  
ties, salaries,  
&c.

Rules, or-  
ders, &c.

England, except medical degrees: *Provided, nevertheless,* That no corporate business shall be transacted, at any meeting, unless nine, at least, of the Trustees are present. Proviso.

SEC. 3. *And be it further enacted,* That the said Corporation may have a common seal, which they may alter or renew at their pleasure, and that all deeds sealed with the seal of said Corporation, and signed by their order, shall, when made in their corporate name, be considered in law, as the deeds of said Corporation; and that said Corporation may sue and be sued in all actions, real, personal, or mixed, and may prosecute the same to final judgment and execution, by the name of the Trustees of Amherst College: and that said Corporation shall be capable of taking and holding in fee simple, or any less estate, by gift, grant, bequest, devise, or otherwise, any lands, tenements, or other estate, real or personal: *Provided,* that the clear annual income of the same shall not exceed thirty thousand dollars. May sue and be sued.

SEC. 4. *And be it further enacted,* That the clear rents and profits of all the estate, real and personal, of which the said Corporation shall be seized and possessed, shall be appropriated to the endowment of said College, in such manner as shall most effectually promote virtue and piety, and the knowledge of such of the Languages and of the liberal and useful arts and sciences, as shall be directed from time to time by the said Corporation, they conforming to the will of any donor or donors in the application of any estate received, which may be given, devised, or bequeathed, for any particular object connected with the College. Proviso.

SEC. 5. *And be it further enacted,* That the said Trustees be, and are hereby authorized to receive all the real estate, goods, chattels, choses in action, and property of every description whatever, which has, heretofore, been given, conveyed, purchased, bequeathed, devised, or in any other way secured, or engaged to be given, paid, or devised to the Trustees of Amherst Academy, with the intent and for the

Proviso.

purpose of establishing and maintaining a Classical or Collegiate Institution in said town; and that all the said funds and estate, as well as all other property which may be received by them, shall be faithfully and forever used and appropriated according to the will of the donors: *Provided*, That the several acts and contracts of the Trustees of Amherst Academy, relative to the property given for the benefit, and debts incurred by them for the use of the said Collegiate Institution, shall have full force and be equally binding upon the Trustees of Amherst College, as they now are upon the Trustees of said Academy.

SEC. 6. *And be it further enacted*, That no Instructor in said College shall ever be required by the Trustees to profess any particular religious opinions, as a test of office, and no student shall be refused admission to or denied any of the privileges, honors or degrees of said College, on account of the religious opinions he may entertain.

Proviso.

SEC. 7. *And be it further enacted*, That if it shall hereafter appear to the Legislature of this Commonwealth lawful and expedient to remove Williams College to the town of Amherst, and the President and Trustees of Williams College shall agree so to do, the Legislature shall have full power to unite Williams and Amherst Colleges into one University, at Amherst, on such terms and conditions, and under such government, as shall be agreed on by the majority of a Board of seven Commissioners, of whom, two shall be appointed by each of said Colleges, and three by the joint ballot of the Legislature, in convention of both Houses; and in case the Commissioners, or either of them, on the part of the Amherst College, shall not be appointed, then the residue of said Commissioners shall have full power to proceed in the premises: *Provided also*, that if the said Trustees of Amherst Academy shall not, within eight months from the passing of this act, by a good deed or deeds, assign, convey, and make over to the said Trustees of Amherst College, their successors, and



assigns, all the real estate, goods, chattels, choses in action, and property mentioned in the fifth section of this act, to be used and appropriated as is therein provided, this act shall be void.

SEC. 8. *And be it further enacted,* That the Legislature of this Commonwealth may grant any further powers to, or alter, limit, annul, or restrain, any of the powers vested by this act in the said Corporation, as shall be judged necessary to promote the best interests of the said College, and more especially may appoint and establish Overseers or Visitors of the said College, with all necessary powers for the better aid, preservation, and government thereof.

*Provided,* That the granting of this Charter shall never be considered as any pledge on the part of Government, that pecuniary aid shall hereafter be granted to the College. Proviso.

[Approved by the Lt. Governor, February 21, 1825.]

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### CHAP. LXXXV.

An Act in addition to an Act, entitled, "an Act in addition to an Act to incorporate the proprietors of the Charlestown Bleachery."

**BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the said Corporation be, and the same hereby is, authorized to increase the shares of the Corporate Stock thereof to any number not exceeding eight hundred. Increase of shares.

[Approved by the Lt. Governor, February 22, 1825.]

## CHAP. LXXXVI.

An Act to incorporate certain persons in the name of the South Boston Flint Glass Works.

Persons in-  
corporated.

Powers and  
privileges.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same,* That Andrew A. Jones and Daniel Jackson, with such other persons as already have, or hereafter may associate with them, their successors or assigns, be, and hereby are made a corporation by the name of The South Boston Flint Glass Works, for the purpose of manufacturing Glass, and 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," and the several Acts in addition thereto.

Estate, real  
and personal.

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, and such personal estate, not exceeding two hundred thousand dollars in value, as may be necessary and convenient for carrying on the manufacturing of glass.

First meet-  
ing.

SEC. 3. *Be it further enacted,* That either of the persons named in this act, is hereby authorized to call the first meeting of the members of said Corporation, at any convenient time and place, by giving personal notice to each member, for the purpose of choosing officers, and making by-laws, and transacting other business relating to said Corporation.

[Approved by the Lt. Governor, February 22, 1825.]

## CHAP. LXXXVII.

An Act in addition to an Act to incorporate the Salem Laboratory Company.

**BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Salem Laboratory Company be, and hereby is authorized to hold and possess personal estate, not exceeding one hundred thousand dollars, in addition to the sum they are authorized to hold and possess by the Act to which this is in addition.

[Approved by the Lt. Governor, February 22, 1825.]

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## CHAP. LXXXVIII.

An Act to incorporate the Newburyport Hosiery 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 Edward S. Rand, Thomas M. Clark, Dudley A. Tyng, Moses Atkinson, Edward Rand, John Wills, junior, and Ebenezer Mosely, with such other persons as have already, c  
 may hereafter associate with them, their successors, and assigns, be, and they are hereby made a Corporation, by the name of The Newburyport Hosiery Company, for the purpose of manufacturing Stockings, and other Hosiery, at Newburyport, in the County of Essex, 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.  
 Powers, privileges, &c.

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 the several acts in addition thereto.

Capital  
Stock.

SEC. 2. *Be it further enacted*, That the capital stock of said Corporation shall not exceed one hundred thousand dollars, and that it may be lawfully seized and possessed of such real estate, as may be necessary and convenient for the purposes aforesaid, not exceeding the value of twenty thousand dollars.

[Approved by the Lt. Governor, February 22, 1825.]

#### CHAP. LXXXIX.

An Act in addition to an act, entitled, "An Act to incorporate the Provident Institution for savings in the town of Boston."

Power to  
subscribe.

**BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That to the capital stock of any Bank, hereafter to be incorporated in the city of Boston, or to the increased and additional capital stock of any bank already incorporated in said city of Boston hereafter to be authorized; the said Provident Institution for savings in the town of Boston, shall be, and hereby is authorized and empowered to subscribe, by its Treasurer, for any portion of said newly incorporated or increased and additional stock, not exceeding one twentieth part, at the pleasure of said Provident Institution for savings in the town of Boston, on any day before the time when the first instalment of said newly incorporated

or increased and additional stock may be called for by the said several banks respectively; and shall and may pay for said portion of said stock so subscribed for, at the par value, in the same manner as any other stockholder.

[Approved by the Lt. Governor, February 22, 1825.]

## CHAP. XC.

An Act relative to the boundary lines of the City of Boston and the town of Brookline.

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 agreement made by and between the Mayor and Aldermen of the City of Boston, for and in behalf of said City; and the Selectmen of the town of Brookline, in behalf of said town, relative to the boundary lines between the said city and town, be, and the same hereby is ratified and confirmed, and that henceforth the boundary lines between the said city and town, shall be as follows, viz. beginning at a point marked (a) on a plan drawn by S. P. Fuller, eleven hundred and twenty-three feet distant westerly from the westerly side of the filling sluices of the Boston and Roxbury mill dam;—thence running northwesterly from the said point (a) at an angle of one hundred and fifteen degrees from the mill dam, until it strikes the centre of the channel of Charles river; and also running from the said point (a) southerly, at an angle of one hundred and three degrees forty minutes, until it strikes the centre of the channel of Muddy River, at a point where the respective boundaries of Boston, Brookline, and Roxbury meet each other.

Boundary described.

SEC. 2. *Be it further enacted*, That the boundary lines between the counties respectively of Suffolk and Norfolk, so far as they are affected by this act, shall hereafter conform to the said boundary lines between the said city and town, and the same are declared and established to be the boundary lines between the said counties respectively, any thing in any former act to the contrary notwithstanding: *Provided however*, That the several laws regulating the erection of buildings within the city of Boston, shall not extend to the land hereby transferred from said town of Brookline to the said city.

Proviso.

[Approved by the Lt. Governor, February 22, 1825.]

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## CHAP. XCI.

An Act in addition to “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 person shall be required to take or subscribe any oath, before he enters on the discharge of any office, place, or business, or on any other lawful occasion, except in cases where provision is otherwise made by the Constitution, and such person shall declare that he is conscientiously scrupulous of taking or subscribing said Oath, he shall be permitted to affirm in the manner provided by law for the denomination of Quakers: *Provided however*, that if the Court or Magistrate shall not be satisfied of the truth of such declaration, they may require such evidence thereof as in their discretion may seem proper; and if such evidence shall not be produced, may refuse such

Proviso.

person the privilege of affirming, and may require him to take the oath as in other cases.

SEC. 2. *Be it further enacted*, That if any person shall wilfully, falsely, and corruptly take or subscribe any such affirmation as aforesaid, he shall be liable to the same penalties as are or may be by law provided against persons who wilfully, falsely, and corruptly take or subscribe the oath, for which such affirmation is substituted.

Liable to penalties.

[Approved by the Lt. Governor, February 22, 1825.]

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## CHAP. XCII.

An Act to incorporate the First Universalist Society in Taunton.

**BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Alfred Baylies, Miles Stoddard, William W. Crossman, Charles Foster, John Smith, Isaac Babbitt, Samuel Caswell, junior, Leonard Crossman, William N. Spinney, James Thurber, John Baylies, Alexander Black, Caleb B. Porter, Walter H. Atwood, Daniel Trask, Abisha L. Eddy, Caleb Churchill, Marston Churchill, Joseph Hood, William Presbury, third, Luther Chase, and Nathan King, junior, 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 Universalist Society in Taunton, in the County of Bristol, with all the powers, privileges, rights, and immunities to which parishes and other religious societies are entitled by the Constitution and Laws of this Commonwealth.

Persons incorporated.

Powers, privileges, &c.

SEC. 2. *Be it further enacted*, That any Justice

Power to call  
a meeting.

Choice of of-  
ficers.

of the Peace for the County of Bristol, upon appli-  
cation therefor, is hereby authorized to issue his  
warrant, directed to some member of the said First  
Universalist 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 em-  
powered and required to choose at their annual  
meetings.

[Approved by the Lt. Governor, February 22, 1825.]

### CHAP. XCIII.

An Act to incorporate the Second Baptist Society in  
Boston.

Persons in-  
corporated.

Powers and  
privileges.

Call first  
meeting.

**BE** it enacted by the Senate and House of Re-  
presentatives in General Court assembled, and by the  
authority of the same, That Thomas Badger, Jacob  
Hiler, Heman Lincoln, Benjamin Shurtleff, Thomas  
Edmans, and Robert Fennelly, with their associates  
and successors, be, and they are hereby incorporated  
by the name of The Second Baptist Society in Bos-  
ton, with all the powers and privileges to which  
other religious societies are entitled by the Consti-  
tution and Laws of this Commonwealth, and the  
aforesaid Thomas Badger, and Jacob Hiler, or either  
of them, are hereby authorized to call the first meet-  
ing of said Society by giving due notice thereof.

[Approved by the Lt. Governor, February 22, 1825.]



## CHAP. XCIV.

An Act for the preservation and regulation of the Fishery in the towns of Edgarton, Chilmark, and Tisbury.

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, it shall not be lawful for any person living without the jurisdiction of this Commonwealth, to take any Lobsters, Tautog, Bass, or other fish, within the harbours, inlets, coves, or waters of the towns of Edgarton, Chilmark, and Tisbury, for the purpose of carrying them away from said waters, in smacks or vessels owned within this Commonwealth over fifteen tons; and any and every person, offending against the provisions of this Act, shall forfeit and pay the sum of ten dollars for every offence, and also forfeit all the fish and lobsters so taken. Penalty.

SEC. 2. *Be it further enacted,* That the waters and shores of the said towns of Edgarton, Chilmark, and Tisbury shall be considered and taken by this act to extend from the whole County of Dukes to all the waters and rocks lying within one mile of the said County.

SEC. 3. *Be it further enacted,* That all fines and forfeitures which may be incurred for offences against this Act, shall be one half to him or them, who may first sue for the same, and the other half to the use of the town to which the complainant belongs; and the said fines and forfeitures may be recovered, with legal costs of suit, by action of debt or information, before any Justice of the Peace for the County of Dukes; and any person or persons aggrieved at the sentence of the Justice of the Peace, given in pursuance of this Act, may appeal therefrom to the next Court of Common Pleas, to be holden in the County in which judgment may be rendered. Use of fines.

[Approved by the Lt. Governor, February 22, 1825.]

## CHAP. XCV.

## An Act to incorporate the Institution for Savings in Roxbury 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 Nathaniel Dorr, Charles Davis, Jonathan Dorr, Isaac Davis, John Lemist, Enoch Bartlett, Eliphalet Porter, John Bartlett, Samuel I. Gardner, Joseph Curtis, Ralph Haskins, Samuel Guild, Samuel Dogget, John Prince, David S. Greenough, Ebenezer Crafts, Stedman Williams, Benjamin Weld, William H. Spooner, Benjamin Billings, and Jonathan Richards, be, and they hereby are incorporated into a Society, by the name, style, and title, of The Institution for Savings in Roxbury and its vicinity, and that they, and such others as may 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 forever.

Persons in-  
corporated.

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; and all such deposits of money, received by the said Society, shall be used and improved to the best advantage of the owners thereof; and the net income or profit thereof shall be, by the said Society, applied and divided among the persons making the deposits, their executors, administrators or assigns, in just proportion to each depositor; and the principal of such deposits may be withdrawn at such time and in such manner as the said Society shall direct and appoint. And the said Corporation may, at their first meeting,

and at their annual meetings in December, have power to elect, by ballot, additional members of the said Society.

SEC. 3. *Be it further enacted,* That the said Corporation may have a common seal, which they may change and renew at their 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 have a seal.

SEC. 4. *Be it further enacted,* That the said Society shall hereafter meet at Roxbury, at such time in the month of December 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 December annually, shall have power to elect a President, and all such other officers as to them shall appear necessary; which officers, so chosen, shall continue in office one year, and until others are chosen in their stead; and the Secretary and Treasurer so chosen, shall be under oath to the faithful performance of the duties of their offices respectively; and they shall also have the power of making by-laws, for the more orderly management of the business of the Corporation: *Provided,* such by-laws are not contrary to the Constitution and laws of this Commonwealth. Election of officers.

SEC. 5. *Be it further enacted,* That any three of the persons named in this act are hereby empowered, by public notification in two newspapers printed in Boston, to call and notify the first meeting of the said Society, at such time and place as they may judge proper. Power to make by-laws.

[Approved by the Lt. Governor, February 22, 1825.] Proviso.

First meeting

## CHAP. XCVI.

An Act to establish the Easton Lead and Silver Mining and 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 Jonathan Leonard, and Rhodolpho Leonard, together with such others as may hereafter associate with them, and their successors, or assigns, be, and they are hereby made a Corporation by the name of the Easton Lead and Silver Mining and Manufacturing Company; for the purpose of mining for Lead and Silver, and of manufacturing the same, in the town of Easton, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements, prescribed and contained in an act 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," and the several acts in addition thereto.

Persons in-  
corporated.

Powers, priv-  
ileges, &c.

SEC. 2. *Be it further enacted,* That the said Corporation may lawfully hold and possess such real estate, not exceeding the value of fifty thousand dollars, and such personal estate, not exceeding the value of thirty thousand dollars, as may be necessary and convenient for the purpose of carrying on the business aforesaid.

Estate, real  
and personal.

[Approved by the Lt. Governor, February 22, 1825.]

## CHAP. XCVII.

An Act to incorporate the proprietors of the Meadows eastward of the causeway leading to Farm Neck.

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 owners of the meadows, lying easterly, and above the causeway leading to Farm Neck, and westerly and below the great pond in the town of Scituate, County of Plymouth, be, and they hereby are incorporated by the name of the Proprietors of the Farm Neck Marshes, and by that name may sue and be sued, and do and suffer all such acts and things, as like bodies corporate, may and ought to do and suffer. And the said proprietors shall have power, from time to time, to appoint a Clerk, Assessors, Collector and all other officers necessary for the conducting of their concerns, who shall be severally sworn to the faithful discharge of their respective trusts, and the said Corporation, at any legal meeting called for that purpose, shall have power to raise monies for the purpose of erecting, repairing and maintaining gates, and dams, or to carry into effect any other measure for the draining of said meadows, which a majority of said proprietors, at any legal meeting, may deem expedient. And all monies so raised, shall be assessed on the several proprietors according to the number of acres of said meadows he or she may own. And at meetings of said proprietors, each proprietor present shall be entitled to as many votes as he or she owns acres of said meadows; if any proprietor present shall so require the votes to be taken. And at the first meeting of said Corporation, they shall determine the manner of calling their future meetings.

Persons incorporated.

Power to appoint a Clerk &c.

Power to raise monies.

Meeting.

SEC. 2. *Be it further enacted*, That any Justice of the Peace in the County of Plymouth be, and he is hereby empowered and directed, upon application in writing of any three or more of said proprietors, to issue his warrant to one of the applicants aforesaid, requiring him to notify and warn a meeting of said proprietors, at such time and place as he shall think most convenient, a copy of which shall be posted up at two or more public places in the town of Scituate, seven days at least before the time of holding said meeting. And if any proprietor shall refuse or neglect to pay the sum or sums assessed upon him or her as aforesaid, after thirty days notice, so much of his or her meadow land shall be sold at public vendue, as will be sufficient to pay the same, with legal costs, after posting up notice of the time and place of sale at two or more public places in the town of Scituate, thirty days at least before the time of sale.

[Approved by the Lt. Governor, February 22, 1825.]

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### CHAP. XCVIII.

An Act in addition to an Act entitled, "An Act to regulate the going at large of Sheep and Rams, and He-goats, at certain seasons of the year."

Penalty.

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 the owner of any Ram shall suffer the same to go at large out of his or her enclosure, between the first day of July and the twenty-fifth day of December, in any year, such owner shall forfeit and pay the sum of five dollars to the person who shall first sue for the same in an action of debt before any Justice of the Peace in the

county where such owner lives; *Provided*, such action be brought within thirty days next after such Ram shall be found going at large as aforesaid. Proviso.

SEC. 2. *Be it further enacted*, That if any Ram within the times aforesaid, shall be found going at large out of the owner's enclosure, and the owner thereof is not known, it shall be lawful for any person to take up and keep the same in some suitable place, and within twenty-four hours next after taking up such Ram, shall lodge a notification in writing, by him signed, with the town clerk of the same town, setting forth the colour and marks, natural and artificial, if such there be, and also to post up in some public place in the same town, within the said twenty-four hours, a similar notification, and in case the owner of such Ram shall appear within seven days next after notice given as aforesaid and shall pay or tender the sum of five dollars to the person taking up such Ram, the same shall be restored to the owner, but if the owner do not appear and pay the said sum of five dollars, within the said seven days, such Ram shall be forfeited to the person taking up the same as aforesaid, and nothing in this act shall be construed to bar any person from an action for damage done by any Ram going at large as aforesaid.

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

[Approved by the Lt. Governor, February 22, 1825.]

## CHAP. XCIX.

## An Act to incorporate the Trinitarian Congregational Society in Taunton.

Persons in-  
corporated.

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 Godfrey, Nathaniel Williams, Jesaniah Sumner, Job King, John Hodges, James Walker, Samuel Dunbar, Jesse Smith, Silas Shepard, Samuel Staples, William Reed, Silas Leonard, Job King, junior, George Leonard, Charles Godfrey, Oliver Soper, George Godfrey, Samuel Godfrey, Simeon Tisdale, Zephaniah L. Hodges, Philander W. Dean, Richmond Walker, John Williams, Susanna Hall, Mary B. Bush, Betsy Allen, Nancy Littlefield, William Allen West, Christopher C. Dean, John W. Seabury, junior, Peleg Seabury, William Dean, David Reed, Jonathan Reed, Roswell Ballard, and Samuel B. Staples, with such others as may associate with them, and their successors, be, and they hereby are incorporated into a Society by the name of the Trinitarian Congregational Society in Taunton, with power to purchase, take and hold any estate, real, personal, or mixed, for the support of the ministry and the suitable maintenance of the public worship of Almighty God, in said Taunton: *Provided*, the same shall not exceed in value the sum of thirty thousand dollars.

Proviso.

May choose  
Trustees.Rules, by-  
laws, &c.

SEC. 2. *Be it further enacted*, That said Society shall have power annually to choose seven Trustees to manage, under the direction of said corporation, the funds and other property thereof, and also such other officers as may be necessary to conduct and transact the business of said society, and to make such rules and by-laws regulating the times and places of holding, and the manner of notifying its meetings, and also such other rules and regulations,



not repugnant to the Constitution and laws of this Commonwealth, as may be found necessary for the convenient transaction of the business of said Society.

SEC. 3. *Be it further enacted,* That John Godfrey, Nathaniel Williams, John W. Seabury, Samuel Staples, William Reed, Silas Shepard, and James Walker, be, and they hereby are created a body politic and corporate, by the name of the 'Trustees of the 'Trinitarian Congregational Society in Taunton, and that they and their successors, to be chosen as before in this act provided, shall so continue forever; and by that name may sue and be sued in all actions real, personal and mixed, and prosecute and defend the same to final judgment and execution, and may hold in trust for said Trinitarian Congregational Society, and manage, under its direction, such funds and other property as said Society may acquire and place in their hands and possession, and may have a common seal and alter the same at pleasure, and make such rules and regulations, not inconsistent with the Constitution and laws of this Commonwealth, as may be necessary to promote the object of their appointment.

May sue and  
be sued, &c.

SEC. 4. *Be it further enacted,* That the first meeting of said Society shall be convened by a warrant to be issued by any Justice of the Peace in the County of Bristol, directed to any member of said Society, requiring him to notify the members of said Society to meet at a suitable time and place to be appointed in said warrant.

First meet-  
ing.

[Approved by the Lt. Governor, February 24, 1825.]

## CHAP. C.

An Act to change the names of the 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 the several persons herein named shall hereafter be known and called, by the names they are hereby respectively allowed to assume, viz. That Samuel Baker, mariner, may take the name of Samuel Baker; that Phineas Sargent Denny, may take the name of Thomas Denny; that Edward Edes Eayres, a minor, may take the name of Edward Edes Eayres Gardner; that William Holbrook, may take the name of William Reed Holbrook; that Noah Langley, trader, may take the name of Nathan Lang; that Jacob Noyes, may take the name of Jacob Wyatt Noyes; that Salome Noyes, may take the name of Salome Hooper Noyes; that Charles Parker, a minor, may take the name of Charles Hamilton Parker; that Asa Raymond, junior, may take the name of Edward Asa Raymond; that Catharine Russell, may take the name of Catharine Graves Russell; that Philander Shaw, junior, may take the name of Joseph Philander Shaw; that David Weld, may take the name of Aaron Davis Weld; that William Frickey may take the name of William Tracy; that John George Booth, may take the name of George Frederick Noble; all of Boston, in the County of Suffolk; that James Brown 3d, mariner, of Salem, may take the name of William James Brown; that Ruth Ward Bott, a minor, may take the name of Ruth Susan Safford Bott; that Betsey Frye, of Salem, a single woman, may take the name of Martha Elizabeth Grey; that Bracket Furbush of Salem, may take the name of Bracket Lord; that Mary Parrott of Gloucester, may take the name of Mary Georgianna Parrott; that Calvin Colman, a minor, of

Names  
changed.

Rowley, may take the name of William Colman Searle; that Samuel Miller Searle, a minor, of Rowley, may take the name of Thomas Samuel Searle; that Joseph Vincent, the fourth, of Salem, may take the name of Joseph Clarkson Vincent; that Hiram McGlathlen of Salem, may take the name of Hiram West, all of the County of Essex; that Nathaniel Brown, of Charlestown, may take the name of Nathaniel Brown Winship; that Charles Chase Gordon, of said Charlestown, may take the name of Robert Gordon; that Isaiah King, junior, of Framingham, may take the name of Isaiah Francis King; that Elizabeth Townsend, of Waltham, may take the name of Mary Elizabeth Townsend; that John Prince Seaver, a minor, of Newton, may take the name of John Seaver; that James Warren, a minor, of Brighton, may take the name of James Lloyd La Fayette Warren, all of the County of Middlesex; that Samuel Arnold of Braintree, may take the name of John Boss Arnold; that Ebenezer Perry Chase of Bellingham, may take the name of Ebenezer Chase; that James Ward of Roxbury, may take the name of James Otis Ward; that Noah Worcester of Brookline, may take the name of Henry Aiken Worcester, all of the County of Norfolk; that David Ryder of Dartmouth, in the County of Bristol, may take the name of David Cummings Ryder; that Thomas Allen, of New-Bedford, in said County, may take the name of Thomas Munroe Allen; that William Fessenden 3d, of Sandwich in the County of Barnstable, may take the name of William H. Fessenden; that Comfort Haven, a minor, of Bolton, may take the name of Clymena Matilda Haven; that Mary Aikin Paige, of Hardwick, may take the name of Mary Ann Aikin Paige; that Harriet Phelps of Hubbardston may take the name of Mary Harriet Phelps, all of the County of Worcester; that Augusta Demond of Ware, may take the name of Mary Augusta Demond; that Reuben Field of Williamsburg, may take the name of Luther Franklin Sanderson; that Henry Strong of Northampton, may take the name of William Augustus Strong, all

of the County of Hampshire ; that Payson Kendall of Boston, in the County of Suffolk, may take the name of Henry Payson Kenall ; that Mary Warren of Lincoln, in the County of Middlesex, may take the name of Mary Fassit ; that Caroline Emery of Newburyport, in the County of Essex, may take the name of Caroline Smith Emery ; and the several persons herein named, shall hereafter be called and known by the names which by this act they are respectively allowed to assume as aforesaid, and the same shall be considered as their only proper and legal names.

[Approved by the Lt. Governor, February 24, 1825.]

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## CHAP. CI.

An Act to regulate the fishery in Ipswich River, within 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 from and after the passing of this act, it shall be lawful for the inhabitants of the town of Ipswich, to sell and dispose of the right of taking the fish called shad and alewives, with seines or drag nets in Ipswich river, within the limits of said town, one day in each week, according to the provisions of an act concerning said fishery, passed on the twenty-third day of February, in the year of our Lord one thousand eight hundred and eleven, at such place, as the fish committee of said town shall direct, the proceeds of such sale to be applied according to the directions of said town at their annual meetings.

May sell, &c.

Proceeds,  
how applied.

SEC. 2. *Be it further enacted,* That any person, other than the purchaser or purchasers of the aforesaid right, or those employed by them, who shall

take any of said fish in Ipswich river, within said town, with seines or drag nets, shall forfeit and pay a sum not less than ten dollars, and not exceeding twenty dollars, for each offence to be recovered by an action of debt in any court proper to try the same, one half thereof to the use of the said town of Ipswich, and the other half to him or them who shall sue for the same. Penalty.

[Approved by the Lt. Governor, February 24, 1825.]

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## CHAP. CII.

### An Act to regulate Hay Scales.

**BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Selectmen, for the time being, of every town, or the City Council of any city, in this Commonwealth, be, and they are hereby authorized from time to time, as they may think expedient, to appoint, for a term not exceeding one year, one or more person or persons, to have the superintendence of the Hay Scales belonging to such town or city, whose duty it shall be to weigh hay offered for sale in such town or city, and any other article offered to be weighed; and the person or persons so appointed shall conform to all such rules and regulations as shall from time to time be made and established by the Selectmen or City Council, concerning the said Hay Scales and the use of the same, and the compensation or fees for weighing hay and other articles; and the said Selectmen or City Council, for the time being, are hereby authorized to remove any weigher, and to fill any vacancy that may occur from death or otherwise; and if any person, not authorized as aforesaid, shall set

Authorized  
to remove,  
&c.

up any Hay Scales in any town or city, for the purpose of weighing hay, or other articles, he shall forfeit and pay for such offence the sum of twenty dollars a month, so long as the same shall be continued, to be recovered by an action of debt in any court proper to try the same, to be appropriated to the use of said town or city: *Provided however*, that this act shall apply to such towns only, as may adopt the same at their annual meeting in March or April, and shall cease to operate in such towns, whenever, at any meeting, the said town shall so determine: *And provided also*, that the same shall apply to such cities only as may adopt the same, and shall cease to operate in such city, whenever the City Government shall so direct.

[Approved by the Lt. Governor, February 24, 1825.]

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### CHAP. CIII.

An Act to incorporate the Proprietors of the City Hotel in Boston.

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 Josiah Bradlee, Daniel P. Parker, Thomas B. Wales, John F. Loring, Cornelius Coolidge, William Lawrence, Abbot Lawrence, Henry Rice, William H. Boardman, Nehemiah Parsons, Lemuel Pope, junior, Josiah Marshall, James Freeman, William Dehon, Nathaniel P. Russell, Charles Bradbury, Samuel Fales, Benjamin Willis, Jesse Putnam, Joseph Balsh, Titus Welles, Ebenezer Chadwick, Henry Hall, Samuel H. Foster, Tasker H. Swett, Elijah Loring, Samuel Billings, Samuel A. Wells, George Hallet, Jeremiah Fitch, Joseph Tilden, John Williams, John Dorr, Thomas

K. Jones, George W. Pratt, Ignatius Sargent, George A. Goddard, Samuel C. Gray, Ebenezer Rollins, and John D. Williams, their associates, successors, and assigns, be, and they hereby are made and constituted a Body Politic and Corporate, by the name of "The Proprietors of the City Hotel in Boston," for the term of twenty years and no longer, and by that name are made capable in law to sue and be sued, to plead and to be impleaded, to have a common seal, and the same to alter and renew at pleasure, and generally to do and perform all acts incident to corporations, according to the laws of this Commonwealth, and the provisions, limitations and restrictions in this act contained.

May sue and  
be sued.  
Have a seal.  
&c.

SEC. 2. *Be it further enacted*, That the said Corporation hereby created, is hereby enabled and empowered to purchase and to hold, as corporate property, any pieces of land, or parcels of land, adjoining each other within the City of Boston, and thereon to erect a building or buildings, to be used and improved as a Public Hotel, and such Halls and other edifices for public use and accommodation, as the said Corporation may deem to be beneficial and expedient: *Provided always*, that the land and buildings and appurtenances so had and held by said Corporation, shall never exceed in value the sum of five hundred thousand dollars. *Provided also*, that all the books of said Corporation shall be open to all persons having claims and demands on the said Corporation, and who shall have actually instituted a suit against them. *Provided also*, that said Corporation shall be authorized and empowered to purchase and hold as corporate property, such pieces or parcels of land, not adjoining each other, as may be deemed necessary for the erection of such stables, bath houses, or other offices, as shall be required for the use of said City Hotel.

Proviso

SEC. 3. *Be it further enacted*, That it shall be lawful for the said Corporation to divide their Corporate property into a number of shares, not ex-

Number of  
shares.

ceeding five thousand, of the value of one hundred dollars each.

SEC. 4. *Be it further enacted.* That the shares in said Corporation shall be personal estate, and that the evidence of proprietorship in shares, shall be a certificate signed by the President and countersigned by the Secretary, and bearing the common seal of the Corporation, and shall be assignable by endorsement under the hand and seal of the proprietor, to whom the same shall have been issued, and the title to any share or shares shall be vested in any assignee thereof, when the assigned certificate shall be surrendered, and a new certificate shall have been issued in manner aforesaid to the assignee.

Choice of of-  
ficers.

SEC. 5. *Be it further enacted,* That the said proprietors, at their first or any subsequent meeting, may choose such a number of Directors as they shall think proper, and a Secretary, Treasurer, and any other officer or officers, as said proprietors may think best; that from their own number the Directors shall choose a President; and all officers of said Corporation shall be annually elected, unless said proprietors shall otherwise order. Such annual elections, shall be held in the City of Boston, on such day in the month of January, and at such place, as said proprietors may order; that public notice shall be given of the time and place of holding such annual elections, by advertisement in two or more of the newspapers printed in Boston, ten days at least before the time therefor appointed.

Proviso.

SEC. 6. *Be it further enacted,* That in the election of officers, and in all other voting in the affairs of said Corporation, at any and all meetings of proprietors, each proprietor shall be entitled to as many votes as he shall have shares; *Provided,* that no one proprietor shall have more than thirty votes; absent proprietors may authorize any proprietor to appear and vote in their behalf, such authority appearing by writing filed with the recording officer of the meeting.



SEC. 7. *Be it further enacted*, That said Corporation shall have power to assess on the several members thereof, from time to time, such sums of money as may be deemed necessary to effect the objects of the Corporation, not exceeding one hundred dollars in the whole on each share, and may order at what time and to whom the sums assessed shall be paid. *Provided always*, that two thirds in number and value of the proprietors present at the meeting in which any assessment shall be voted, shall concur therein; *And provided also*, that no assessment shall be made unless public notice shall be given of the time, place and purpose of meeting, by advertisement in two or more of the newspapers printed in Boston, ten days at least before the time therefor appointed.

Power to assess money.

Proviso.

SEC. 8. *Be it further enacted*, That after an assessment shall have been laid on the shares of this Corporation, no assignee of any share shall be entitled to a certificate in his own name until he shall have paid all assessments due on the share or shares by him claimed, and the said Corporation shall have power, by such rules and regulations as it may establish, to sell at public auction, and issue a new certificate to the purchaser of any share or shares whereon any assessment shall be due and unpaid, notwithstanding any assignment thereof by the delinquent proprietor.

Rules and regulations.

SEC. 9. *Be it further enacted*, That the said Corporation is hereby authorized and empowered to exchange any part of the land purchased by them for other land contiguous thereto, if in the execution of the design of said Corporation such exchange shall be manifestly expedient for such purpose; *Provided*, that if in the purchase of any estates contiguous to each other, said Corporation shall become possessed of more real estate than shall be necessary for the purposes of said incorporation, the said Corporation shall be authorized and empowered to sell, alien and convey any such surplus real estate.

Proviso.

Power to sell, &c.

SEC. 10. *Be it further enacted*, That the shares of proprietors in this Corporation shall be liable to

be attached on mesne process, and taken and sold on execution to satisfy judgments recovered against any proprietor or proprietors as by law is provided in similar cases.

First meet-  
ing.

SEC. 11. *Be it further enacted*, That the said Bradlee and his associates, or any three of them, shall have authority to call the first meeting of the said Corporation, by advertising in any of the public newspapers printed in the City of Boston, ten days at least before the time of meeting.

SEC. 12. *Be it further enacted*, That, at the expiration of the term of twenty years, all real estate then belonging to the said Corporation shall be vested in such persons as may then be members thereof, and their respective heirs and assigns, as tenants in common, in proportion, and according to the number of shares which they may then hold.

[Approved by the Lt. Governor, February 24, 1825.]

#### CHAP. CIV.

An Act to incorporate the Trustees of the Theatrical Benevolent Fund in the City of Boston.

Persons in-  
corporated.

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. A. Dickson, Thomas Kilner, John Worrall, Charles Young, and Henry J. Finn, all inhabitants of Boston, together with such persons as shall hereafter associate with them, be, and they are hereby constituted a body politic and corporate by the name of the Trustees of The Theatrical Benevolent Fund, and by that name shall have perpetual succession, and may sue and be sued, implead and be impleaded, may have a common seal, and shall possess and enjoy

May sue and  
be sued, &c.  
May have a  
seal.

such other powers and privileges as are incident to corporations of a like nature.

Powers and  
privileges.

SEC. 2. *Be it further enacted,* That the said Trustees shall have power to take and receive into their hands and possession, all such sums of money as shall be paid or received by donation, subscription, or otherwise, towards the support and maintenance of poor, infirm, and distressed persons attached to the Boston Theatre, or subscribers to said fund, from, or attached to, other regularly established Theatres in the United States, or of their widows and orphans, so that the whole amount of real estate to be held by said Corporation shall not exceed the sum of twenty thousand dollars, and the personal estate shall not exceed the sum of ten thousand dollars.

Power to re-  
ceive money.

SEC. 3. *Be it further enacted,* That the interest accruing from said fund shall always be appropriated to the relief of poor and distressed actors, as above, and to their widows and orphans, and to no other purpose; and it shall not be lawful for said Trustees to appropriate any part of the principal of said fund, and they shall use their endeavors to preserve the same entire and unimpaired.

Use of Fund.

SEC. 4. *Be it further enacted,* That the said Trustees shall have power, and it shall be their duty to fill up all vacancies which may happen in their Board by reason of death, resignation, or otherwise, and the number of said Trustees shall never be increased beyond seven, or reduced below three.

Number of  
Trustees.

SEC. 5. *Be it further enacted,* That the said Corporation shall appoint a President and a Secretary, also a Treasurer, who shall give bond to the Trustees and their successors, with sufficient surety or sureties, conditioned to perform faithfully the duties incumbent on him as Treasurer; which officers shall hold their respective offices until others shall be elected in their stead by the Trustees of said fund.

Appoint a  
President,  
&c.

SEC. 6. *Be it further enacted,* That James A. Dickson, Esquire, be authorized to call the first meeting of the Trustees of said fund, for organizing the

First meet-  
ing.

By-laws, &c Board, for establishing all necessary rules and by-laws, for determining the time and manner of holding future meetings, for the election of officers, and for transacting any other business which may be deemed necessary.

[Approved by the Lt. Governor, February 24, 1825.]

### CHAP. CV.

An Act in addition to an Act, entitled, "an Act to incorporate the Trustees of the Methodist Religious Society in South 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 Trustees of the Methodist Religious Society in South Boston, may have and hold any personal or real estate in South Boston, not exceeding the value of fifty thousand dollars, for the benefit and in the behalf of the Methodist Religious Society in South Boston, and the same manage and improve, or sell and convey, as the case may require, subject however to such rules and regulations as may be prescribed and adopted by a majority of the male members of said Methodist Religious Society, at any annual meeting thereof.

Estate, real  
and personal.

SEC. 2. *Be it further enacted,* That the second section of the bill to which this is in addition, be, and the same is hereby repealed.

[Approved by the Lt. Governor, February 24, 1825.]

## CHAP. CVI.

An Act to extend the powers and duties of Sheriffs, Coroners, and Constables 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 officer to whom a writ of replevin is directed, shall be required to replevy any goods or chattels, and the defendant in such writ, or such officer, shall suppose that a bond in a sum, which is twice the value of such goods and chattels as the same shall be valued in such writ, may be an insufficient security, for such defendant, such officer shall cause the same to be appraised by three disinterested and discreet men of his county, under oath, and shall return on said writ that such an appraisal has been made, and the expenses thereof, and shall take bond to the defendant in double such appraised value.

Replevy any goods or chattels, &c.

SEC. 2. *Be it further enacted,* That sheriffs and their deputies are hereby authorized and empowered to summon and attend Juries to assess damages sustained by the locating of turnpike roads, in cases where the sheriff, any deputy or deputies, other than the officer who shall summon and attend such Jury as aforesaid, are members of such turnpike corporation, any law, usage, or custom, to the contrary notwithstanding.

Empowered to summon Juries, &c.

[Approved by the Lt. Governor, February 24, 1825.]

## CHAP. CVII.

An Act in addition to an Act, entitled, "an Act to prevent the destruction and to regulate the catching of the fish called Alewives, in their passage up the rivers and streams in the town of Harwich, in the County of Barnstable."

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 to catch, by seining thereof, any of the fish called Alewives, within one mile of the river called Herring River, in the town of Harwich aforesaid.

SEC. 2. *Be it further enacted*, That if any person or persons shall violate the provisions of this Act, each person so offending, for each and every such offence, shall, on conviction thereof, pay a fine not exceeding three dollars, nor less than one dollar, if the quantity of fish is less than one barrel; but if the quantity 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 three dollars.

Penalty.

Penalties,  
how recovered.

SEC. 3. *Be it further enacted*, That any penalties, incurred by any breach of this Act, shall be recovered and appropriated in the manner prescribed by the Act to which this is in addition, for the recovery and appropriation of the penalties incurred under the provisions of that Act.

[Approved by the Lt. Governor, February 24, 1825.]

## CHAP. CVIII.

An Act to authorize Josiah Robbins to erect and maintain certain Tides Gates in the town of Plymouth.

**WHEREAS** Josiah Robbins, of Plymouth, has heretofore used the causeway on each side of the town brook, near where it meets the tide waters in said town, and erected gates across said brook, adjacent to said causeway, for the purpose of raising a pond for the successful operation of a Cordage Manufactory. And whereas said Robbins has petitioned this Court for leave to continue his gates for the purposes aforesaid.

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 said Josiah Robbins, his heirs and assigns, proprietors of said Cordage Manufactory, be, and they hereby are authorized and empowered to keep up and maintain a gate or gates across the said town brook, and connected with said causeway, for the purpose of stopping the water for the operation of a Cordage Manufactory.

Persons authorized, &c.

**SEC. 2.** *Be it further enacted,* That any person sustaining any damage in consequence of the erection of said gates, or the stoppage of said water as aforesaid, unless the same shall be adjusted by mutual agreement of the parties, may apply, if within two years from the passage of this Act, to the Court of Common Pleas, holden within and for the County of Plymouth, for a committee to be appointed to estimate said damage, and upon such application, the said Court, after fourteen days notice to said Robbins, his heirs or assigns, proprietors of said Cordage Manufactory, to appear and shew cause why such committee should not be appointed, shall, if no good cause be shewn to the contrary, appoint three

disinterested freeholders within the same county, at the expense of said Robbins, his heirs or assigns as aforesaid, which committee, being first duly sworn before some Justice of the Peace, and giving due notice to both parties to appear if they see fit, for a hearing before them, shall proceed to the duties of their appointment, and they shall first inquire whether any damage has been sustained from the causes aforesaid, and if any, they shall estimate the same, and shall make return of their doings as soon as may be into the said Court, and upon the acceptance of said report, judgment may be given thereon, with reasonable costs to the party prevailing, and execution issued accordingly. *Provided, however,* that nothing in this Act contained shall be deemed to affect any law or laws now in force, or which may hereafter be made, relating to the fisheries in said town brook, nor to the right or rights of any person or corporation in relation to said fisheries: *Provided also,* that nothing herein contained shall be deemed and taken to annul or impair any obligation or agreement heretofore made by said Robbins with any other person, in relation to damages occasioned by the use of said causeway and gates for the purposes aforesaid.

Proviso.

Proviso.

SEC. 3. *Be it further enacted,* That if either party shall be dissatisfied with said award, it shall be lawful for such party to apply to the said Court of Common Pleas, at the term thereof at which such award shall be made, for a trial by Jury at the bar of said Court, and thereupon the Court shall, at that or any succeeding term of said Court, as may be convenient, empanel a Jury to hear and determine in said Court all questions relating to said damages, and to assess the amount thereof, and the verdict of such Jury shall be final and conclusive upon the parties; and if the party applying for a Jury shall not obtain, in case it shall be the original plaintiff or applicant, an increase of damages, or in case it be the original defendant, a decrease of damages, awarded by the committee as aforesaid, such party

Jury empan-  
nelled.



shall pay reasonable costs of such trial, otherwise shall recover reasonable costs, and upon any judgment rendered on the verdict of such Jury, the Court may issue execution accordingly. And if the damages awarded in either of the modes aforesaid shall not be duly satisfied, paid, or tendered, within one year from the rendition of such judgment, then the grant herein made shall be deemed and taken to be of no avail; and the said Committee, or the said Jury, shall not assess or allow annual damages to any person complaining as aforesaid, but are hereby required to ascertain and allow the whole amount of damage which may be sustained by any complainant, as well for the time to come, as for that which is passed.

Damages as  
sessed.

[Approved by the Lt. Governor, February 24, 1825.]

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## CHAP. CIX.

An Act in addition to an Act, entitled "An Act directing the proceedings for the speedy removal of nuisances," and extending the Act to the County of Nantucket.

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 passing this act, whenever the Sheriff of the County of Nantucket, may be required by any two Justices of the Peace, quorum unus, to summon a jury according to the provisions of an Act entitled "An Act directing the proceedings for the speedy removal of nuisances," passed on the nineteenth day of June, in the year of our Lord one thousand eight hundred and one, it shall be lawful for the Selectmen of the Town of Nantucket, upon the requisition of the Sheriff of*

Jurors  
drawn.

said County, to draw the Jurors aforesaid, out of the jury box of the Court of Common Pleas, and the Jurors aforesaid shall have the same powers and be subject to the performance of the same duties as though drawn in the manner provided by the act aforesaid.

SEC. 2. *Be it further enacted*, That when judgment shall be entered up against any party upon the verdict of the Jury aforesaid, he may there appeal from the judgment of the Justices aforesaid, to the next Court of Common Pleas, to be holden in the same County, and the rights, obligations and proceedings shall be the same as are provided by the act aforesaid, in cases where appeals are made to the Supreme Judicial Court.

[Approved by the Lt. Governor, February 24, 1825.]

## CHAP. CX.

An Act to incorporate certain persons for the purpose of building a Bridge over Merrimack River in the County of Middlesex, between the towns of Dracut and Chelmsford.

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 Bradley, Ezekiel Cheever, Abijah Fox, Ezekiel Fox, Peter Heaselton, together with such others as may hereafter associate with them, their successors and assigns, shall be a Corporation by the name of the Central Bridge Corporation, 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 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.

Persons in-  
corporated.

May sue and  
be sued, &c.

Have a seal

SEC. 2. *Be it further enacted,* That the said Corporation shall be, and they are hereby, authorized to erect a bridge over Merrimack river, at Bradley's ferry, (so called) between the towns of Dracut and Chelmsford, and said bridge shall be well built of good materials, not less than twenty eight feet wide, and well covered with plank or timber; and shall always keep one side walk with sufficient rails, and shall be boarded up eighteen inches high from the floor of said bridge, for the safety of passengers, and said bridge shall at all times be kept in good, safe and passable repair, and when said bridge is built, the Clerk of the proprietors thereof shall make a return into the office of the Secretary of the Commonwealth of the actual expense of the building the same, and at the expiration of eighteen years, the said Clerk shall make a return to the said Secretary's office, stating the amount of the receipts, expenditures and dividends during the said term of time. *Provided however,* that the said Corporation shall be responsible for, and holden to indemnify any person or persons or corporation, whose mills, property or estate shall suffer damage from any obstruction to the natural course of the water, caused by the building or continuance of such bridge, other than to the navigation of said river, in a special action of the case or otherwise, so often as any damage shall happen therefrom.

Where and  
how built.

Clerk to  
make return  
to Secretary's  
office.

Proviso

SEC. 3. *Be it further enacted,* That, for the purpose of remunerating the said proprietors the money by them to be expended in building and supporting said bridge, a toll be and hereby is granted for the sole use and benefit of said proprietors, equal to that now allowed by law to the proprietors of the Middlesex Merrimack River Bridge at Patucket falls, which toll shall commence on opening said bridge for passengers and be continued for the term of seventy years. *Provided nevertheless,* that the Legislature shall have the right, at the expiration of eighteen years, to regulate anew the tolls to be received by said proprietors. *And provided also,* that whenever

Toll granted.

Proviso.

Proviso.

the receipts of toll and income shall have amounted to a sum equal to the expense of building, repairing and sustaining said bridge, with nine per cent. on the first cost, said bridge shall revert to the Commonwealth for public use; or whenever the inhabitants of the towns of Dracut and Chelmsford, shall remunerate said proprietors for the expenses of said bridge (deducting what may have been received for toll) the same may be opened free of toll.

SEC. 4 *Be it further enacted*, That every proprietor in the said bridge, or his agent duly authorized in writing, shall have a right to vote in all meetings of the said Corporation, and be entitled to as many votes as he has shares in the same, *Provided however*, that no proprietor shall be entitled to more than ten votes.

SEC. 5. *Be it further enacted*, That Joseph Bradley be and hereby is authorized and directed to notify and warn a meeting of said Corporation to be holden some time in the month of March or April next, at such time and place as he may appoint, by publishing a notice thereof in the Chelmsford Courier, two weeks, before said meeting, for the purpose of choosing a Clerk, who shall be sworn to the faithful discharge of his trust; 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 shall seem necessary and convenient for the regulation and government of said Corporation, and the same rules and by-laws may cause to be executed, and may annex penalties to the breach thereof, not exceeding five dollars: *Provided*, the said by-laws be not repugnant to the Constitution and laws of this Commonwealth.

SEC. 6. *Be it further enacted*, That the rates of toll on said bridge shall be written on a sign board in large letters, and such sign board shall be constantly exposed to view over such toll house as may be erected, but no toll shall be demanded from any person or persons passing said bridge on military

Proviso.

Meeting.

Choose a Clerk.

May elect officers, make rules and by-laws, &amp;c.

Proviso.

duty, and at all times, when the toll gatherer shall not be attending his duty, the gate shall be left open for the passage of said bridge free of toll.

SEC. 7. *Be it further enacted*, That if the said Corporation shall neglect to erect said bridge for the term of three years, then this act shall be null and void.

This Act  
when void.

[Approved by the Lt. Governor, February 24, 1825.]

## CHAP. CXI.

An Act in addition to an Act, entitled, “An Act to incorporate William Phillips, junior, and others, into a Company by the name of the New England Marine Insurance Company,” and the 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 New England Marine Insurance Company, be, and the said Company is hereby authorized to have and to hold real estate, (exclusive of mortgages) to the value of one hundred thousand dollars, and lease any portion thereof, not used by them for the transaction of their business, any thing in the acts to which this is in addition to the contrary notwithstanding.

Hold real estate.

[Approved by the Lt. Governor, February 24, 1825.]

## CHAP. CXII.

## An Act to incorporate the Trustees of the North Baptist Ministerial Church Fund in Randolph.

Persons in-  
corporated.May sue and  
be sued. May  
have a Seal.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Micalh White, Jonathan Wales, junior, and Seth Mann, Esquires, all inhabitants of the Town of Randolph, and their successors, be, and they hereby are constituted a body politic and corporate by the name of the Trustees of the North Baptist Ministerial Church Fund in Randolph, and by that name may sue and be sued, plead and be impleaded; and may have a common Seal, and shall possess and may enjoy all such other powers and privileges, as are incident to corporations of like nature.

Proviso.

SEC. 2. *Be it further enacted,* That the said Trustees shall have power to take, hold, collect and receive all such subscriptions, donations, grants, bequests and devises of real or personal property or estate, as have been made to the said North Church, or may hereafter be made to the said Trustees for the said North Church, and the same shall be valid and effectual to all intents and purposes whatever; *Provided* the annual income of such property and estate shall not exceed twelve hundred dollars.

Rules and  
regulations.

Proviso.

SEC. 3. *Be it further enacted,* That the said Trustees, together with the donors of the funds already raised for the purpose aforesaid, shall, at a meeting to be called for that purpose as herein afterwards provided, adopt such rules and regulations for the management of said funds as they shall deem expedient, and such rules and regulations, when so adopted, shall be forever afterwards unalterable, and binding upon said Trustees; *Provided,* such rules and regulations shall not be repugnant to the Constitution and laws of this Commonwealth; and the said

Trustees and Donors shall, at such meeting, prescribe the mode of calling future meetings and organizing the same, and determine the number and duties of such Trustees and the manner of supplying vacancies in their number: *Provided however*, that none of said Trustees shall be responsible for the acts of the others. Proviso,

SEC. 4. *Be it further enacted*, That the income of said funds shall be appropriated and expended in compliance with the directions and express intentions of the respective donors. But no part of the principal or capital amount of said funds shall ever be expended by said Trustees, except in cases of donations or grants made for the express purpose of having the principal expended.

SEC. 5. *Be it further enacted*, That the said Trustees first appointed shall, within three months from the passing of this act, file in the Clerk's office of the town of Randolph, a copy of their permanent rules and regulations, attested by their Clerk, which copy shall and may be used as evidence in all cases, when the original would be evidence.

SEC. 6. *Be it further enacted*, That Micah White, Esquire, be, and he hereby is authorized to call the first meeting of said Trustees and Donors, by posting a notification of the time and place thereof, at the north meeting house in Randolph, fourteen days prior to said meeting. First meet-  
ing .

[Approved by the Lt. Governor, February 24, 1825.]

### CHAP. CXIII.

An Act in addition to an Act, entitled, "An Act to establish the town of Seekonk."

**BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That according to the

mutual agreement of the towns of Rehoboth and Seekonk, for an equal division of the real estate owned and possessed by the said town of Rehoboth before the division thereof, all the said real estate shall be equally divided between the said towns, and the said agreement of the said towns, be, and hereby is confirmed and made valid, and all the rents, profits, and income of the said real estate now due and unpaid, or which may hereafter become due, shall also be equally divided between the said towns.

[Approved by the Lt. Governor, February 24, 1825.]

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## CHAP. CXIV.

### An Act to establish the Weymouth Aqueduct 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 Abraham Thayer, Ezra Leach, and Micah Richmond, and such others as may be associated with them, and their successors and assigns, be, and they hereby are constituted and made a Body Politic and Corporate, by the name of the Weymouth Aqueduct Corporation, for the purpose of maintaining and extending an aqueduct they have already constructed, with all the powers, &c. incident to like corporations aggregate.

Persons in-  
corporated.

Powers, &c.

SEC. 2. *Be it further enacted,* That said Corporation may hold and possess real estate, not exceeding two thousand dollars, and personal estate, not exceeding three thousand dollars; and that any Justice of the Peace, in and for the county of Norfolk, upon the application of said Thayer, or either of his

Estate, real  
and personal.



associates aforesaid, may call the first meeting of First meeting said Corporation.

[Approved by the Lt. Governor, February 24, 1825.]

## CHAP. CXV.

### An Act establishing a Free Bridge in the City 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 the City Government of the City of Boston are hereby authorized and empowered to build and construct, or cause to be built and constructed, a free Bridge, with one or more suitable and sufficient draws across the water and over the channel, in or near a direction in a straight line from or near Sea Street, in Boston, to the newly made land at South Boston, and nearly in the direction of the Dorchester Turnpike, and to erect a Wharf, or Pier, on each side of said Bridge near said draws, for the accommodation of vessels passing through said bridge; said bridge and wharves to be built upon such terms and conditions, and under such restrictions and regulations, as to them may appear suitable and proper, and in such manner as to cause no material obstruction to the ebb and flow of the water through and under the same. *Provided* Proviso. *however,* that the said City of Boston shall be held to make compensation to any person or corporation whose land shall be appropriated to the use of said bridge, and also to any person or corporation who may sustain damage by the obstruction of navigation, caused by the erection of said bridge.

SEC. 2. *Be it further enacted,* That no toll or duty shall ever be exacted or paid for any travel over

said bridge, or passing the draws of the same, and the said city shall always be held liable to keep said bridge and draws in good repair, and to raise the draw of said bridge, and afford all necessary and proper accommodation to vessels that have occasion to pass the same by night or by day, and shall keep the said bridge sufficiently lighted; and if any vessel is unreasonably delayed or hindered in passing said draw, by the negligence of said City or of their agents, in discharging the duties enjoined on them by this act, the owners or commander of such vessel shall recover reasonable damages therefor of said City, in an action on the case, before any court proper to try the same, which action shall be commenced, heard and tried in either of the counties of Middlesex or Essex; and if the said City shall not, within three years from the passing of this act, locate, construct, build and complete said bridge, agreeably to the provisions of this act, then this act shall be void.

This Act,  
how void.

SEC. 3. *Be it further enacted,* That any person or corporation sustaining any damage by the building of said bridge, wharves, or piers, or from the exercise of any of the rights or powers hereby granted as aforesaid, may apply (if within one year from the time any such damage may have happened) to the Court of Common Pleas within either of the counties of Middlesex or Essex, for a Committee to be appointed to estimate the damage; and upon such application, the Court, after thirty days notice to said City to appear and shew cause why such Committee should not be appointed, shall, if no good cause be shewn to the contrary, appoint three or five disinterested freeholders, within the County in which such application shall have been made, at the expense of said City, which committee, being first duly sworn before some Justice of the Peace, to be nominated by said Court, and giving due notice to both parties to appear, if they see fit, for a hearing before them, shall proceed to the duties of their appointment; and they shall first enquire

whether any damage has been sustained from the causes aforesaid, and if any, they shall estimate the same, and where the damage is annual, they shall so declare the same in their report, and shall make return of their doings as soon as may be into the said Court, and upon the acceptance of said report, judgment may be given thereon, with reasonable costs to the party prevailing. *Provided however,* that either party, after the return of said report, may claim a trial by jury, and the Court shall thereupon stay judgment on said report, and a trial shall be had by jury at the bar of said Court; and if the party applying for a jury shall not obtain, in case it be the original applicant, an increase of damages, or in case it be the original respondent, a decrease of the damages awarded by the Committee, such party shall pay reasonable costs of such trial by jury, otherwise shall recover reasonable costs; and upon any judgment rendered upon the report of such Committee, or the verdict of such jury, the Court may issue its execution accordingly, and also from year to year, where the damages awarded are annual, on motion of the party entitled thereto; and an action of debt may be maintained on such judgment; and if upon notice to such City as aforesaid, to shew cause why such Committee should not be appointed, said City shall appear and deny the applicants title to the land damaged, or claim a title to do what is complained of without the payment of damages, or for an agreed composition, the Court shall first order a trial of the issue at the bar of said Court, or if there be an issue in law, shall try it themselves, and in either case, either party may appeal to the Supreme Judicial Court as in other cases, and a certificate of the determination of the Supreme Judicial Court on such appeal, in favor of the original applicant, shall be filed in said Court of Common Pleas, before such Committee shall be appointed; and where annual damages are awarded by said Committee, or said jury, and judgment had accordingly, each party shall be entitled, after two years,

to apply to said Court of Common Pleas, for an increase or decrease of said damages, and thereupon the same proceedings shall be had as upon the original application.

[Approved by the Lt. Governor, February 25, 1825.]

## CHAP. CXVI.

An Act to incorporate the Trustees of the Ministerial Fund in the First Parish in Boxford.

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 Peabody, Josiah Kimball, and Thomas Perley, junior, inhabitants of the First Parish in Boxford, 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 Boxford, and they and their successors shall be and continue a body politic and corporate, and have perpetual succession for the due and faithful management of said trust.

And they are hereby vested with all powers incident to corporations and necessary for that purpose, and subject to the duties and obligations hereinafter mentioned, and to continue in office until their respective places become vacant by death, removal out of the parish, resignation, or removal from office by the parish, who, at any meeting duly held for that purpose, may, at any time when in their opinion any of the Trustees, by reason of age, infirmity, misconduct, or other cause, shall be rendered incapable or unsuitable to discharge the duties of the office, may remove such Trustee or Trustees, *provided*, that two-thirds of the voters present and acting in such meeting agree thereto, and all

Persons incorporated.

Powers, &c.

Proviso.

vacancies which may be made by death, resignation, or otherwise, shall be filled by the parish, at meetings held for such purposes, each person to be chosen by ballot, and two thirds of the votes given in at such meeting shall be necessary to a choice.

Vacancies,  
how filled.

SEC. 2. *Be it further enacted,* That the Trustees aforesaid and their successors in office, be, and they hereby are invested with power to demand, recover, and receive all the estate, money, and obligations which may be derived from the late subscriptions of Thomas Perley and others, amounting to thirty-five hundred dollars, as on the records of the parish, towards establishing a permanent fund for the support of the ministry in the said First Parish in Boxford, and to hold the same as such for the purposes herein mentioned, and the Trustees shall receive and hold all other subscriptions, donations, grants, bequests, devises, and appropriations which may hereafter be made for the support of the ministry in said parish, and the same to hold, use, and improve in the way and manner which may be prescribed by such future subscriptions, donations, grants, bequests, devises, and appropriations.

Power of  
Trustees.

Permanent  
fund.

SEC. 3. *Be it further enacted,* That the sums already paid and secured by the subscriptions of various persons shall be held and improved by the Trustees, and the income and interest arising thereon shall be received and paid annually by the Trustees to the Treasurer of the parish, and by him paid over to the Rev. Isaac Briggs as part of his salary, conformable to the conditions of his settlement in said parish, so long as he shall continue with them in the ministry, and after he shall cease to be their minister, the interest arising on said sums shall be annually paid towards the support of a learned, pious, trinitarian, Congregational Minister, settled by the said parish, with the concurrence of the First Church in Boxford, according to the terms of such subscriptions, and during all vacancies of a minister settled in said parish, in manner aforesaid, the Trustees shall apply the interest towards increas-

Support of a  
minister, &c.

Proviso

ing the fund, until thereby, or by other means in addition thereto, the principal stock of said fund shall amount to ten thousand dollars: *Provided however*, that if any part of the principal or interest of the aforesaid subscriptions shall be applied to any other than the purposes for which they shall have been respectively given, then the several sums subscribed and paid in manner aforesaid shall revert to the subscribers severally, in proportion to their several subscriptions, and be recoverable from the trustees or any other person or persons holding the same, by each one of the subscribers, their respective heirs, executors or administrators.

Duty of Trustees.

SEC. 4. *Be it further enacted*, That it shall be the duty of the Trustees and their successors to use, manage and improve such fund and estate as now is or may hereafter 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 parish for negligence and misconduct in the management and disposition thereof. And the inhabitants of the said parish may maintain a special action of the case against the persons of said Trustees, or against any one of them, as the case may be, for such personal negligence or misconduct for adequate damages. And any and all sums so recovered shall be applied for the benefit of the fund and paid to the Trustees for the time being.

May loan.

SEC. 5. *Be it further enacted*, That the said Trustees may loan the principal of the fund on interest, to be secured by bond or note, with sufficient sureties, at the discretion of the Trustees, or by mortgage of real estate within the County of Essex, of double the value of the sum loaned, as collateral security for repayment of the sum loaned, with interest thereon annually, till paid, or they may vest the principal in the public stocks or banks of this Commonwealth; 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.

SEC. 6. *Be it further enacted,* That the said Trustees shall cause to be recorded in a book to be by them kept, a correct statement of the fund and estate in their hands, wherein shall be particularly designated (so far as practicable) the nature and amount of each original subscription, gift, grant, devise, bequest and appropriation, the period when made, the design thereof, the names of the grantors, devisors, or donors, with his or her place of abode, and their additions, with such other facts and circumstances as they shall think useful and proper to distinguish the same and perpetuate the remembrance thereof. And the said Trustees shall make report of such statement to the inhabitants of the parish annually, at their meeting in March or April, and the same shall be publicly read, and shall exhibit to the said parish their account with the Treasurer, expressing their 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 said parish, at their discretion, may appoint auditors, not exceeding three in number, to examine said accounts, and the vouchers, and make report to said parish of the state of the fund with the receipts and disbursements.

Make report.

Treasurer to exhibit account.

SEC. 7. *Be it further enacted,* That said Trustees shall be entitled to a reasonable compensation to be annually allowed and paid by said parish for taking the care and management of said fund and estate, but no part of said fund or estate, or the income thereof, shall ever be appropriated to that purpose.

Compensation allowed.

SEC. 8. *Be it further enacted,* That the Trustees aforesaid be and they hereby are authorized to adopt such by-laws and regulations as they may deem necessary and proper for the management of the aforesaid Ministerial Fund; *Provided,* the same shall not be in any way repugnant to the Constitution and laws of this Commonwealth.

By-laws and regulations.

Proviso.

[Approved by the Lt. Governor, February 25, 1825.]

## CHAP. CXVII.

An Act in addition to an Act further to provide for the payment of costs in Criminal Prosecutions.

**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 costs in criminal prosecutions instituted before any Justice of the Peace, in cases where such Justice shall have exercised final jurisdiction, shall be paid and accounted for in like manner as in the cases provided for by the act to which this is an addition, and all bills of cost that shall be hereafter taxed by such Justice, shall be certified by him to the Court of Common Pleas, holden in his County, next after final judgment, shall be rendered by him, and such bills shall be examined and allowed by said Court, or by their order, and made up in the general bill of costs of the same term.

Bills of cost certified.

**SEC. 2.** *Be it further enacted,* That all costs which have heretofore accrued in criminal prosecutions instituted before Justices of the Peace, in cases where such Justices have exercised final jurisdiction, and which have not been in any manner paid and accounted for, shall be examined and allowed in like manner as is provided in the first section of this act.

**SEC. 3.** *Be it further enacted,* That all costs arising in prosecutions under the several acts giving Justices of the Peace authority to commit certain persons to the House of Correction, shall be allowed and paid in the same way as is provided for payment of costs in criminal prosecutions, in the first section of this Act.

[Approved by the Lt. Governor, February 25, 1825.]



CHAP. CXVIII.

An Act in addition to an act, entitled, “An Act to incorporate sundry persons by the name of The Massachusetts Fire Insurance Company,” and 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 Massachusetts Fire and Marine Insurance Company be, and the said Company is hereby authorized, to have and to hold Hold real estate. real estate, (exclusive of mortgages) to the value of one hundred thousand dollars, and to lease any portion thereof, not used by them for the transaction of their business, any thing in the acts to which this is an addition to the contrary notwithstanding.

[Approved by the Lt. Governor, February 25, 1825.]

CHAP. CXIX.

An Act relating to Jurors.

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 in the selection of Jurors in the manner now prescribed by law, it shall appear by the endorsement on the ticket, that the person whose name is borne on said ticket has served as a Juror within three years, the name of such person shall be returned into the box, and no person shall be eligible to serve as a Juror How often to serve. more than once in three years, unless such person

shall be returned by the Sheriff de talibus circumstantibus, to complete the pannel.

Number of  
persons, &c.

SEC. 2. *Be it further enacted*, That the number of persons whose names shall be kept in the jury box, shall not exceed one for every forty persons which said town or city may contain, computing by the last census which may have been taken next before the preparing the box.

[Approved by the Lt. Governor, February 25, 1825.]

## CHAP. CXX.

An Act in addition to the several Acts, entitled, An Act empowering the Selectmen of such towns where there may be Fire Engines, to appoint engine men; and repealing the laws heretofore made for that purpose.

Proprietors  
may apply to  
Court.

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 proprietor or proprietors of any engine shall apply to the selectmen of any town, in which said engine may be, for the appointment of a proper number of men, conveniently situated to manage and work said engine, and the selectmen shall refuse or delay, for the space of twenty days, to appoint such men, then and in that case, the said proprietor or proprietors may apply in writing to the Court of Sessions, holden in the county where said proprietor or proprietors reside, said proprietor or proprietors giving due notice in writing to said selectmen, five days at least before the sitting of said Court, that the aforesaid selectmen may appear and shew cause if any they have, why said engine men should not be appointed,

and if sufficient cause should not be shewn by said selectmen, that such engine men ought not to be appointed, the Court of Sessions are hereby authorized and empowered by the authority aforesaid, to appoint such a number of engine men as the law respecting engine men now directs.

SEC. 2. *Be it further enacted by the authority aforesaid,* That whenever engine men are appointed, either by the selectmen or the Court of Sessions, such men shall be appointed, (if such can be obtained) as live at or near the place where said engine is located; said engine men so appointed shall enjoy all the privileges and exemptions, to which other engine men are, or may hereafter be by law entitled.

Enjoy privileges, &c.

[Approved by the Lt. Governor, February 25, 1825.]

## CHAP. CXXI.

An Act in addition to an act, entitled, "An Act to enforce the satisfaction and payment of Executions and Warrants of Distress against certain Corporations."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That any warrant of distress which has issued or may issue upon a judgment of any Court of Law against any corporation mentioned in the act entitled, "An Act to enforce the satisfaction and payment of executions and warrants of distress against certain corporations," to which this is in addition, may be levied and satisfied upon the franchise of such corporation, with all the privileges and immunities thereof, in the

same way and manner, and under the same restrictions, provisions, limitations and conditions as therein provided, for the levy of executions upon the franchise of said corporation.

Fines, how  
appropriated

SEC. 2. *Be it further enacted*, That all fines which shall hereafter be imposed by the Supreme Judicial Court, or Court of Common Pleas, on any Turnpike or Bridge Corporation, for any neglect in making or repairing any road or bridge, shall be appropriated and disposed of for making and repairing the roads or bridges so neglected to be made or kept in repair, and said Courts shall respectively at the times when said fines may be imposed as aforesaid, appoint one or more persons to superintend the collection and appropriation of the same as aforesaid, whose duty it shall be to receive such fines when collected by the proper officer, and appropriate the same in manner as aforesaid, and shall make return of his or their doings thereon, to the Court which may have imposed said fine, when thereto required by the order making such appointment; and it shall be the duty of the officer having such warrant of distress to pay over said fine as soon as collected, to such person or persons so appointed as aforesaid, whose receipt upon such warrant shall be a sufficient discharge therefor to said officer.

[Approved by the Lt. Governor, February 25, 1825.]

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## CHAP. CXXII.

An Act to aid the Bunker Hill Monument 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 Bunker Hill

Monument Association, shall be entitled to have the Stone of which their intended monument may be constructed, hammered, and prepared to be used, at the State Prison in Charlestown, and the proper officers of the prison are hereby authorized and required to cause the same stone to be hammered and prepared, accordingly, and in such form and manner as the Directors of said association may request. *Provided*, that the hammering of stone, under the provisions of this section shall never exceed in value the sum of ten thousand dollars; *And provided further*, that nothing herein contained shall be so construed as to prevent or retard the fulfilment of any contract for stone work with any other person, or persons whatever.

Proviso.

Proviso.

SEC. 2. *Be it further enacted*, That whenever the Directors of said association shall apply therefor, the Governor and Council be, and they hereby are authorized and empowered, to cause to be delivered to said association, the two cannon called the Hancock and Adams, to adorn the intended monument, and to be preserved as the earliest of the reliques of the Revolutionary Struggle, and to deliver also for the same purpose any two other cannon, used in the revolutionary war and now belonging to the State, as to the Governor and Council may seem proper.

SEC. 3. *Be it further enacted*, That the Bunker Hill Monument Association be, and the Directors thereof acting for said association hereby are authorized and empowered, to take and to appropriate to the legal uses of said association any land on Breed's hill in Charlestown, which said Directors may find to be necessary in the design of erecting a monument and laying out the surrounding ground in the appropriate manner, not exceeding five acres. *Provided always*, that the said Corporation shall, before the title to said land which shall be so taken, shall vest in said Corporation, apply by petition to the Court of Common Pleas in the County of Middlesex, to have a Committee of five disinterested freeholders within the same County, appointed to

Power of  
Directors.

Proviso.

Committee  
appointed.

Shall make  
return.

Proviso.

appraise the land which may be so taken for the uses aforesaid, and the said Committee shall be commissioned by said Court to perform that duty, and shall be duly sworn to the performance thereof, and having notified all persons known to be interested in said land, to appear, at a time and place to be by said Committee appointed, shall proceed to appraise the same, and shall make return into said Court under their hands and seals of their doings, and shall describe the lands taken by said Corporation by metes and bounds, and the just value thereof in money to each and every individual proprietor thereof, and the return of said Committee being accepted by the Court, and ordered to be recorded, the said Corporation shall be holden to pay unto said Court, the full appraised value of the land taken, with all the costs of appraisment, and on making such payment into Court, the title to said land shall vest in said Corporation. *Provided always*, that any person or persons, who may be aggrieved by the appraisment of said Committee, may move the Court that a Jury may be empannelled to appraise the value, by their verdict, of the land which may have been taken from such person or persons, and the said Court shall proceed to enquire of the said value by the said Jury, and it shall be lawful for any two or more of the proprietors, from whom land shall have been taken, to join in submitting their joint or respective claims to the such Jury. And if the said Jury shall not by their verdict find the value of the land to be greater than said Committee shall have appraised the same at, the said former owner or owners shall not recover costs for the trial by Jury. But if the said Jury shall find the value of the land to be greater than said Committee shall have appraised the same at, the said Corporation shall be adjudged to pay the costs of the trial; that the verdict of the Jury being accepted and recorded by the Court, the said Corporation shall be entitled to have and hold the land taken, on paying the value found by the Jury into Court, with or without costs as aforesaid.

SEC. 4. *Be it further enacted*, That the money paid into Court shall be paid out to such person or persons as the Court shall find to have been the lawful owners of the land taken by said Corporation, or to the legal representatives of such owners, according to the respective rights which such owners, or their legal representatives, shall make to appear to said Court, and that said Corporation shall pay the legal costs of such application to the Court.

SEC. 5. *Be it further enacted*, That when the said Monument shall have been completed by the said Corporation, the same shall be, together with all the land purchased and then held by said Corporation, conveyed to the Commonwealth of Massachusetts, to be had and held by said Commonwealth, on the condition that the Commonwealth shall keep the said monument, and any buildings for public use connected therewith, in good repair forever.

Conveyed to  
Common-  
wealth.

[Approved by the Lt. Governor, February 26, 1825.]

## CHAP. CXXIII.

An Act regulating the duties of Trustees and Guardians of Indians or Tribes of Indians 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 from and after the passing of this act the several Guardians or Trustees of any Indian or Indians or tribes of Indians within this Commonwealth, that now are or may hereafter be appointed, shall be required to give bonds for the faithful discharge of their trusts with sufficient surety or sureties, to the Judge of Probate for the county of which such Trustee or Trustees,

Give bonds,  
&c.

guardian or guardians, is or are an inhabitant or inhabitants, in double the amount of the appraised value of the property which now is, or may hereafter come into their hands as trustees or guardians aforesaid.

SEC. 2. *Be it further enacted*, That the several trustees or guardians of any Indian or Indians, or tribes of Indians, that now are or may hereafter be appointed; be, and they hereby are required to make and render to the Court of Sessions, for the county in which said trustee or trustees, guardian or guardians may reside, at the first term thereof, next after the passing of this act, and thence after annually, a true and just statement in writing, under oath, of the amount of the property in his or their hands as trustees or guardians aforesaid, together with a particular description of the kind of property, and its separate value, with a true and just account of his or their receipts, disbursements and expenses, and the names of the Indians to whom the property belongs, and the share of each respectively; and the said Court of Sessions is hereby authorized and directed to examine the accounts of the several trustees or guardians as aforesaid, and shall allow so much thereof, as shall appear to them to be just.

Property,  
how distrib-  
uted.

SEC. 3. *Be it further enacted*, That the property which now is or may hereafter come into the hands and possession of any trustee or trustees, guardian or guardians as aforesaid, the income thereof shall be by him or them distributed amongst, and paid to such Indian or Indians, or tribes of Indians, according to their respective rights and interests in the same, in articles necessary for the support of themselves and families at the discretion of his or their said trustee or trustees, guardian or guardians.

[Approved by the Lt. Governor, February 26, 1825.]



## CHAP. CXXIV.

An Act in addition to an Act, entitled, “an Act in addition to an Act to relieve towns from the expenses of persons imprisoned for debt.”

**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 hereafter be confined in close prison upon the surrender of his bail, he shall be entitled to all the benefits secured to persons confined on mesne process or execution, as specified in the act to which this is an addition, *Provided however,* that the bail shall support the principal surrendered in prison until he shall notify the creditor, his or her attorney, of the time of the surrender aforesaid, and that the prison keeper require satisfactory security for the expenses of supporting such debtor in prison. Proviso.

[Approved by the Lt. Governor, February 26, 1825.]

## CHAP. CXXV.

An Act to repeal the proviso in an Act to establish the Town of South Reading.

**BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the proviso contained in the third section of the “Act to establish the Town of South Reading,” which act passed the twenty fifth of February in the year of our Lord one thousand eight hundred and twelve, expressed in the words following, viz: “Provided that the said town of South Reading shall be holden, until the further

order of the Legislature, to pay to the town of Reading such proportion, if any, of the expenses of maintaining the bridges and causeways over Ipswich river within said town as a committee of the Court of Sessions for said County shall determine; and said Court of Sessions are hereby authorized, on the application of either of the inhabitants of Reading or South Reading, from time to time, to appoint a committee for the above purpose, whose report made to, and accepted by said Court, shall be binding on the said towns," be, and the same is hereby repealed.

[Approved by the Lt. Governor, February 26, 1825.]

## CHAP. CXXVI.

An Act in addition to an Act, entitled, "an Act in addition to the several Acts now in force respecting Highways."

**BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That when the Court of Sessions in any County shall appoint a committee, on the petition of any person or persons, to view any proposed way for a new county road, or the alteration of an old one, the committee may view any other way in the general direction proposed; and in case they shall be of the opinion that a better way may be laid out, than the one prayed for in the petition, and that it would be of common convenience that such way should be laid out, the committee may, in their report, point out the termini and general course of said proposed way, and the Court of Sessions may substitute such report as the basis of their proceedings instead of the petition; and after due proceedings had on said report, shall adjudge

Committee  
to view  
other ways.

the way therein pointed out to be of common convenience or necessity, may cause such new way or alteration of an old one, to be laid out and established as a county highway, any law or usage to the contrary notwithstanding.

[Approved by the Lt. Governor, February 26, 1825.]

## CHAP. CXXVII.

An Act in addition to an Act, entitled, "an Act to prevent the destruction of Pickerel in the ponds and streams 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 from and after the passing of this Act, it shall not be lawful for any person or persons to take any fish called Pickerel in any of the ponds, rivers, or streams within this Commonwealth, from the first day of December to the first day of April, in each and every year, and every person offending contrary to the true intent of this Act, upon conviction thereof before any Court within the Commonwealth proper to try the same, shall pay a fine of fifty cents for each and every Pickerel so taken, to and for the use of the person who shall sue for the same, together with all legal costs of prosecution.

Prohibited  
time of tak-  
ing fish

Penalty

SEC. 2. *Be it further enacted,* That all penalties incurred by any breach of this Act, may be recovered by any person who shall sue for the same in any Court aforesaid, and if any minor or minors shall offend against the provisions of this Act, and shall thereby incur any of the penalties aforesaid, the parent, master, or guardian of such minor or minors, shall be answerable therefor, in which case the ac-

Parent, &c  
answerable  
for minor\*

tion shall be commenced against such parent, master, or guardian, (as the case may be) of such minor or minors, and judgment rendered accordingly: *Provided nevertheless*, that the inhabitants of any of the towns within this Commonwealth, may, at their annual meeting in the month of March or April, suspend, in whole or in part, the provisions and restrictions of the aforesaid Act, so far as respects the taking of Pickerel in the ponds, rivers, or streams within their respective towns, for any term of time not exceeding one year.

SEC. 3. *Be it further enacted*, That all prosecutions for any violation of the provisions of this Act, shall be instituted within thirty days from the time of committing the same.

[Approved by the Lt. Governor, February 26, 1825.]

## CHAP. CXXVIII.

An Act in addition to an Act, entitled, "an Act for suppressing and punishing of Rogues, Vagabonds, Common Beggars, and other idle, disorderly, and lewd persons," and the several Acts in addition thereto.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Justices of the Peace, officers and witnesses, shall receive the same fees for services in prosecuting any of the breaches of the Act to which this is in addition, as are allowed for similar services in other criminal complaints and proceedings, and to be allowed and paid in the same manner.

Fees for services.

SEC. 2. *Be it further enacted*, That when any Court or Justice of the Peace shall order any person to give surety or sureties to keep the peace, said Court or Justice shall have power to order the party so prosecuted to pay the costs of prosecution.

Power of  
Court, &c.

[Approved by the Lt. Governor, February 26, 1825.]

## CHAP. CXXIX.

An Act, in addition to “an Act imposing a duty on Sales at Auction.”

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 real and personal estate, which shall at any time be exposed for sale at public Auction or Vendue within this Commonwealth, from and after the first day of April next, by any Auctioneer or other person, duly authorized to sell real and personal estate at Auction or Vendue, shall be subject to the following duties, each and every time such real or personal estate may be sold or bought in, to wit:—All personal estate, excepting ships and vessels, one dollar for every hundred dollars of the value for which the same shall be sold; and all real estate, ships and vessels, at fifty cents for every hundred dollars of the value for which the same may be sold, and at and after the same rate, for every greater or less sum, to be paid by the person who shall so sell the same. And in all cases where the Auctioneer or owner of such goods so exposed for sale, or any person who shall be employed by them, or either of them, shall be the highest bidder, the said real or personal estate shall be subject to the payment of the same duties as if they had been sold to any other person: *Pro-*

Rate of du-  
ties.

Proviso.

*vided*, that nothing in this Act contained shall extend to any sale or sales at public Auction or Vendue, of any real or personal estate, made pursuant to, or in execution of any rule, order, decree, sentence, or judgment of any court, or judicial officer of this Commonwealth, or of any court of the United States, having jurisdiction within this Commonwealth, or by order of law, or by force of any warrant of distress, for the payment of taxes, or other cause for which a distress is allowed by law; or to any sale or sales made by, or on behalf of executors, administrators, or guardians of estates of citizens of the United States, lying and being within this Commonwealth, or to any sale or sales of pews in meeting houses or churches.

SEC. 2. *Be it further enacted*, That from and after the first day of April next, the accounts and payments required of Auctioneers, by the fourth section of the Act to which this Act is in addition, shall be made on the first days of June and December next, after such sales shall be made, or as soon afterwards as may be, not exceeding sixty days, and every Auctioneer shall receive as a compensation, four per centum on all the duties he shall so pay into the treasury: *Provided nevertheless*, that no Auctioneer shall be held to make return of his doings under this Act, oftener than once a year, unless the said duties for the first six months in said year shall amount to more than ten dollars, and his annual return shall be made on the first day of December aforesaid.

SEC. 3. *Be it further enacted*, That this Act shall be in force from and after the first day of April next, and that the first section of the Act, and all other parts of the residue of the Act to which this is in addition, which are inconsistent with the provisions of this Act, be, and the same are hereby repealed.

[Approved by the Lt. Governor, February 26, 1825.]

Accounts,  
&c. when  
to be made.

Compensa-  
tion.

Proviso.

When to  
make an-  
nual re-  
turns.  
This Act,  
when in  
force.

## CHAP. CXXX.

An Act to allow grace on Bills of Exchange and Notes, according to the custom of Merchants.

**BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That on all Bills of Exchange made after the first day of June next, and expressed to be payable at sight or payable at a future day certain within this Commonwealth, and on all promissory negotiable notes, orders and drafts made after the first day of June next, payable at a future day certain within this Commonwealth, in which there is not an express stipulation to the contrary, grace shall be allowed in the same manner as it is by the custom of merchants allowed on foreign Bills of Exchange payable at the expiration of a certain period from date or sight: *Provided*, that the provisions of this Act shall not extend to any bill of exchange, note, order or draft payable on demand. Proviso.

[Approved by the Lt. Governor, February 26, 1825.]

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## CHAP. CXXXI.

An Act in addition to an Act to incorporate the Proprietors of the City Hotel 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 provisions in said Act, limiting the appropriation of the same to the term of twenty years, and the twelfth section of said Act, be, and the same are hereby repealed.

[Approved by the Lt. Governor, February 26, 1825.]

## CHAP. CXXXII.

## An Act to incorporate the United States Insurance Company.

Persons in-  
corporated.May sue and  
be sued, &c.May have a  
seal.

Proviso.

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 Benjamin Fiske, Samuel Woods, Samuel Sanford, John Stearns, P. P. F. Degrand, James M. Russell, E. Copeland, Junior, and Jno. S. Wright, with their associates, successors, and assigns, be, and they are hereby incorporated into a Company and Body Politic, by the name of The United States Insurance Company, with all the powers and privileges granted to Insurance Companies, and subject to all the restrictions, duties and obligations, contained in a law of this Commonwealth, entitled, "An Act to define the powers, duties, and restrictions of Insurance Companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled, "An Act authorizing the several Insurance Companies in this Commonwealth to insure against fire," passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty-four, 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 may 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: *Provided*, the said real estate shall not exceed the value of one hundred thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said Company.

SEC. 2. *Be it further enacted*, That the Capital Stock of said Company, exclusive of premium notes,



and profits arising from business, shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per cent of which shall be paid in money by each and every subscriber on the amount of his subscription, within ninety days after public notice given by the President and Directors, chosen by the Stockholders, in two newspapers printed in the City of Boston, and the residue shall be paid in money, at such times as the President and Directors shall appoint, within twelve months from the time this act shall go into operation.

SEC. 3. *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 in said Company, and citizens of this Commonwealth, and shall be elected on the second Monday in January, in each and every year, and at such time of the day, and in such place in the City of Boston, as a majority of the Directors, for the time being, shall appoint, of which election public notice shall be given, by publication in some newspaper printed in Boston, ten days at least previous to such meeting; 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 thirty votes; and absent stockholders may vote by proxy, under such regulations as the said Company shall prescribe, and if, through any unavoidable accident, the said Directors should not be chosen on the second Monday in January as aforesaid, it shall be lawful to choose them on any other day, in the manner herein provided. And it shall be the duty of the Secretary of said Company, at any time, upon application in writing of the proprietors of twenty per centum of the capital stock, to call a

Number of  
Directors.

When elect-  
ed.

Proviso.

Duty of Sec-  
retary.

meeting of the Stockholders, to be holden at such time and place in the City of Boston, as they shall direct, for the purposes mentioned in such application, by giving the like notice thereof, as is herein required for the election of Directors.

Choice of  
President.

Vacancies,  
how filled.

Number of  
Directors,  
&c.

Make by-  
laws, rules,  
&c.

May appoint  
a Secretary,  
Clerk, &c.

Proviso.

Meeting.

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 or affirmed to the faithful discharge of the duties of his office, and who shall preside for one year, and in case of death, resignation, or inability to serve, of the President, or any Directors, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by a special election for that purpose, to be notified and held in the same manner as herein before directed respecting annual elections of Directors.

SEC. 5. *Be it further enacted*, That the President and four of the Directors, or five of them in his absence, shall be a Board competent to 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 conduct and duties of the several officers, clerks and servants employed, and the election of Directors, and all such matters as appertain to the business of Insurance; also shall 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 their President, as to the said Board shall seem meet; *Provided* such by-laws and regulations shall not be repugnant to the Constitution and laws of this Commonwealth.

SEC. 6. *Be it further enacted*, That any two or more persons named in this act, are hereby authorized to call a meeting of the said Company, by ad-

vertising the same in some newspaper printed in Boston, in two successive papers, for the purpose of electing their first Board of Directors, who shall remain in office until the second Monday in January, in the year of our Lord one thousand eight hundred and twenty-six, and until others shall be elected in their stead: *Provided however*, that this Charter shall be void and of no effect, unless put in operation agreeably to the terms of it, within one year from and after the passing of this act: *And provided also*, that the said Company shall not take any risk, or subscribe any policy, by virtue of this act, until one moiety of the capital stock of said Company shall have actually been paid in.

Proviso.

Proviso.

SEC. 7. *Be it further enacted*, That the said Company shall never take on any one risk, or loan on respondentia or bottomry, on any one bottom, at any one time, including the sum insured in any other way on the same bottom, a sum exceeding ten per centum on the capital stock of said Company actually paid in, agreeably to the provisions of this act.

Risk to be taken.

SEC. 8. *Be it further enacted*, That the said Insurance Company shall be located and kept in the City of Boston.

SEC. 9. *Be it further enacted*, That the said United States Insurance Company shall be liable to be taxed by a general law providing for the taxation of all similar Corporations.

Liable to taxation.

SEC. 10. *Be it further enacted*, That the Capital Stock of said Company shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the period of one year after this Charter shall be put into operation as aforesaid.

Capital Stock shall not be sold, &amp;c.

[Approved by the Lt. Governor, February 26, 1825.]

## CHAP. CXXXIII.

An Act declaring and confirming to the Pewholders the property in the Congregational Meeting House, in the First Parish in Roxbury, and authorizing them to raise monies by taxing pews.

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 now are, or may hereafter become proprietors of the pews in the Congregational Meeting House in the First Parish in Roxbury, are hereby declared to be a body politic and corporate, by the name of the First Religious Society in Roxbury, with all the powers, privileges and immunities usually granted to such societies. And said Corporation shall be and hereby are deemed in law to be seized of the same meeting house, and the land under, adjoining and belonging to the same, and the privileges and appurtenances thereto appertaining; reserving however to the several pew proprietors their rights and interests in said pews respectively.

Powers, privileges, &c.

Proprietors shall meet.

Choose a Clerk.

Choose a Treasurer, Standing Committee, &c.

Proviso.

SEC. 2. *Be it further enacted*, That said proprietors shall meet on the first Monday of April next, and afterwards on the first Monday in January annually, at said Meeting house, or such other place as the Standing Committee shall appoint, and after choosing a Moderator, shall choose a Clerk, who shall record all the votes and proceedings of said proprietors, and be sworn to the faithful discharge of his duties; they shall also choose a Treasurer who shall give bond for the discharge of the duties of his office, and also a standing Committee of three discreet persons to manage their affairs, who shall continue in office one year and until others are chosen. *Provided however*, if from any cause, any of said officers are not chosen at said meeting in April next, or at any annual meeting on the first Monday in Janua-

ry, said officers may be elected at any other meeting duly notified for that purpose, and said Committee may notify any meeting, by causing printed or written notifications to be delivered to the proprietors or left at their dwellings, three days at least before such meeting, or by leaving the same in the pews of the proprietors should a day of public worship intervene.

SEC. 3. *Be it further enacted*, That said proprietors shall have power to repair, alter, or rebuild their meeting house, and shall have all the rights in relation to the same and the support of public worship therein, which said parish have hitherto had, and shall be bound by all the contracts made by said parish.

Proprietors  
have power,  
&c.

SEC. 4. *Be it further enacted*, That said Corporation may take, hold and possess, by gift, devise, purchase, or otherwise, real and personal estate, not exceeding forty thousand dollars, exclusive of their meeting house and its appurtenances, as a ministerial fund, the interest only of which shall be expended annually, in such manner as the Deacons of the Church in said society, and the standing Committee for the time being may deem fit, or the proprietors by their vote direct, and those only whose pews are taxed shall be deemed legal voters; and the said Corporation may make and establish by-laws for the better ordering their affairs; *Provided*, the same are not repugnant to the Constitution or laws of this Commonwealth.

Estate, real  
and personal.

Proviso.

SEC. 5. *Be it further enacted*, That all monies necessary for the support of public worship in said meeting house, and incidental charges which may be duly voted to be raised, shall be assessed by the Standing Committee on the proprietors of the pews on the lower floor in said meeting house, according to a scale of valuation agreed upon by a vote of said parish, passed on the twenty second day of November last, which is not to be changed for the term of ten years from the first day of April next, but after that time may be altered; and gallery pews may be

Money as-  
sessed.

included if deemed expedient, having regard to the situation and value thereof. And the said Committee shall make out lists of such assessments, stating the number of each pew, the name of the owner, and the amount assessed thereon, and deliver the same to the Treasurer who shall collect such assessments, and pay the same out on orders to be drawn by the Clerk under the direction of the Standing Committee.

Proprietors  
shall hold  
Pews.

SEC. 6. *Be it further enacted,* That said Proprietors shall hold their pews under their respective deeds, and the same shall hereafter be considered personal estate, and whenever any transfer of any pew in said meeting house shall be made, the old deed shall be given up and a new deed made in the name of one person only, to be signed by the Treasurer and countersigned by the Clerk, and no conveyance shall be valid until noted on the records of the Corporation.

Treasurer  
shall advertise and sell  
Pews, &c.

SEC. 7. *Be it further enacted,* That if any proprietor shall neglect to pay his or her assessment for the space of six months after such assessment is laid and notified by posting at the door of said house, the Treasurer shall advertise the pew of such delinquent for the space of three weeks, by posting notices at said meeting house, and two other public places in said town, stating the time, place, and cause of sale, and then if all arrears are not paid, he shall sell the same at auction to the highest bidder, and after deducting all sums due, with costs of sale and charges of conveyance, shall pay over the balance, if any, to the owner.

Proviso.

SEC. 8. *Be it further enacted,* That any person wishing to dispose of his or her pew, shall first give notice thereof to the Standing Committee, stating the name of the person to whom it is intended to sell, and offering the same to said Corporation at cost, and if said Corporation shall not elect to purchase and pay for such pew within thirty days from such notice, the same may be sold to one person only; *Provided,* all dues thereon be first paid.

SEC. 9. *Be it further enacted*, That this act, being accepted by a major vote of said parish, shall be binding on all parties concerned therein, and the present Treasurer or Standing Committee of said parish may call the first meeting under this act, and shall continue in office until others are chosen.

First meet-  
ing

[Approved by the Lt. Governor, February 26, 1825.]

### CHAP. CXXXIV.

An Act to incorporate the President, Directors, and Company of the Washington Bank 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 Daniel Baxter, William Dall, Thomas Hunting, Josiah P. Cook, Jonathan P. Stearns, John Thompson, Thomas Brewer, Josiah Knapp, ——— French, ——— Weld, Aa Baldwin, B. V. French, Charles Thacher, and Windsor Fay, their associates, successors, and assigns, shall be, and hereby are created a Corporation by the name of The President, Directors, and Company of the Washington Bank, and shall so continue from the third Monday in March, one thousand eight hundred and twenty-five until the first Monday of 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,” excepting so far as the same are modified or altered by this Act, as fully and effectually as if the several sections of said Act

Persons in-  
corporated.

Limited time.

Privileges,  
&c.

Proviso. were herein specially recited and enacted: *Provided however*, that the amount of bills issued from said Bank, at any one time, shall not exceed fifty per centum beyond the amount of the capital stock actually paid in.

Capital stock      Manner of paying in shares.      Time of declaring dividend.      Transfer, &c. of stock.      May hold real estate.      Proviso.

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 and silver, to be, besides such part as this Commonwealth may subscribe in manner hereinafter mentioned, divided into shares of one hundred dollars each, which shall be paid in manner following, that is to say, one fourth part thereof on or before the first day of May next, one-fourth part thereof on or before the first day of August next, one-fourth part thereof on or before the first day of November next, and the residue on or before the first day of February next; and no dividend shall be declared on the capital stock of said Bank until the whole of said stock shall have been paid in, conformably to the provisions of this Act; and the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock and profits thereof, which being entered in the books of said Corporation shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine, and the 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, dispose of and convey the same by deed, under the seal of said Corporation, and signed by the President and two Directors, and to loan and negotiate their monies and effects by discounting on banking principles, on such security as they may 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 money shall be loaned, or discounts made, nor shall any bills or promissary 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 two hundred and fifty thousand dollars, nor until said capital stock, actually in said vaults shall have been inspected and examined by three Commissioners, to be appointed by the Governor for that purpose, whose duty it shall be, at the expense of the Corporation, to examine 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 a part of said capital, and to return a certificate thereof to the Governor; and no Stockholder shall be allowed to borrow any money at said Bank until he shall have paid in his full proportion of the whole of said capital stock, as is herein before provided and required.

Proviso

Commissioners appointed

Return a certificate.

SEC. 3. *Be it further enacted*, That the said Bank shall be established and kept in Boston, and the said Bank shall be located south of the north side of Essex street.

Location of Bank.

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 shall be required, not exceeding ten per centum of the capital stock actually paid in, at one time, reimbursable by five annual instalments, or any shorter time, 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.

Shall loan to Commonwealth.

Proviso.

Meeting.  
By-laws, &c.

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 Boston, for the purpose of making, ordaining, and establishing such by-laws and regulations, for the orderly conducting the affairs of said Corporation, as the stockholders shall deem necessary, and the choice of the first Board of Directors, and such other officers as they shall see fit to choose.

Commonwealth shall have right.

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.

Commonwealth shall subscribe.  
Legislature have right, &c.

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 to said Bank, in proportion as the sum paid from the Treasury of the Commonwealth shall be to the whole amount of stock actually paid into said Bank, if at any time hereafter they shall see fit to exercise that right.

Cashier shall give bond.

SEC. 8. *Be it further enacted,* That the Cashier, before he enters upon the duties of his office, shall give bond with sureties to the satisfaction of the Board of Directors, in a sum not less than fifty thousand dollars, with conditions for the faithful discharge of his office.

SEC. 9. *Be it further enacted,* That the said Corporation, from and after the first day of May next,

shall pay by way of tax to the Treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April annually, the half of one per centum on the amount of stock which shall actually have been paid in.

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, counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alteration, and shall also be liable to pay to any bona fide holder, the amount of any note of said bank counterfeited, excepting such note is printed or impressed with the stereotype plate.

Liable to  
pay, &c.

SEC. 11. *Be it further enacted,* That the Capital Stock of said Bank shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the period of one year from the time of passing this act, and in case the same shall not be put in operation according to the provisions thereof, within the year aforesaid, it shall be void.

Capital stock  
shall not be  
sold, &c

[Approved by the Lt. Governor, February 26, 1825.]

## CHAP. CXXXV.

An Act to incorporate the President, Directors, and Company of the Fall River Bank in Troy.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Oliver Chase, David Anthony, Bradford Durfee, Richard Borden, Nathaniel B. Borden, John C. Borden, Lucius Smith, Samuel Smith, Clark Shove, Harvey Chase, Edward Bennet, Arnold Buffum, James Ford, James G. Bow-

Persons in  
corporated.

en, William W. Seven, Benjamin Rodman, William Valentine, and Holden Borden, their associates, successors and assigns, shall be, and hereby are created a Corporation, by the name of The President, Directors, and Company of the Fall River Bank, and shall so continue until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty-one; and by that name shall be, and hereby are made capable in law to sue and be sued, plead and be impleaded, defend and be defended, in any 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 by-laws, ordinances, and regulations, as to them may appear necessary and convenient for the government of said Corporation and the prudent management of their affairs: *Provided*, such by-laws, ordinances, and regulations, shall in no wise be contrary to the Constitution and laws of this Commonwealth; and the said Corporation shall be always subject to the rules, restrictions, limitations, and provisions herein prescribed.

May sue and  
be sued.

Have a seal.  
By-laws, &c.

Proviso.

Capital  
Stock.

Manner of  
paying in  
shares.

Transfer,  
&c. of  
Stocks.

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 four equal instalments, the first on the first day of July next, the second on the first day of October next, the third on the first day of March next after, and the fourth the first day of July next after the third, or at such earlier time as the Stockholders at any meeting thereof may order, and the Stockholders, at their first meeting, by a majority of votes, may determine the mode of transferring and disposing of said stock and the profits thereof, which, being entered on the books of said Corporation, shall be binding on the Stockholders, their successors, and assigns, until they shall otherwise determine; and the said Corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy, and retain

to them, and their successors and assigns, lands, tenements, and hereditaments, to the amount of five 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,* Proviso. that nothing herein contained, shall restrain or prevent said Corporation from taking and holding real estate in mortgage, or on execution, to any amount, as security for, or in payment of any debts due to said Corporation: *Provided further,* Proviso. 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.

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,* Proviso. the bond required to be given by the Cashier shall be given in the penalty of twenty thousand dollars, that the number of Directors to be annually chosen shall be nine, and five may constitute a quorum for the transaction of business; Number of Directors. *And provided also,* Proviso. that the amount of bills 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 Troy.

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 said Corporation thereon be determined by the Legislature, that the said Corporation, have exceeded the powers herein granted them, or failed to comply Legislature may appoint a Committee.

with any of the rules, restrictions or conditions in this Act provided: this Act of incorporation shall thereupon be declared to be forfeited and void.

Meeting.      **SEC. 6.** *Be it further enacted,* That the persons herein before named or any three of them are authorized to call a meeting of said stockholders of said Corporation, at a convenient time and place, by advertising the same three weeks successively in the Columbian Reporter, a newspaper printed in Taunton, for the purpose of making, ordaining and establishing such by-laws, ordinances and regulations, for the orderly conducting the affairs of said Corporation as the 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.

By-laws.

Commonwealth may subscribe.      **SEC. 7.** *Be it further enacted,* That the Commonwealth shall have a right, whenever the Legislature shall provide therefor, to subscribe on account of said Commonwealth a sum not exceeding fifty thousand dollars, to be added to the capital stock of said Corporation herein before provided for, and whenever the Commonwealth shall become so interested in said Bank, the Governor and Council shall have a right to appoint four additional Directors for the management of the same.

Liable to pay, &c.      **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 altered to a larger amount in the course of its circulation, notwithstanding such alteration, and shall also be liable to pay any bona fide holder the amount of any note of said Bank counterfeited, excepting such note is printed or impressed with the stereotype plate.

**SEC. 9.** *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 October and April, annually, the half of one per centum on the amount of stock which shall have been actually paid in.

SEC. 10. *Be it further enacted*, That whenever the Legislature shall require it, the said Corporation shall loan to the Commonwealth any sum of money, which may be required, not exceeding twenty per centum of the capital stock actually paid in, 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.

Loan to  
the Com-  
monwealth

SEC. 11. *Be it further enacted*, That the capital stock of said Bank shall not be sold or transferred, but be holden by the original subscribers thereto, for and during the term of one year from the time of passing this Act; and in case the same shall not be put into operation according to the provisions thereof, within the year aforesaid, it shall be void.

This Act,  
how void.

SEC. 12. *Be it further enacted*, That no dividend of profit shall be declared, or paid, on the capital stock of said Bank, until the whole of said stock shall have been paid conformably to the provisions of this Act.

[Approved by the Lt. Governor, February 26, 1825.]

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## CHAP. CXXXVI.

An Act, in further addition to an Act, entitled, "an Act for the admeasurement of Boards, and regulating the tale of Shingles, Clapboards, Hoops, and Staves, and for other purposes therein mentioned."

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, Shingles made in any town of,

Dimensions.

or offered for sale in this Commonwealth, may be from fifteen to eighteen inches in length, and may be sawed or shaved, and may be bound in bundles of one thousand or half thousand, and the quality of Shingles shall be designated by numbers one, two, three, and refuse.

Surveyor's name.

SEC. 2. *Be it further enacted*, That the Surveyor of Shingles, using his best skill and judgment in affixing their qualities, in addition to affixing the town brand, shall likewise brand each bundle with his own name, and the number designating the quality, and all Shingles branded numbers one or two, whether made of pine, spruce, or cedar, shall be free of sap.

SEC. 3. *Be it further enacted*, That so much of the Act passed July 11th, 1783, to which this is in addition, as is inconsistent with the provisions of this Act, be, and the same is hereby repealed.

[Approved by the Lt. Governor, February 26, 1825.]

## CHAP. CXXXVII.

An Act in addition to an Act, entitled "an Act to prevent the wilful destruction and casting away of Ships and Cargoes."

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, within the body of any County in this Commonwealth, wilfully cast away, burn, sink, or otherwise destroy any ship or vessel, or in any manner direct or procure the same to be done, with intent to injure or defraud any owner or owners of such ship or vessel, or of any goods or merchandize on



board thereof, or any insurer of the same, or any part thereof, or any other person interested therein, every person so offending, being thereof lawfully convicted upon indictment before any Court competent to try the same, shall be sentenced to imprisonment for life, or for a term not less than five years, at the discretion of the Court.

Punishment.

SEC. 2. *Be it further enacted,* That if any person shall lade, equip, or fit out, or aid and assist in lading, equipping or fitting out any ship or vessel, within this Commonwealth, with intent that the same should be wilfully cast away, burnt, or otherwise destroyed to the injury of any owner, insurer, or other person interested in such ship or vessel, or any goods on board thereof, and shall be thereof convicted upon indictment before any Court competent to try the same, such offender shall be sentenced to pay a fine not exceeding five thousand dollars, and be imprisoned for a term not less than two years nor more than ten years, at the discretion of the Court.

Fine and imprisonment.

[Approved by the Lt. Governor, February 26, 1825.]

### CHAP. CXXXVIII.

An Act for the appointment of Trustees in certain cases of Divorce.

**BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That whenever any woman shall hereafter be divorced, and the Court by whom such divorce may be decreed shall have power to assign her, for her own use, all or any part of the personal estate which the husband hath received by reason of the marriage, or to assign to her a sum of money, equal in value to the whole or any part of such personal estate, pursuant to the

Power to assign.

Shall give  
bonds.

Laws now in force for that purpose, such Court shall have full power and authority, at their discretion, to decree, order, and direct, that such property or sum of money, instead of being paid to such wife, shall and may be paid into the hands of a trustee or trustees, who shall be nominated and appointed by such Court for that purpose, and shall give such bonds as said Court may require for the faithful performance of the trust, upon trust to invest the same, and to apply the income thereof to the support and maintenance of such wife, or of any child or children of such marriage, or to divide and apportion the same in such manner as such Court shall, by such decree, or by any subsequent order or decree, shall direct and appoint, and to pay over the capital sum so placed in the hands of such trustee or trustees, at such times and in such manner and proportions as such Court, by their original decree, or by any subsequent order or decree, may direct and appoint; which order or decree, such Court is hereby authorized from time to time, upon motion or petition in the same cause by any party interested therein, to make and enter, first giving due notice to any and all persons adversely interested therein, due regard being had, in directing such trusts, and the appropriation and distribution of such principal sum, to the situation and circumstances of such wife and child or children.

[Approved by the Lt. Governor, February 26, 1825.]

## CHAP. CXXXIX.

An Act authorizing the City of Boston and towns in this Commonwealth to make By Laws restraining dogs going at large.

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 City Council of the City of Boston, and the inhabitants of any Town in this Commonwealth, at any legal meeting thereof, be, and they hereby are authorized and empowered to make any such by-laws and regulations concerning the licensing, regulating, and restraining of Dogs going at large, as they may deem proper and expedient, with power to affix any penalty for the breach thereof, not exceeding ten dollars, to be recovered by complaint before the Police Court for the City of Boston, or any Justice of the Peace in the County where such Town shall be situated, and to be paid into the City or Town treasury for the use of said City, or such Town, as shall pass any such by-law.

Power to  
make by-  
laws, &c

Penalty

SEC. 2. *Be it further enacted,* That no person shall be obliged to pay more than two dollars annually for a license for his or her dog to go at large, subject to any by-law as aforesaid, and no by-law of said city shall extend to any Dog owned or kept in any town, and no by-law of any town shall extend to any dog owned or kept in any city or other town; and all money received for licenses as aforesaid, shall be paid into the treasury of the city or town where such license is given, for the use of such city or town, any laws of this Commonwealth to the contrary of this Act notwithstanding.

[Approved by the Lt. Governor, February 26, 1825.]

## CHAP. CXL.

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

Persons in-  
corporated.

May sue and  
be sued.

Have a seal.  
By-laws, &c.

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 David Crocker, Zeno Killey, Elisha Doane, Charles Hallet, Henry Thacher, Seth Killey, Matthew Cobb, and Freeman Baker, with their associates, successors, and assigns, shall be, and are hereby, created a Corporation, by the name of the President, Directors, and Company of the Barnstable Bank, and shall so continue until the first day of October, 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 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 shall appear necessary and convenient for the government of said Corporation, and the prudent management of its concerns: *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 contained.

Capital  
Stock.

SEC. 2. *Be it further enacted*, That the Capital Stock of said Bank shall consist of the sum of one hundred thousand dollars in gold and silver, in shares of one hundred dollars each, one fourth part of which shall be paid in ninety days, one fourth part in six months, one fourth part in nine months, and the residue in one year, after the passing of this act, or at such earlier time as the stockholders at

any meeting may direct; and no dividend of profit shall be declared or paid in the capital stock of said bank, until the whole of said stock shall have been paid, in conformity to the provisions of this act. And the Stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of the stock and profits of said bank, which, being entered in the books of said Corporation, shall be binding on the stockholders, their successors, and assigns. And the said Corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy, and retain, to them, their successors and assigns, lands, rents, tenements, and hereditaments, to the amount of five 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 prevent said Corporation from taking and holding real estate in mortgage, or on execution, to any amount or security for, or in payment of any debt due to said Corporation: *And provided further*, that no money shall be loaned, or discounts made, nor shall any bills be issued from said Bank, until the capital subscribed and actually paid in, and existing in gold and silver in the vaults of the same, shall amount to fifty thousand dollars.

Dividend, &c. declared,

Transfer, &c. of stock.

Loan, &c.

Proviso

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; excepting that the bond to be given by the Cashier, shall be in the penal sum of twenty thousand dollars; and the number of Directors to be annually chosen shall be nine, five of whom shall constitute a quorum for the transaction of business: *Provided*, that the amount of bills of said bank in circulation shall not at any time exceed

Number of Directors, &c.

Proviso:

fifty per centum beyond the amount of the capital actually paid in.

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

Committee  
appointed.

SEC. 5. *Be it further enacted*, That any Committee, specially appointed for that purpose by the Legislature, 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 examination it shall be found, and after a full hearing of said Corporation thereon, be determined, by the Legislature, that the said Corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions, or conditions in this Act provided, this Act of incorporation, may thereupon be declared forfeited and void.

Meeting.

SEC. 6. *Be it further enacted*, That the persons herein before named, or any of them, are authorized to call a meeting of the members and stockholders of said Corporation, at a convenient time and place, by advertising the same, three weeks successively, in the Barnstable County Gazette printed at Barnstable, for the purpose of making, ordaining, and establishing such by-laws, ordinances and regulations for the orderly conducting the affairs of said Corporation, as the 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.

By-laws and  
regulations.

Common-  
wealth may  
subscribe.

SEC. 7. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall provide therefor, to subscribe, on account of said Commonwealth, a sum not exceeding twenty five thousand dollars, to be added to the capital stock herein before provided for. And whenever the Commonwealth shall become so interested in said Bank, the Governor and Council shall have a right to appoint four additional Directors for the management of the same.

Liable to  
pay, &c.

SEC. 8. *Be it further enacted*, That the said Corporation shall be liable to pay bona fide holders the

original amount of any note of said Bank, altered to a larger amount in the course of its circulation, notwithstanding such alteration.

SEC. 9. *Be it further enacted*, That the said Corporation shall pay, by way of tax, to the Treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April annually, the half of one per centum on the amount of stock which shall have been actually paid in, and shall also be liable to pay to any bona fide holder, the amount of any note of said Bank counterfeited, unless all the notes actually issued by said Corporation shall be printed or impressed with the stereotype plate.

SEC. 10. *Be it further enacted*, That whenever the Legislature shall require it, the said Corporation shall loan to the Commonwealth any sum of money which shall be required, not exceeding twenty per centum of the amount of the capital stock actually paid in, 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.

Loan to  
the Com-  
monwealth.

SEC. 11. *Be it further enacted*, That the capital stock of the said Bank shall not be sold or transferred, but be holden by the original subscribers thereto, for and during the term of one year from the passing of this Act; and in case the same shall not be put into operation, according to the provisions thereof within the year aforesaid, it shall be void.

This Act,  
how void.

[Approved by the Lt. Governor, February 26, 1825.]

## CHAP. CXLI.

An Act to incorporate the Trustees of the Ministerial Fund of the Congregational Parish and Society in Canton.

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 Elijah Crane, Simon Tucker, Thomas Dunbar, Isaac Fenno, and Charles Tucker, and their successors, be, and they are hereby made a Body Politic, and by the name of The Trustees of the Ministerial Fund of the Congregational Parish and Society in Canton; and by that name to remain a Corporation forever, capable and liable in law, to sue and be sued, in any action, real, personal, or mixed, and to prosecute and defend the same to final judgment and execution.

May sue and be sued.

Appoint a Treasurer.

Appoint a Clerk, &c.

By-laws, &c.

SEC. 2. *Be it further enacted*, That the said Trustees shall have power to appoint a Treasurer, who shall give bond to the inhabitants of the Congregational Parish aforesaid, for the faithful performance of his trust; and the said Trustees shall have power to appoint a Clerk, if they see fit, who shall be sworn, and all such other officers as may be necessary for the management of their affairs; and to make, adopt, and execute, all reasonable by-laws and regulations, for the government of said Corporation, not repugnant to the Constitution and laws of this Commonwealth.

Power to hold, &c.

SEC. 3. *Be it further enacted*, That the said Trustees shall have full power to receive and hold the William Wheeler donation to said parish, and such other funds as may be placed in their hands and possession by the said parish, arising from the sale of pews in the church recently erected by said parish, and all gifts, grants, donations or subscriptions, real or personal, that may hereafter be made for a



ministerial fund, or other parochial uses, and the same to manage, and to apply the income thereof to the support of a Congregational minister in said parish, and to such other parochial purposes as may be conformable to the intention and direction of the grantor or donor: *Provided however*, that the annual income of said funds shall never exceed the sum of fifteen hundred dollars.

Proviso.

SEC. 4. *Be it further enacted*, That the number of said Trustees shall never be less than three, or more than five, and they shall be annually elected by the inhabitants of the said Congregational Parish, at their meeting in March or April, and if the said parish shall neglect or refuse so to do, the said Trustees shall continue in office until others are elected and appointed in their stead; and no person shall be a Trustee unless he be a member of the Congregational Parish and Society aforesaid; and whenever any vacancy shall happen in said board of Trustees, by death, resignation, or removal, the said parish, at any meeting legally warned for that purpose, may fill said vacancy; and if the said parish neglect to fill said vacancy within one year after it shall happen, then the said Trustees, by a major vote, shall have power to fill such vacancy.

Number of Trustees.

Vacancies, how filled.

SEC. 5. *Be it further enacted*, That the said Trustees shall keep a fair record of their proceedings, which shall be open to the inspection and examination of any committee appointed by the Congregational Parish aforesaid, and the aforesaid Trustees shall annually exhibit to said parish a correct statement of the funds in their possession, and of the expenditure of the income thereof, and they shall be liable individually in damages to said Parish, for any waste or misapplication of said funds.

SEC. 6. *Be it further enacted*, That all deeds and instruments requiring a seal, which the said Trustees shall have lawfully determined to make, shall be sealed with their seal, and, being signed and acknowledged by the Treasurer of said Corporation,

Have a seal

shall bind the said Trustees and their successors, and be valid in law.

SEC. 7. *Be it further enacted*, That Thomas Tolman, Esquire, be, and he is hereby authorized and empowered to issue his warrant, directed to some one of the Trustees named in this act, requiring him to notify the first meeting of said Corporation, to organize the same by the establishment of by-laws, and the appointment of its officers; and all meetings of said Corporation, after the first, shall be called in such way and manner as the said Trustees shall direct.

First meet-  
ing.

[Approved by the Lt. Governor, February 26, 1825.]

## CHAP. CXLII.

An Act in addition to an act to incorporate the President, Directors, and Company of the Mendon 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 the act to incorporate the President, Directors, and Company of the Mendon Bank, shall have full force and effect, if the same be put in operation, in the manner therein prescribed, within sixty days from the passing of this act.

Capital stock  
shall not be  
sold, &c.

SEC. 2. *Be it further enacted*, That the Capital Stock of said bank shall not be sold or transferred, but be holden by the original subscribers thereto, for and during the term of one year from the passing of this act.

SEC. 3. *Be it further enacted*, That one half of the capital stock of said bank shall be paid in sixty days, one fourth part in six months, and the residue

in one year from and after the passing of this act; and that the said Corporation shall be liable to pay Liablc to pay, &c. to any bona fide holder, the amount of all notes of said bank counterfeited, excepting such note is printed or impressed with the stereotype plate, any thing in the said act to the contrary notwithstanding.

[Approved by the Lt. Governor, February 26, 1825.]

### CHAP. CXLIII.

#### An Act to incorporate the Boylston Fire and Marine 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 William Dall, Thomas Hunting, Windsor Fay, Josiah P. Cook, Moses Williams, with their associates, successors, and assigns, be, and they are hereby incorporated into a Body Politic, by the name of "The Boylston Fire and Marine Insurance Company," for and during the term of twenty years from and after the passing of this Act, with all the powers and privileges granted to Insurance Companies, and subject to all the restrictions, duties and obligations, contained in a law of this Commonwealth, entitled, "An Act to define the powers, duties, and restrictions of Insurance Companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled, "An Act authorizing the several Insurance Companies in this Commonwealth to insure against fire," passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty; and by that name to sue and be sued, plead and Persons incorporated. May sue and be sued, &c.

May have a seal.

Proviso.

Capital Stock.

This Act, how void.

Number of Directors.

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: *Provided*, they shall not hold real estate exceeding the value of fifty thousand dollars, excepting such as may be taken for debt, or held as collateral security for monies due to said Company.

SEC. 2. *Be it further enacted*, That the Capital Stock of said Company, shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per centum of which shall be paid in money within ninety days after the first meeting of the said Company, and the residue within one year from the passing of this Act, in such instalments and under such penalties as the President and Directors shall in their discretion direct and appoint, and the said capital stock shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the term of one year after the said Company shall go into operation, and if the provisions of this Act shall not be complied with, in one year from the passing of this Act, the same shall then be void.

SEC. 3. *Be it further enacted*, That the property, affairs and concerns of 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 who shall be stockholders in said Company, and citizens of this Commonwealth, at the time of their election, which shall be on the second Monday in March, in every year, at such time of the day, and place in Boston, as a majority of the Directors, for the time being, shall appoint, notice of which election shall be given, in two newspapers printed in Boston, at least ten days previous to the election, which shall be made by written ballot, and by a majority of the votes of the Stockholders present, allowing one

vote to each share of the capital stock; *Provided*, Proviso. that no Stockholder shall be allowed more than thirty votes; and absent stockholders may vote by proxy, and if, from any cause, the Directors shall not be chosen on the said second Monday in March aforesaid, it shall be lawful to choose them on any other day, in manner herein provided. And it shall be the duty of the Secretary of said Company, upon application in writing made by the proprietors of twenty per centum of the capital stock, to call a meeting of the Stockholders, by giving like notice thereof, as is herein prescribed for election of Directors.

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 said office, and who shall preside for one year, and in case of death, resignation, or inability to serve, of the President, or any Director, such vacancy or vacancies may be filled for the remainder of the year by the surviving and continuing Directors. Choice of President. Vacancies, how filled.

SEC. 5. *Be it further enacted*, That the President and six of the Directors, or seven Directors in the absence of the President, shall be a Board competent to the transaction of the business of the Company, and all questions before them shall be decided by a majority of the Board; and they shall have power to make such rules and by-laws, as they may deem proper, for the management of the affairs and security of the property of said Company, and have power to appoint a Secretary, and such other officers as they may think expedient, and make such compensations as they may deem adequate to the services performed; *Provided*, that such rules and by-laws be not repugnant to the Constitution and laws of this Commonwealth. Make by-laws, rules, &c. Proviso:

SEC. 6. *Be it further enacted*, That any two of the persons named in this act, are hereby authorized to call a first meeting of this Company, for the Meeting.

purpose of organizing and putting the same into operation, by giving notice in two newspapers printed in Boston, three days previously to the time of holding such first meeting; *Provided*, that the Company shall not take any risk or subscribe any policy by virtue of this Act until fifty per centum of the said capital stock of said Company shall have actually been paid in.

Proviso. Location. SEC. 7. *Be it further enacted*, That the said Insurance Company shall be located and kept in the City of Boston.

Risk to be taken. SEC. 8. *Be it further enacted*, That the said Company shall never take on any one risk, or loan, on respondentia or bottomry, on any one bottom, at any one time including the sum insured in any other way on the same bottom, a sum exceeding ten per centum on the capital stock of said Company actually paid in agreeably to the provisions of this act.

Liable to be taxed. SEC. 9. *Be it further enacted*, That the said Boylston Fire and Marine Insurance Company shall be liable to be taxed by any general law provided for the taxation of all similar Corporations which are by law liable to be taxed.

[Approved by the Lt. Governor, February 26, 1825.]

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#### CHAP. CXLIV.

An Act to prevent forcibly passing and avoiding  
Toll Gates.

**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 cut, break down, or otherwise injure or destroy any Toll Gate, which is or may be lawfully established within this Commonwealth, or shall wilful-

ly pass, or attempt to pass, any such Gate, without having first paid the legal Toll, with intent to avoid the same, such person shall forfeit and pay a sum not exceeding fifty dollars, nor less than five dollars, to be recovered by the Corporation authorized to establish such Gate, and to their use, in an action on the case in any court competent to try the same. And if any person, with his or her horse, team, or cattle, shall turn out of any road on which such Gate may be so established, to pass such Gate with intent to avoid paying the toll, and again enter on said road, such person shall forfeit and pay treble the toll which could have been payable at such gate, to be recovered by said Corporation, to their use in like manner: *Provided however*, that nothing in this Act shall entitle any Turnpike Corporation to demand or receive toll from any person passing on foot, or with his horse or carriage, to or from his usual place of public worship, or from any person passing on military duty, either on foot or horseback, or in carriages used for their conveyance, or from any person residing in the town where the gate may be placed, unless they are going or returning from beyond the limits of said town, or from any person going to or from any grist mill, or on the common and ordinary business of family concerns.

Penalty.

Pay treble toll.

Proviso

[Approved by the Lt. Governor, February 26, 1825.]

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## CHAP. CXLV.

An Act to incorporate the President, Directors, and Company of the Housatonic 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 Joseph Woodbridge, Persons incorporated.

Thaddeus Pomroy, Cyrus Williams, Henry W. Dwight, Samuel Jones, and George Whitney, with their associates, successors, and assigns, be, and hereby are created a Corporation by the name of The President, Directors, and Company of the Housatonic Bank, and shall so continue until the first Monday of October, 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, provisions, and taxes, and be entitled to the same rights, privileges, and immunities, as 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 the said Act were herein specially recited and enacted: *Provided however*, that the amount of bills issued from the said Bank, shall not at any time, exceed fifty per centum beyond the amount of the capital stock actually paid in: *And provided further*, that the number of Directors to be annually chosen shall be nine, and who shall be inhabitants of, and residents within this Commonwealth, and shall be accountable for the doings of the whole Board, any five of whom may constitute a quorum for the transaction of business.

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 or silver, to be, besides such part as this Commonwealth may subscribe in the manner hereinafter mentioned, divided into shares of one hundred dollars each, which shall be paid in the manner following, that is to say, one fourth part thereof on or before the first day of July next, one-fourth part thereof on or before the first day of October next, one-fourth part thereof on or before the first day of January next, thereafter, and the residue on or before the first day of July next, thereafter; and no Stockholder shall be allowed to borrow at said bank, until he shall have paid in his full proportion of the whole of said capital stock of one

Powers, privileges, &c.

Proviso.

Proviso.  
Number of  
Directors.

Capital stock

Manner of  
paying in  
shares.



hundred thousand dollars, and no dividend shall be declared on the capital stock of said bank, until the whole of the said stock shall have been paid in, conformably to the provisions of this act. 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 the 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 five thousand dollars, and no more, at any one time, with power to bargain, sell, dispose, and convey the same by deed, under the seal of said Corporation, and signed by the President or two of the Directors; and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they may think advisable: *Provided however*, that nothing herein contained, shall restrain or prevent the said Corporation from taking or holding real estate in mortgage or on execution, to any amount, as security for, or in payment of any debt due to the said Corporation: *And provided further*, that no monies shall be loaned or discounts made, nor shall any bills or promissory notes be issued from said bank, until the Capital subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to fifty thousand dollars, nor until the said capital stock actually in said vaults, shall have been inspected and examined by three Commissioners, to be appointed by the Governor for that purpose, whose duty it shall be, at the expense of the said Corporation, to examine 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 the said capital stock hath been bona fide paid in by the stockholders of said bank, and towards payment

Transfer, &c.  
of Stock.

May loan.

Provided

Provided

of their respective shares, and not for any other purpose, and that it is intended therein to remain as part of the said capital stock, and to return a certificate thereof to the Governor.

Shall loan to  
Common-  
wealth.

SEC. 3. *Be it further enacted*, That the said Bank shall be established and kept in the town of Stockbridge. And whenever the Legislature do 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 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 stand indebted to the said Corporation, without their consent, for a larger sum than twenty per centum of their capital then paid in.

Proviso.

Meeting.

SEC. 4. *Be it further enacted*, That the persons herein before, or any three of them, are hereby empowered to call a meeting of the members and stockholders of the said Corporation, as soon as may be, at such time and place as they may see fit to appoint, by advertising the same for three weeks successively, in any two newspapers printed in the county of Berkshire, for the purpose of making and ordaining such by-laws and regulations, for the orderly conducting the affairs of the said Corporation, as the stockholders may deem necessary, and for the choice of the first Board of Directors, and such other officers as they may see fit to choose and appoint; and the Cashier, before he enters upon the duties of his office, shall give bond with sureties to the satisfaction of the Board of Directors, in a sum not less than twenty thousand dollars, with conditions for the faithful discharge of his office.

By-laws.

Cashier shall  
give bond.

Common-  
wealth may  
subscribe.

SEC. 5. *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 ex-

ceeding fifty thousand dollars, to be added to the capital stock of the said Corporation, subject to such rules, regulations, and provisions, as to the management thereof, as shall be by the Legislature made and established.

SEC. 6. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of the Corporation, in the 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 to said bank, in proportion as the sum paid from the Treasury of the Commonwealth, shall bear to the whole amount of stock, actually paid into said bank, if at any time hereafter they shall see fit to exercise that right.

SEC. 7. *Be it further enacted*, That the said Corporation shall be liable to pay any bona fide holder the original amount of any note of said bank, counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alteration, and shall also be liable to pay any bona fide holder the amount of any note of said bank, counterfeited, excepting such note is printed or impressed with the stereotype plate.

Liable to pay, &c.

SEC. 8. *Be it further enacted*, That the said Corporation, from and after the first day of January next, shall pay, by way of tax, to the Treasurer of this Commonwealth, for the use thereof, within ten days after the first Mondays of April and October annually, the half of one per centum on the amount of stock which shall have been actually paid in.

SEC. 9. *Be it further enacted*, That the Capital Stock of the said bank shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the period of one year from the passing of this act; and in case the said bank shall not be put into operation according to the provisions thereof, within the year aforesaid, then this act shall be void.

Capital Stock shall not be sold.

This Act, how void.

[Approved by the Lt. Governor, February 26, 1825.]

## CHAP. CXLVI.

An Act in addition to 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.”

**BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Inspector General or his Deputies shall be paid, for each and every barrel of pickled fish he or they may inspect and brand, the sum of ten cents, and for every half barrel of pickled fish so inspected and branded, the sum of seven cents, exclusive of cooperage, and the Inspector General shall be entitled to receive from his Deputies respectively two cents and no more for each barrel, and one cent for each half barrel of pickled fish which said Deputies may inspect and brand, any thing in the act to which this is in addition, to the contrary notwithstanding.

Inspector,  
&c. to be  
paid.

[Approved by the Lt. Governor, February 26, 1825.]

## CHAP. CXLVII.

An Act in addition to an act imposing a duty on Sales at Auction.

**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 tax or duty due and payable to this Commonwealth, conformably to

an act, entitled, "An Act imposing a duty on Sales at Auction," passed on the tenth day of February, in the year of our Lord one thousand eight hundred and twenty-three, upon the sale by auction or vendue of pews, or the choice of pews, or leases of pews, in any meeting house or church in this Commonwealth, in all cases in which the proceeds of such sale have been or may be applied for the common benefit of the proprietors of such church, or meeting house, or for the benefit of the religious society worshipping in the same, be, and the same hereby is remitted and discontinued, and the auctioneer who may have sold or shall sell such pews, or choice, or leases of pews, shall not be obliged nor required to account for, include, or describe any such sale, or the proceeds thereof, in his account or accounts to the Treasurer of this Commonwealth, of sales by him made.

[Approved by the Lt. Governor, February 26, 1825.]

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## CHAP. CXLVIII.

### An Act to incorporate the Sunderland 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 Nathaniel Smith, Erastus Graves, Alpheus Field, Roswell Field, Jonathan Eastman, Jonathan Gregory, and Cotton Graves, their associates, successors and assigns, shall be, and hereby are created a Corporation by the name of the Sunderland Bank, and shall so continue from the passing of this Act, 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,

Persons in  
incorporated.

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. *Provided however,* that the amount of bills issued from said bank, at any time, shall not exceed fifty per centum of the amount of their Capital Stock actually paid in.

Proviso.

Capital Stock

Manner of  
paying in  
shares.

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, to be, besides such part as this Commonwealth may subscribe, in manner hereafter mentioned, divided into shares of one hundred dollars each, one fourth part of which shall be paid in ninety days, one fourth part in six months; one fourth part in nine months, and the residue in one year after the passing of this Act, or at such earlier time as the Stockholders may order, at any meeting regularly holden therefor. And no Stockholder shall be allowed to borrow at said bank until he shall have paid in his full proportion of the whole of said capital stock of one hundred thousand dollars, and no dividend shall be declared on the capital stock of said Bank until the whole of said Capital Stock shall have been paid in, conformable to the provisions of this Act. And the Stockholders, shall, at their first meeting, 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 five thousand dollars, and no more at any one time, with power to bargain, sell, dispose and convey the same by deed under the seal of said

Transfer, &c.  
of Stock.

Corporation, and signed by the President, or two of the Directors; and to loan and to 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 stock subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to fifty thousand dollars.

Loan, &c.

Proviso.

Proviso.

SEC. 3. *Be it further enacted*, That the said Bank shall be established in the town of Sunderland; and the number of Directors shall be nine. Five of them shall be necessary to constitute a quorum for transacting business.

Location, and Number of Directors.

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 shall be required, not exceeding ten per centum of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or any shorter period at the election of the Commonwealth, with the annual payment of interest at a rate not exceeding five per centum: *Provided however*, that the Commonwealth shall never stand indebted to the Corporation, without their consent, for a larger sum than twenty per centum of their capital actually paid in.

Loan to the Commonwealth.

Proviso.

SEC. 5. *Be it further enacted*, That any three of the persons herein before named may call the first meeting of said Corporation, by advertising the same three weeks successively in one of the newspapers printed in Greenfield, in the County of Franklin, for the purpose of making, ordaining and establishing such by-laws, ordinances and regulations, as the Stockholders shall deem necessary, and for the

First Meeting.

By-laws

choice of the first board of Directors, and such other officers as they shall see fit to choose.

Common-  
wea may  
subscribe.

SEC. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall by law make provision therefor, to subscribe a sum not exceeding one half of the capital stock actually paid in, to be added to the capital stock of said Corporation, subject to such rules, regulations, and provisions, as to the management thereof, as shall by the Legislature be 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; 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 sum paid from the treasury of the Commonwealth shall bear to the whole amount of stock actually paid into said bank, if at any time hereafter they shall see fit to exercise that right.

SEC. 8. *Be it further enacted*, That the Cashier, before entering on the duties of his office, shall give bond with sufficient sureties, to the satisfaction of the Board of Directors, in a sum not less than twenty thousand dollars, conditioned for the faithful discharge of the duties of his office.

SEC. 9. *Be it further enacted*, That the said Corporation, from and after the first day of October next, shall pay, by way of a 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 centum on the amount of stock actually paid in.

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, counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alteration, and shall also be liable to pay to any bona fide holder the amount of any note of said bank

Liable to pay,  
&c.



counterfeited, excepting such note is printed or impressed with the stereotype plate.

SEC. 11. *Be it further enacted*, That the Capital Stock of said bank shall not be sold or transferred, but be holden by the original subscribers thereto, for and during the term of one year from the passing of this Act; and in case the same shall not be put into operation according to the provisions thereof, within the year aforesaid, it shall be void.

Capital Stock shall not be sold, &c.

[Approved by the Lt. Governor, February 26, 1825.]

## CHAP. CXLIX.

An Act to incorporate the Hampshire Manufacturers Bank in the town of Ware.

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 A. Dexter, Anthony Olney, Joel Rice, Joseph Bowman, Jason Mixter, Samuel Mixter, Samuel G. Cutter, Elbridge Cutter, Amos Hamilton, and James Stebbins, with their associates, successors, and assigns, shall be, and are hereby created a Corporation, by the name of The Hampshire Manufacturers Bank, and shall so continue until the first Monday of October, 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 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 by-laws, ordinances, and regulations, as to them shall appear necessary and convenient for the government of said Corporation. and the pro-

Persons incorporated.

May sue and be sued.

Have a seal.

By-laws, &c.

Proviso.

dent management of its concerns: *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 contained.

Capital Stock.

Manner of paying in shares.

SEC. 2. *Be it further enacted*, That the Capital Stock of said Bank shall consist of the sum of one hundred thousand dollars, in gold and silver, in shares of one hundred dollars each; one fourth part of which shall be paid in ninety days, one fourth part in six months, one fourth part in nine months, and the residue in one year after the first meeting of said Corporation, or at such earlier period as the stockholders at any meeting may direct; and no dividend or profit shall be declared, or paid on the capital stock of said Bank, until the whole of said stock shall have been paid in, conformably to the provisions of this act. And the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of the stock and profits of said Bank, 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, and tenements, and hereditaments, to the amount of five 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 prevent said Corporation taking and holding real estate in mortgage, or on execution, to any amount, as security for, or in payment of, any debt due to said Corporation. *And provided further*, that no money shall be loaned, or discounts made, nor shall any bills be issued from said bank, until the capital subscribed and actually paid

Transfer, &amp;c. of Stocks.

Proviso.

Proviso.

in, and existing in gold and silver in the vaults of the same, shall amount to fifty 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, excepting that the bond, to be given by the Cashier, shall be in the penal sum of twenty thousand dollars; and the number of Directors, to be annually chosen, shall be nine, five of whom shall constitute a quorum for the transaction of business: *Provided*, that the amount of the bills of said bank in circulation, shall not at any time exceed the sum of fifty per centum beyond the amount of capital actually paid in. Proviso.

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

SEC. 5. *Be it further enacted*, That any Committee, specially appointed for that purpose by the Legislature, 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 examination, it shall be found, and after a full hearing of said Corporation thereon, be determined by the Legislature, that the said Corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions, or conditions in this act provided, this act of incorporation may thereupon be declared forfeited and void.

SEC. 6. *Be it further enacted*, That the persons herein before mentioned, or any two of them, are authorized to call a meeting of the members and stockholders of said Corporation, at a convenient time and place, by advertising the same three weeks successively in the Hampshire Gazette, printed at Northampton, for the purpose of making, ordaining, and publishing, such by-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 Di- Meeting  
By-laws, &c

rectors, and such other officers as they shall see fit to choose.

Commonwealth may subscribe.

SEC. 7. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall provide therefor, to subscribe on account of said Commonwealth, a sum not exceeding fifty thousand dollars, to be added to the capital stock herein before provided for, and whenever the Commonwealth shall become so interested in said bank, the Governor and Council shall have a right to appoint four additional Directors for the management of the same.

Liable to pay, &c.

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, altered to a larger amount in the course of its circulation, notwithstanding such alteration, and shall also be liable to pay to any bona fide holder, the amount of any note of said bank counterfeited, excepting such note is printed or impressed with the stereotype plate.

SEC. 9. *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 October and April annually, the half of one per centum on the amount of stock which shall have been actually paid in.

Loan to the Commonwealth.

SEC. 10. *Be it further enacted*, That whenever the Legislature shall require it, the said Corporation shall loan to the Commonwealth any sum of money which shall be required, not exceeding twenty per cent. of the Capital Stock actually paid in, 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.

SEC. 11. *Be it further enacted*, That in case this act shall not be put into operation, according to the provisions thereof, within one year from the time of passing the same, then it shall become void, and that

the Capital Stock, of the said bank shall not be sold or transferred, but be holden by the original Subscribers thereof, for and during the term of one year from the passing of this Act.

Capital Stock shall not be sold, &c.

[Approved by the Lt. Governor, February 26, 1825.]

## CHAP. CL.

An Act to incorporate the Proprietors of the Quincy 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 William Wood, Henry Wood, William Packard, Peter Bicknell, Ebenezer Green, John Whicher, Ebenezer Crain, Elijah Spear, William Seven, and Ebenezer Bent, their associates, successors and assigns, with all others who may hereafter associate with them, be, and they are hereby made a Corporation, and Body Politic forever, by the name and style of the Proprietors of the Quincy Canal, and by that name, may sue and be sued, prosecute and be prosecuted to final judgment and execution, and do and suffer all other acts and things, which bodies public may and ought to do and suffer; and the said Corporation shall have power and authority to make, have and use a common seal, and the same to break, alter and renew at pleasure.

Persons incorporated.

May sue and sued.

Have a common seal.

SEC. 2. *Be it further enacted,* That any three of the persons above named, may call the first meeting of the said proprietors, to be held in some suitable place, by posting up advertisements in the town of Quincy, seven 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

First meeting

allowing one vote for each share, shall have power to choose a Clerk and Treasurer, who shall be severally sworn to the faithful performance of the duties of their respective offices; which Clerk shall record this act, and truly and faithfully record all rules, regulations and votes of said Corporation, and the said Corporation may, at the same or any subsequent meeting, choose a President and such other officers, agents and servants, and invest them with such power and authority, as may be found necessary for managing the business of said Corporation, and to assess and recover reasonable fines and penalties of the members of said Corporation, for any breach of such rules and regulations as they may adopt, not exceeding ten dollars for any one breach; *Provided*, such rules and regulations shall not in any case be repugnant to the Constitution and laws of this Commonwealth.

Choice of  
President,  
&c.

Proviso.

Power to ex-  
plore, &c,

SEC. 3. *Be it further enacted*, That said Corporation shall have power to explore, mark and lay out a parcel of land below Town River Bridge, so called, in Quincy, twenty-eight rods long and eighty feet wide, for a basin at the head of said Canal, and from thence a parcel of marsh, fifty feet wide, extending to the head of Southers Wharf, so called, in Quincy aforesaid, likewise land sufficient and necessary for a road and wharves, where it may be most convenient for them, by making the owners thereof a reasonable compensation for the same, which compensation, if said owner and Corporation cannot agree upon, shall be decided by three disinterested freeholders, living within the County of Norfolk, one to be appointed by each party, and the third by those two, and the cost to be paid by said Corporation; through and over which they may dig, make and complete a Canal of suitable depth and width, for the passage of vessels not drawing more than nine feet of water, and to make such locks and gates, as may be convenient and necessary for the purpose of this Act.

Make locks,  
&c.

SEC. 4. *Be it further enacted*, That it shall be the

duty of said Corporation, at their own expense, to erect and forever maintain a good and sufficient fence, extending the whole length of the northerly side of the tow path, road and canal, fencing in the land through which they pass, if so required by the owners of the land through which they pass; and said Corporation shall be held to make compensation to any person or persons who may sustain damage by any obstruction caused by the erection of the Canal aforesaid.

SEC. 5. *Be it further enacted*, That if said Corporation shall not, within thirty days after the award made, or to be made, by the said three disinterested freeholders, to be appointed as aforesaid, shall be declared and made known, pay the amount of said award to the owner or owners of the lands or water privilege, in whose favor the said award shall be, the said owner or owners may bring an action of the case for the recovery of the same, against said Corporation, in any Court competent to try the same, and shall recover the same, with interest, at the rate of twelve per centum, per annum, for the time which elapses after the date of said award, until final judgment in Court shall be recovered and entered; and if the writ of execution which issues upon such judgment shall be returned unsatisfied, the stockholders and members of said Corporation who are members at the time of the making of such award, shall be jointly and severally liable, in their individual and private capacity, to pay the same.

Not pay, &c.

Owner or owners may bring an action, &c.

SEC. 6. *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 any work or works connected with or appertaining to the same, or any part thereof, such person or persons, for every said offence, shall forfeit and pay to said Corporation treble such damages as said proprietors shall to the Justice, or Court and Jury, before whom the trial shall be, make appear they have sustained by means of such trespass, to be sued for, and recover-

Penalty.

ed, with costs, in any Court proper to try the same; 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 less than ten nor more than fifty dollars.

SEC. 7. *Be it further enacted*, That the Stock and property of said Corporation shall be divided into sixty shares, of one hundred dollars each, to be paid by the proprietors, 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 an indorsement, and said transfer shall be recorded by the Clerk of said Corporation, and said Corporation may make assessments on said shares, for the purpose of effecting the objects of the Corporation: *Provided*, the assessments on each share do not exceed twenty-five dollars, in addition to the above named one hundred dollars already assessed. And if any 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 sale being given by the Treasurer of said Corporation, by posting up advertisements thereof, in two or more public places in the town of Quincy, ten days at least previous to the time of such sale, and the proceeds of such sale shall be applied to the payments due on the share or shares so sold, with incidental charges, and the surplus if any shall be paid to the former owner, or to his legal representative on demand, and such sale shall give a good and complete title to the purchaser or purchasers of such share or shares, and he shall receive a new certificate thereof, which shall be recorded by the Clerk of said Corporation, or the said Corporation may recover the amount of such assessments and interest and costs, in an action of debt, in any Court having jurisdiction, as they shall elect and determine.

Stock, &c.  
be divided.

May be trans-  
ferred.

Proviso.

Neglect, &c.  
to pay assess-  
ment

Proceeds.  
how applied.

May recover,  
&c.



SEC. 8. *Be it further enacted*, That the said Corporation shall be entitled to ask and receive, for their sole benefit, of and from all vessels, boats, rafts, gondolas, &c. passing through the locks of said canal, fees or toll, not exceeding the following rates, viz: for every ton of stones, six cents per ton; for every cord of wood, twelve and a half cents per cord; for every thousand feet of boards, fifteen cents, and other sawed lumber in proportion; for every hundred feet of timber, ten cents; for ton timber, ten cents per ton; for shingles, four cents per thousand; for laths, six cents per thousand; for clapboards, twenty-five cents per thousand; for brick, eight cents per thousand; and for lime, four cents per cask; and all other articles to pay toll in proportion to the above named rates; and for every vessel carrying passengers, or plying through the locks of said canal as a packet, for the purpose of carrying passengers or freight, shall pay six cents per ton for the amount of tonnage she may be able to carry; all salt and grain carried through the locks of said canal, shall pay one dollar for every hundred bushels; and at and after that rate for any greater or less quantity. And said toll shall commence as soon as said canal shall be passable for vessels as prescribed by said Corporation: *Provided however*, that the fees or toll shall be, at all times hereafter, subject to the revision or alteration of the Legislature.

SEC. 9. *Be it further enacted*, That if said Corporation shall not complete a canal as aforesaid, passable for vessels as above described, drawing nine feet of water, within three years from and after passing of this act, the same shall be void.

[Approved by the Lt. Governor, February 26, 1825.]

## CHAP. CLI.

## An Act to incorporate the President, Directors and Company of the Danvers 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 Squires Shove, Denison Wallis, Sylvester Osborn, William Sutton, and Ebenezer Shillaber, 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 Danvers Bank; and shall so continue 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," a bank kept and established in the town of Boston, except as the same are so far modified or altered by this Act, as fully and effectually as if the several sections of said Act were herein specially recited and enacted. *Provided however,* that the amount of bills issued from said bank, at any one time, shall not exceed fifty per centum beyond the amount of the Capital Stock actually paid in.

Persons incorporated.

Proviso.

Capital stock

Manner of paying in shares.

SEC. 2. *Be it further enacted,* That the Capital Stock of the said Corporation shall consist of the sum of one hundred and twenty thousand dollars, divided into shares of one hundred dollars each; thirty-three and one third per centum of which shall be paid, in gold and silver, on or before the first day of July next, and the residue in two instalments of forty thousand dollars each, the first in six months and the second in twelve months after said first meeting, or at such earlier time or times, as the

Stockholders may direct at said meeting; and no dividend shall be made or declared on the capital stock of said bank, until the whole of said capital stock shall have been paid in, conformably to the provisions of this act. And the Stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of the said stock and the profits thereof, which, being entered in the books of the said Corporation, shall be binding on the stockholders, their successors, and assigns, 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 six 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 on mortgage, or execution, to any amount as security for, or in payment of, any debts due to the said Corporation: *And provided further*, that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said Bank, until the capital subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to sixty thousand dollars, nor until said capital stock actually in said vaults shall have been inspected and examined by three Commissioners, to be appointed by the Governor for that purpose, whose duty it shall be, at the expense of the Corporation, to examine the monies actually existing in the vaults, and to ascertain by the oath of the Directors, or a majority of them, that said capital stock has 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 to remain

Transfer, &c  
of Stock.

May loan

Proviso

Proviso.

therein as part of said capital, and to return a certificate thereof to the Governor.

Location. SEC. 3. *Be it further enacted*, That the said Bank shall be located and kept in the town of Danvers.

Shall loan to Commonwealth. 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 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 not exceeding five per centum per annum.

Proviso. *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.

Meeting. SEC. 5. *Be it further enacted*, That any three of the persons named in the first section of this Act, are authorized to call a meeting of the members and stockholders of said Corporation, at such time and place as they may see fit to appoint, by advertising the same in the Salem Gazette, printed in Salem, for the purpose of making, ordaining, and establishing such by-laws and regulations for the orderly conducting the affairs of the said Corporation, as the stockholders shall deem necessary, and for the choice of a Board of Directors to consist of nine persons, and such other officers as they shall see fit to choose.

By-laws. 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 one half part of the stock actually paid in, to be added to the Capital stock of said Corporation, subject to such rules, as to the management thereof, as shall be by the Legislature made and established.

Commonwealth may subscribe. SEC. 7. *Be it further enacted*, That in case the said Bank shall not be put into operation, according to the provisions of the Charter, within one year

from the passing of this Act, then the same shall be void.

SEC. 8. *Be it further enacted*, That the said Corporation shall be liable to pay any bona fide holder the original amount of any note of said Bank, counterfeited or altered in the course of its circulation, to a larger amount, notwithstanding such alteration, and shall also be holden to pay to any bona fide holder the amount of any note of said bank counterfeited, unless all the notes actually issued by said Corporation shall be printed or impressed with the stereotype plate.

Liabie to  
pay, &c.

SEC. 9. *Be it further enacted*, That the capital stock of the said Bank shall not be sold or transferred, but be holden by the original subscribers thereof, for and during the term of one year from the passing of this Act.

Capital stock  
shall not be  
sold, &c.

SEC. 10. *Be it further enacted*, That the Cashier, before he enter upon the duties of his office, shall give bond with sureties to the satisfaction of the Board of Directors, in a sum not less than twenty thousand dollars, with conditions for the faithful discharge of his office.

[Approved by the Lt. Governor, February 26, 1825.]

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## CHAP. CLII.

An Act in addition to and for repealing the first Section of an act, entitled, "An Act directing the mode of making returns of the several incorporated Banks in this Commonwealth, to his Excellency the Governor, and the Honorable Council."

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 directing the mode of making returns of the several incorporated Banks in this Commonwealth, to his Excellency the Governor, and the honorable Council," made and passed on the twenty-seventh day of February, in the year of our Lord one thousand eight hundred and thirteen, be, and the same is hereby repealed.

When make  
return, &c.

SEC. 2. *Be it further enacted*, That from and after the passing of this act, the Directors of every Bank which is or may be incorporated within this Commonwealth, shall, on the first Saturday of January and June in every year, make a return of the state of such Bank as it existed, at two o'clock, afternoon, of the Saturday aforesaid, and shall transmit the same as soon as may be, not exceeding fifteen days, to the Secretary of this Commonwealth, which return shall specify the amount due from the Bank, designating, in distinct columns, the several particulars included therein, and shall also specify the resources of the Bank, designating, in distinct columns, the several particulars included therein, and the said return shall be in the following form viz:—



Return signed by Directors, &c.

Which return shall be signed by a majority of the Directors and the Cashier of each Bank respectively, who shall make oath or affirmation, before some Magistrate qualified to administer oaths, and who shall have no interest in said corporate body, to the truth of said return, according to their best knowledge and belief.

Secretary authorized, &c.

SEC. 3. *Be it further enacted*, That the Secretary of this Commonwealth, be, and he hereby is authorized and directed to procure, at the expense of the Commonwealth, printed copies of the form of return required by this act, and to furnish two such copies of the same to the Cashier of every Bank, which is or may be incorporated within this Commonwealth, at least ten days before the first Saturday of January in every year.

[Approved by the Lt. Governor, February 26, 1825.]

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### CHAP. CLIII.

An Act in addition to an act, entitled, "An Act for the support and regulation of Mills," and the several acts in addition thereto.

Person shall complain, &c.

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 shall complain to the Court of Common Pleas, that he sustains damages in his lands by their being flowed, whether said lands shall be situated either above or below any mill dam, the said Court may order the complainant to notify the owner or owners, occupant or occupants of the mill dam complained of, if residents or inhabitants within this Commonwealth, otherwise their tenant, attorney, or agent, by serving him or them with an at-



tested copy of such complaint, and the order of the Court thereon, fourteen days at least before the sitting of the Court to which the same is returnable, or such complainant may, the like number of days before the sitting of the Court before which his complaint may be brought, cause the owners or owner, occupant or occupants, of such mill dam, his, her, or their tenant, agent, or attorney, in case he, she, or they, are not inhabitants or residents within this Commonwealth, to be served with an attested copy of such complaint.

SEC. 2. *Be it further enacted*, That whenever said Court shall issue a warrant to summon a Jury, as is set forth in the acts to which this act is in addition, the same may be directed to either of the deputy sheriffs, where the land so flowed may be situated, in case he is disinterested, which said deputy sheriff shall have the same power and authority to summon and empanel a jury, as the sheriffs now have, and to return their verdict accordingly, any law or custom to the contrary notwithstanding.

Warrant to  
summon a  
Jury, &c.

SEC. 3. *Be it further enacted*, That when any jury shall be summoned under the said acts, to assess damages to any person, the jury may take into consideration, in their assessment, any other damage occasioned to such person, as well as the damage to the land overflowed, and in offset thereto (if any there be) any benefit which may result to the complainant by reason of the mill dam complained of.

Jury to as-  
sess dama-  
ges.

SEC. 4. *Be it further enacted*, That in any case of complaint for damage, occasioned by flowing land as aforesaid, the respondent or respondents may pay into the Court, or lodge with the Clerk of the Court to which such complaint may be made, giving notice thereof to the complainant, any sum of money as the amount of damages occasioned by such flowing, previously to the time of making such complaint, specifying the rate of damage per annum for which the same is paid, and if the complainant or complainants shall take the same out of Court, or out of the hands of the Clerk, and accept the same

Respondent,  
&c. may  
pay.

Respondents  
entitled to  
costs.

Complainant  
&c. liable to  
pay, &c.

in full satisfaction of the damage complained of, the respondents or respondent shall be entitled to costs, to be assessed up to the time of such payment; but if the complainant or complainants shall not accept such amount as a full satisfaction of his or their damages complained of, but shall proceed in the prosecution of such complaint, and have the damages assessed under the acts to which this act is in addition, and shall not recover damages exceeding the sum so paid in, such complainant or complainants shall in such case be liable to pay full costs to the respondent or respondents, as in case of sufficient tender of a debt before action brought and subsequent readiness to pay the same; and in case the amount so paid into Court shall be accepted as a full satisfaction of the damages complained of, the rights, remedies, and liabilities of all parties in the subject of such complaints shall be the same as if the amount so paid into Court, or into the hands of the Clerk, had been assessed by a jury under the acts to which this act is in addition.

[Approved by the Lt. Governor, February 26, 1825.]

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#### CHAP. CLIV.

An Act to incorporate the President, Directors, and Company of the Farmers Bank in Belchertown.

Persons in-  
corporated.

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 Bridgman, jr. Mark Doolittle, Joseph Strong, Azor Moody, Charles Forry, Elihu Lyman, Jonathan Dwight, Mason Shaw, Philo Dickinson, Elnathan Jones, Thomas Jones, John Wyles, James H. Clapp, Theodore Bridgman, Henry Mellen, and Amos Mason, with

their associates, successors, and assigns, shall be, and are hereby created a Corporation by the name of 'The President, Directors, and Company of the Farmers Bank, and shall so continue until the first Monday of October, 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 other place whatever; and also to make, have, or use a common seal; and to ordain, establish, and put in execution, such by-laws, ordinances, and regulations, as to them shall appear necessary and convenient for the government of said Corporation, and the prudent management of its concerns: *Provided*, such by-laws, ordinances, and regulations, shall be in no wise 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 contained.

May sue and be sued.

Have a seal.

By-laws, &c.

Proviso

SEC. 2. *Be it further enacted*, That the capital stock of said Bank shall consist of the sum of one hundred thousand dollars, in gold and silver, in shares of one hundred dollars each, to be paid in in the following manner, viz. one fourth part thereof on or before the first day of July next, one-fourth part thereof on or before the first day of October next, one-fourth part thereof on or before the first day of January next; the residue on or before the first day of July thereafter; or at such earlier time as the stockholders, at any meeting may order; and no dividend or profit shall be declared, or paid on the capital of said Bank, until the whole of said stock shall have been paid in, conformably to the provisions of this act; and the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of the stock and profits of said Bank, 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

Capital Stock.

Manner of paying in shares.

Transfer, &c. of Stock.

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 four 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 prevent said Corporation from taking and holding real estate on mortgage, or on execution, to any amount, as security for, or in payment of, any debt due to said Corporation. *And provided further*, that no money shall be loaned, or discounts made, nor shall any bills be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver in the vaults of the same, shall amount to fifty thousand dollars.

Proviso.

Proviso.

Number of  
Directors.

Proviso.

Location.

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, in the same manner as though specially recited in this Act, excepting that the bond to be given by the Cashier shall be in the penal sum of twenty thousand dollars; and the number of Directors to be annually chosen shall be nine, and be inhabitants of, and residents in this Commonwealth, and accountable for the doings of the whole board, five of whom may constitute a quorum for transacting business; *Provided*, that the amount of the bills of the said bank, in circulation, shall not, at any time, exceed fifty per centum beyond the amount of the capital actually paid in.

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

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 said Corporation thereon be determined by the Legislature, that the said Corporation, have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions or conditions in this Act provided: this Act of incorporation shall thereupon be declared to be forfeited and void.

SEC. 6. *Be it further enacted,* That the persons herein before named, or any two of them, are authorized to call a meeting of the stockholders of said Corporation, at a convenient time and place, by advertising the same three weeks successively in the Hampshire Gazette, a paper printed in Northampton, for the purpose of making, ordaining, and establishing such by-laws, ordinances, and regulations, for the orderly conducting the affairs of said Corporation as the 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.

Meeting.

By-laws. }

SEC. 7. *Be it further enacted,* That the Commonwealth shall have a right, whenever the Legislature shall provide therefor, to subscribe, on account of said Commonwealth, a sum not exceeding fifty thousand dollars, to be added to the capital stock of said Corporation herein before provided for, and whenever the Commonwealth shall become so interested in said bank, the Governor and Council shall have a right to appoint four additional Directors for the management of the same.

Commonwealth may subscribe.

SEC. 8. *Be it further enacted,* That the said Corporation shall be liable to pay, any bona fide holder, the original amount of any note of said Bank altered to a larger amount in the course of its circulation, notwithstanding such alteration, and shall also be liable to pay to any bona fide holder the amount of any note of said Bank counterfeited, excepting such note is printed or impressed with the stereotype plate.

Liable to pay, &c.

SEC. 9. *Be it further enacted,* That the said Cor-

poration, 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 October and April, annually, the half of one per centum on the amount of stock which shall have been actually paid in.

SEC. 10. *Be it further enacted,* That one tenth part of the whole capital of said bank may always be appropriated to loans to be made exclusively to citizens of this Commonwealth, wherein the Directors shall particularly regard the manufacturing and agricultural interest in the same, which loans shall be made in sums not exceeding five hundred dollars, nor less than one hundred dollars, to be secured by the personal bond of the borrower, and a satisfactory mortgage of real estate as collateral security, for the term of not less than one year, the interest on all such loans to be paid annually, and the estate so mortgaged subject to the same forfeitures and entitled to the same rights of redemption as is by law provided in other cases.

Loan to the  
Common-  
wealth.

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 twenty per centum of the capital stock actually paid in, 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.

Capital  
stock, shall  
not be sold,  
&c.

SEC. 12. *Be it further enacted,* That the Capital Stock of the said bank shall not be sold or transferred, but be holden by the original subscribers thereto, for and during the term of one year from the time of passing this act; and in case the same shall not be put into operation according to the provisions thereof, within the year aforesaid, it shall be void.

[Approved by the Lt. Governor, February 26, 1825.]

## **Commonwealth of Massachusetts.**

SECRETARY'S OFFICE, APRIL 22, 1825.

I HEREBY CERTIFY, that I have compared the Laws printed in this pamphlet, with the original Laws as passed by the Legislature at their session in January and February last, and that they appear to be correct.

**EDWARD D. BANGS,**

*Secretary of the Commonwealth.*

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