





L A W S

OF THE

Commonwealth of Massachusetts,

PASSED AT THE SEVERAL

SESSIONS OF THE GENERAL COURT,

BEGINNING MAY, 1831, AND ENDING MARCH, 1833.

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1833.

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OF THE

Commonwealth of Massachusetts.

PASSED BY THE GENERAL COURT,

AT THEIR SESSION, WHICH COMMENCED ON WEDNESDAY, THE TWENTY-FIFTH OF MAY, AND ENDED ON THURSDAY, THE TWENTY-THIRD OF JUNE, ONE THOUSAND EIGHT HUNDRED AND THIRTY-ONE.

CHAP. I.

An Act to incorporate the Commercial Insurance Company 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 Christopher Mitchell, Frederic W. Mitchell, David Baxter, Martin T. Morton, Philip H. Folger, Jared Coffin, John W. Barrett, Gorham Coffin, Henry Swift, Daniel Jones, and their successors, associates and assigns, be, and they hereby are incorporated and made a body politic, by the name of the Commercial Insurance Company, to be located in Nantucket, for the purpose of making-maritime loans and insurance against ma-

Persons incorporated.

Powers.

ritime losses in the usual and customary manner, with all the privileges, and subject to all the duties and obligations, contained in a law 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, for and during the term of twenty years from and 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 ten thousand dollars, excepting such as may be taken for debt, or held as 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 seventy-five thousand dollars, and shall be divided into shares of one hundred dollars each: and fifty per centum thereof shall be paid in money, within sixty days after public notice given by the president and directors chosen by the stockholders, and published in the Nantucket Inquirer, namely, twenty-five per centum of said capital stock in thirty days after such notice, and twenty-five per centum in thirty days more, and the residue in such instalments, and under such penalties as the president and directors shall order and appoint; *Provided*, that said residue shall be paid within one year from the first meeting of the company.

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 office 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 January, in each and every year, at such time of the day, and in such place in Nantucket, as a majority of the directors for the time being may appoint, of which election public notice shall be given in some newspaper printed in Nantucket, ten days at least previous to the meeting, 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 should not be chosen on the second Monday of January as aforesaid, it shall be lawful to choose them on any other day, in the manner herein provided.

President, directors, &c.

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 until another shall be chosen in his stead. 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

President.

election for that purpose, to be held in the same manner as herein before directed, respecting annual elections of directors.

Board for doing
business.

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 and servants for carrying on the business, and with such salaries and allowances to them and to the president, as to the said board shall seem meet. *Provided*, 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 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 any newspaper printed in Nantucket, in two successive papers, for the purpose of electing their first Board of Directors, who shall continue in office till the second Monday of January next, and until others are chosen in their stead. *Provided however*, that this charter shall be void, 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 fifty thousand dollars of the capital stock of said company shall have actually been paid in : and they shall at no time take any one risk by way of a policy of insurance, maritime loan or bottomry, or otherwise, to a greater amount than ten per centum of their capital actually paid in.

SEC. 7. *Be it further enacted*, That said com- Taxation.
pany shall be liable to be taxed by any general law, providing for the taxation of all similar corporations.

[Approved by the Governor, June 7, 1831.]

CHAP. II.

An Act to incorporate the Beaman 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 Oliver Eldredge, Isaac Danforth, and Josiah Nickerson, together with such others as now are, or may hereafter be associated with them, their successors or assigns be, and they hereby are made a corporation, by the name of the Beaman Manufacturing Company, for the purpose of manufacturing cotton and woollen goods, in the town of West Boylston, 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 twenty third day of February in the year of our Persons incor-
porated.

Lord one thousand eight hundred and thirty, entitled "An Act defining the general powers and duties of Manufacturing Corporations."

Real and personal estate.

SEC. 2. *Be it further enacted*, That the said Beaman Manufacturing Company may lawfully hold and possess such real estate, not exceeding the value of twenty five thousand dollars, and such personal estate not exceeding the value of fifty thousand dollars, as may be necessary and convenient for carrying on the manufactures aforesaid.

[Approved by the Governor, June 7, 1831.]

CHAP. III.

An Act to incorporate the Palmer 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 S. Wright, Thomas Lord, and Luther Parks, their associates, successors and assigns be, and they hereby are made a Corporation, by the name of the Palmer Company, for the purpose of manufacturing woollen and cotton goods and machinery, in the town of Palmer, in the County of Hampden, and for this purpose shall have all the powers and privileges and be subject to all the duties and requirements contained in an act entitled "An Act defining the general powers and duties of Manufacturing Corporations," passed the twenty third day of February in the year of our Lord one thousand eight hundred and thirty.

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 two hundred thousand dollars, and such personal estate not exceeding the value of two hundred thousand dollars, as may be necessary and convenient for the purposes aforesaid.

May hold real estate.

[Approved by the Governor, June 7, 1831.]

CHAP. IV.

An Act to incorporate the Commercial 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 J. Loring, and his associates, and their successors and assigns, be, and they hereby are incorporated and made a body politic, by the name of the Commercial Insurance Company, with all the powers and privileges, 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,

Persons incorporated.

for and during the term of twenty years after the passage 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*, that the said 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 money due to said company.

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 remaining one hundred thousand dollars 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 order and appoint, and the capital stock shall not be transferred within one year from the passing of this act, and if the provisions of this act shall not have been complied with in one year from the passing of this act, the same shall be void.

Directors.

SEC. 3. *Be it further enacted*, That the stock, property and concerns shall be managed and conducted by nine directors, one of whom shall be the president of the company, and they shall hold their offices till the next annual meeting after their election, and until others are chosen in their stead, and they at the time of their election shall be interested in the stock of the company, and citizens of this Commonwealth, and shall be elected at the annual

meeting of the Company, which shall be holden at such time and place in the city of Boston, in the month of October annually, as the directors for the time being shall appoint, of which meeting public notice shall be given in two of the newspapers printed in Boston, at least ten days previous to the meeting. The election shall be made by ballot, by a majority of the stockholders present, allowing one vote to each share of the 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 accident, the said directors shall not be chosen at the annual meeting as aforesaid, it shall be lawful to choose them on any other day in the manner herein provided for the election of directors.

SEC. 4. *Be it further enacted*, That the directors, as soon as may be convenient after they shall be chosen, shall meet and elect one of their body to be the president of the company, who shall be sworn or affirmed to the faithful discharge of the duties of his office, and who shall preside till the next annual meeting, and until another president 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 a special election at a meeting of the stockholders to be called for that purpose, in the same manner as herein provided respecting annual elections of directors. 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 transac- Board for doing business.

tion of business ; and all questions before them shall be decided by a majority of votes, and they shall have power to make and alter such by laws as to them may appear useful, touching the management and disposition of the property and concerns of the company, the transfer of the shares, the duties of the several officers employed, the election of directors, and all such matters as appertain to the business of insurance ; and said directors may appoint all officers and agents, that in their opinion the affairs of the company may require, prescribe their duties and fix their compensation. *Provided*, that 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 the said William J. Loring be, and he hereby is authorized, as soon as shall be convenient after the passing of this act, to call the first meeting of said company for the purpose of organizing the corporation, and choosing directors, by advertising in two of the newspapers printed in Boston, notice of the time and place of meeting, at least two weeks previous to the meeting.

Risks.

SEC. 7. *Be it further enacted*, That said company shall not take any risk, or subscribe any policy, till one hundred thousand dollars of their capital shall be paid in, and they shall at no time take any one risk by way of a policy of insurance, maritime loan, or bottomry, or otherwise, to a greater amount than ten per cent. on their capital actually paid in.

Location.

SEC. 8. *Be it further enacted*, That the Commercial Insurance Company shall be located in Boston, and it shall be liable to be taxed by any general law providing for the taxation of all similar corporations, that are by law liable to be taxed.

SEC. 9. *Be it further enacted*, That the shares of said corporation shall be assignable and transferable, according to such rules and regulations as the president and directors shall for that purpose ordain and establish, and not otherwise.

[Approved by the Governor, June 7, 1831.]

CHAP. V.

An Act to incorporate the Lawrence 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 Appleton, Benjamin R. Nichols and Nathan Appleton, their associates, successors and assigns, be, and they hereby are made a Corporation by the name of the Lawrence Manufacturing Company, for the purpose of manufacturing cotton and woollen goods in the town of Lowell and county of Middlesex, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an Act passed the twenty third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled "An Act defining the general powers and duties of Manufacturing Corporations." Persons incorporated.

SEC. 2. *Be it further enacted*, That the capital Capital Stock. stock of said Corporation shall not exceed the sum of twelve hundred thousand dollars, and that the said corporation may be lawfully seized and possessed of

such real estate as may be necessary and convenient for the purposes aforesaid, not exceeding the value of one hundred and fifty thousand dollars, exclusive of buildings and improvements that may be made thereon by the said Corporation.

[Approved by the Governor, June 7, 1831.]

CHAP. VI.

An Act in addition to an act entitled "An Act to regulate Pilotage from the Sea into New Bedford and Fairhaven."

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 rate of Pilotage which every person, authorized by law to pilot vessels from the Sea into New Bedford and Fairhaven, shall be entitled to demand and receive, shall be as follows, viz: For all vessels inward bound, two dollars per foot; and for all vessels outward bound, one dollar per foot; any thing which is contained in the fifth section of the act to which this act is in addition, to the contrary notwithstanding.

Rate of pil. t. i. ge.

[Approved by the Governor, June 7, 1831.]

CHAP. VII.

An Act in addition to an act, entitled “An Act incorporating the Hingham Mutual Fire 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 Hingham Mutual Fire Insurance Company, shall be, and hereby are authorized to insure, for any term of time not less than one year, nor more than seven years, on any dwelling house or other building, and on household furniture, in any part of this Commonwealth, to any amount, not exceeding three quarters of the value of the property insured.

Authorized to insure for any term not less than one year nor more than seven years.

[Approved by the Governor, June 8, 1831.]

CHAP. VIII.

An Act to abolish the process of Outlawry.

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 directing and regulating the process of outlawry,” passed on the second day of October in the year of our Lord one thousand seven hundred and eighty-two, and the last section of an act, entitled “an act for enforcing the speedy payment of rates and taxes,

Abolition of Outlawry.

and directing the process against deficient Constables and Collectors," passed on the sixteenth day of February, in the year of our Lord one thousand seven hundred and eighty-six, be, and the same hereby are repealed; and that the process of Outlawry be, and the same hereby is abolished.

[Approved by the Governor, June 9, 1831.]

CHAP. IX.

An Act to incorporate the Mechanics Insurance Company 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 William R. Rodman, Gideon Howland, John Price, Ivory H. Bartlett, Thomas Mandell, Benjamin Rodman, Silas Kempton, Jireh Swift, Joseph R. Shiverick, Charles Russell, with their associates, successors and assigns, be, and they hereby are incorporated into a company and body politic, by the name of the Mechanics Insurance Company in New Bedford, with all the powers and privileges 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 in

Persons incor-
porated.

sure 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 twelve 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 shall be one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty 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.

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 in January in each and every year, at such time of the day, and such place in New Bedford, as a majority of the directors for the time being shall appoint, of which election public notice shall be given in one or more newspapers, printed in New Bedford, ten days at least previous to the meeting, 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 should not be chosen on the first Monday of January as aforesaid, it shall be lawful to choose them on any other day in the manner herein provided.

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 director, such vacancy or vacancies shall be filled for the remainder of the year in which they happen by a special election for that purpose, to be held in the same manner as herein before directed respecting annual elections of directors.

Board for doing
business.

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 and servants for carrying on the business, and with such salaries and allowances to them, and to the president, as to the said board shall seem meet ; *Provided* 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 any newspaper printed in New Bedford, for two successive weeks, for the purpose of electing their first board of directors, who shall continue in office till the first Monday of January next, and until others shall be chosen in their stead. *Provided* however, that this charter shall be void, 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 fifty thousand dollars of the capital stock of said company shall have been actually paid in, and they shall at no time take any one risk by way of a policy of insurance, maritime loan or bottomry, or otherwise, to a greater amount than ten per cent on their capital actually paid in.

First meeting.

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

Location.

New Bedford, and it shall be liable to be taxed by any general law providing for the taxation of all similar Corporations.

[Approved by the Governor, June 9, 1831.]

CHAP. X.

An Act to incorporate the Springfield 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 Benjamin Day, James Brewer, Samuel Henshaw, Edmund Dwight, Jonathan Dwight, Jr., Francis Stanton, Israel Thorndike, Harrison Gray Otis, Samuel A. Eliot, William H. Eliot, George W. Lyman, James K. Mills, Gorham Brooks and George Bliss, and their associates, successors and assigns, be, and they hereby are constituted a body politic and corporate, by the name of the Springfield Canal Company; and as such may sue and be sued, have a common seal, and alter and renew the same at pleasure, may from time to time choose a clerk, treasurer, directors, and other needful officers, may make rules and by-laws, *provided* the same are not repugnant to the constitution or laws of this Commonwealth; and generally may do and execute whatever by law shall appertain to bodies politic and corporate.

Persons incorporated.

Capital stock.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation shall not exceed three hundred thousand dollars, and the same may be divid-

ed into shares, and the said shares may be transferred in the manner prescribed by said corporation. And the said corporation shall have all the powers, in relation to assessments upon said shares, and the enforcement and collection thereof, which are contained in the fifth section of the act “defining the general powers and duties of Manufacturing Corporations,” passed the twenty third day of February, in the year of our Lord one thousand eight hundred and thirty.

SEC. 3. *Be it further enacted,* That said corporation shall have power to take and hold real estate not exceeding in value the sum of one hundred thousand dollars, exclusive of such improvements as may be made thereon, and personal estate not exceeding in value the sum of two hundred thousand dollars; and the said corporation may improve, sell or release their estates, as all other proprietors or owners of estates may lawfully do.

Real and personal estate.

SEC. 4. *Be it further enacted,* That said corporation shall have power to make and construct a canal, with locks, upon and through any estates which they may hereafter own adjoining or near to Chickapee River, in Springfield, in the county of Hampden, and through and over any public highways or town ways, running through or adjoining such lands: *provided,* that when the same canal shall pass any such highway, or town way, the said corporation shall make and maintain, in good repair, a suitable bridge or bridges over the same. And the said corporation shall have power to take, own and improve any mills and water powers connected with their estates, to construct and sell machinery, and erect any building suitable therefor, and to construct, own and use any boats in the

May construct a canal with locks.

navigation of said canal and of said Chickapee River or of the Connecticut River.

First Meeting.

SEC. 5. *Be it further enacted*, That any three of the persons named in this act, may call the first meeting of said Corporation, by giving notice of the time and place of meeting, in a newspaper printed in said Springfield, twenty days before the time of meeting.

[Approved by the Governor, June 9, 1831.]

CHAP. XI.

An Act to incorporate the Firemens' Insurance Company 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 John S. Ellery, Ignatius Sargent, Thomas H. Perkins, H. G. Otis, William Prescott, William Appleton, Joseph Tilden, Samuel Appleton, Amos Lawrence, L. M. Sargent, Thomas C. Amory, James Barry, Jr., Elijah Clark, Edward G. Prescott, William G. Eaton, Henry Curtis, John Collamore, Jr., William Willett, and their associates, successors and assigns, be, and they hereby are incorporated into a company and body politic, by the name of the "Firemens' Insurance Company," with full power and authority to make insurance against fire on all buildings and property liable to be burned and damaged by fire, for and during the term of twenty years after the passing of this act, and by that name may sue and

Persons incor-
porated.

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 fifty thousand dollars, excepting such as may be taken for debt by said company, or held as collateral security for debts due to them.

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 twenty-five dollars each, of which no stockholder shall have more than three hundred; and fifty per centum of the capital stock shall be paid in money within sixty days from the first meeting of said company, and the residue also in money within two years from and after the first meeting of said company, in such instalments, and under such penalties, as the president and directors shall direct and appoint, and said stock shall be invested according to the laws of this Commonwealth regulating insurance stocks.

SEC. 3. *Be it further enacted*, That the stock, Directors. 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 shall at the time of their election be stockholders of said company, and citizens of this Commonwealth, and shall be elected annually on the second Monday of July, at such time and place in the city of Boston, as a majority of the directors for the time being may appoint, of which election public notice shall be given in any three of the newspapers print-

ed in said city, ten days next 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 : But no stockholder shall vote at any election for directors, unless the share or shares, upon which he may claim to vote, shall have been standing in his name in the books of the corporation for at least two months previous to such election : *provided* no stockholder shall have more than one hundred and twenty votes, and absent stockholders may vote by proxy under such regulations as the company shall prescribe ; and if from any accident the said directors should not be chosen on the second Monday of July as aforesaid, it shall be lawful to choose them on another day in manner herein prescribed.

President.

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 the said directors shall establish such compensation for his services as to them shall seem fit ; and in case of the death, resignation or inability to serve, of the president, or any director, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a special election, at a meeting of the stockholders to be notified and held as is herein before directed, in case of annual elections, and that the directors of said corporation, for the time being, seven of whom shall form a quorum, shall have power to appoint a secretary and such clerks, agents, servants, and other officers, as shall be necessary for the conducting and executing the

business of the said corporation, and to allow the said persons so appointed, such compensation for their services respectively, as they shall deem reasonable, and to take security from any of the said officers, for the faithful discharge of their duties.

SEC. 5. *Be it further enacted*, That the president, and six of the directors, or seven of the directors in the absence of the president, shall be a board competent 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 disposition and management of the stock, property, estate and effects 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 the 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 constitution and laws of this Commonwealth ; and they shall also have power and authority, in behalf of said company, to make insurance on any property or building, against damage to the same by fire, originating in any cause except design in the assured, for such time, and on such conditions, and for such premiums as the parties may agree to, and to accept notes, or other security for the premium : *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 policies of insurance by them made shall be subscribed by the president, or two of the directors, and countersigned by the secretary,

Board for doing
business.

and shall be binding and obligatory upon the said company, when so signed, and have the like effect and force, as if under the seal of the company ; and all losses, duly arising under the 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.

Shall not deal in buying and selling.

SEC. 6. *Be it further enacted*, That the said company shall not directly nor indirectly deal or trade in buying or selling any goods, wares, merchandize or commodities whatever.

Statement of profits.

SEC. 7. *Be it further enacted*, That once in each year, and oftener if required by a majority of the votes of the stockholders, the directors shall lay before the stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses, and dividends, and also of the losses which shall have happened, and of the property and affairs of the corporation ; and the president and directors of said company shall, when, and as often as required by the legislature of this Commonwealth, lay before them a statement of the affairs of said company, and submit to an examination concerning the same under oath.

Dividends.

SEC. 8. *Be it further enacted*, That it shall be the duty of the directors to make semi-annual dividends of the interest arising from the capital stock, and of the profits of said company, if it should appear to them adviseable, and annually to set aside one tenth part of the net income, over and above six per centum, to be appropriated to the use and benefit of the Boston Fire Department in such manner as they shall see fit ; but monies received and notes taken for premiums of risks, which shall be

undetermined and outstanding at the time of making any dividend, shall not be considered as part 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. 9. *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 said company in Boston, by advertising the same for two weeks successively in any three newspapers printed in said Boston, for the purpose of electing the first board of directors, who shall hold their offices until the second Monday in July, A. D. one thousand eight hundred and thirty two, or until another board shall be chosen. First meeting.

SEC. 10. *Be it further enacted,* That the shares of the capital stock of the said corporation shall be assignable and transferable according to such rules and regulations as the president and directors shall for that purpose ordain and establish, and not otherwise. Shares.

SEC. 11. *Be it further enacted,* That the capital stock of said insurance company, or any part of it, shall not be sold or transferred during the term of one year after the charter shall be put in operation as aforesaid : and in case the same shall not be put in operation within one year from the passage of this act, the same shall be void. Stock not to be sold or transfer red.

SEC. 12. *Be it further enacted,* That said Firemen's Insurance Company shall be established in the city of Boston, and be liable to be taxed by any general law providing for the taxation of all similar corporations. Location.

SEC. 13. *Be it further enacted,* That in case of Losses.

any loss or losses taking place which shall be equal to the amount of the capital stock of said company, and the president and directors, after knowing of such loss or losses, shall subscribe to any policy of insurance, their estates, jointly and severally, shall be accountable for the amount of any and every loss which shall take place under policies thus subscribed.

[Approved by the Governor, June 10, 1831.]

CHAP. XII.

An Act to incorporate the Boston and Hingham Steam Boat 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 David Whiton, Luther J. Barnes, Rufus Lane, Henry Nye, Ensign Barnes, Rufus W. Lincoln, Charles Lane, Bela Whiton, Daniel Bassett, Nathaniel Whittemore, Thomas Loring, Nathan Rice, Leavitt Souther and Moses L. Humphrey, their associates, successors and assigns, be, and they are hereby made a corporation and body politic by the name of the Boston and Hingham Steam Boat Company, for the purpose of running a Steam Boat, and providing other accommodations connected therewith, for the convenience of the public travel between Boston and Hingham, and the towns adjacent thereto, with authority to sue and be sued, to choose such officers and to make such by-laws as the good management of said Corporation may require,

provided the same are not repugnant to the constitution and laws of the Commonwealth.

SEC. 2. *Be it further enacted*, That said company may lawfully purchase, hold and convey real estate in the town of Hingham, not exceeding the value of twenty thousand dollars, and personal estate, not exceeding the value of forty thousand dollars. Real and personal estate.

SEC. 3. *Be it further enacted*, That David Whiton is hereby authorized to call the first meeting of said Company by an advertisement in the Boston Courier, and Hingham Gazette, four days at least before the time of holding the same. First meeting.

[Approved by the Governor, June 10, 1831.]

CHAP. XIII.

An Act to incorporate the Mechanic Hall 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 Daniel Messinger, Samuel T. Armstrong, Joseph T. Buckingham, John Cotton, Uriel Crocker, George Darricott, Ezra Dyer, Stephen Fairbanks, James McAllister, Benjamin Russell, John P. Thorudike, Charles Wells, and Thomas Whitmarsh of Boston, their associates, successors and assigns, be, and they hereby are, constituted a body politic and corporate, by the name of Mechanic Hall Association; and by that name may sue and be sued, defend and be defended in any court of record, or other place whatsoever, may have a common seal, and the same at pleasure may Persons incorporated.

break, alter, or renew ; and may make and ordain such by-laws, rules and regulations, as to them may seem necessary and convenient for the government of said corporation, and the prudent management of their property. *Provided*, That such by-laws be not repugnant to the Constitution and laws of this Commonwealth.

Real and personal estate.

SEC. 2. *Be it further enacted*, That the said corporation may be lawfully seized and possessed of such real and personal estate, not exceeding one hundred thousand dollars in value, as may be necessary and convenient for the purpose of erecting and maintaining, in the city of Boston, a public edifice, which may contain a large and convenient Lecture Room, a hall or halls suitable for the accommodation of public assemblies of the citizens, apartments suitable for a Mechanics' Library or other public library or libraries, and for the exhibition of the productions of the manufacturing, mechanic and fine arts ; and for any other purposes not incompatible with the laws of the Commonwealth, and tending to promote improvement in morals, arts and science.

Capital Stock to be divided into shares.

SEC. 3. *Be it further enacted*, That the capital stock of the company hereby incorporated shall be divided into shares of one hundred dollars each, which shares may be transferred, as personal property, at the pleasure of the owner, subject to such regulations in the mode of transfer as may be established by the by-laws of the corporation.

First meeting.

SEC. 4. *Be it further enacted*, That any three of the persons herein before named may call the first meeting of the corporation, by advertising it in any one of the newspapers printed in the City of Boston, ten days at least before the time of the proposed meeting, at which meeting, or at any adjourn-

ment thereof, from time to time, to any period not exceeding seven days, they may enact by-laws, elect the necessary officers, and take all the measures expedient or necessary for carrying into complete effect the purposes of their association.

[Approved by the Governor, June 10, 1831.]

CHAP. XIV.

An Act to incorporate the President, Directors and Company of the Mechanics' Bank 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 Isaac Howland, John Price, William R. Rodman, Jonathan Howland, Edmund Gardner, Latham Cross, Ephraim Kempton, David Coffin, George T. Baker, their associates, successors and assigns, be, and they are hereby created a corporation, by the name of the President, Directors and Company of the Mechanics Bank, and shall so continue until the first day of October, which shall be in the year of our Lord one thousand eight hundred and fifty one, and said corporation shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements contained in an act passed on the twenty eighth day of February, in the year of our Lord one thousand eight hundred and twenty-nine, entitled "An Act to regulate Banks and Banking,"

Persons incorporated.

and the provisions of an act passed on the twenty eighth day of February, in the year of our Lord one thousand eight hundred and thirty one, entitled "An act to continue the Banking Corporations therein named, and for other purposes."

Capital Stock.

SEC. 2. *Be it further enacted*, That the capital stock of said corporation shall consist of the sum of two hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times as the stockholders may direct: *Provided* the whole be paid within one year from the passing of this act.

Location.

SEC. 3. *Be it further enacted*, That the said Bank shall be established in the town of New Bedford, and that any one of the persons herein named shall be authorized to call the first meeting of said corporation by advertising the same in any newspaper printed in the town of New Bedford, ten days at least before said meeting.

[Approved by the Governor, June 10, 1831.]

CHAP. XV.

An Act to incorporate Trustees of the First Parish in Dorchester.

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 Ebenezer Clapp, Henry Gardner and Samuel P. Loud, all of said Dorchester, be, and they are hereby constituted a body corporate, with their associates and successors,

by the name of the trustees of the First Parish in Dorchester.

SEC. 2. *Be it further enacted*, That the said trustees and their associates and successors, may elect such officers, and make and ordain such by-laws and regulations as they may deem necessary for their own government and the proper management of the funds committed to their care, not repugnant to the constitution and laws of this Commonwealth. The number of such trustees shall not exceed five, nor be less than three, a majority of whom shall constitute a quorum for the transaction of business, and the number of such trustees shall be determined by said parish at a legal meeting assembled for that purpose. May make by-laws.

SEC. 3. *Be it further enacted*, That said trustees their associates and successors shall have power to take, hold and possess, all the property, now belonging to said parish, or which may hereafter accrue to the same by grant, donation or otherwise, both real and personal, in trust for the use and benefit of said parish, for the purpose of promoting and supporting the public worship of God, according to the established usages of said parish, and for other religious purposes consistent therewith. And all vacancies in said board of trustees, occurring by death, resignation or otherwise, shall be supplied by said parish in legal meeting assembled for that purpose; *Provided* however, that until such meeting shall be had, such vacancies may be filled by said board of trustees. Property.

SEC. 4. *Be it further enacted*, That all grants, devises or donations, made, or which hereafter may be made to said trustees in their said capacity, for the use and benefit of said parish, shall be valid to Funds.

every intent and purpose. And said trustees may hold and possess funds consisting of real or personal estate of said parish, the annual income of which shall not exceed two thousand dollars : *provided*, the same annual income be strictly applied to the objects contemplated by this act, and according to the directions of the donors.

First meeting.

SEC. 5. *Be it further enacted*, That Ebenezer Clap before named, be, and he hereby is authorized to call the first meeting of said trustees, by giving to each of the other named trustees at least seven days previous notice of the time and place of holding the same.

[Approved by the Governor, June 10, 1831.]

CHAP. XVI.

An Act in further regulation of the Paving of Streets.

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, by a special act or otherwise, authority is given to any town respecting the paving of the streets of such town, the macadimizing of any streets of such town shall, to all intents and purposes of such authority, be deemed equivalent, in all respects, to the paving of such streets, and the macadimizing of such streets shall create the same liabilities in all respects, to the intents and purposes aforesaid, as would be created by the paving of such streets.

Macadimizing
to be deemed
equivalent to
the paving of
streets.

[Approved by the Governor, June 11, 1831.]

CHAP. XVII.

An Act in further addition to the several Acts regulating the Paving of Streets 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 Surveyors of Highways of the City of Boston, whenever they shall judge it expedient, may order any street of said city to be macadimized and the several provisions of an act entitled "An act to regulate the paving of streets in the town of Boston, and for removing obstructions in the same," passed on the twenty-second day of June, in the year of our Lord one thousand seven hundred and ninety-nine, and of the several acts in addition thereto, shall be deemed and taken to apply to streets ordered to be macadimized, as well as to streets ordered to be paved in said city, and the macadimizing of any of said streets shall, to all intents and purposes of said several acts, be deemed equivalent to the paving of the same, and shall create the same liabilities in all respects, under the said several acts, as would be created under them by the paving of such streets.

Surveyors of highways may order any street to be macadimized.

[Approved by the Governor, June 13, 1831.]

CHAP. XVIII.

An Act in addition to an act entitled "An Act incorporating certain persons into a society by the name of the Massachusetts Charitable Fire Society."

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Massachusetts Charitable Fire Society be, and they hereby are authorized to appropriate and dispose of such part of the funds of said society to any other charitable purpose or purposes than those mentioned in their act of incorporation, and to such benevolent institutions within this Commonwealth, as they may have already designated by their vote or votes, or shall hereafter from time to time deem fit and proper to designate at any meeting duly called for such purpose, *provided*, that such appropriation shall not exceed twenty five per centum of the whole capital stock of said society, and *provided also*, it shall in no case affect the bequests of any individual who has bequeathed or may bequeath any legacy to said society.

Authorized to dispose of such part of the funds of said society as they may deem proper, to any other charitable purposes than those mentioned in their act of incorporation.

[Approved by the Governor, June 13, 1831.]

CHAP. XIX.

An Act to alter the location and change the name of 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, from and after the first day of October next, the president, directors and company of the Sunderland Bank, may establish their banking house and do their banking business in Amherst, in the county of Hampshire, and the name of the said corporation shall thereafter be changed, and the same be known and called by the name and style of The President, Directors and Company of the Amherst Bank ; and from and after the said first day of October, the power of said corporation to transact their banking business in Sunderland shall cease.

Name and location altered.

SEC. 2. *Be it further enacted,* That the said president, directors and company of the Amherst Bank shall be subject to all the duties, liabilities and obligations of the said president, directors and company of the Sunderland Bank, as they shall exist on the said first day of October next, and the same shall be by them performed and assumed at their banking house in said Amherst, any thing in the tenor of their bills, or other contracts and obligations to the contrary notwithstanding. *Provided,* that the present board of directors may continue in office until the next regular election of directors, although a majority of them may not be residents within the said county of Hampshire.

Liabilities.

[Approved by the Governor, June 13, 1831.]

CHAP. XX.

An Act to incorporate the Proprietors of Tremont House.

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 Thomas H. Perkins, Andrew E. Belknap, William H. Eliot, and Samuel A. Eliot, all of Boston, and 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 Tremont House," and by that name are 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, 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.

Real and person-
al estate.

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 all that real estate, situate in the city of Boston, at the corner of Beacon street and Tremont street, being the public hotel commonly called Tremont House, and the land under and belonging to the same, and also the household furniture and other personal property now belonging to said establishment, and also to purchase and hold such other real estate in the city of Boston as shall be necessary or convenient for stables, bath houses, or other offices connected with, or for the use of said hotel, and also such other personal property as they shall deem ne-

cessary or convenient. *Provided* always, that the real estate held by said corporation at any one time shall not exceed in value the sum of two hundred thousand dollars, over and above the value of the said real estate now occupied for the use of said hotel, but said corporation may sell or exchange any of the real estate so purchased by them. *Provided* also, that the books of said corporation shall be open to all persons having claims and demands on said corporation, and who shall have actually instituted a suit against them.

SEC. 3. *Be it further enacted*, That it shall be lawful for the said corporation to divide their capital stock and property into any number of shares, not exceeding five thousand, of the value of one hundred dollars each. Shares.

SEC. 4. *Be it further enacted*, That the shares in the stock of said corporation shall be personal estate, and that the evidence of proprietorship in said 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 of the proprietor to whom the same shall have been issued, and the title to any share or shares shall be vested in the assignee thereof, when the assigned certificate shall have been surrendered, and the transfer recorded by the secretary, and a new certificate shall thereupon be issued in manner aforesaid to the assignee. To be personal estate.

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, all which officers shall be chosen annually un- Directors.

less said proprietors shall otherwise order, and the directors shall choose one of their own number, who shall be president of the corporation ; and all officers so chosen shall hold their offices until others are chosen, unless said proprietors shall, at an annual meeting, vote to abolish or suspend any of the said offices, and the said proprietors shall have power to prescribe the respective duties of the officers so chosen, and to make such by laws and regulations for the government of the affairs of the corporation as they shall think fit, not repugnant to law, and the secretary of said corporation shall be sworn to the faithful discharge of his duty. The annual meeting of said proprietors for the choice of officers 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, of which public notice shall be given by advertisement in two or more newspapers printed in Boston ten days at least before the time of such meeting.

Election of officers.

SEC. 6. *Be it further enacted,* That in the election of officers, and all other questions that shall come before said proprietors, each proprietor shall be entitled to as many votes as he shall have shares, and absent proprietors may authorize any proprietor to appear, and vote in their behalf, such authority appearing in writing filed with the recording officer of the meeting.

Assessment.

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. *Provided,* that two thirds in number, and interest of the pro

prietors, present at the meeting at which any assessment shall be voted, shall concur therein, and that no assessment shall be made unless public notice shall be given of the time, place and purpose of said meeting, by advertisement in two or more newspapers printed in Boston, ten days at least before the time appointed therefor.

SEC. 8. *Be it further enacted*, That after an assessment shall have been laid on the shares of said corporation, no assignee of any share shall be entitled to a certificate in his own name, until all assessments due on said share shall have been paid: and said corporation shall have power, by such rules and regulations as they may establish, to provide for the sale at public auction of any share or shares whereon any assessment shall be due and unpaid, notwithstanding any assignment thereof by the delinquent proprietor.

In case of neglect or refusal to pay assessments.

SEC. 9. *Be it further enacted*, That the shares of proprietors in said corporation shall be liable to be attached on mesne process, and taken and sold on execution to satisfy judgments recovered against the proprietor or proprietors of such shares in the same manner as is by law provided in similar cases.

Shares liable to be attached on mesne process.

SEC. 10. *Be it further enacted*, That the said William H. Eliot shall have authority to call the first meeting of said corporation, by advertising in any of the public newspapers printed in Boston ten days at least before the time of meeting.

First Meeting.

[Approved by the Governor, June 15, 1831.]

CHAP. XXI.

An Act to incorporate the Methodist Episcopal Society of Pittsfield.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That James Foot, William Stevens, John Butler and Thomas A. Gaylord, 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 Methodist Episcopal Society in Pittsfield, with all the powers and privileges to which other religious societies are entitled by the constitution and laws of this Commonwealth.

Persons incorporated.

First meeting.

SEC. 2. *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 Berkshire, directed to any member of said society, requiring him to notify the members of said society to meet at such time and place as shall be designated in said warrant.

[Approved by the Governor, June 15, 1831.]

CHAP. XXII.

An Act to authorize the President, Directors and Company of the Newburyport Bank to close its concerns.

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 Newburyport Bank shall, from and after the fifteenth day of June, in the year of our Lord eighteen hundred and thirty one, cease to be a banking company, in the same manner, and to every intent and purpose as if the act incorporating said company had expired by its own limitation.

Cessation of banking company.

SEC. 2. *Be it further enacted,* That the president, directors and company of said bank shall be continued a body corporate to enable them to settle and close their concerns, subject to the obligations, and with the rights and privileges belonging to them except as is herein after provided; for the term of three years from and after the aforesaid fifteenth day of June and no longer; for the sole purpose of enabling said bank to close its concerns.

Continuation of corporate capacity for three years.

SEC. 3. *Be it further enacted,* That the holders of the stock in said bank shall be chargeable in their private and individual capacities, and shall be holden for the payment and redemption of all bills which may have been issued by said corporation, remaining unpaid, in proportion to the stock they may respectively hold.

Stockholders liable for the payment of bills.

SEC. 4. *Be it further enacted,* That, from and after the fifteenth day of June aforesaid, it shall not

Loans.

be lawful for said bank, nor for any person acting in their behalf in the capacity of president, directors, trustees, agents or otherwise, to make any new loan of any monies in behalf of said bank, nor to issue or put in circulation any bank bills, post notes, checks, or other securities for money for or on account of said bank, or of the stockholders, nor to contract any new debt or debts, except such as in the ordinary course of business may be necessary for the salaries of their officers, and contingent expenses incident thereto, nor to receive any but special deposits nor any notes for collection. *Provided* always that the said bank may, during the term aforesaid, discount any notes, bonds, or mortgages, which may be presented in lieu of notes, bonds, or mortgages due or growing due to them on the fifteenth day of June aforesaid, or which may be due or growing due to them before the fifteenth day of June, which will be in the year of our Lord eighteen hundred and thirty four.

Concerns to be brought to a close.

SEC. 5. *Be it further enacted*, That it shall be, and hereby is declared to be the duty of the president and directors of said bank, from and after the fifteenth day of June aforesaid, to adopt all proper measures for bringing the concerns of said bank to a close as speedily as can be effected without manifest inconvenience to the public ; and if the president and directors of said bank, or either of them, or any person or persons acting as agents or trustees, or otherwise in behalf of the stockholders of said bank, shall, after said fifteenth day of June, presume to make or consent to any new loan of monies, or to issue or put in circulation any bank bills, post notes, checks, or other securities, or the promises for the payment of money, for or on account of said stockholders respectively, or shall discount any notes,

bonds or mortgages, except such as may be offered in lieu or renewal in part, or in whole, of notes or other securities which may be then or afterwards due or growing due to said bank, or shall permit specie or cash to be deposited in the vaults of said bank, except such as may belong to the stockholders thereof, or shall receive any notes or securities for collection except for monies due or growing due to said bank ; every person by whose procurement, privity, or consent, any such loan, issue of securities, discount, deposit, or receipt of notes for collection, contrary to the true intent and meaning of this act, shall be permitted or done, shall forfeit and pay for each offence treble value of all sums so loaned, issued, discounted, deposited, or left for collection, to be recovered before any court proper to try the same, one half to the use of the person informing, the other half to the use of the Commonwealth.

[Approved by the Governor, June 15, 1831.]

CHAP. XXIII.

An Act in addition to an act to incorporate the First Congregational Society in Sutton.

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 Sutton, be, and they hereby are authorized and empowered to raise by tax on the pews or parts of pews or seats in the meeting house of said society, or on such portion of them as said society at a legal meeting thereof shall vote and de-

Authorized to raise money by assessment.

termine to be taxed and assessed, such sum or sums of money as they shall agree upon and grant for the purpose of supporting and maintaining a public teacher or teachers of morality and religion, for repairs and alterations of their said meeting-house, and for all other purposes incident to and connected with the objects of said society.

Duty of collectors.

SEC. 2. *Be it further enacted,* That it shall be the duty of the collector or collectors of said society to give notice to the proprietor or proprietors of the pews or parts of pews, or seats in said meeting-house, by posting up at the entrance thereof, and at some other convenient public place in said town of Sutton, a notification in writing, of the time and place he or they will meet the said proprietor or proprietors, thirty days at least prior to the time of such meeting, together with a copy of the tax-bill committed to him or them to collect, to receive the tax or assessment made upon his or their respective pew or pews or parts thereof, or seats, for the purposes aforesaid; and if any proprietor or proprietors as aforesaid shall fail to meet said collector or collectors, as aforesaid, and pay to him or them the tax or assessment made upon his or their pew or pews, or parts thereof, or seats as aforesaid, and shall neglect or refuse to pay the same to said collector or collectors, for the space of fourteen days after the time appointed for said meeting as aforesaid, such collector or collectors of said society are hereby authorized and empowered to sell at public vendue such delinquent proprietor or proprietors' pew or pews, or interest therein, or seat or seats, having first given public notice of the time and place of sale, by posting up notifications thereof at two or more public places in said town of Sutton four days at least before the time appointed for said sale, and make and execute

a good and sufficient deed or deeds thereof, to the purchaser or purchasers of the same: *provided however*, that such sale or sales shall not be valid, nor the deed or deeds be given as aforesaid, unless said collector or collectors shall have first obtained the consent in writing of the prudential committee of said society to make such sale or sales as aforesaid. And in case the proceeds of the sale of such delinquent or delinquents pew, or pews, or parts thereof, or seat or seats made as aforesaid, shall not be sufficient to pay the whole amount of the sum assessed upon them as aforesaid, and all legal charges, such collector or collectors are authorized and empowered, and it is hereby made their duty to collect such deficiency, with all the expenses attending the same, out of other property of such delinquent or delinquents, in the same manner as town, county, or state taxes are collected.

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 is hereby repealed. Part of act repealed.

[Approved by the Governor, June 15, 1831.]

CHAP. XXIV.

An Act to incorporate the President, Directors and Company of the Commercial Bank 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 Benjamin Fiske, Persons incorporated.

John Brown, Newton Willey, Isaiah Bangs, Parker H. Pierce, Phineas Sprague, Ammi C. Lombard, Ezra Weston, William Parker, Alfred Richardson and Aaron Everett, their associates, successors and assigns shall be, and they hereby are created a corporation, by the name of the president, directors and company of the Commercial Bank in the city of Boston, and shall so continue until the first day of October, which shall be in the year of our Lord one thousand eight hundred and fifty one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements contained in an act passed on the twenty-eighth day of February, in the year of our Lord one thousand eight hundred and twenty-nine, entitled "An Act to regulate Banks and Banking," and the further provisions contained in an act passed on the twenty-eighth day of February, in the year of our Lord one thousand eight hundred and thirty-one, entitled "An Act to continue the Banking Corporations therein named, and for other purposes."

Capital Stock.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation shall consist of five hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times as the stockholders may direct. *Provided,* that the whole be paid within one year from the passing of this act.

Location.

SEC. 3. *Be it further enacted,* That the said bank shall be established in the city of Boston, and that any one of the persons before named shall be authorized to call the first meeting of said corporation, by advertising the same in any newspaper published in the city of Boston, ten days at least before said meeting.

[Approved by the Governor, June 15, 1831.]

CHAP. XXV.

An Act to alter and amend an act entitled “ An Act to incorporate the Charlestown 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 the corporation called and known by the name of the Charlestown Fire and Marine Insurance Company, created by an act passed on the fifth day of June, in the year of our Lord one thousand eight hundred and thirty, be, and the same hereby is authorized and empowered to change the place established for the location of the said corporation, and that the said corporation be, on and after the twentieth day of June current, established in the city of Boston, and therein empowered to do and transact all business as a corporation, which in and by said act said corporation is now empowered to do at Charlestown in the county of Middlesex. Change of location.

SEC. 2. *Be it further enacted,* That the said corporation be, and it hereby is authorized and empowered to increase its capital stock, by adding thereto one hundred thousand dollars; and that the number of shares be, and the same hereby are increased from one thousand to two thousand of one hundred dollars each. Increase of capital stock⁴

SEC. 3. *Be it further enacted,* That one half part of the additional capital hereby created and allowed shall be paid in, in like manner as is provided for in the original act of incorporation, within sixty days Mode of payment of additional capital.

from and after the acceptance of this additional act, and that the residue of such additional capital shall be paid in within one year from the passing of this act, at such times, and in such instalments, and under such penalties as the president and directors shall in their discretion direct and appoint; and the said corporation shall proceed to do business on the additional capital according to the amount of capital stock actually paid in, and with the like limitations as are provided for in the said original act; and that when the additional capital is all paid in, the same shall be held, invested and used in like manner, as is provided for in respect to the original capital stock, and as though said original capital stock had been two hundred thousand dollars, instead of one hundred thousand dollars.

Name.

SEC. 4. *Be it further enacted,* That the said corporation shall assume, take and use the name of the Neptune Insurance Company in the city of Boston, and that all contracts, duties and liabilities whatsoever shall be binding upon and be performed by the said corporation, by the aforesaid name of the Neptune Insurance Company in the city of Boston, which may and should be performed, and which are now binding upon the said corporation by the name of the Charlestown Fire and Marine Insurance Company; and that said corporation, by the name of the Neptune Insurance Company in the city of Boston, shall have all the rights, and may exercise all the powers, and be subject to all the contracts, duties and liabilities which it could and might exercise, or be subject to, under the name of the Charlestown Fire and Marine Insurance Company.

Number of directors.

SEC. 5. *Be it further enacted,* That the number of the directors of the said Neptune Insurance Company shall be increased to nine, who shall ex-

ercise all the powers, and be subject to all the duties prescribed in the third section of the act to which this is in addition ; and such additional directors shall be stockholders of the said corporation, and shall be chosen at such time as the president and directors shall appoint, and hold their offices until the first Monday in May next, and until others shall be chosen, and no longer.

SEC. 6. *Be it further enacted*, That the provisions of this act shall not be binding on the said Charlestown Fire and Marine Insurance Company, unless the same shall be accepted at a meeting to be held by them, pursuant to notice to be given by the president and directors, for the same period, and in the same manner as are provided in respect to meetings for the choice of directors in the third section of the act to which this is in addition.

Company not bound by the provisions of this act unless accepted by them at their meeting.

[Approved by the Governor, June 15, 1831.]

CHAP. XXVI.

An Act to annex certain land to the town of Sutton 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 so much of the land belonging to Hammond Hewitt, and Alpheus Rawson of Northbridge in the county of Worcester, as lies and is situate north of a line beginning at the south east corner of the road leading by the said Hewett's house to the house of said Rawson, at its intersection with the road passing by the south Baptist meeting-house in said Sutton, to Douglas, in

Annexation of land.

said county of Worcester, a few rods north of the house of Warren Batchellor in said Douglas, thence south eighty two degrees west, three hundred and eighty four rods to Mumford River so called, bounded on the west, north and east, by said town of Sutton, and south by said Douglas, be and the same is hereby set off from the said town of Northbridge and annexed to the said town of Sutton. *Provided however*, that the said Hewett and Rawson and their families shall pay all taxes that have been lawfully assessed on them by the town of Northbridge.

[Approved by the Governor, June 15, 1831.]

CHAP. XXVII.

An Act to incorporate the West Stockbridge Rail Road 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 Henry B. Boynton, Robbins Kellogg, Miles Morgan, Erastus Crocker, Lyman Hinman, Melancton Lewis, and Epaphroditus Cone, their associates, successors and assigns, be, and they hereby are made a body politic and corporate, with a capital of forty thousand dollars, under the name of the West Stockbridge Rail Road Company, and by that name shall be and hereby are made capable in law to sue and to be sued to final judgment and execution, plead and be im-

Persons incorporated.

pleaded, defend and be defended, in any courts of record, or in any other place whatever, to make, have and use a common seal, and the same to break, renew, or alter at pleasure, and shall be, and are hereby vested with all the powers, privileges and immunities, which are or may be necessary to carry Powers. into effect the purposes and objects of this act, as hereinafter set forth; and the said corporation are hereby authorized and empowered to locate, construct, and finally complete a rail road, commencing at or near the village in West Stockbridge, and running thence in a westerly or northwesterly direction, on the most eligible route through the northerly part of the said town of West Stockbridge to the boundary line of the state of New York, in such manner and form, as they shall deem to be most expedient, and for this purpose, the said corporation are authorized to lay out their road at least four rods wide through the whole length, and for the purpose of cuttings, embankments, and stone and gravel, may take as much more land, as may be necessary for the proper construction and security of said road. *Provided however,* that all damages, that may be occasioned to any person or corporation, by the taking of such land or materials for the purposes aforesaid, shall be paid for by said corporation in the manner hereinafter provided.

SEC. 2. *Be it further enacted,* That the capital Shares. stock of said corporation shall consist of one thousand shares, and the immediate government and direction of the affairs of the said corporation shall be vested in five directors, who shall be chosen by the Directors. members of the corporation in the manner herein after provided, and shall hold their offices until others shall be duly elected and qualified to take their

places, as directors; and the said directors, a majority of whom shall form a quorum for the transaction of business, shall elect one of their number to be president of the board, who shall also be president of the corporation, and shall have authority to choose a clerk, who shall be sworn to the faithful discharge of his duty, and a treasurer, who shall give bonds to the corporation with sureties to the satisfaction of the directors, in a sum not less than ten thousand dollars, for the faithful discharge of his trust.

Endowed with authority for the construction, location and completion of rail road.

SEC. 3. *Be it further enacted,* That the president and directors for the time being are hereby authorized and empowered, by themselves or their agents, to exercise all the powers herein granted to the corporation for the purposes of locating, constructing, and completing said rail road, and all such other powers and authority for the management of the affairs of the corporation, not heretofore granted, as may be necessary and proper to carry into effect the objects of this grant, to purchase and hold lands, materials, and other necessary things, in the name of the corporation, for the use of said road, to make such equal assessments from time to time on all the shares in said corporation, as they may deem expedient and necessary in the execution and progress of the work, and direct the same to be paid to the treasurer of the corporation, and the treasurer shall give notice of all such assessments, and in case any subscriber shall neglect to pay his assessment for the space of thirty days after due notice from the treasurer of said corporation, the directors may order the treasurer, after giving due notice thereof, to sell such share or shares at public auction to the highest bidder, and the same shall be transferred to the pur-

chaser. And such delinquent subscriber shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the assessments due thereon, with the interest and costs of sale, and shall be entitled to the overplus, if his share or shares shall sell for more than the assessment due, with interest and the cost of sale. *Provided however*, that no assessment shall be laid upon any shares in said corporation of a greater amount in the whole than forty dollars on each share.

SEC. 4. *Be it further enacted*, That the annual Annual meeting. meeting of the members of said Corporation shall be holden on the first Wednesday of April, at such time and place as the directors for the time being shall appoint, at which meeting five directors shall be chosen by ballot, each proprietor being entitled to as many votes, as he holds shares: *Provided*, they do not amount to more than one fourth part of the whole number. And the three persons first named in this act, or any two of them, are hereby authorized to call the first meeting of said corporation by giving notice, in the Berkshire Journal published in Lenox, of the time, place and purpose of said meeting, at least ten days before the time mentioned in such notice.

SEC. 5. *Be it further enacted*, That the said Damages. corporation shall be holden to pay all damages that may arise to any person or persons, corporation or corporations for taking their land or materials for said rail road, when it cannot be obtained by voluntary agreement, to be estimated and recovered in the manner provided by law for the recovery of damages happening by the laying out of highways.

SEC. 6. *Be it further enacted*, That when the

lands, other property or estate of any femme covert, infant, or person non compos mentis, shall be necessary for the construction of said rail road, the husband of such femme covert, and the guardian of such infant or person non compos mentis, may release all damages for any lands or estates taken and appropriated as aforesaid, as they might do if the same were holden by them in their own right respectively.

Forfeiture for injury or destruction of rail road.

SEC. 7. *Be it further enacted,* That if any person shall wilfully, maliciously or wantonly, and contrary to law, obstruct the passage of any carriage on said rail road, or in any way spoil, injure or destroy said rail road or any part thereof, or any thing belonging thereto, or any material or implements to be employed in the construction or for the use of said road, 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 the corporation, or other officer whom they may direct, to the use of said corporation. And such offender or offenders shall be liable to indictment by the grand inquest for the county of Berkshire, for any offence or offences contrary to the above provisions, and, on conviction thereof, before any court of common pleas to be holden in said county, shall pay a fine not exceeding one hundred dollars, and not less than thirty dollars, to the use of the Commonwealth, or may be imprisoned for a term not exceeding one year at the discretion of the court before whom the conviction may be had.

SEC. 8. *Be it further enacted,* That if the said rail road, in the course thereof, shall cross any private way, the said corporation shall so construct said rail road, as not to obstruct the safe and convenient use of such private way, and if said rail road shall not be so constructed, the party aggrieved shall be entitled to his action on the case in any court proper to try the same, and shall recover his reasonable damages for such injury. And if the said rail road shall, in the course thereof, cross any turnpike or other highway, the said rail road shall be so constructed as not to impede or obstruct the safe and convenient use of such turnpike or other highway. And the said corporation shall have the power to raise or lower such turnpike, highway, or private way, so that the said rail road if necessary may conveniently pass over or under the same : and if said corporation shall raise or lower any such turnpike, highway, or private way, pursuant thereto, and shall not so raise or lower the same, as to be satisfactory to the proprietors of such turnpike or to the selectmen of the town, as the case may be, said proprietors or selectmen may require, in writing, of said corporation, such alteration or amendment as they may think necessary. And if the required amendment or alteration be reasonable and proper, and the said corporation shall unnecessarily and unreasonably neglect to make the same, such proprietors or selectmen, as the case may be, may proceed to make such alteration or amendment, and may institute and prosecute to final judgment and execution, in any court proper to try the same, any action of the case against said corporation, and shall therein recover a reasonable indemnity in damages for all charges, disbursements, labour and services occasioned

If rail road cross any highway &c. how to be constructed.

Amendment or alteration to be made by select men.

by making such alteration or amendment, with costs of suit.

By-laws.

SEC. 9. *Be it further enacted*, That the said corporation shall have power to make, ordain and establish all such by-laws, rules, regulations and ordinances, as they shall deem expedient and necessary to accomplish the designs and purposes, to carry into effect the provisions of this act, and for the well ordering, regulating and securing the interest and affairs of the corporation: *provided*, the same be not repugnant to the constitution and laws of this Commonwealth.

Toll.

SEC. 10. *Be it further enacted*, That a toll be and hereby is granted and established for the sole benefit of said corporation, upon all passengers and property of all descriptions which may be conveyed or transported upon said road, at such rates per mile, as may be agreed upon from time to time by the directors of said corporation. The transportation of persons and property, the construction of wheels, the form of cars and carriages, the weight of loads, and all other matters and things in relation to the use of said road, shall be in conformity to such rules, regulations and provisions as the directors shall from time to time prescribe and direct. And said road may be used by any persons who shall comply with such rules and regulations: *Provided however*, that if, at the expiration of four years from and after the completion of said road, the net income or receipts from tolls and other profits, taking the four years aforesaid as the basis of calculation, shall have amounted to more than ten per cent per annum upon the cost of the road, the Legislature may take measures to alter and reduce the rate of tolls and other profits in such manner, as to take off the overplus for the next four years, calculating the amount of transportation upon

the road to be the same as the four preceding years, and at the expiration of every four years thereafter the same proceedings may be had.

SEC. 11. *Be it further enacted,* That the directors of said corporation for the time being are hereby authorized to erect toll houses, establish gates, appoint toll-gatherers and demand toll upon the road, when completed, and they shall from year to year make a report to the Legislature of their acts and doings under the provisions of this act.

Duty of directors.

SEC. 12. *Be it further enacted,* That if the amount of stock for said rail road shall not have been subscribed, the company organized and the location of the route filed with the county commissioners of the county of Berkshire, previous to the first day of January in the year of our Lord one thousand eight hundred and thirty three, or if the said stock shall have been subscribed, the company organized and the location made as aforesaid, but said corporation shall fail to complete said rail road on or before the first day of January one thousand eight hundred and thirty-five, in either of the before mentioned cases this act shall be null and void.

Conditions of this act.

[Approved by the Governor, June 16, 1831.]

CHAP. XXVIII.

An Act to incorporate the Boston and Lowell Stage 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 Bradley, Levi Carter, Ira Frye, their associates, successors and as-

Persons incorporated!

signs, be, and they hereby are made a corporation, by the name of the Boston and Lowell Stage Company, for the purpose of conveying passengers between the city of Boston and the town of Lowell in the county of Middlesex, and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the twenty third day of February in the year of our Lord one thousand eight hundred and thirty, entitled, "an act defining the general powers and duties of manufacturing corporations."

Real and personal estate.

SEC. 2. *Be it further enacted*, That said Company may lawfully hold such real estate, not exceeding the value of thirty thousand dollars, and personal estate not exceeding the value of fifty thousand dollars, as may be necessary for the purpose of carrying into effect the objects of this act.

Name to be affixed to carriages

SEC. 3. *Be it further enacted*, That the name of said company shall be conspicuously affixed to all carriages which may be used by them, under penalty of ten dollars for each and every day during which any of their carriages may be employed for the transportation of passengers, without having their said name so affixed thereto, which penalty may be sued for and recovered in any court of competent jurisdiction, by the person who shall first sue for the same to his own use.

Shall not ask more than five cents per mile.

SEC. 4. *Be it further enacted*, That said company shall not ask or demand for the conveyance of any passenger, with usual baggage, any greater sum than five cents per mile, under penalty of ten dollars to be recovered by any person aggrieved thereby, in any court proper to try the same; And said company shall be responsible for all baggage, or other property com-

mitted to them, their agents, or drivers, to be conveyed on said route, or any part thereof.

[Approved by the Governor, June 16, 1831.]

CHAP. XXIX.

An Act repealing part of, and making further additions to an act entitled "An Act to regulate the Inspection of Beef and Pork, intended to be exported from 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, all beef which may be packed or repacked for exportation, constituting the quality denominated "*Cargo No. 1. Beef,*" shall be branded *No. 1 Beef*, all constituting the quality denominated "*Cargo No. 2 Beef,*" shall be branded *Prime Beef*, and all constituting the quality denominated "*Cargo No. 3 Beef,*" shall be branded *Cargo Beef*.

Beef, how to be branded.

SEC. 2. *Be it further enacted,* That, from and after the passing of this act, all pork which may be packed or repacked for exportation, constituting the quality denominated "*Cargo No 1. Pork,*" shall be branded *No. 1 Pork*, all constituting the quality denominated "*Cargo No. 2 Pork,*" shall be branded *Prime Pork*, and all constituting the quality denominated "*Cargo No 3 Pork,*" shall be branded *Cargo Pork*.

Pork, how to be branded.

SEC. 3. *Be it further enacted,* That, from and

Extra clear pork.

after the passing of this act, it shall be lawful for the Inspector General, or his Deputy Inspectors, to pack and inspect, at the request of the owner or agent, a quality of pork to be denominated and branded *EXTRA CLEAR PORK*, which shall be packed, two hundred pounds to each barrel, and one hundred pounds to each half barrel, from well fatted hogs, weighing not less than three hundred pounds each, excluding heads, necks, shoulders, legs, the chine bone and spare ribs, the lean and blades from the backs of shoulders, and in all other respects to be packed and branded agreeably to the requirements provided by law for other denominations of pork.

Clear Pork.

SEC. 4. *Be it further enacted*, That, from and after the passing of this act, it shall be lawful for the Inspector General or his deputies, to pack and inspect, at the request of the owner or agent, a quality of pork to be denominated and branded "*Clear Pork*," which shall be packed, two hundred pounds to each barrel, and one hundred pounds to each half barrel, from well fatted hogs, weighing not less than two hundred and fifty pounds each, excluding heads, necks, shoulders, legs, the chine bones, and spare ribs, the lean and blades from the backs of shoulders, and in all other respects to be packed and branded agreeably to the requirements provided by law for other denominations of pork.

Mess Pork

SEC. 5. *Be it further enacted*, That, from and after the passing of this act, it shall be lawful for the Inspector General or his deputies, to pack and inspect a quality of pork to be denominated and branded "*Mess Pork*," which shall be packed, two hundred pounds to each barrel, and one hundred pounds to each half barrel, from well fatted hogs,

weighing not less than two hundred pounds each, and excluding heads, necks, legs and shoulders, and in all other respects to be packed and branded agreeably to the requirements provided by law for other denominations of pork.

SEC. 6. *Be it further enacted*, That, from and after the passing of this act, all beef and pork imported into this state, shall be branded with the name of the state or territory where the same was packed; and that so much of an act, passed February 23, 1826, entitled "An Act in addition to an act entitled "an act in addition to the several acts regulating the inspection of beef and pork intended to be exported from this Commonwealth," which requires beef and pork coming into this from other states, to be duly inspected in the state in which said beef and pork may have been packed, be, and is hereby repealed.

Pork imported into this state to be branded with the name of the place where it was packed.

SEC. 7. *Be it further enacted*, That all the rules, regulations, fees, fines and forfeitures, attached to the several acts, regulating the inspection of beef and pork intended to be exported from this Commonwealth, be extended to this act.

Fines attached to other acts extended to this act.

[Approved by the Governor, June 16, 1831.]

CHAP. XXX.

An Act in addition to an act to incorporate the trustees of the First Baptist Ministerial Church Fund in Randolph.

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 now known by the name of "The Trustees of the First Baptist Church and Society in Randolph" shall be hereafter called and known by the name of "The Trustees of the First Baptist Church and Society in Stoughton :'" said corporation to be subject to all the duties and liabilities, and entitled to all the privileges contained in the act to which this is in addition.

Name changed.

Section of former act repealed.

SEC. 2. *Be it further enacted,* That the seventh section of the act to which this is in addition be, and the same is hereby repealed.

[Approved by the Governor, June 16, 1831.]

CHAP. XXXI.

An Act to incorporate the Second 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 so much of the town of Longmeadow, as lies within the bounds hereinafter described, be, and the same hereby is formed into a separate parish, and shall be designated by the name of the Second Parish in Longmeadow, and shall be bounded as follows, viz: beginning at the north-east corner of said Longmeadow, thence running westerly upon the line between Springfield and Longmeadow, far enough to contain one half of the territory of said Longmeadow, thence southerly, in a line parallel to the east line of said Longmeadow, so as to include one half of the territory to the south line of said town, being the line between Longmeadow and the state of Connecticut; thence on the line of the state of Connecticut to the south-east corner of said town; thence on the easterly line of said town to the first bounds; and the dividing line between the said second parish, and the first parish in said town, as herein defined, shall, at the expense of said second parish, within one year from the passage of this act, be accurately surveyed and marked, and permanent monuments set up thereon, by Orange Chapin of Springfield in the county of Hampden, giving thirty days previous notice to each of said parishes of the time and place of commencing said survey; and the

Part formed into second parish.

Boundaries.

line so established by said survey, shall thereafter be the dividing line between said parishes.

Inhabitants within the aforesaid limits to be regarded as belonging to second parish.

SEC. 2. *Be it further enacted,* That all the inhabitants within the limits aforesaid shall be considered as belonging to said second parish, and that all the property within said limits, both real and personal, shall be considered, for all parochial purposes, as belonging to said second parish, in the same manner as property is by the laws of this Commonwealth deemed to belong to the oldest religious society, in each town; and the said parish is hereby invested with all the powers, rights, privileges and immunities, and subjected to all the liabilities of other parishes in this Commonwealth: *provided however,* that nothing herein contained shall prevent any person from becoming a member of any other religious society, agreeably to the existing laws of this Commonwealth.

First meeting.

SEC. 3. *Be it further enacted,* That Joseph W. Cooley is hereby authorized to call the first meeting of said parish, by posting up an attested copy of his warrant for that purpose, at the meeting-house in said parish, seven days at least before such meeting, specifying the time, place, and purposes of the same.

[Approved by the Governor, June 17, 1831.]

CHAP. XXXII.

An Act to authorize the Salem Turnpike and Chelsea Bridge Corporation to discontinue part of said Turnpike 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 said corporation be, and hereby is authorized to discontinue and surrender to the town of Charlestown, in the county of Middlesex, that part of the said Turnpike Road, which lies between Charlestown Square and the northwest corner of the Navy Yard at Wiley's Corner; *Provided however,* that the said town of Charlestown shall, on or before the first day of October next, accept the surrender of said part of said turnpike road, and shall, within four months from the passing of this act, cause the said road from Charlestown Square to Caswell's corner to be well paved, and shall put the whole of said road from said Charlestown Square to Wiley's corner, at the north-west corner of the Navy Yard, in good and sufficient repair, and shall forever hereafter keep the same open and in good repair as a public highway: and *further provided,* That the said corporation shall pay to the town of Charlestown, towards the expense of the paving and repairs aforesaid, the sum of one thousand dollars within thirty days after the paving and repairs aforesaid shall have been well and sufficiently done and completed.

Corporation to
surrender part of
turnpike road.

SEC. 2. *Be it further enacted,* That nothing in this act shall affect the right of the corporation to

Nothing in this
act to affect the
right of toll.

demand and receive the same tolls which they are now by law authorized to demand and receive. And the corporation shall have the right to erect and keep up a suitable guide board to direct travellers to the turnpike, at or near the present entrance thereof by Charlestown Square.

[Approved by the Governor, June 17, 1831.]

CHAP. XXXIII.

An Act to incorporate the Proprietors of the Central Coffee House in Hopkinton.

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 Valentine, Matthew Metcalf, Arba Thayer, Amaziah Claffin, John Gibson Jr., Aaron Eames, and such others as may be associates with them as proprietors, their successors and assigns, shall be, and hereby are constituted a body politic and corporate, by the name of the Central Coffee House Company, for the purpose of erecting, holding and managing a house of public entertainment, and its appropriate appurtenances, in the town of Hopkinton; and by that name may sue and be sued, defend and be defended, and may do and suffer such acts and things as other bodies corporate may do and suffer; may have a seal, and may make and ordain such by-laws, rules and regulations, as to them may appear necessary and convenient for the government of said cor-

Persons incorpo-
rated.

poration, and the prudent management of their affairs: *provided*, that such by-laws, rules and regulations be not repugnant to the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That the said corporation may be lawfully seized and possessed of such real and personal estate, as may be necessary and convenient for the purposes of keeping and maintaining a good and convenient house of public entertainment, and its appropriate appurtenances, near the Congregational Meeting-house in Hopkinton; *provided* the same be acquired by legal grant; and shall have power to improve and manage the same for a house of public entertainment, and to sell and dispose of the same at pleasure; *provided further*, that the whole amount of estate of said corporation, real and personal, shall not exceed the sum of thirty thousand dollars.

House of entertainment.

SEC. 3. *Be it further enacted*, That the proprietors, at any legal meeting, may determine the number of shares said estate shall be divided into, and may afterwards increase the number of shares if necessary, and may also determine the mode of transferring the same, which shares shall be deemed personal estate, and be subject to attachment and sale, in like manner as the shares of debtors in other incorporated companies; and said real and personal estate of said corporation shall be liable to be taken on mesne process or execution, and set off or sold, in the same manner as the property of individuals is, or shall be by law.

Number of shares.

SEC. 4. *Be it further enacted*, That either of the persons named in the first section of this act, may call the first meeting of the corporation, by posting up notifications of the time and place of said

First meeting.

meeting, in said house of public entertainment, and near the outer door of the Congregational Meeting-house in Hopkinton, ten days at least before the time of the proposed meeting, at which time they may elect necessary officers, and do such things as may be expedient for their organization.

Contracts binding upon all the stockholders.

SEC. 5. *Be it further enacted*, That all covenants, and contracts made by, and debts due from said corporation, shall be binding on one and all of the persons who shall be stockholders when such contracts are made, as fully as if such contracts had been made by said stockholders individually, and the legislature shall have authority to alter, amend or repeal this act at any time hereafter; *provided however*, that any act of the legislature, repealing this act, shall have the effect of vesting all the real and personal estate of said corporation in the individual members thereof, and their legal representatives, in the same proportions as they shall, at the time of such repeal, respectively hold the stock of said corporation.

[Approved by the Governor, June 17, 1831.]

CHAP. XXXIV.

An Act to incorporate the First Christian Union Society 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 Leonard Garfield, Philip S. Brown, King Dean, Arza Bisbee, Daniel Martin, Job Simmons, and Abel Tripp, together with all others who now are subscribers to the amount of twenty five dollars each towards the erection, or who may hereafter become pew holders to the amount of one pew each, in the Christian Union Chapel about to be erected in the town of Troy, and village of Fall River, their successors and assigns, be, and they hereby are incorporated as a religious society, by the name of the First Christian Union Society in Troy; with all the privileges, powers and immunities, and subject to all the duties and liabilities to which parishes and other religious societies are entitled and subjected by the constitution and laws of this Commonwealth.

Persons incorporated.

SEC. 2. *Be it further enacted,* That the said society may hold by grant, gift, devise, purchase or otherwise, and may manage and dispose of any personal or real estate to any amount, not exceeding twenty thousand dollars, provided the income arising from said estate shall be appropriated exclusively to parochial purposes.

Real and personal estate.

SEC. 3. *Be it further enacted,* That at all the meetings of the said society, every subscriber to the amount of twenty five dollars, and every pew-holder,

Votes.

who shall be proprietor of one pew, and not exceeding five, shall be entitled to one vote and no more ; and every person, owning or holding more than five pews, shall be entitled to two votes, and no more ; and every such owner shall be allowed to vote by proxy.

Annual meeting.

SEC. 4. *Be it further enacted,* That there shall be held an annual meeting of said society, on the first Tuesday of May in each year, or on some other day that may be prescribed by the by-laws and regulations thereof, at which the said society may choose their officers, who shall hold their respective offices one year, and until others shall be chosen in their stead ; and may also raise and assess taxes, and exercise all and any other powers, which under this act of incorporation the said society are entitled at any time to exercise.

First meeting.

SEC. 5. *Be it further enacted,* That any three of the persons named in this act may call the first meeting of said society, by giving seven days notice in the Fall River Monitor, or some other paper printed in the said village, stating the time and place of holding the same.

[Approved by the Governor, June 17, 1831.]

CHAP. XXXV.

An Act to incorporate the Institution for Savings in the town of Newton.

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 Kenrick, Asa Cook, Seth Davis, Stephen Goodhue, William Jackson, Amos Lyon, Joel Fuller, Henry Craft, Nathaniel Fuller, Samuel Hyde, Ephraim Jackson 2d, and Marshall S. Rice, and such others as may be duly elected, and their successors, be, and they are hereby incorporated into a body politic, by the name of the Institution for Savings in the town of Newton. Persons incorporated.

SEC. 2. *Be it further enacted,* That the said corporation shall be capable of receiving, from any person or persons disposed to obtain and enjoy the advantages of said institution, any deposit or deposits of money, and to use and improve the same, for the purposes, and according to the directions herein mentioned and provided. Deposits.

SEC. 3. *Be it further enacted,* That all deposits of money received by said institution, shall be by them improved to the best advantage, and be invested in such manner as best to promote the objects of the institution; and the income or profits thereof shall be by them divided among the persons making the said deposits, their executors, administrators and assigns, in just proportion, with reasonable deductions for expenses; and the principal of such deposits may be withdrawn at such time and in such manner as the said institution shall direct and appoint. How to be used.

Powers.

SEC. 4. *Be it further enacted*, That the said corporation may have a common seal, which they may alter and renew at pleasure ; that all deeds, conveyances, grants, covenants, contracts and agreements, made by their treasurer, or any other person or persons by their authority and direction, shall be good and valid, and the said corporation shall, at all times, have power to sue, and may be sued, and may defend, and shall be held to answer by the name aforesaid.

Members.

SEC. 5. *Be it further enacted*, That the said corporation shall, at any legal meeting, have power to elect by ballot, any other person or persons, as member or members of said institution, and any member upon filing a written notice with the president thereof, three months prior, may, at any annual meeting of said corporation, withdraw and forever dissolve his connexion with the same.

Place of meeting.

SEC. 6. *Be it further enacted*, That the said corporation shall hereafter meet at Newton, some time in the month of January annually, and at such other times as the corporation shall direct ; and any seven members of the corporation, the president, treasurer, or secretary being one, shall be a quorum, and the said corporation, at their first meeting, and at their meetings in January annually, shall have power to elect by ballot a president, and treasurer, who shall give bond in the sum of five thousand dollars, for the faithful discharge of the duties of his office, and 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 all officers so chosen shall be under oath to the faithful performance of the duties of their office respectively.

SEC. 7. *Be it further enacted,* That the officers and agents of said institution shall lay a statement of the affairs thereof before any persons appointed by the legislature to examine the same, whenever required so to do, and shall exhibit to them all the books and papers relating thereto, and shall submit to be examined by them under oath concerning the same. Statement of affairs.

SEC. 8. *Be it further enacted,* That the said corporation shall have power to make by-laws for the more orderly managing of their concerns; *provided* the same are not repugnant to the constitution and laws of this Commonwealth. And the legislature may at any time make such further regulations for the government of the said institution, as they may deem expedient. By-laws.

SEC. 9. *Be it further enacted,* That any one of the persons named in this act shall have power to call the first meeting of said corporation at such time and place as he may judge proper, by giving notice in writing to the members of said corporation, at least ten days before the day of said meeting. First Meeting.

[Approved by the Governor, June 17, 1831.]

CHAP. XXXVI.

An Act to set off certain land from the town of Dedham, and annex the same to the town of Dorchester.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the following described parcel of land situate wholly within the exterior limits of the town of Dorchester in the county of Norfolk, but which as a part of the estate of one Thomas Howe now deceased, was heretofore set off from said town of Dorchester, and annexed to the town of Dedham in said county, be, and the same is hereby set off from said town of Dedham, and reannexed to said town of Dorchester: viz. a parcel of land containing twenty-eight acres, one quarter and twenty nine rods, now owned by Abel Kenney of said Dorchester, husbandman, and bounded southeasterly seven chains and six links, on land of the heirs of Calvin Howe, deceased; southwest-erly fifty-five chains and fifty-four links, on land of said Kenney, and land of Samuel Paul; northwest-erly seven chains and six links, on land of Samuel Paul, and Isaac Paul; and northeasterly about fifty-six chains, partly on land called the Brewer lot, and partly on land of said Kenney.

Land set off.

Description.

[Approved by the Governor, June 17, 1831.]

CHAP. XXXVII.

An Act to incorporate the Pine Street Congregational 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 Eliphalet Kimball, Benjamin Perkins, Peleg Mann, Daniel Prescott, Cornelius Briggs, Francis Batchelder, Willard Williams, Nathaniel W. Withington, Charles Messenger, I. P. Tappan, Thomas Lamson, William Carleton, N. D. Vose, Seth Thaxter, together with all those persons who are subscribers of stock, or who shall hereafter become proprietors of pews in the Pine Street Meetinghouse situated on the corner of Pine and Washington streets, in the city of Boston, be, and hereby are incorporated as a religious society, by the name of the Pine Street Congregational Society, with all the powers, privileges and immunities, to which other religious societies in this Commonwealth are entitled by the laws and the constitution thereof, and subject to all the duties and liabilities to which other religious societies are subject.

Persons incorporated.

SEC. 2. *Be it further enacted,* That said society shall have power in law to take, purchase, and hold any estate, real, personal or mixed, for the use of said society, and the same to sell, mortgage, or otherwise dispose of, as they may see fit, *provided* the income thereof, exclusive of their meeting-house and land under and adjoining it, shall not at any time exceed the sum of two thousand dollars per annum.

Real and personal estate.

Assessment on
pews.

SEC. 3. *Be it further enacted*, That the said society shall be empowered to assess upon the pews in their meeting-house, according to a valuation of said pews, which shall be agreed upon by said society, all sums of money which shall hereafter be voted to be raised by the said society for the support of public worship, and other parochial charges, and all assessments upon the pews as aforesaid may be collected in the manner provided by "an act authorizing the proprietors of churches, meeting-houses, and other houses of public worship to regulate and manage their property and interests therein," passed the twenty-fourth day of February, in the year of our Lord, one thousand eight hundred and eighteen.

By-laws.

SEC. 4. *Be it further enacted*, That said society shall have power to establish such regulations, rules, and by-laws, for their government, and for the management of their affairs, as they may from time to time see fit; *provided* the same be not repugnant to the constitution and laws of this Commonwealth.

First meeting.

SEC. 5. *Be it further enacted*, That Eliphalet Kimball, and Benjamin Perkins be, and they are hereby authorized to call the first meeting of said corporation by publishing notifications of the time and place of meeting in some public newspaper printed in the city of Boston, three several times, the last publication to be one week before the time of meeting.

[Approved by the Governor, June 17, 1831.]

CHAP. XXXVIII.

An Act in further addition to an act entitled "An Act establishing the City 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 time for the City Council of the City of Boston to meet in convention, in order to determine the number of Representatives which it may be expedient for said city to send to the General Court, shall be in the month of October, instead of May, in each year, any thing in the act to which this is in addition to the contrary notwithstanding.

Time for city council to meet in convention.

[Approved by the Governor, June 17, 1831.]

CHAP. XXXIX.

An Act to incorporate the South Boston Meeting and Market house Association.

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. Thacher, Joseph Harris, Jr., Ebenezer Stevens, and James Jackman, their associates, successors and assigns, be, and they hereby are made a corporation by the name of the South Boston Meeting and Market house Association, for the purpose of erecting, in that part of the city of Boston called South Boston, a building, to be used as a meeting-house and market house, and for other uses; 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 and renew at pleasure, and may elect such officers, and make and establish such by-laws, as they may deem necessary or expedient for the management of their affairs, *provided* that such by-laws shall not be repugnant to the constitution or laws of this Commonwealth.

Real and personal
estate.

SEC. 2. *Be it further enacted,* That the corporation hereby established, may take and hold, for the purpose aforesaid, real or personal estate, the annual income of which shall not exceed the sum of two thousand dollars.

First meeting.

SEC. 3. *Be it further enacted,* That any one of the persons named in the first section of this act may call the first meeting of said association, and

fix the time and place of said meeting, by posting notifications thereof, in two or more public places in said South Boston, seven days at least before such intended meeting.

[Approved by the Governor, June 17, 1831.]

CHAP. XL.

An Act to incorporate the Boston Wrought Nail Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Charles C. Starbuck, John H. Jenks, and such other persons as may become associated with them, their successors and assigns, be, and they hereby are created a body corporate, by the name of the Boston Wrought Nail Company, for the purpose of manufacturing wrought nails and machinery for the same, at Boston, in the county of Suffolk ; and for this purpose shall have all the powers and privileges, and shall be subject to all the duties and requirements contained in an act, passed on the twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled “ an act defining the general powers and duties of Manufacturing Corporations.”

Persons incorporated.

SEC. 2. *Be it further enacted,* That said corporation may take and hold such real estate, not exceeding in value the sum of seventy-five thousand dollars, and such personal estate, not exceeding in

Real and personal estate.

value the like sum, as may be convenient and suitable for carrying on the business aforesaid.

[Approved by the Governor, June 17, 1831.]

CHAP. XLI.

An Act relating to the erection of the Pitcher Great Bridge in Norwich.

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 become necessary, by reason of the decay of the Pitcher Great Bridge, so called, over the main branch of the Agawam, or Westfield River, in Norwich, in the county of Hampshire, to rebuild the same, it shall be the duty of the county commissioners of said county, and they are hereby required to cause the same to be rebuilt, and one half of the expense of rebuilding said bridge shall be borne by the said county, and one half thereof by the said town of Norwich; *Provided* that the whole cost of rebuilding the same shall not exceed the sum of six hundred dollars; and *provided also*, that the expense of maintaining and supporting said *Pitcher Great Bridge* after the same shall have been rebuilt, shall be borne by said Norwich forever.

County commissioners to rebuild bridge.

[Approved by the Governor, June 18, 1831.]

CHAP. XLII.

An Act to incorporate the First Baptist Society 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 Asa P. French, Persons incorporated. Enoch French, Abiathar Hall, Charles Church, John Davol, Philip Smith, Perry M. Peckham, Richmond Davol, Stephen L. French, Job B. French, Alanson Cobb, Nicholas White, Ucal Woodman, William Boomer, Seth Darling, Bradley Miner, John W. Adams, Wanton Hathaway, and William Ashley, with their associates and successors, be, and they are hereby incorporated into a religious society, by the name of the First Baptist Society in Troy, with all the privileges, powers and immunities, and subject to all the duties and liabilities, to which churches and other religious societies are entitled and subjected, by the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted,* That said society Real and personal estate. may hold, by grant, gift, devise, purchase or otherwise, real and personal estate to any amount, not exceeding twenty thousand dollars, for the use of the said society.

SEC. 3. *Be it further enacted,* That the said society, Assessment on pews. at any meeting duly called, may assess upon the pews in their meeting-house, such sums of money as may be necessary to defray the expenses of repairing the meeting house, and for other purposes incident to the authority given by this act; and all

Pews may be sold at auction, on refusal or neglect to pay assessments.

such sums of money shall be apportioned according to the relative value of the respective pews, and shall be a lien thereupon, until all assessments shall be paid. And if any proprietor of any pew or pews shall neglect or refuse to pay any assessment duly made thereupon within sixty days from the time he shall have notice thereof, the treasurer may sell the same by public auction, after giving fourteen days previous notice of the time and place of sale, in writing, posted on the meeting-house of the said society; and the money arising from such sale, after first deducting the assessments due, and the expenses of sale and collection, the said treasurer shall pay over to said delinquent proprietor; and said treasurer is authorized and empowered, upon the sale aforesaid, to execute and deliver a deed of conveyance to the purchaser thereof, which shall be valid in law.

Votes.

SEC. 4. *Be it further enacted,* That every owner of any pew or pews in said meeting-house shall be entitled, at all meetings of the said society for the purpose of making assessments as aforesaid, to one vote for every pew he shall own in said meeting-house, and shall, at all such meetings, be allowed to vote by proxy.

First meeting.

SEC. 5. *Be it further enacted,* That any three of the persons named in this act may call the first meeting of said society, by giving three weeks public notice of the time and place of holding the same, in the newspaper printed in Troy, called the Fall River Monitor.

[Approved by the Governor, June 18, 1831.]

CHAP. XLIII.

An Act regulating Notices of Petitions to be presented to the General 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 notice of any petition to be presented to the General Court, at a future session thereof, which affects the rights or interests of individuals or corporations, may be given by serving such individuals and corporations with a true copy of such petition, at least twenty days before the commencement of such session, or by publishing a true copy of such petition, in some newspaper printed in the county where such individuals reside, and in which such corporations are established ; and if no newspaper be there published, in some newspaper published in the City of Boston, three weeks successively, the last publication to be at least fourteen days before such Session of the General Court ; and the notices thus given shall have the same effect as notices given upon petitions presented to the General Court in pursuance of an order thereof.

Notices of petitions to general court.

SEC. 2. *Be it further enacted,* That the service of notice, in the manner prescribed by this act, may be made by any Sheriff, Deputy Sheriff, Constable, Coroner, or private person, not a party to, nor interested in the petition to be served, and may be proved by the return of the officer, or by the affidavit of the person who shall make the service ; and the officer who shall serve such notice shall be allowed and paid by the petitioners, four cents a mile for his actual travel in making the service, twelve cents a page for

Service of notices may be made by deputy sheriff, &c.

each copy of the petition, and thirty cents for each service, and after service shall deliver the petition, with his return thereon, to the petitioners.

[Approved by the Governor, June 18, 1831.]

CHAP. XLIV.

An Act to alter a term of the Court of Common Pleas for the County of Franklin.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the term of the Court of Common Pleas, which is by law now holden at Greenfield, within and for the County of Franklin, on the Tuesday of the week next after the fourth Tuesday of March, annually, shall hereafter be holden at said Greenfield, on the third Monday of March, annually.

Term altered.

[Approved by the Governor, June 18, 1831.]

CHAP. XLV.

An Act to cede to the United States the jurisdiction of a site for a Lighthouse on Eastern Point in 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 the United States of America may purchase or take, as hereinafter provided, any tract of land which shall be found necessary or convenient for the light-house and monument authorized by Congress to be erected on Eastern Point, in the town of Gloucester, within this Commonwealth, and during the continuation, use and appropriation aforesaid, the jurisdiction of said tract of land, not exceeding the quantity of ten acres, shall be, and is hereby ceded to, and shall be in the United States, so long as it shall be used for the sole purpose of keeping a lighthouse, or erecting a monument, or for both of them thereon, and no longer, reserving to this Commonwealth concurrent jurisdiction with the United States in and over said land, so far, 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 that may be erected thereon, in the same way and manner as if the jurisdiction had not been granted as aforesaid.

Tract of land.

SEC. 2. *Be it further enacted,* That if the agent or person employed for the United States, and the owner or owners of such land, which shall be found necessary and convenient for said lighthouse and

If agent and owners of land cannot agree in the purchase, application may be made to the court of common pleas.

Court authorized
to cause the va-
lue of land to be
appraised.

monument, cannot agree in a sale and purchase thereof, such agent or person employed may apply to the court of common pleas in the county of Essex, and the said court is hereby authorized and empowered to cause the value of said land, together with such damages as the owner or owners thereof may sustain, by the erection of said lighthouse or monument or both of them, to be appraised by a jury to be summoned by the sheriff of said county or his deputy for that purpose, which jury shall be sworn to the faithful discharge of their trust, and shall proceed to view and set off by metes and bounds, said tract of land, or such part thereof, as they shall find necessary and convenient for such lighthouse and monument, and shall return their verdict to said court; and in case the said court shall not then be in session, shall seal up their verdict, and deliver the same to the said sheriff or his deputy, who shall make return thereof to said court, at the next term to be holden in and for said county; which verdict of the jury being accepted by the said court, and the amount of said verdict being paid to the owner or owners of the land appraised and set off by the jury, (or if the owner or owners shall not appear, or shall refuse to receive such amount in money as the said court shall order, then the amount of the appraisement aforesaid shall be lodged in the office of the treasurer of the county of Essex, to be received by the owner or owners, or by any person legally authorized to receive the same,) the tract of land so appraised and set off, shall be vested in the United States, and shall be taken, possessed, and appropriated for the purposes aforesaid. *Provided*, that all charges of such application and appraisement shall be paid by the United States.

[Approved by the Governor, June 18, 1831.]

CHAP. XLVI.

An Act in addition to an act establishing a Free Bridge in the city of Boston.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That no part of the wharves or piers, which the city of Boston is authorized to construct, by virtue of an act passed on the eighteenth day of March, in the year of our Lord one thousand eight hundred and thirty one, entitled “an act in addition to an act establishing a Free Bridge in the city of Boston,” shall be maintained within the distance of forty feet of any wharf or pier which shall have been or may hereafter be lawfully constructed by any individual or individuals.

[Approved by the Governor, June 20, 1831.]

CHAP. XLVII.

An Act to modify an act entitled "An act relating to the separation of the District of Maine from Massachusetts proper, and forming the same into a separate and independent State."

Preamble.

WHEREAS the legislature of the state of Maine did, on the nineteenth day of February, in the year of our Lord one thousand eight hundred and thirty-one, pass an act entitled "an act to modify the terms and conditions of the act for separation," which act of the legislature of the state of Maine is in the following words. "Section 1. Be it enacted by the Senate and House of Representatives, in Legislature assembled, that the terms and conditions mentioned in the act of the Commonwealth of Massachusetts, passed on the nineteenth day of June, in the year of our Lord one thousand eight hundred and nineteen, entitled, "an act relating to the separation of the District of Maine from Massachusetts proper, and forming the same into a separate and independent state," be, and they are so far modified or annulled, that the trustees of any ministerial or school fund, incorporated by the legislature of Massachusetts in any town within this state, shall have, hold, and enjoy their powers and privileges, subject to be altered, restrained, extended or annulled by the legislature of Maine, with the consent of such trustees, and of the town for whose benefit such fund was established. Section 2. Be it further enacted, That the terms and conditions of the act aforesaid, be, and they are hereby so far modified or annulled, that the legislature of the state of Maine shall have

the power to direct the income of any fund arising from the proceeds of the sale of land, required to be reserved for the benefit of the ministry, to be applied for the benefit of primary schools, in the town in which such land is situate, where the fee in such land has not already become vested in some particular parish within such town, or in some individual.—And this act shall take effect and be in force, provided the legislature of the Commonwealth of Massachusetts shall give its consent thereto.” And whereas the Governor of the state of Maine did, pursuant to a resolve of the legislature of that state, transmit to the Governor of this Commonwealth a copy of the aforesaid act, certified by the secretary of state for the state of Maine, with a request that the same might be laid before the legislature of Massachusetts, which having been done, Therefore,

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the act of the Commonwealth of Massachusetts, passed on the nineteenth day of June, in the year of our Lord one thousand eight hundred and nineteen, entitled “An Act relating to the separation of the District of Maine from Massachusetts proper, and forming the same into an independent state,” be so far modified, as to permit an exercise of legislation by the Government of the state of Maine, over the subject of ministerial and school lands within its territorial jurisdiction, granted or reserved for those purposes before the separation of that state from the Commonwealth of Massachusetts, with the restrictions, and upon the conditions expressed in the aforesaid act of the legislature of Maine; *provided*, that in all

Act modified.

such cases the consent of the proprietor or proprietors of such lands shall be previously obtained.

[Approved by the Governor, June 20, 1831.]

CHAP. XLVIII.

An Act in addition to an act entitled, “an act to incorporate the Granite Railway 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 limitation expressed in the act to which this act is in addition, whereby the duration of said corporation is restricted to forty years, be, and the same is hereby repealed. *Provided,* always, that the legislature shall have power, at all times hereafter, to alter, amend or repeal this act, and the act to which this act is in addition, at their pleasure.

Limitation re-
pealed.

SEC. 2. *Be it further enacted,* That if the annual meeting of said corporation shall happen to have been omitted, that the officers who shall have been duly chosen, and who shall be in office at the time when the annual meeting should have taken place, shall continue in office, until the time fixed in the by-laws of the said corporation, for the then next annual meeting : or until a meeting shall have been had of the members of said corporation, for the choice of officers, which meeting the said members are hereby empowered to hold, on due notice from the clerk, or other proper officer of said corporation,

Annual meeting.

in such manner as the said members may have provided for.

[Approved by the Governor, June 20, 1831.]

CHAP. XLIX.

An Act to incorporate the Suffolk Iron 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 Robert P. Williams, and Charles Williams, together with such other persons as may become associates with them, their successors and assigns, be, and they hereby are created a body corporate, by the name of the Suffolk Iron Manufactory, for the purpose of manufacturing and working iron and other metals and machinery, at Boston in the county of Suffolk, and for this purpose shall have all the powers and privileges, and shall be subject to all the duties and requirements, contained and provided in and by an act passed on the twenty third day of February, in the year of our Lord, one thousand eight hundred and thirty, entitled “an act defining the general powers and duties of manufacturing corporations.”

Persons incorporated.

SEC. 2. *Be it further enacted,* That the said corporation may take and hold such real estate, not exceeding in value the sum of one hundred thousand dollars, and such personal estate, not exceeding in value two hundred thousand dollars, as may be suit-

Real and personal estate.

able and convenient for carrying on the business aforesaid.

[Approved by the Governor, June 20, 1831.]

CHAP. L.

An Act further providing for the choice of Moderators at meetings of towns, parishes, and religious societies.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That whenever, at a meeting of any town, parish, or religious society, there shall be a vacancy in the office of clerk, or the clerk shall not be present, the selectmen, parish committee, or the committee of such religious society, or, if there be no parish committee, then the parish assessors, shall preside in the choice of a moderator of such meetings, respectively, a record whereof, and, of his own election, shall be made by the clerk who shall afterwards be chosen.

Choice of moderators.

[Approved by the Governor, June 21, 1831.]

CHAP. LI.

An Act to incorporate the Proprietors of the Mill
Dam Foundry.

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 Lyman, Robert Ralston, Junior, and Edward Brooks, their associates, successors and assigns, be and they hereby are made a corporation, by the name of the Proprietors of the Mill Dam Foundry, for the purpose of manufacturing, in Iron and Wood, in 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 twenty third day of February in the year of our Lord one thousand eight hundred and thirty, entitled "an act defining the general powers and duties of manufacturing corporations." Persons incorporated:

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

[Approved by the Governor June 21, 1831.]

CHAP. LII.

An Act further in addition to an act establishing a
Fire Department in the city 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 City Council of the city of Boston shall have power and they are hereby authorized, whenever, and as often as they shall deem it expedient, to appropriate any sum or sums of money, in the way that may be judged by said Council most advisable, for the relief or indemnity of any member or members of the Fire Department who may sustain corporal injury, or contract sickness in the discharge of their duty, on the occasion of any fire or consequent thereon.

Appropriation
of money for the
relief of injured
members.

[Approved by the Governor, June 21, 1831.]

CHAP. LIII.

An Act in addition to an act, entitled “ An act to repeal all the existing excise acts and to provide for the expenses of justice in the several Counties.”

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 excise duty required to be paid by the Clerk of the Court of Common Pleas for the County of Hampshire, on his appointment to that office, as directed by the fourth section of the act entitled, “ an act to repeal all the existing excise acts, and to provide for the expenses of justice in the several counties,” passed on the twenty-seventh day of February, in the year of our Lord seventeen hundred and ninety-six, shall hereafter be the sum of twenty dollars only, any thing in the act to which this is in addition to the contrary notwithstanding. Excise to be
twenty dollars.

SEC. 2. *Be it further enacted,* That the treasurer of the county of Hampshire shall pay and refund to Solomon Stoddard, Esq. Clerk of the Court of Common Pleas for said county, such sum, over and above the sum of twenty-dollars, as the said Stoddard shall have paid as an excise duty, since his last appointment as such clerk, and the same shall be allowed to said treasurer on the settlement of his account of excise duties received by him. Solomon Stod-
dardi

[Approved by the Governor, June 21, 1831.]

CHAP. LIV.

An Act to incorporate the Society for promoting
Theological 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 William Sullivan, Stephen Higginson, Leverett Saltonstall, George Bond, Francis Parkman, F. W. P. Greenwood, James Walker, Henry F. Baker, Gideon Barstow, Amos Lawrence, Samuel Whitwell, Abbott Lawrence, and their associates, now known and acting as a voluntary association under the name of the Society for promoting Theological Education, with their successors, be, and they hereby are, incorporated and made a body politic under the name of the "Society for promoting Theological Education," for the purpose of assisting young men of competent talents, pure morals and piety, in preparing themselves for the Christian Ministry, and to promote Theological Education, with power to hold lands and other property for the purpose aforesaid, and the same to purchase or take by donation or bequest, *Provided however,* That the same shall never exceed the annual income of twenty thousand dollars; and they may have a common seal, and the same may break and change at pleasure.

Persons incorporated.

Annual meeting. SEC. 2. *Be it further enacted,* That there shall be an annual meeting of the society, for the choice of officers, and the transaction of such other business as may come before them, at such time, and of which such notice shall be given, as shall be established by the by-laws, to be holden at such place in

Boston as the Directors hereinafter mentioned shall appoint. And at the said meeting shall be chosen by ballot, by the majority of the members present, not less than nine directors, who shall hold their offices for one year, and until others are chosen in their stead, and they shall choose one of their own body to be president of the society, and two others to be respectively secretary and treasurer ; and in case of the death or resignation of either of said directors, or of the failure of the annual meeting, directors may be chosen in the manner aforesaid at any legal meeting of the society.

SEC. 3. *Be it further enacted,* That the said society be and they hereby are authorized and empowered to make and ordain all needful rules, regulations and by-laws, for the government of their own proceedings, for the admission of new members, for defining the duties and powers of their own officers, and generally for the care and management of all the affairs of the institution. By-laws.

Provided however, That nothing in said rules, regulations and by-laws shall be repugnant to the constitution and laws of this Commonwealth, and provided also, that no assent to the peculiarities of any denomination of Christians shall be required of the beneficiaries of said society, and that no discouragement be in any manner or form given to the serious, impartial and unbiassed investigation of Christian truth. Proviso.

SEC. 4. *Be it further enacted,* That it shall be lawful for the present officers of the voluntary association mentioned in section first, to exercise the powers given to the like officers in this act, until the first annual meeting of the society, of which public notice shall be given by the secretary, at least ten days before the time of such meeting.

[Approved by the Governor, June 21, 1831.]

CHAP. LV.

An Act to establish the Boston and Taunton
Rail Road 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 Cyrus Alger, Israel Thorndike, Thomas H. Perkins, David Sears, Solomon Willard, Nathan Hale, William Prescott, Samuel A. Eliot, James K. Mills, Amos Atkinson, William Rollins, Samuel Crocker, Charles Richmond, and Edmund Dwight, their successors, associates and assigns be, and they hereby are made a body politic and corporate, under the name of the "Boston and Taunton Rail Road Company," and by that name shall be, and hereby are made capable in law, to sue, and to be sued, to final judgment and execution, plead and be impleaded, defend and be defended, in any Courts of Record, or in any other place whatever; to make, have and use a common seal, and the same to break, renew or alter at pleasure; and shall be and are hereby vested with all the powers, privileges and immunities, which are or may be necessary to carry into effect the purposes and objects of this act, as herein after set forth. And the said Corporation are hereby authorized and empowered to locate, construct and finally complete a Rail Road, in such manner and form, as they shall deem expedient, at or near the City of Boston, and thence to Taunton in the County of Bristol, and from Taunton to any part of Taunton river at which the waters are navigable by vessels of heavy burden, with liberty to extend the same from Taunton to

the line of the State in the direction of Providence, and thereon to transport persons and property by steam power or otherwise. And for this purpose the said corporation are authorized to lay out their road, at least four rods wide, through the whole length; and for the purpose of cuttings, embankments, and stone and gravel, may take as much more land as may be necessary for the proper construction and security of said road. *Provided however,* that all damages that may be occasioned to any person or corporation, by the taking of such land or materials for the purpose aforesaid, shall be paid for by said corporation in the manner hereinafter provided.

SEC. 2. *Be it further enacted,* That the capital Capital stock. stock of said corporation shall consist of ten thousand shares, of one hundred dollars each; and the immediate government and direction of the affairs of the said corporation shall be vested in five Directors, who shall be chosen by the members of the corporation, in the manner hereinafter provided, and shall hold their offices until others shall be duly elected and qualified to take their place as Directors; and the said Directors, a majority of whom shall form a quorum for the transaction of business, shall elect one of their own number to be President of the board, who shall also be President of the corporation; and shall have authority to choose a Clerk, who shall be sworn to the faithful discharge of his duty, and a Treasurer, who shall give bonds to the corporation, with sureties to the satisfaction of the Directors, in a sum not less than twenty thousand dollars, for the faithful discharge of his trust.

SEC. 3. *Be it further enacted,* That the president Powers. and directors for the time being, are hereby author-

Powers.

ized and empowered, by themselves, or their agents, to exercise all the powers herein granted to the corporation, for the purpose of locating, constructing, and completing said Rail Road ; and all such other powers and authority for the management of the affairs of the corporation, not heretofore granted, as may be necessary and proper to carry into effect the object of this grant ; to purchase and hold land, materials, and other necessary things in the name of the corporation, for the use of the said road ; to make such equal assessments, from time to time, on all the shares in said corporation, as they may deem expedient and necessary in the execution and progress of the work, and direct the same to be paid to the treasurer of the corporation. And the treasurer shall give notice of all such assessments. And in case any subscriber shall neglect to pay his assessment, for the space of thirty days after due notice by the treasurer of said corporation, the directors may order the treasurer to sell such share or shares at public auction, after giving due notice thereof to the highest bidder, and the same shall be transferred to the purchaser. And such delinquent subscriber shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the assessments due thereon, with the interest and costs of sale, and shall be entitled to the overplus, if his share or shares shall sell for more than the assessments due, with interest, and the costs of sale ; *Provided however*, that no assessments shall be laid upon any shares in said corporation, of a greater amount in the whole, than one hundred dollars on each share.

By-laws.

SEC. 4. *Be it further enacted*, That the said corporation shall have power to make, ordain, and es-

tablish all such by-laws, rules, regulations, and ordinances, as they shall deem expedient and necessary to accomplish the designs and purposes, and to carry into effect the provisions of this act, and for the well ordering, regulating, and securing the interests and affairs of the corporation ; *Provided*, the same be not repugnant to the constitution and laws of the Commonwealth.

SEC. 5. *Be it further enacted*, That a toll be, and hereby is granted and established for the sole benefit ^{Toll.} of said corporation, upon all passengers and property of all descriptions which may be conveyed or transported upon said road, at such rates per mile as may be agreed upon and established from time to time by the directors of said corporation. The transportation of persons and property, the construction of wheels, the form of cars and carriages, the weight of loads, and all other matters and things in relation to the use of said road, shall be in conformity to such rules, regulations and provisions as the directors shall from time to time prescribe and direct, and said road may be used by any persons who shall comply with such rules and regulations ; *provided however*, that if, at the expiration of four years from and after the completion of said road, the net income or receipts from tolls, and other profits, taking the four years aforesaid as the basis of calculation, shall have amounted to more than ten per cent. per annum upon the cost of the road, the Legislature may take measures to alter and reduce the rate of tolls and other profits, in such manner as to take off the overplus for the next four years, calculating the amount of transportation upon the road to be the same as the four preceding years ; and at the expiration of

every four years thereafter, the same proceedings may be had.

Duty of directors.

SEC. 6. *Be it further enacted,* That the directors of said corporation for the time being are hereby authorized to erect toll houses, establish gates, appoint toll gatherers, and demand toll, upon the road, when completed, and upon such parts thereof as shall from time to time be completed, and they shall, from year to year, make a report to the Secretary of the Commonwealth under oath, of their acts and doings, receipts and expenditures, under the provisions of this act; and the books of the said corporation shall at all times be open to the inspection of any committee of the Legislature appointed for that purpose.

Damages.

SEC. 7. *Be it further enacted,* That the said corporation shall be holden to pay all damages that may arise to any person or persons, corporation or corporations, by taking their land for said Rail Road when it cannot be obtained by voluntary agreement, to be estimated and recovered in the manner provided by law for the recovery of damages happening by the laying out of highways.

Person non compos mentis.

SEC. 8. *Be it further enacted,* That when the lands or other property or estate of any femme covert, infant, or person non compos mentis, shall be necessary for the construction of said Rail Road, the husband of such femme covert, and the guardian of such infant or person non compos mentis, may release all damages for any lands or estates, taken and appropriated as aforesaid, as they might do, if the same were holden by them, in their own right respectively.

SEC. 9. *Be it further enacted,* That if any person shall wilfully, maliciously, or wantonly, and

contrary to law, obstruct the passage of any carriage on said Rail Road, or in any manner spoil, injure or destroy said Rail Road, or any part thereof, or any thing belonging thereto, or any materials or implements to be employed in the construction or for the use of the said Road; 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 any court proper to try the same by the treasurer of the corporation or other officer, whom they may direct, to the use of said corporation. And such offender or offenders shall be liable to indictment by the Grand Inquest, for the county within which such trespass shall have been committed, for any offence or offences, contrary to the above provisions, and on conviction thereof before any Court of Common Pleas, to be holden in said county, shall pay a fine not exceeding one hundred dollars and not less than thirty dollars, to the use of the Commonwealth, or may be imprisoned for a term not exceeding one year, at the discretion of the Court before whom the conviction may be had.

Fine for obstructing the passage of carriages.

SEC. 10. *Be it further enacted,* That the annual meeting of the members of said corporation shall be holden on the first Wednesday of January, at such time and place as the directors for the time being shall appoint, at which meeting five directors shall be chosen by ballot, each proprietor being entitled to as many votes as he holds shares; *provided,* they do not amount to more than one fourth part of the whole number. And the three persons

Annual meeting.

first named in this act, or any two of them, are hereby authorized to call the meeting of said corporation, by giving notice in the Daily Advertiser published in Boston, and the Columbian Reporter published in Taunton, of the time, place and purpose of such meeting, at least ten days before the time mentioned in such notice.

If rail road, in its passage, cross any private way, &c. how to be framed.

SEC. 11. *Be it further enacted,* That if the said Rail Road, in the course thereof, shall cross any private way, the said corporation shall so construct said Rail Road as not to obstruct the safe and convenient use of said private way; and if said Rail Road shall not be so constructed, the party aggrieved shall be entitled to his action on the case in any court proper to try the same, and shall recover his reasonable damages for such injury; and if the said Rail Road shall, in the course thereof, cross any canal, turnpike, or other highway, the said Rail Road shall be so constructed as not to impede or obstruct the safe and convenient use of such canal, turnpike, or other highway. And the said corporation shall have the power to raise or lower such turnpike, highway, or private way, so that the said Rail Road, if necessary, may conveniently pass over or under the same. And if said corporation shall raise or lower any such turnpike, highway, or private way, pursuant thereto, and shall not so lower or raise the same, as to be satisfactory to the proprietors of such turnpike, or to the selectmen of the town in which said highway, or private way, may be situate, as the case may be, said proprietors or selectmen may require in writing of said corporation, such alteration or amendment as they may think necessary. And if the required alteration or amendment in the written opinion of the

Alteration.

County Commissioners of the county where such alteration or amendment is proposed be reasonable and proper, and the said corporation shall unnecessarily and unreasonably neglect to make the same, such proprietors or selectmen, as the case may be, may proceed to make such alteration or amendment, and may institute and prosecute to final judgment and execution, in any court proper to try the same, any action of the case against said corporation, and shall therein recover a reasonable indemnity in damage for all charges, disbursements, labor, and services, occasioned by making such alteration or amendments, with costs of suit.

SEC. 12. *Be it further enacted,* That no other Rail Road than the one hereby granted, shall, within thirty years from and after the passing of this act, be authorized to be made, leading from Boston, Roxbury, or Dorchester, to Taunton, or from Boston, Roxbury, or Dorchester, to any place within five miles of the point where the Rail Road hereby authorized to be made shall meet the deep water of Taunton River, or Mount Hope Bay : *Provided,* That the State may authorize any company to enter with another Rail Road at any point of said Boston and Taunton Rail Road, paying for the right to use the same, or any part thereof, such a rate of toll as the Legislature may from time to time prescribe, and complying with such rules and regulations as may be established by said Boston and Taunton Rail Road Corporation, by virtue of the fifth section of this act : *Provided, also,* That it shall be in the power of the government, at any time during the continuance of the charter hereby granted, after the expiration of twenty years from the opening for use of the Rail Road herein provided to be

No other rail
road to be made.

made, to purchase of the said corporation the said Rail Road, and all the franchise, property, rights and privileges of the said corporation, on paying therefor the amount expended in making the said Rail Road, and the expenses of repairs, and all other expenses relating thereto, with interest thereon at the rate of ten per cent. per annum, deducting all sums received by the corporation from tolls, or any other source of profit, and interest, at the rate of ten per cent. per annum thereon, that shall have been received by the stockholders; and after such purchase, the limitation provided in this section shall cease, and be of no effect.

Conditions of
this act.

SEC. 13. *Be it further enacted,* That, if the amount of stock for said Rail Road shall not have been subscribed, the company organized, and the location of the route filed with the County Commissioners of the Counties of Norfolk and Bristol, previous to the first day of January, in the year of our Lord one thousand eight hundred and thirty-three, or if the said stock shall have been subscribed, the company organized, and the location made as aforesaid, but the said corporation shall fail to complete the said Rail Road, on or before the first day of January, one thousand eight hundred and thirty-six, in either of the before mentioned cases, this act shall be null and void, otherwise shall remain in full force until the Legislature shall purchase said Rail Road as aforesaid.

Bridges.

SEC. 14. *Be it further enacted,* That said Rail Road Company shall constantly maintain, in good repair, all bridges, with their abutments and embankments, which they may construct for the purpose of passing their Rail Road over any canal,

turnpike, or other highway, or any private way ; or of passing such private way, turnpike, or other highway, over said Rail Road.

SEC. 15. *Be it further enacted,* That nothing contained in this act shall be so construed, as giving authority to erect a new bridge over the waters of Boston harbor, or of placing any obstruction therein. New bridge.

SEC. 16. *Be it further enacted,* That the general location and southern terminus of said Rail Road shall be fixed and established by three Commissioners to be appointed by the Governor and Council, and paid by said Corporation, and said Commissioners shall determine and locate said southern terminus at some convenient place on Taunton River, or Mount Hope Bay, where it will best promote the public interest. Establishment of southern terminus.

[Approved by the Governor, June 22, 1831.]

CHAP. LVI.

An Act to incorporate the Boston and Providence Rail-Road 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 Bryant, Joseph W. Revere, George Hallet, and Benjamin R. Nichols, their associates, successors, and assigns be and they hereby are made a body politic and corporate, under the name of the "Boston and Providence Rail-Road Corporation," and by that name shall be, Persons incorporated.

and hereby are made capable in law, to sue and be sued to final judgment and execution, plead and be impleaded, defend and be defended, in any courts of record, or in any other place whatever; to make, have and use a common seal, and the same to break renew or alter at pleasure; and shall be and are hereby vested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as hereinafter set forth. And the said corporation are hereby authorized and empowered to locate, construct and finally complete a Rail-Road beginning at or near the city of Boston, and thence to the line of this Commonwealth in Pawtucket or Seekonk, in the direction to Providence in the State of Rhode Island, in such manner and form as they shall deem most expedient: and for this purpose the said corporation are authorized to lay out their road at least four rods wide through the whole length: and for the purpose of cuttings, embankments, and obtaining stone and gravel, may take as much more land as may be necessary for the proper construction and security of said road. *Provided however,* That all damages that may be occasioned to any person or corporation by the taking of such land or materials for the purpose aforesaid, shall be paid for by said corporation in the manner hereinafter provided.

Location, construction and completion of rail road.

Capital stock.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation shall consist of ten thousand shares of one hundred dollars each, The immediate government and direction of the affairs of said corporation shall be vested in five directors, who shall be chosen by the members of the corporation in the manner hereinafter provided, who shall hold their offices for one year, and until others shall be duly

elected and qualified to take their place as directors. And the said directors, a majority of whom shall form a quorum for the transaction of business, shall elect one of their own number to be President of the Board, who shall also be President of the Corporation, and said directors shall have authority to choose a clerk, who shall be sworn to the faithful discharge of his duty, and a treasurer, who shall give bonds to the corporation, with one or more sureties to the satisfaction of the directors, in a sum not less than twenty thousand dollars, for the faithful discharge of his trust.

SEC. 3. *Be it further enacted,* That the president and directors for the time being are hereby authorized and empowered, by themselves or their agents, to exercise all the powers herein granted to the corporation, for the purpose of locating, constructing and completing said Rail-Road, and all such other powers and authority for the management of the affairs of the corporation, not heretofore granted, as may be necessary and proper to carry into effect the objects of this grant; to purchase and hold land, materials, and other necessary things, in the name of the corporation, for the use of the said Road; to make such equal assessments, from time to time on all the shares in said corporation, as they may deem expedient and necessary in the progress and execution of the work, and direct the same to be paid to the treasurer of the corporation; and the treasurer shall give notice of all such assessments. And in case any subscriber shall neglect to pay his assessment for the space of thirty days after due notice by the treasurer of said corporation, the directors may order the treasurer to sell such share or shares at public auction, after giving due notice thereof, to the

Powers.

In case of neglect to pay assessments.

highest bidder, and the same shall be transferred to the purchaser. And such delinquent subscriber shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the assessments due thereon, with the interest and cost of sale; and shall be entitled to the overplus, if his share or shares shall sell for more than the assessments due, with the interest and cost of sale. *Provided however,* That no assessment shall be laid upon any shares in said corporation, of a greater amount in the whole than one hundred dollars on each share.

By-laws.

SEC. 4. *Be it further enacted,* That the said corporation shall have power to make, ordain and establish all such by-laws, rules, regulations and ordinances as they shall deem expedient and necessary to accomplish the designs and purposes, and to carry into effect the provisions of this act, and for the well ordering, regulating, and securing the interests and affairs of the corporation: *Provided* the same be not repugnant to the constitution and laws of the Commonwealth.

Toll.

SEC. 5. *Be it further enacted,* That a toll be, and hereby is granted and established, for the sole benefit of said corporation, on all passengers and property of all descriptions, which may be conveyed or transported upon said road, at such rates per mile as may be agreed upon and established, from time to time, by the directors of said corporation. The transportation of persons and property, the construction of wheels, the form of cars and carriages, the weight of loads, and all other matters and things, in relation to the use of said road, shall be in conformity to such rules, regulations, and provisions, as the directors shall, from time to time, prescribe and direct;

and said road may be used by any person who may comply with such rules and regulations: *Provided however*, that if at the expiration of four years from and after the completion of said road the net income or receipts from tolls, and other profits, shall have amounted to more than ten per cent. per annum upon the whole cost of the road, the Legislature may take measures to alter and reduce the rate of tolls and other profits, in such manner as to take off the overplus for the next four years, calculating the amount of transportation upon the road to be the same as the four preceding years; and at the expiration of every four years thereafter the same proceedings may be had, and the rate of tolls may be raised, in case the net receipts shall have been less than ten per cent. during the preceding four years.

SEC. 6. *Be it further enacted*, That the directors of said corporation for the time being are hereby authorized to erect toll houses, establish gates, appoint toll gatherers, and demand toll, upon the road when completed, and upon such parts thereof as shall from time to time be completed; and they shall, from year to year, make a report to the Legislature under oath, of their acts and doings, receipts and expenditures, under the provisions of this act; and their books shall at all times be open to the inspection of any committee of the Legislature appointed for that purpose; and if said corporation shall unreasonably neglect or refuse to make such report, at the expiration of every year after the opening of said Rail Road, for every such neglect or refusal, they shall forfeit and pay, to the use of the Commonwealth, a sum not exceeding ten thousand dollars, to be recovered by action or indictment, in any Court of competent jurisdiction.

Toll-houses,
gates, &c.

Books to be
open for inspec-
tion.

SEC. 7. *Be it further enacted,* That the said corporation shall be holden to pay all damages that may arise to any person or persons, corporation or corporations, by taking their land for said Rail Road when it cannot be obtained by voluntary agreement, to be estimated and recovered in the manner provided by law for the recovery of damages happening by the laying out of highways.

Married women:

SEC. 8. *Be it further enacted,* That when the lands or other property or estate of any married woman, infant, or person non compos mentis, shall be necessary for the construction of said Rail Road, the husband of such married woman, and the guardian of such infant or person non compos mentis, may release all damages in relation to the lands or estates, to be taken and appropriated as aforesaid, as they might do if the same were holden by them in their own right respectively.

Forfeiture for the wilful, malicious, or wanton destruction of rail road,

SEC. 9. *Be it further enacted,* That if any person shall wilfully, maliciously, or wantonly, and contrary to law, obstruct the passage of any carriage on said Rail Road, or in any way spoil, injure or destroy said Rail Road, or any part thereof, or any thing belonging thereto, or any materials or implements to be employed in the construction or for the use of said Road; 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 the corporation, or other officer whom they may direct, to the use of said corporation. And such offender or offenders shall be liable to indictment by the grand inquest for the

county within which such trespass shall have been committed, for any offence or offences, contrary to the above provisions, and on conviction thereof before any Court of Common Pleas, to be holden in said county, shall pay a fine not exceeding one hundred dollars, and not less than thirty dollars, to the use of the Commonwealth, or may be imprisoned for a term not exceeding one year, at the discretion of the court before whom the conviction may be had.

SEC. 10. *Be it further enacted,* That the annual meeting of the members of said corporation shall be holden on the first Wednesday of January, at such time and place as the directors for the time being shall appoint; at which meeting five directors shall be chosen by ballot, each proprietor being entitled to as many votes as he holds shares; provided they do not amount to more than one fourth part of the whole number. And the three persons named in this act, or any two of them, are hereby authorized to call the first meeting of said corporation, by giving notice in two daily newspapers published in Boston, and two papers in Dedham, of the time, place and purpose of such meeting, at least ten days before the time mentioned in such notice.

SEC. 11. *Be it further enacted,* That if the said Rail Road, in the course thereof, shall cross any private way, the said corporation shall so construct said Rail Road as not to obstruct the safe and convenient use of such way, and if said Rail Road shall not be so constructed, the party aggrieved shall be entitled to his action on the case in any court proper to try the same, and shall recover his reasonable damages for such injury; and if the said Rail Road shall, in the course thereof, cross any canal, turnpike, or other highway, the said Rail Road shall be so construc-

Annual meeting

Construction of rail road in case it cross any highway, &c.

May have the
power of raising
or lowering turn-
pike, &c.

ted as not to impede or obstruct the safe and convenient use of such canal, turnpike, or other highway. And the said corporation shall have the power to raise or lower such turnpike, highway, or private way, so that the said Rail Road, if necessary may conveniently pass under or over the same. And if said corporation shall raise or lower any such turnpike, highway, or private way pursuant thereto, and shall not so raise or lower the same as to be satisfactory to the proprietors of such turnpike, or to the selectmen of the town or towns in which said highway or private way may be situated, as the case may be, said proprietors or selectmen may require, in writing, of said corporation, such alteration or amendment as they may think necessary; and if the required amendment or alteration be reasonable and proper, in the written opinion of a majority of the commissioners of the county in which such amendment or alteration shall be required and the said corporation shall unnecessarily and unreasonably neglect to make the same, such proprietors or selectmen, as the case may be, may proceed to make such alterations or amendment, and may institute and prosecute to final judgment and execution, in any court proper to try the same, any action of the case against said corporation, and shall therein recover a reasonable indemnity in damages, for all charges, disbursements, labor, and services occasioned by making such alteration or amendment, with costs of suit.

No other rail
road to be made.

SEC. 12. *Be it further enacted,* That no other Rail Road, than the one hereby granted, shall, within thirty years from and after passing this act, be authorized to be made, leading from Boston to any place within five miles of the southern termination of the Rail Road hereby authorized to be made:

Provided, the State may authorize any company to enter with another Rail Road at any point of said Boston and Providence Rail Road, paying for the right to use the same, or any part thereof, such a rate of toll as the Legislature may from time to time prescribe ; and complying with such rules and regulations as may be established by said Boston and Providence Rail Road Corporation, by virtue of the fifth section of this act : *Provided also*, That it shall be in the power of the government, at any time during the continuance of the charter hereby granted, after the expiration of twenty years from the opening for use of the Rail Road herein provided to be made, to purchase of the said corporation, the said Rail Road, and all the franchise, property, rights and privileges of the said corporation, on paying therefor the amount expended in making the said Rail Road, and the expenses of repairs and all other expenses relating thereto, with interest thereon at the rate of ten per cent. per annum, deducting all sums received by the corporation from tolls or any other source of profit, and interest at the rate of ten per cent, per annum thereon, that shall have been received by the stockholders ; and after such purchase, the limitation provided in this section shall cease, and be of no effect.

Proviso.

SEC. 13. *Be it further enacted*, That if the stock shall not have been subscribed for, the company organized, and location of the route filed with the county commissioners of the county or counties, within which the land proposed to be taken for the use of said Rail Road is situate, previous to the first day of January, in the year of our Lord one thousand eight hundred and thirty three ; or if the stock being so subscribed for, the company organized, and loca-

Conditions of this act.

tion made as aforesaid, the said corporation shall fail to complete the said Rail Road before the first day of January, in the year of our Lord one thousand eight hundred and thirty-six, in either of the before mentioned cases, this act shall be void, and of no effect, otherwise shall remain in full force until the Commonwealth shall purchase said Rail Road as aforesaid.

Bridges.

SEC. 14. *Be it further enacted,* That said Rail Road company shall constantly maintain, in good repair, all bridges, with their abutments and embankments, which they may construct for the purpose of passing their Rail Road over any canal, turnpike or other high way, or private way; or of passing such private way, turnpike or other highway, over said Rail Road.

New bridge.

SEC. 15. *Be it further enacted,* That nothing contained in this act shall be so construed as giving authority to erect a new bridge over the waters of Boston harbor, or of placing any obstruction therein.

[Approved by the Governor, June 22, 1831.]

CHAP. LVII.

An Act to establish the Boston and Ontario Rail Road 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 William Sturgis, Amos Binney, Henry Williams, George Bond, Samuel Whitwell, Luther Faulkner, Henry H. Fuller,

Persons incorpo-
rated.

Jonas B. Brown, Pliny Cutler, George Hallet, Winslow Wright, Nathaniel Hammond, Joseph T. Buckingham, James K. Mills, Eliphalet Williams, John P. Bigelow, George Morey, Ward Jackson, Henry Rice, Cornelius Coolidge, Thomas R. Sewall, John Brown, Jonathan Whitney, David Moody, William Parker, Isaac Danforth, Daniel Hastings, E. A. and W. Winchester, Reuben Richards, Jr., John G. Thompson, A. Chandler, Thomas B. Wales, William Dehon, and Andrew Dunlap, their associates, successors and assigns, be, and they hereby are made a body politic and corporate, under the name of the "Boston and Ontario Rail Road Corporation," and by that name shall be, and hereby are made capable in law, to sue and to be sued to final judgment and execution, plead and be impleaded, defend and be defended, in any court of record, or in any other place whatever; to make, have and use a common seal, and the same to break, renew or alter at pleasure; and shall be, and hereby are vested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as hereinafter set forth. And the said corporation are hereby authorized and empowered to locate, construct, and finally complete a rail road, beginning at any point in or near the town of Lowell, in the county of Middlesex, and running thence to the northerly or westerly line of the Commonwealth, in such manner and form as they shall deem to be most expedient: and for this purpose the said corporation are authorized to lay out their road, not exceeding six rods wide through the whole length: and for the purpose of cuttings, embankments, and stone and gravel, may take as much more land as may be necessary for the

Powers and privileges.

proper construction and security of said road. *Provided however*, that all damages that may be occasioned to any person or corporation, by the taking of such land or materials for the purposes aforesaid, shall be paid for by said corporation in the manner hereinafter provided.

Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of said corporation shall consist of four thousand shares, and the immediate government and direction of the affairs of the said corporation shall be vested in a board of not less than five directors, who shall be chosen by the members of the corporation in the manner hereafter provided, and shall hold their offices until others shall be duly elected and qualified to take their place as directors: and the said directors, a majority of whom shall form a quorum for the transaction of business, shall elect one of their own number to be president of the board, who shall also be president of the corporation; and shall have authority to choose a clerk, who shall be sworn to the faithful discharge of his duty; and a treasurer, who shall give bonds to the corporation with sureties to the satisfaction of the directors, in a sum not less than twenty thousand dollars, for the faithful discharge of his trust.

Powers:

SEC. 3. *Be it further enacted*, That the president and directors for the time being are hereby authorized and empowered, by themselves or their agents, to exercise all the powers herein granted to the corporation, for the purposes of locating, constructing, and completing said rail road; and for the transportation of persons, goods and merchandize thereon; and all such other powers and authority for the management of the affairs of the corporation, not heretofore granted, as may be necessary and pro-

per to carry into effect the objects of this grant ; to purchase and hold land, materials, engines, cars, and other necessary things, in the name of the corporation, for the use of said road, and for the transportation of persons, goods and merchandise ; to make such equal assessments, from time to time, on all the shares in said corporation, as they may deem expedient and necessary in the execution and progress of the work, and direct the same to be paid to the treasurer of the corporation ; and the treasurer shall give notice of all such assessments. And in case any subscriber shall neglect to pay his assessment for the space of thirty days after due notice by the treasurer of said corporation, the directors may order the treasurer to sell such share or shares at public auction, after giving due notice thereof, to the highest bidder, and the same shall be transferred to the purchaser. And such delinquent subscriber shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the assessments due thereon, with interest and costs of sale ; and shall be entitled to the overplus, if his share or shares shall sell for more than the assessments due, with interest and the costs of sale. *Provided however,* that no assessments shall be laid upon any shares in said corporation, of a greater amount in the whole than one hundred dollars on each share.

In case of neglect to pay assessments.

SEC. 4. *Be it further enacted,* That the said corporation shall have power to make, ordain and establish all such by-laws, rules, regulations and ordinances, as they shall deem expedient and necessary to accomplish the designs and purposes, and to carry into effect the provisions of this act, and for the well ordering, regulating, and securing the interests and

By-laws

affairs of the corporation : *provided* the same be not repugnant to the constitution and laws of the Commonwealth.

Toll

SEC. 5. *Be it further enacted*, That a toll be, and hereby is granted and established, for the sole benefit of said corporation, upon all passengers and property of all descriptions, which may be conveyed or transported upon said road, at such rates per mile as may be agreed upon and established, from time to time, by the directors of said corporation. The transportation of persons and property, the construction of wheels, the forms of cars and carriages, the weight of loads, and all other matters and things in relation to the use of said road, shall be in conformity to such rules, regulations and provisions, as the directors shall, from time to time, prescribe and direct ; and said road may be used by any persons who shall comply with such rules and regulations : *provided however*, that if, at the expiration of ten years from and after the completion of said road, the net income or receipts from tolls, and other profits, taking the ten years aforesaid as the basis of calculation, shall have amounted to more than ten per cent. per annum, upon the cost of the road, then the legislature may take measures to alter and reduce the rate of tolls and other profits, in such manner as to take off the overplus for the next ten years, calculating the amount of transportation upon the road to be the same as the ten preceding years ; and at the expiration of every ten years thereafter, the same proceedings may be had : *provided further*, that the legislature shall not, at any time, so reduce said tolls and other profits, as to produce less than ten per centum per annum upon the cost of said road, without the consent of said corporation.

Rate of toll may be altered.

SEC. 6. *Be it further enacted,* That the directors of said corporation for the time being are hereby authorized to erect toll houses, establish gates, appoint toll-gatherers, and demand toll, upon the road when completed, and upon such parts thereof as shall from time to time be completed; and they shall from year to year make a report to the legislature, under oath, of their acts and doings, receipts and expenditures, under the provisions of this act; and their books shall at all times be open to the inspection of any committee of the legislature appointed for that purpose; and if said corporation shall unreasonably neglect or refuse to make such report, at the expiration of every year after the opening of said rail road, for every such neglect or refusal, they shall forfeit and pay, to the use of the Commonwealth, a sum not exceeding ten thousand dollars, to be recovered by action or indictment, in any court of competent jurisdiction.

SEC. 7. *Be it further enacted,* That the said corporation shall be holden to pay all damages that may arise to any person or persons, corporation or corporations, by taking their land for said rail road, when it cannot be obtained by voluntary agreement, to be estimated and recovered in the manner provided by law, for the recovery of damages happening by the laying out of highways. Damages.

SEC. 8. *Be it further enacted,* That when the lands or other property or estate of any femme covert, infant, or person non compos mentis, shall be necessary for the construction of said rail road, the husband of such femme covert, and the guardian of such infant or person non compos mentis, may release all damages for any land or estates, taken and appropriated as aforesaid, as they might do if the Non compos mentis.

same were holden by them in their own right respectively.

Forfeiture for the wilful, malicious, or wanton destruction of rail road.

SEC. 9. *Be it further enacted,* That if any person shall wilfully, maliciously, or wantonly, and contrary to law, obstruct the passage of any carriage on said rail road, or in any way spoil, injure or destroy said rail road, or any part thereof, or any thing belonging thereto, or any material or implements to be employed in the construction, or for the use of said road ; 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 the corporation, or other officer whom they may direct, to the use of said corporation. And such offender or offenders shall be liable to indictment by the grand inquest for the county within which such trespass shall have been committed, for any offence or offences, contrary to the above provisions, and on conviction thereof before any court of competent jurisdiction to try the same, shall pay a fine not exceeding one hundred dollars, and not less than thirty dollars, to the use of the Commonwealth, or may be imprisoned for a term not exceeding one year, at the discretion of the court before whom the conviction may be had.

Annual meeting.

SEC. 10. *Be it further enacted,* That the annual meeting of the members of said corporation shall be holden on the first Wednesday of July, at such time and place, as the directors for the time being shall appoint ; at which meeting, the directors shall be chosen by ballot, each proprietor being en-

titled to as many votes as he holds shares. *Provided*, they do not amount to more than one tenth part of the whole number. And the three persons first named in this act, or any two of them, are hereby authorized to call the first meeting of said corporation, by giving notice in the Daily Advertiser, published in Boston, and the Lowell Journal, published in Lowell, of the time, place, and purpose of such meeting, at least ten days before the time mentioned in such notice.

SEC. 11. *Be it further enacted*, That if the said Rail Road, should in the course thereof cross any private way, the said corporation shall so construct said Rail Road as not to obstruct the safe and convenient use of such private way, and if said Rail Road shall not be so constructed, the party aggrieved shall be entitled to his action on the case in any court proper to try the same, and shall recover reasonable damages for such injury; and if the said Rail Road shall, in the course thereof, cross any canal, turnpike, or other highway, the said Rail Road shall be so constructed as not to impede or obstruct the safe and convenient use of such canal, turnpike, or other highway. And the said corporation shall have the power to raise or lower such turnpike, highway, or private way, so that the said Rail Road, if necessary, may conveniently pass under or over the same. And if said corporation shall raise or lower any such turnpike, highway or private way, pursuant thereto, and shall not so raise or lower the same as to be satisfactory to the proprietors of such turnpike, or to the selectmen of the town in which said highway or private way may be situate, as the case may be, said proprietors or selectmen may require, in writing, of said corporation, such alteration or amendments

If rail road, in its passage, cross any private way, &c. how to be framed.

as they may think necessary ; and if the required amendment or alteration be reasonable and proper in the written opinion of the County Commissioners for the County in which such alteration or amendment shall be required, and the, said corporation shall unnecessarily and unreasonably neglect to make the same, such proprietors or selectmen, as the case may be, may proceed to make such alteration or amendment, and may institute and prosecute to final judgment and execution, in any court proper to try the same, any action of the case against said corporation, and shall therein recover a reasonable indemnity in damages, for all charges, disbursements, labor, and services occasioned by making such alteration or amendments, with costs of suit.

Corporation may use the Boston and Lowell rail road.

SEC. 12. *Be it further enacted,* That said Boston and Ontario Rail Road corporation shall have a right to enter upon and use the Rail Road hereafter to be constructed by the Boston and Lowell Rail Road corporation, paying therefor such a rate of toll as the Legislature may from time to time prescribe, and complying with such rules and regulations, as may be established by said Boston and Lowell Rail Road corporation, agreeably to the act incorporating the same. And no other Rail Road, than the one hereby granted, shall within thirty years from the passing of this act, be authorized to be made, leading from said Lowell, or from Dracut or Chelmsford in the county of Middlesex, to any place within five miles of the northern or western termination of the Rail Road hereby granted.

Powers.

SEC. 13. *Be it further enacted,* That the said Boston and Ontario Rail Road corporation shall have full power and authority to extend the said Rail Road from the line of this Commonwealth, with-

in and through the States of New Hampshire, Vermont and New York, or either of them, whenever the said states or either of them shall have granted to said corporation power and authority so to do; and for that purpose said corporation may have and receive from said states or either of them, the power and authority so to extend said Rail Road, with such reasonable and proper restrictions, qualifications and conditions, as may be required by said States, or either of them, and agreed to by the stockholders of said corporation at a meeting duly called for that purpose. And to enable said corporation so to extend said Rail Road, the capital stock of said corporation may be increased and enlarged by new shares, so far as may be necessary to defray the expense of so extending said Rail Road through said States, or either of them, and other charges and expenses incident thereto.

SEC. 14. *Be it further enacted,* That the President and Directors may call special meetings of the stockholders for such purposes, and at such times and places, as they may judge expedient, giving notice thereof in such manner as the corporation, by their by laws, shall prescribe, at least ten days previously to the time of said meeting. And assessments may be laid and collected upon such shares as are subscribed for, at any time before the whole stock and shares shall be subscribed for and taken up. Special meetings

SEC. 15. *Be it further enacted,* That if said corporation shall not have been organized, and the location of the route of said Rail Road filed with the County Commissioners for the County of Middlesex, previously to the first day of September, in the year of our Lord one thousand eight hundred and Conditions of this act.

thirty three ; or if the said corporation shall fail to complete the said Rail Road on or before the first day of September, in the year of our Lord one thousand eight hundred and thirty six ; in either of said cases this Act shall be null and void.

Bridges.

SEC. 16. *Be it further enacted*, That said Rail Road company shall constantly maintain, in good repair, all bridges, with their abutments and embankments, which they may construct for the purpose of passing their Rail Road over any canal, turnpike or other highway, or any private way ; or for passing such private way, turnpike, or other highway, over said Rail Road.

[Approved by the Governor, June 22, 1831.]

CHAP. LVIII.

An Act in addition to 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 it shall be lawful for the Taunton Manufacturing Company to carry on the business of bleaching and of printing cottons, muslins and silks, and also to hold real estate, not exceeding the value of two hundred thousand dollars, and personal estate not exceeding two hundred thousand dollars, in addition to the estate of which they are now permitted by law to be seized and possessed.

Bleaching.

[Approved by the Governor, June 22, 1831.]

CHAP. LIX.

An Act concerning conveyances of Pews.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all deeds and conveyances of pews, and all executions, and the returns thereon, which may be levied on pews or rights of seat, in any house of public worship owned by any parish, or legally organized religious society, or by any incorporated proprietors, may be registered in the records of such society or proprietors, respectively, by the clerks thereof, and such clerks shall be entitled to the same compensation for registering such deeds, that now is, or hereafter may be by law allowed to registers of deeds and town clerks for the same service.

Conveyances of pews.

[Approved by the Governor, June 22, 1831.]

CHAP. LX.

An Act to incorporate the New England Iron Works.

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 Whiting, and Lincoln Newton second, together with such other persons as may become associates with them,

Persons incorporated.

their successors and assigns be, and they hereby are created a body corporate, by the name of the New-England Iron Works, for the purpose of manufacturing and working iron, steel, and other metals and machinery, and using and improving the same, and carrying on the business thereof at Boston, in the county of Suffolk, and for this purpose shall have all the powers and privileges, and shall be subject to all the duties and requirements, contained and provided in an act, passed on the twenty-third day of February, in the year of our Lord, one thousand eight hundred and thirty, entitled "an act defining the general powers and duties of manufacturing corporations."

Real and personal estate:

SEC. 2. *Be it further enacted,* That said corporation may take and hold such real estate, not exceeding in value the sum of one hundred thousand dollars, and such personal estate, not exceeding in value two hundred thousand dollars, as may be suitable and convenient for carrying on the business and manufacture aforesaid.

[Approved by the Governor, June 22, 1831.]

CHAP. LXI.

An Act to incorporate the Boston Porcelain 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 Willard Badger and Augustus H. Fiske, together with such other persons as may become associates with them, their successors and assigns, be and they hereby are created a body corporate, by the name of the Boston Porcelain Company; for the purpose of working and manufacturing porcelain, bricks, pottery or earthen ware, and machinery, and improving the same, and carrying on the business thereof, at Boston, in the county of Suffolk, and, for this purpose, shall have all the powers and privileges, and shall be subject to all the duties and requirements contained and provided in an act passed on the twenty third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled "an act defining the general powers and duties of manufacturing corporations." Persons incorpo-
rated.

SEC. 2. *Be it further enacted,* That said Corporation may take and hold such real estate, not exceeding in value the sum of one hundred thousand dollars, and such personal estate, not exceeding in value two hundred thousand dollars, as may be suitable and convenient for carrying on the business and manufacture aforesaid. Real and person-
al estate.

[Approved by the Governor, June 22, 1831.]

CHAP. LXII.

An act postponing the time when "An act to give criminal jurisdiction, except in capital cases, to the Court of Common Pleas," shall take effect.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* 'That the provisions of "an act to give criminal jurisdiction, except in capital cases, to the court of Common Pleas," passed on the eighteenth day of March, in the year of our Lord one thousand eight hundred and thirty-one, shall take effect on the first day of April next and not sooner.

[Approved by the Governor, June 22, 1831.]

CHAP. LXIII.

An Act to incorporate the American Society for encouraging the settlement of the Oregon Territory.

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 McNeil, and John L. Blake, their associates and successors, be, and they hereby are incorporated and made a body politic, by the name of the American Society for encouraging the settlement of the Oregon Territory; 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.

SEC. 2. *Be it further enacted*, That said society, ^{Powers and privileges.} in their corporate capacity, and their successors, may have a common seal, which they may alter at pleasure, and may take, receive, have and hold personal estate, to an amount, the yearly income of which shall not exceed twelve thousand dollars. *Provided, however*, that nothing herein contained shall enable said corporation to make any disposition of their funds, which shall not be a faithful appropriation to the aforesaid purpose of encouraging the settlement of the said territory.

SEC. 3. *Be it further enacted*, That said society ^{Officers.} may annually choose by ballot, a president, two vice presidents, a board of directors, a corresponding secretary, recording secretary, a treasurer, and such other officers as may be necessary, and they may prescribe and define the duties of said officers, and in case of vacancy by death, resignation or otherwise, it may be filled at any legal meeting of said society; and the treasurer shall give bond, with sufficient surety or sureties, for the faithful performance of the duties of his office.

SEC. 4. *Be it further enacted*, That said corporation shall have power to make such ^{By-laws.} by laws, rules and regulations for calling their meetings, and for the management of their property and concerns, as they shall deem expedient, *provided* the same are not repugnant to the laws of this Commonwealth, or of the United States.

SEC. 5. *Be it further enacted*, That all contracts, ^{Deeds.} deeds, certificates, commissions, and other instruments, which said corporation may lawfully make or execute, when signed by the president, and coun-

tersigned by the recording secretary, and sealed with the common seal, shall be valid in law to all intents and purposes.

Annual meeting. SEC. 6. *Be it further enacted,* That the first annual meeting of said society may be called by John L. Blake, within thirty days from and after the passing of this act, by publishing a notice of the time and place of said meeting in one of the daily papers in the city of Boston, ten days previous to the time of said meeting.

[Approved by the Governor, June 22, 1831.]

CHAP. LXIV.

An Act concerning the Collection of Taxes.

Taxes- 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 constable or collector of taxes shall neglect to pay to the treasurer of the Commonwealth such sum of money as ought by him to be paid, within the time limited by any statute or by any assessor's warrant pursuant to law, or if any bank shall neglect to pay to said treasurer the tax which such bank is, or may be liable to pay to him, the town, or district by which such constable or collector was chosen or appointed, and the bank so neglecting to pay, shall respectively be liable to an action of debt for the recovery of such sum of money or tax, to be commenced by the said Treasurer, and notice thereof served on such town,

district or bank, fourteen days before the sitting of the court in which such action shall be commenced.

SEC. 2. *Be it further enacted*, That the treasurers of counties shall severally have the same remedy against towns and districts, for the neglect of their constables or collectors of Taxes to pay money to said treasurers pursuant to law, which is given to the treasurer of the Commonwealth in the preceding section of this act.

SEC. 3. *Be it further enacted*, That if any town or district, from which any State or County tax may be required, shall neglect for the term of five months after having received the warrant of the treasurer of the Commonwealth for assessing any state tax, or the warrant, order or notice of the lawful authority for the apportionment of any county tax, to elect assessors, and cause the assessment thereof to be certified as the law requires, the said treasurer and the treasurers of the several counties shall respectively have the same remedy for the collection of such taxes as is hereinbefore given to the said treasurer of the Commonwealth.

Negligence, remedy in case of.

SEC. 4. *Be it further enacted*, That the third section of "an act to enable the inhabitants of the several towns and plantations within this Commonwealth to ascertain from time to time the amount of monies received by their respective collectors of public taxes, and what payments they have made to the treasurer of the Commonwealth," passed on the twenty-third day of March, in the year of our Lord one thousand seven hundred and eighty-four; the fourth, sixth, seventh and ninth sections of "an act for enforcing the speedy payment of rates and taxes and directing the process against deficient constables and collectors," passed on the sixteenth day of February, in the year of our Lord one thousand seven

Repeal of acts.

Acts repeated.

hundred and eighty six ; “ an act in addition to an act, entitled an act for enforcing the speedy payment of rates and directing the process against deficient constables and collectors,” passed on the twenty-fifth day of February, in the year of our Lord one thousand and eight hundred ; so much of the twenty-first section of an “ act to regulate Banks and Banking,” passed on the twenty-eighth day of February, in the year of our Lord one thousand eight hundred and twenty-nine, as makes it the duty of the treasurer of the Commonwealth to issue a warrant of distress against banks for neglect to pay the Tax by said act required to be paid to said treasurer ; and all other parts of statutes which authorize the issuing of executions, warrants of distress, or any other final process, by any officer, ministerial or judicial, against individuals, or bodies corporate, without previous notice, be, and the same hereby are repealed—*Provided however*, that this act shall in no way affect any process already issued.

[Approved by the Governor, June 22, 1831.]

CHAP. LXV.

An Act in addition to “ an act to regulate the Administration of justice within the County of Suffolk, 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 connection which by law now subsists between the Ci-

Connection between Chelsea and Boston.

ty of Boston and the town of Chelsea shall continue upon the following conditions, that is to say—First : The said town of Chelsea shall, by good and sufficient deeds, assign and release to the said city of Boston, all right, title and interest, in and to all the real estate and personal estate now belonging, or any time heretofore deemed and taken to belong to the County of Suffolk, and shall also relinquish to the said City of Boston, the exclusive care, management, jurisdiction and regulation of the court houses, jails, house of correction, and all other lands, buildings and establishments deemed county property, or in which the said county of Suffolk claims, or has claimed or exercised any care, management, jurisdiction or regulation as aforesaid. Secondly : That the said City of Boston shall be at liberty to apply, from time to time, to the Legislature, for any alterations in the laws establishing and regulating County, Municipal or Police Courts, or respecting the administration of justice, which the said City of Boston shall think expedient, without any let, hindrance, interference or claim of right, by the said town of Chelsea, before the Legislature or otherwise : *Provided* always, that some Court or Courts, within the said City of Boston, shall have jurisdiction, in all matters and things, which, in relation to the town of Chelsea, or the inhabitants thereof, were cognizable by the Court of Common Pleas, or by the court of Sessions in the County of Suffolk, before the passing of the act to which this in addition. Thirdly : That the said town of Chelsea may, at any time, apply to the Legislature to be set off from said County of Suffolk to any other County, without opposition from the said city of Boston.

Conditions.

SEC. 2. *Be it further enacted*, That this act Act how long to operate.

shall continue and be in force, so far as respects the connection aforesaid, between the said city of Boston, and the said town of Chelsea, for the space of twenty years, and thence afterwards until the same shall be altered by the Legislature, unless the said town of Chelsea shall, in the mean time, apply to the Legislature, and be set off as aforesaid: *Provided however*, that the rights of property which shall be acquired by the said City of Boston, under this act, shall nevertheless remain forever vested in the said city of Boston.

Act, when to
take effect.

SEC. 3. *Be it further enacted*, That this act shall take effect whenever the said town of Chelsea, at any town meeting legally assembled, shall accept the same; and from the time of such acceptance all rights of property of the town of Chelsea, in and to all the estate, real and personal, of the county of Suffolk, shall cease and determine and be vested in the said City of Boston; and in case the said town of Chelsea shall refuse or neglect, for the space of three months from the passing of this act, to accept the same, then this act shall be of no force or effect.

[Approved by the Governor, June 23, 1831.]

CHAP. LXVI.

An Act in addition to ‘ An Act for regulating Elections.’

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the several provisions contained in an act passed on the twenty-fourth day of February, one thousand seven hundred and ninety-six, entitled “an act for regulating Elections,” which refer to meetings to be held by towns for the choice of Representatives, in the month of May, annually, shall have like reference to the meetings now required, by the tenth article of amendment to the constitution of this Commonwealth, to be held in the month of November, annually, and each and every penalty imposed by the said act, upon any officer or other person, for any neglect of duty, or other violation of the several provisions of the said act, shall be incurred by any officer or other person guilty of the like neglect or violation of duty, in relation to the said meetings now required to be held in the said month of November, and all the proceedings, votes, elections, returns, certificates, and records, thereof.

[Approved by the Governor, June 23, 1831.]

CHAP. LXVII.

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 Samuel Gore of Boston, may take the name of Frederic S. Gore; that David Bradlee Eaton of Boston, may take the name of Albert Caspar Eaton; that Nehemiah Clap of Boston, may take the name of Charles Frederic William Clap; that Esther Rowe of Boston, a minor, and adopted daughter of Mary Harris, may take the name of Mary Esther Harris; that Joanna B. Berry of Boston, may take the name of Joanna B. Jewett; that Julia Lucretia Rogers of Boston, a minor, may take the name of Julia Leonora Rogers; that Antoinette Wright of Boston, a minor, daughter of Nathaniel Wright, may take the name of Anna Burlin Wright; that James Ivers Austin of Boston, may take the name of Ivers James Austin, all of the County of Suffolk—that Elijah Holt of Lynn, may take the name of Eli Holt; that Lucy Lovett of Beverly, a minor, daughter of Pyam Lovett, may take the name of Lucy Davis Lovett; that Stephen Sargeant, 5th, of Amesbury, may take the name of Stephen N. Sargeant; that Mary Ann Welch of Newburyport, may take the name of Mary Ann Wingate; that Nathan Smith of Salem, and his wife, Martha I. Smith, may take the name of Nathan Pool and Martha T. Pool; that James Augustus Hodgkins, of Salem, a minor son of Elizabeth W.

Names changed.

Hodgkins, may take the name of Augustus Hodg- Names changed.
kins Lamson ; that Ann Marston, a minor, of West
Newbury, may take the name of Emma Ann Bailey,
all of the County of Essex—that Benonia Boynton
of Charlestown, in the County of Middlesex, may
take the name of Benonia Boynton Buckingham ;
that William Wilder of Lancaster, may take the name
of George Washington Wilder ; that Daniel Rice of
Leicester, may take the name of Daniel Tatman
Rice ; that Charles Austin Hunting of Barre, may
take the name of Charles Austin, all of the County
of Worcester ; that Epaphroditus Williams, of Con-
way, in the County of Franklin, may take the name
of Francis E. Williams ; that Peter R. Bryant of
Cummington, may take the name of Arthur Bryant ;
that Chileal Smith Douglass of Amherst, may take
the name of Solomon Gilbert, all of the County of
Hampshire. That Solomon Hoar, Junior, of Brim-
field, may take the name of Solomon Homer ; that
William P. Hoar of said Brimfield, may take the
name of William P. Homer, and that Clarinda Hoar
wife of said William P. may take the name of Clar-
inda Homer, and that Martha Fullerton Hoar, Har-
riet Neal Hoar, and George Harding Hoar, minor
children of said William P. and Clarinda Hoar, may
take the names respectively of Martha Fullerton Ho-
mer, Harriet Neal Homer, and George Harding Ho-
mer, all of the County of Hampden ;—that William
Beale of Milton, may take the name of William
Swift Beale ; that Isaac Adams of Brookline, may
take the name of Isæac Maltoa Wansongthi Adams ;
that Charles Doggett of Brookline may take the
name of Charles Doggett Perry, all of the County of
Norfolk :—that Nathaniel C. Fowle of Norton, in the
County of Bristol, may take the name of Nathaniel

Names changed. Fowle Bowdoin ; that James Adams Mehuren, of Hingham in the County of Plymouth, may take the name of James Adams. And the several persons herein mentioned are hereby allowed to take and hereafter be known by the respective names which by this act they severally are authorized to assume.

[Approved by the Governor, June 23, 1831.]

CHAP. LXVIII.

An Act to incorporate the President, Directors and Company of the Oriental 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 Charles Smith, Charles J. Cazenove, Stephen White, Amos Binney, Samuel K. Williams, Thomas I. Whittemore, E. Copeland Jr. and P. P. F. Degrand, their associates, successors and assigns, shall be, and they hereby are created a corporation by the name of the President, Directors and Company of the Oriental Bank in Boston, and shall so continue until the first day of October, which shall be in the year of our Lord one thousand eight hundred and fifty one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements, contained in an act passed on the twenty eighth day of February in the year of our Lord one thousand eight hundred and twenty nine, entitled "an act to regulate Banks and Banking," and to the further provisions contained in an act passed the twenty eighth

Persons incorporated.

day of February in the year of our Lord one thousand eight hundred and thirty one, entitled "an act to continue the banking corporations therein named and for other purposes."

SEC. 2. *Be it further enacted*, That the capi- Capital stock.
 tal stock of said corporation shall consist of the sum of five hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments and at such times as the stockholders may direct. *Provided* the whole be paid in within one year from the passing of this act.

SEC. 3. *Be it further enacted*, That the said Location.
 Bank shall be established in the City of Boston, and that any three of the persons before named shall be authorized to call the first meeting of said Corporation, by advertising the same in any newspaper published in the City of Boston, ten days at least before said meeting.

[Approved by the Governor, June 23, 1831.]

CHAP. LXIX.

An Act in addition to an act entitled "An Act to incorporate the Massachusetts Horticultural 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 the Massachusetts Horticultural Society be, and hereby are authorized, in addition to the powers already conferred on them, to dedicate and appropriate any part of the real estate now owned, or hereafter to be purchased by Dedication and appropriation of real estate to the erection of tombs, cenotaphs, and other monuments in memory of the dead.

them, as, and for a rural cemetery or burying ground and for the erection of tombs, cenotaphs, or other monuments for, or in memory of the dead : and for this purpose, to lay out the same in suitable lots, or other subdivisions for family and other burying places ; and to plant and embellish the same with shrubbery, flowers, trees, walks, and other rural ornaments, and to enclose and divide the same with proper walls and enclosures, and to make and annex thereto other suitable appendages and conveniences, as the society shall from time to time deem expedient. And whenever the said society shall so lay out and appropriate any of their real estate for a cemetery, or burying ground, as aforesaid, the same shall be deemed a perpetual dedication thereof for the purposes aforesaid ; and the real estate so dedicated shall be forever held by the said society in trust for such purposes, and for none other. And the said society shall have authority to grant and convey to any person or persons the sole and exclusive right of burial, and of erecting tombs, cenotaphs, and other monuments in any such designated lots and subdivisions, upon such terms and conditions, and subject to such regulations, as the said society shall by their by-laws and regulations prescribe, and every right so granted and conveyed shall be held for the purposes aforesaid, and for none other, as real estate, by the proprietor or proprietors thereof, and shall not be subject to attachment or execution.

Rural ornaments

Right of burial.

Real and personal estate.

SEC. 2. *Be it further enacted*, That, for the purposes of this act, the said society shall be, and hereby are authorized to purchase and hold any real estate not exceeding ten thousand dollars in value, in addition to the real estate which they are now by law

authorized to purchase and hold. And to enable the said society more effectually to carry the plan aforesaid into effect, and to provide funds for the same, the said society shall be, and hereby are authorized to open subscription books, upon such terms, conditions and regulations, as the said society shall prescribe, which shall be deemed fundamental and perpetual articles between the said society and the subscribers. And every person, who shall become a subscriber in conformity thereto, shall be deemed a member for life of the said society, without the payment of any other assessment whatsoever. And shall moreover be entitled in fee simple to the sole and exclusive right of using, as a place of burial, and of erecting tombs, cenotaphs, and other monuments, in such lot or subdivision of such cemetery or burying ground, as shall, in conformity to such fundamental articles, be assigned to him.

Subscription books.

SEC. 3. *Be it further enacted,* That the president of the said society shall have authority to call any special meeting or meetings of the said society, at such time and place as he shall direct, for the purpose of carrying into effect any or all the purposes of this act, or any other purposes within the purview of the original act, to which this act is in addition.

Special meetings

[Approved by the Governor, June 23, 1831.]

CHAP. LXX.

An Act to regulate the administration of justice within the town of 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 there shall be, and hereby is established, within and for the town of Salem, a Police Court, to consist of one learned, able and discreet person, to be appointed and commissioned by the Governor, pursuant to the Constitution, to take cognizance of all crimes, offences and misdemeanors, committed within the town of Salem, whereof justices of the peace may take cognizance by law, and of all offences which may be cognizable by justices of the peace, according to the by-laws, rules and regulations of the town of Salem, now existing, or hereafter duly established. And the Court hereby constituted shall hear and determine all suits, complaints and prosecutions cognizable by it, in like manner as is by law provided for the exercise of the powers and authority which are or may be vested in justices of the peace; and do all such acts necessary to, or consistent with such powers and authority. And the said Police Court shall also have original exclusive jurisdiction and cognizance of all civil suits and actions, which before, and until the passing of this act, might by law be heard, tried and determined before any justice of the peace in said town of Salem, and no writ in any such suit or action shall be made returnable before any other justice of the peace within said town of Salem, but to said police

Establishment of a police court in the town of Salem.

Determination of suits.

Court only ; and an appeal shall be allowed from all judgments in said Police Court, in like manner and to the same extent, that appeals are now allowed by law from judgments of justices of the peace. All writs and summonses and processes shall be tested by the justice of said Police Court. *Provided* always, that the justice of said Police Court shall not be of counsel or attorney to any party in any matter or thing whatsoever, which may be pending before said Court.

SEC. 2. *Be it further enacted,* That all warrants Warrants. issued by the justice of said police court, or by any justice of the peace within the town of Salem, shall be made returnable, and be returned before the said Police Court ; and if any warrant shall be issued by any justice of the peace, the lawful fees payable therefor shall not be paid nor allowed, unless, on the examination or hearing before said Police Court, it shall appear to said Court that there was just and reasonable cause for issuing said warrant, in which case such fees, costs and charges shall be allowed and taxed in like manner as though said warrant had been issued by a justice of the peace, according to the law now in force.

SEC. 3. *Be it further enacted,* That the Justice Duty of Justice. of said Police Court, in addition to the services herein before assigned to him, shall exercise and perform the duties of clerk of said Court, and shall tax all bills of cost, and receive all fines and penalties, and shall receive and keep a true and faithful account of all fees taxable by law in said Court, and shall exhibit, in the month of January in each year, to the board of accounts hereinafter established, a particular account of all sums of money by him received as such clerk ; and shall pay over to the town treas-

urer, immediately after his account shall have been examined and certified by said board of accounts, the balance, if any, which may appear to be due from him, after deducting the sum which he is hereinafter authorized to retain for his own use; and the accounts so exhibited, from time to time, shall be recorded by the town treasurer, in a book to be by him kept for that purpose, when the same, with the certificate of allowance thereof by said board, shall be exhibited to him by the justice of said police court; and the said accounts shall be filed and safely kept by said treasurer. And the justice of said police court shall give bond, with one or more surety or sureties, to the acceptance of the said treasurer, for the faithful performance of the duties of his office, as clerk, in such penalty as the selectmen of said town of Salem shall determine.

Compensation.

SEC. 4. *Be it further enacted*, That the justice of said police court, shall be entitled to retain for his own use, out of all monies received by him, in each year, for fees, fines and penalties as aforesaid, the sum of one thousand dollars, in full compensation for all services assigned to him by the provisions of this act.

Time of holding court.

SEC. 5. *Be it further enacted*, That a court shall be held by said justice, on two several days in each week, at nine of the clock in the forenoon, and as much oftener as may be necessary, to take cognizance of crimes, offences and misdemeanors; and on one day, every week, at ten of the clock in the forenoon, and at such other times as may be necessary, for the trial of civil suits and actions. And the justice of said police court shall, from time to time, establish all necessary rules for the orderly and uniform conducting of the business of said court, both civil and criminal.

SEC. 6. *Be it further enacted,* That all suits, actions, and prosecutions, which shall be instituted, and which shall be pending before any justice of the peace, within the town of Salem, at the time when this act takes effect, shall be heard and determined, as though said act had not been passed.

SEC. 7. *Be it further enacted,* That the clerk of the courts, and the county attorney for the county of Essex, shall be and they hereby are constituted a board of accounts; and the said board shall assemble in the month of January in each year, and as much oftener as may be necessary, and when so assembled shall have power, and it shall be their duty, to adjust, liquidate, examine and allow all bills of costs, accounts and charges, which may be made, or which may arise in the course of proceedings in said police court; and the said board shall certify that said accounts, charges and expenses, have been examined and allowed by them; and the certificate of such examination and allowance shall be endorsed on the accounts exhibited to said board, and shall be addressed to the public officer by whom such charges, fees and expenses may be payable by law; and the members of the said board of accounts shall be entitled to have and receive, out of the treasury of said town of Salem, the sum of three dollars, respectively, for each and every day which shall be by them devoted to the performance of the duties hereby assigned to them.

SEC. 8. *Be it further enacted,* That there shall be appointed by the Governor, with the advice and consent of council, two special justices for said police court, and whenever it shall happen that the standing justice of said court shall be interested in any suit or prosecution, cognizable in said court, or

shall from any cause, be unable to hear and determine any matter or thing pending therein, the cause shall be assigned on the record, and the court shall be held, and its jurisdiction exercised, by one of said special justices, upon a summons issued to him by the standing justice of said court; and the said special justices shall be paid for the time actually employed in performing the services herein assigned to them, out of the treasury of the town, such sum as the standing justice of said court would be entitled to receive for the same time, and the amount thus paid to said special justices, or either of them, shall be deducted from the salary allowed to the standing justice of said court.

Returns.

SEC. 9. *Be it further enacted*, That the justice of said police court shall make a return to the several courts of all legal processes, and of his doings therein, in the same manner as justices of the peace are now by law required to do.

Operation,

SEC. 10. *Be it further enacted*, That this act shall go into operation on and after the first day of October next; and that all acts and parts of acts which are repugnant to the provisions of this act, be, and the same are hereby repealed. *Provided*, that this act shall not be so construed as to prevent the Governor, with the advice and consent of the council, from appointing and commissioning the said justice and special justices, at any time before the said first day of October.

[Approved by the Governor, June 23, 1831.]

CHAP. LXXI.

An Act in addition to an act entitled “an act to incorporate the Proprietors of Boston South 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 Boston South Bridge are hereby authorized and empowered to sell, assign, and transfer to the city of Boston, the franchise and materials of said Boston South Bridge, to have and to hold the same to the said city and its successors forever. *Provided,* that no toll or duty shall ever be exacted or paid for any travel over said bridge, or passing the draw of the same, and the said city shall always be held liable to keep said bridge and draw 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 said bridge sufficiently lighted.

Transfer of materials to the city of Boston.

SEC. 2. *Be it further enacted,* That if, on or before the fifteenth day of September next, the said city of Boston shall not pay to the proprietors of the Boston South Bridge such sum as may be agreed on between them and the city of Boston, and receive a transfer or assignment of the franchise and materials of said bridge according to the provisions of the first section of this act, then and in such case the said proprietors of Boston South Bridge are hereby authorized to surrender the franchise of said bridge to this Commonwealth, at any time within six

Payment of money on assignment and transfer of materials.

months after said fifteenth day of September next, by a formal deed of surrender duly executed and filed in the office of the Secretary of this Commonwealth, and that from and after the day of such surrender, the said corporation shall be dissolved, and exist no longer as a body corporate, excepting for the purpose of suing and being sued for recovery of debts due unto or from said proprietors.

Part of act repealed.

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

[Approved by the Governor, June 23, 1831.]

CHAP. LXXII.

An Act to establish the Boston and Worcester Rail Road 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 George Bond, Luther Faulkner, Henry Williams, Henry H. Fuller, William Parker, Cornelius Coolidge, Isaac Danforth, Eliphalet Williams, George Morey, Jonas B. Brown, Nathaniel Hammond, Pliny Cutler, Jonathan Whitney, John P. Bigelow, George Hallet, Winslow Wright, Joseph T. Buckingham, James K. Mills, Ward Jackson, Henry Rice, Thomas R. Sewall, Daniel Hastings, E. A. & W. Winchester, R. Richards, Jr., John Thompson, John C. Putnam, A. Chandler, Thomas B. Wales, William Dehon.

Joseph A. Ballard, and Andrew Dunlap, their associates, successors and assigns be, and they hereby are made a body politic and corporate, under the name of the "Boston and Worcester Rail Road Corporation," and by that name shall be, and hereby are made capable in law, to sue, and to be sued, to final judgment and execution, plead, and be impleaded, defend and be defended, in any courts of record, or in any other place whatever; to make, have and use a common seal, and the same to break, renew or alter at pleasure; and shall be, and are hereby vested with all the powers, privileges and immunities, which are or may be necessary to carry into effect the purposes and objects of this act, as hereinafter set forth. And the said corporation are hereby authorized and empowered to locate, construct, and finally complete a rail road, in or near the city of Boston, and thence to any part of Worcester, in the county of Worcester, in such manner and form as they shall deem to be most expedient: and for this purpose the said corporation are authorized to lay out their road, not exceeding five rods wide, through the whole length; and for the purpose of cuttings, embankments, and procuring stone and gravel, may take as much more land as may be necessary for the proper construction and security of said road: *provided however*, that all damages that may be occasioned to any person or corporation, by the taking of such land or materials for the purposes aforesaid, shall be paid for by said corporation in the manner hereinafter provided.

Powers and privileges.

SEC. 2. *Be it further enacted*, That the capital stock of said corporation shall consist of ten thousand shares; and the immediate government and direction of the affairs of the said corporation shall be

Capital stock.

vested in a board of not less than five directors, who shall be chosen by the members of the corporation, in the manner hereinafter provided, and shall hold their offices until others shall be duly elected and qualified to take their places as directors; and the said directors, a majority of whom shall form a quorum for the transaction of business, shall elect one of their own number to be president of the board, who shall also be president of the corporation; and shall have authority to choose a clerk, who shall be sworn to the faithful discharge of his duty, and a treasurer, who shall give bonds to the corporation, with sureties to the satisfaction of the directors, in a sum not less than twenty thousand dollars, for the faithful discharge of his trust.

SEC. 3. *Be it further enacted,* That the president and directors, for the time being, are hereby authorized and empowered, by themselves, or their agents, to exercise all the powers herein granted to the corporation, for the purpose of locating, constructing and completing said rail road; and for the transportation of persons, goods, and merchandize; and all such other powers and authority for the management of the affairs of the corporation, not heretofore granted, as may be necessary and proper to carry into effect the objects of this grant; to purchase and hold land, materials, engines, cars, and other necessary things in the name of the corporation, for the use of said road, and for the transportation of persons, goods, and merchandize; to make such equal assessments, from time to time, on all the shares in said corporation, as they may deem expedient and necessary in the execution and progress of the work, and direct the same to be paid to the treasurer of the corporation. And the treasurer

Powers and privileges.

shall give notice of all such assessments. And in case any subscriber shall neglect to pay his assessment, for the space of thirty days after due notice by the treasurer of said corporation, the directors may order the treasurer to sell such share or shares at public auction, after giving due notice thereof, to the highest bidder, and the same shall be transferred to the purchaser; and such delinquent subscriber shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the assessments due thereon, with the interest and costs of sale, and shall be entitled to the overplus, if his share or shares shall sell for more than the assessments due, with interest, and the costs of sale: *provided however*, that no assessments shall be laid upon any shares in said corporation, of a greater amount in the whole than one hundred dollars on a share.

SEC. 4. *Be it further enacted*, That the said corporation shall have power to make, ordain, and establish all such by-laws, rules, regulations, and ordinances, as they shall deem expedient and necessary to accomplish the designs and purposes, and to carry into effect the provisions of this act, and for the well ordering, regulating, and securing of the interests and affairs of the corporation; *Provided*, the same be not repugnant to the constitution and laws of the Commonwealth. By-lav #.

SEC. 5. *Be it further enacted*, That a toll be, and hereby is granted and established, for the sole benefit of said corporation, upon all passengers and property of all descriptions which may be conveyed or transported upon said road, at such rates per mile as may be agreed upon and established from time to time by the directors of said corporation. The transporta- Toll.

Proviso.

tion of persons and property, the construction of wheels, the form of cars and carriages, the weight of loads, and all other matters and things in relation to the use of said road, shall be in conformity to such rules, regulations and provisions as the directors shall from time to time prescribe and direct, and said road may be used by any persons who shall comply with such rules and regulations; *provided however*, that if, at the expiration of ten years from and after the completion of said road, the net income or receipts from tolls, and other profits, taking the ten years aforesaid as the basis of calculation, shall have amounted to more than ten per cent. per annum upon the cost of the road, the Legislature may take measures to alter and reduce the rate of tolls and other profits, in such manner as to take off the overplus for the next ten years, calculating the amount of transportation upon the road to be the same as the ten preceding years; and at the expiration of every ten years thereafter, the same proceedings may be had: *provided further*, that the legislature shall not, at any time, so reduce the tolls and other profits as to produce less than ten per centum upon the cost of the said rail road, without the consent of said corporation; and no other rail road, than the one hereby granted, shall within thirty years from the passing of this act, be authorized to be made, leading from said Boston, or from Roxbury, Brookline, Cambridge, or Charlestown, to any place within five miles of the westerly termination of the rail road hereby established.

Toll-houses,
gates, toll-gath-
erers, &c.

SEC. 6. *Be it further enacted*, That the directors of said corporation for the time being are hereby authorized to erect toll houses, establish gates, appoint toll gatherers, and demand toll, upon the road,

when completed, and upon such parts thereof as shall from time to time be completed.

SEC. 7. *Be it further enacted,* That the said corporation shall be holden to pay all damages that may arise to any person or persons, corporation or corporations, by taking their land for said Rail Road when it cannot be obtained by voluntary agreement, to be estimated and recovered in the manner provided by law for the recovery of damages happening by the laying out of highways. Damages.

SEC. 8. *Be it further enacted,* That when the lands or other property or estate of any femme covert, infant, or person non compos mentis, shall be necessary for the construction of said Rail Road, the husband of such femme covert, and the guardian of such infant or person non compos mentis, may release all damages for any lands or estates, taken and appropriated as aforesaid, as they might do, if the same were holden by them, in their own right respectively. Infants.

SEC. 9. *Be it further enacted,* That if any person shall wilfully, maliciously, or wantonly, and contrary to law, obstruct the passage of any carriage on said Rail Road, or in any way spoil, injure or destroy said Rail Road, or any part thereof, or any thing belonging thereto, or any material or implements to be employed in the construction or for the use of said road; 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 any court proper to try the same by the treasurer of the Forfeiture for the wilful, malicious, or wanton destruction of rail road.

corporation, or other officer whom they may direct, to the use of said corporation. And such offender or offenders shall be liable to indictment by the grand inquest for the county within which such trespass shall have been committed, for any offence or offences, contrary to the above provisions, and on conviction thereof before any court competent to try the same, shall pay a fine not exceeding one hundred dollars, nor less than thirty dollars, to the use of the Commonwealth, or may be imprisoned for a term not exceeding one year, at the discretion of the court before whom the conviction may be had.

Meetings.

SEC. 10. *Be it further enacted,* That the annual meeting of the members of said corporation shall be holden on the first Monday of June, at such time and place as the Directors for the time being shall appoint, at which meeting the Directors shall be chosen by ballot, each proprietor being entitled to as many votes as he holds shares: *Provided,* that no vote shall be given by any proprietor by reason of any share held by him exceeding one tenth part of the whole number of shares. And the person first named in this act, or any two of the persons named therein, are hereby authorized to call the first meeting of said corporation, by giving notice in the Daily Advertiser, published in Boston, and the Massachusetts Spy, published in Worcester, of the time, place and purpose, of such meeting, at least ten days before the time mentioned in such notice. And the Directors are hereby authorized to call special meetings of the stockholders, whenever they shall deem it expedient and proper, giving such notice as the corporation by their by-laws shall direct.

SEC. 11. *Be it further enacted,* That if the said

Rail Road, in the course thereof, shall cross any private way, the said corporation shall so construct said Rail Road as not to obstruct the safe and convenient use of such private way; and if said Rail Road shall not be so constructed, the party aggrieved shall be entitled to his action on the case in any court proper to try the same, and shall recover his reasonable damages for such injury; and if the said Rail Road shall, in the course thereof, cross any canal, turnpike, or other highway, the said Rail Road shall be so constructed as not to impede or obstruct the safe and convenient use of such canal, turnpike, or other highway. And the said corporation shall have the power to raise or lower such turnpike, highway, or private way, so that the said Rail Road, if necessary, may conveniently pass under or over the same. And if said corporation shall raise or lower any such turnpike, highway, or private way, pursuant thereto, and shall not so raise or lower the same, as to be satisfactory to the proprietors of such turnpike, or to the selectmen of the town in which said highway, or private way, may be situate, as the case may be, said proprietors or selectmen may require in writing of said corporation such alteration or amendment as they may think necessary. And if the required amendment or alteration be reasonable and proper in the written opinion of the County Commissioners for the county in which such alteration or amendment is proposed, and the said corporation shall unnecessarily and unreasonably neglect to make the same, such proprietors or selectmen, as the case may be, may proceed to make such alteration or amendment, and may institute and prosecute to final judgment and execution, in any court proper

If rail road, in the course thereof, cross any highway, &c., mode of construction.

to try the same, any action of the case against said corporation, and shall therein recover reasonable damages for all charges, disbursements, labor, and services, occasioned by making such alteration or amendments, with costs of suit.

Conditions of
this act.

SEC. 12. *Be it further enacted,* That if the said corporation shall not have been organized, and the location of the route filed with the County Commissioners of the County in which the land proposed to be taken for the use of said Rail Road is situate, previous to the first day of July, in the year of our Lord one thousand eight hundred and thirty-three, or if the said corporation shall fail to complete the said Rail Road on or before the first day of July, in the year of our Lord one thousand eight hundred and thirty-six, in either of the abovementioned cases this act shall be null and void.

Bridges.

SEC. 13. *Be it further enacted,* That said Rail Road Company shall constantly maintain, in good repair, all bridges with their abutments and embankments which they may construct for the purpose of conducting their Rail Road over any canal, turnpike or other highway, or any private way, or for conducting such private way, turnpike or other highway over said Rail Road.

Another rail
road

SEC. 14. *Be it further enacted,* That the Legislature may authorize any company to enter with another Rail Road at any point of said Boston and Worcester Rail Road, paying for the right of using the same, or any part thereof, such a rate of toll as the Legislature may from time to time prescribe, and complying with such rules and regulations as may be established by said Boston and Worcester Rail Road Corporation, by virtue of the fifth section of this act. *Provided further,* that it shall be in the

power of the Government, at any time during the continuance of the charter hereby granted, after the expiration of twenty years from the opening for use of the Rail Road herein provided to be made, to purchase of the said Corporation the said Rail Road and all the franchise, property, rights and privileges of the said Corporation, on paying therefor the amount expended in making said Rail Road, and the expenses of repairs and all other expenses relating thereto, with interest thereon at the rate of ten per cent. per annum, deducting all sums received by the Corporation from tolls or any other source of profit, and interest at the rate of ten per centum per annum thereon, that shall have been received by the stockholders; and after such purchase, the limitation provided in the fifth section of this act shall cease and be of no effect. And it shall be the duty of said company from year to year, to make report to the legislature under oath of their acts and doings, receipts and expenditures, under the provisions of this act; and their books shall at all times be open to the inspection of any committee of the Legislature, appointed for that purpose, and if said Corporation shall unreasonably neglect or refuse to make such report, at the expiration of every year after the opening of said Rail Road, for every such neglect or refusal they shall forfeit and pay to the use of the Commonwealth a sum not exceeding ten thousand dollars, to be recovered by action or indictment in any Court of competent jurisdiction.

Report to be made to the legislature.

SEC. 15. *Be it further enacted,* That nothing contained in this act shall be construed as giving the Boston and Worcester Rail Road Corporation authority to erect a Bridge over the waters of Charles River connected with the City of Boston, or to

Bridge over Charles river.

place any obstruction in said waters of Charles River near to the City of Boston.

[Approved by the Governor, June 23, 1831.]

CHAP. LXXIII.

An Act to incorporate the Skinnaquits Fishing Company in Harwich and Chatham.

SEC. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Sylvanus Eldridge, Kimball Eldridge, Amasa Nickerson, Levi Eldridge, Zephaniah Nickerson, Jonathan Small, Elijah Eldridge, Darius Weeks, and James Long, and their associates, successors and assigns be, and they hereby are incorporated and made a body politic, for the purpose of making the necessary improvements for the preservation and taking of fish called Alewives, in Red River and Skinnaquits Stream, in the towns of Harwich and Chatham. And it shall be lawful for said corporation to hold a meeting annually, on the first Tuesday of April, for the purpose of choosing a Clerk, Treasurer, Assessors and a Collector; and three or more persons, being members of said corporation, to inspect, regulate, take care of, and govern said fishery; who shall be sworn to the faithful discharge of their duty, and said committee shall have full power and authority to determine upon the rules and regulations to be observed in the taking of said fish, and to fix what time

Persons incorporated.

and in what places the same shall be taken, and the prices that shall be paid therefor.

SEC. 2. *Be it further enacted*, That if any person shall take any of said fish from said river or stream within the said towns, at any other time or place than such as shall be fixed by the Committee aforesaid, every person so offending, shall, for each and every such offence, on conviction thereof, pay a fine not exceeding five dollars nor less than two dollars, if the quantity so taken be less than one barrel; but if the quantity be more than one barrel, such person so offending shall forfeit and pay, for each and every barrel of fish so taken, five dollars, to be recovered in any Court proper to try the same, for the use of the Corporation.

Fine.

SEC. 3. *Be it further enacted*, That if the Committee aforesaid, or either of them, shall detect any person in attempting to take any of said fish, at any other time, or at any other place than such as shall have been fixed by said committee as aforesaid, or shall find such fish in the possession of any person, he shall be deemed to have taken said fish unlawfully, and shall be subject to the penalties of this act, as before mentioned; unless such person can make it appear on trial that he came by said fish in some other way, and the members of said Corporation shall be competent witnesses in all cases where fish shall have been unlawfully taken.

Detection of persons in an attempt to take fish, &c.

SEC. 4. *Be it further enacted*, That if any person, without the permission of the Committee aforesaid, shall presume to take, catch, or haul on shore, any of said fish in said river or stream, or within one fourth of a mile in any direction from the mouth of said river, he shall forfeit and pay a sum not exceeding seven dollars, nor less than five dollars, for

Offences punishable by forfeiture, &c.

each offence, to be recovered in the manner and to the use hereinafter provided.

Obstruction of
the passage of
fish.

SEC. 5. *Be it further enacted*, That the said committee shall, during the passage of said fish in said river or stream, cause all obstructions to their passage to or from the sea, of every description, to be removed, and if any damage shall be done to the property of individuals not members of the Corporation, such individuals shall be entitled to reasonable damages therefor.

Taxes.

SEC. 6. *Be it further enacted*, That said Corporation at any regular meeting thereof shall have power to assess taxes equally according to numbers on all the members of said Corporation, and they shall be liable for said assessment in their private and individual capacities.

Profits.

SEC. 7. *Be it further enacted*, That the whole profits which may accrue to said Corporation from said fishery, shall, annually in the month of November, be divided according to the number of the Corporators.

First meeting.

SEC. 8. *Be it further enacted*, That Amasa Nickerson of said Harwich, be, and he hereby is authorized to call the first meeting of said proprietors some time in September next, by giving personal notice thereof and the time and place at which said meeting will be holden, and at said first meeting the mode of notifying subsequent meetings of the corporation shall be fixed and determined.

Members.

SEC. 9. *Be it further enacted*, That all persons who now are or may hereafter become owners of land adjoining said stream or river, shall have a right to become members of said corporation. *Provided however*, that they shall be subject to pay their proportional part of the expenses which shall have

been, before the time of their admission as members ^{Members.}
aforesaid, incurred by said corporation.

[Approved by the Governor, June 23, 1831.]

Commonwealth of Massachusetts.

SECRETARY'S OFFICE, JULY 29, 1831.

I HEREBY CERTIFY, that I have compared the printed copy of the Acts contained in this Pamphlet with the Original Acts passed by the Legislature in June last, and find the same to be correct.

EDWARD D. BANGS,

Secretary of the Commonwealth.

L A W S

OF THE

Commonwealth of Massachusetts,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION, WHICH COMMENCED ON WEDNESDAY, THE FOURTH
OF JANUARY, AND ENDED ON SATURDAY, THE TWENTY-
FOURTH OF MARCH, ONE THOUSAND EIGHT HUN-
DRED AND THIRTY-TWO.

CHAP. I.

AN Act in addition to 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."

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That in every future election of Representatives in the Congress of the United States, it shall be the duty of the Mayor

Mayor and Aldermen and selectmen to transmit votes, &c.

and Aldermen of the City of Boston, and of the Selectmen of the several towns and districts within the Commonwealth, to transmit the sealed list of votes, required by the third section of the act to which this is in addition, to the sheriff of the county in which the election shall be held, within three days next after the day of such election; and the said sheriff shall transmit the same to the Secretary of the Commonwealth, within seven days thereafter; or the said Mayor and Aldermen or Selectmen may themselves transmit the same to the Secretary of the Commonwealth, within ten days after the day of such election.

Penalty for neglecting to perform the duties mentioned in this Act.

SEC. 2. *Be it further enacted*, That for every neglect to perform the duties required by this act, the Mayor and Aldermen of the city of Boston, the Selectmen of towns and districts, and the sheriffs of counties, shall be subject to the penalties specified in the seventh section of the act to which this act is in addition.

Part of former Act repealed.

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

[Approved by the Governor, January 12, 1832.]

CHAP. II.

An Act authorizing the Commercial Insurance Company in Nantucket to increase its Capital Stock.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Commercial Insurance Company in Nantucket be, and it hereby is authorized and empowered to increase its capital stock by adding thereto twenty-five thousand dollars, and that the number of shares be, and the same hereby is increased to one thousand shares of one hundred dollars each. Increase of capital stock.

SEC. 2. *Be it further enacted,* That one half of the additional capital hereby allowed shall be paid in in like manner as is provided for in the original act of incorporation, within sixty days from and after the acceptance of this act, and that the residue of such additional capital shall be paid in within one year from the passing of this act, at such times, and in such instalments, and under such penalties, as the President and Directors shall in their discretion direct and appoint, and said corporation shall proceed to do business on the additional capital, according to the amount of capital stock actually paid in, and with the like limitations as are provided in the act creating said corporation, and that when the additional capital is all paid in, the same shall be held, invested and used in like manner as is provided in respect to the original capital stock. How paid in.

SEC. 3. *Be it further enacted,* That the provi-

Provisions of
this act not bind-
ing on Commer-
cial Insurance
Company but
upon condition.

sions of this act shall not be binding on the said Commercial Insurance Company, unless the same shall be accepted at a meeting to be held by them, pursuant to public notice, to be given by the President and Directors, fourteen days at least previous to the holding of said meeting.

[Approved by the Governor, January 17, 1832.]

CHAP. III.

An Act to incorporate the Green River Hemp and Flour 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 Wilson, Hooker Leavitt, Alanson Clark, Isaac Newton 2d, William Wilson and Richardson Hall, together with such other persons as may become associates with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the Green River Hemp and Flour Company, for the purpose of manufacturing flour, and of raising, purchasing, dressing and vending hemp and flax in the town of Greenfield, 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 twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled "An Act defining the general powers and duties of Manufacturing Corporations."

SEC. 2. *Be it further enacted*, That the said corporation may hold and possess such real estate not exceeding the value of twenty thousand dollars, and such personal estate, not exceeding the value of forty thousand dollars, as may be convenient and necessary for carrying on the business aforesaid.

Real and personal estate.

[Approved by the Governor, January 18, 1832.]

CHAP. IV.

An Act to incorporate the Boston and Barre 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 C. Dunn, Joseph Bowman, Lucius M. Sargent, Henry Upham and John Clark, their associates, successors and assigns be, and they hereby are made a corporation, by the name of "the Boston and Barre Company" for the purpose of manufacturing woollen and cotton goods and machinery in the town of Barre 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 entitled "An Act defining the general powers and duties of Manufacturing Corporations," passed the twenty third day of February in the year of our Lord one thousand eight hundred and thirty.

Persons incorporated.

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

Real and personal 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 the value of seventy thousand dollars, as may be necessary and convenient for the purposes aforesaid.

[Approved by the Governor, January 18, 1832.]

CHAP. V.

An Act to authorize certain persons to be agents and attornies for the full settlement of the affairs and concerns of the late Newburyport Marine Insurance Company.

Persons authorized.

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, and Henry Frothingham, Jr., Esquires, two of the stockholders of the late Newburyport Marine Insurance Company, be, and they hereby are appointed Trustees and Agents for the due collection of all the outstanding claims of the said company, with the same powers therefor, as the former president and directors of the said company had before the dissolution thereof, to collect all the remaining debts due to, and settle all the demands against the late corporation, and it shall be their duty to apportion the residue of all sums received by them among the stockholders of said company according to the res-*

pective shares by them holden therein, and to adopt all proper measures therefor.

SEC. 2. *Be it further enacted*, That the said trustees or agents, or either of them, shall have power to fill any vacancy which may happen by reason of the death, resignation or inability of either of said trustees, before the concerns of said company shall be fully closed. Trustees authorized to fill vacancies.

[Approved by the Governor, January 18, 1832.]

CHAPTER VI.

An Act to incorporate the Protection 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 John Prince and his associates, and their successors and assigns, be, and they are hereby incorporated and made a body politic by the name of the Protection Insurance Company, with all the powers and privileges, 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 a law of this Commonwealth entitled, “an act authorizing the several insurance companies in this Common- Persons incorporated.

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 passage 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*, that the said 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 money due to said company.

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 sixty days after the first meeting of said company, and the remaining one hundred and fifty thousand dollars 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 order and appoint, and the capital stock shall not be transferred within one year from the passing of this act, and if the provisions of this act shall not have been complied with in one year from the passing of this act, the same shall be void.

Directors.

SEC. 3. *Be it further enacted*, That the stock, property and concerns of said company shall be managed and conducted by nine directors, one of whom shall be the president of the company, and they shall hold their offices until the next annual meeting after their election, and until others are

chosen in their stead, and they at the time of their election shall be interested in the stock of the company, and citizens of this Commonwealth, and shall be elected at the annual meeting of the company, which shall be holden at such time and place in the city of Boston, in the month of January annually, as the directors for the time being shall appoint, of which meeting public notice shall be given in two of the newspapers printed in Boston, at least ten days previous to said meeting. 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 accident, the said directors shall not be chosen at the annual meeting as aforesaid, it shall be lawful to choose them on any other day in the manner herein provided for the election of directors.

SEC. 4. *Be it further enacted*, That the directors, as soon as may be convenient after they shall be chosen, shall meet and elect one of their body to be president of the company, who shall be sworn or affirmed to the faithful discharge of the duties of his office, and who shall preside until the next annual meeting, and until another president shall be chosen, and, in case of the death or 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 at a meeting of the stockholders to be called for that purpose, in the same manner as is herein provided respecting annual elections of directors.

Board for doing
business.

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 alter such by laws as to them may appear useful, touching the management and disposition of the property and concerns of the company, the transfer of the shares, the duties of the several officers employed, the election of directors, and all such matters as appertain to the business of insurance. And said directors may appoint all officers and agents that in their opinion the affairs of the company may require, prescribe their duties and fix their compensation : *provided,* that 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 the said John Prince be, and he hereby is authorized, as soon as shall be convenient after the passing of this act, to call the first meeting of said company for the purpose of organizing said corporation, and choosing directors, by advertising in two of the newspapers printed in Boston notice of the time and place of meeting at least two weeks previous to the meeting.

Risks.

SEC. 7. *Be it further enacted,* That the said company shall not take any risk or subscribe any policy, until one hundred and fifty thousand dollars, of their capital shall be paid in, and they shall at no time take any one risk, by way of a policy of insurance, maritime loan, or bottomry or otherwise, to a greater amount than ten percent on their capital actually paid in.

SEC. 8. *Be it further enacted*, That the said Location. Protection Insurance Company shall be located in Boston, and it shall be liable to be taxed by any general law providing for the taxation of all similar corporations that are by law liable to be taxed.

SEC. 9. *Be it further enacted*, That the shares of said corporation shall be assignable and transferable, according to such rules and regulations as the president and directors shall for that purpose ordain and establish, and not otherwise. Assignment and transfer of shares.

[Approved by the Governor, January 20, 1832.]

CHAP. VII.

An Act to incorporate the Concord Manufacturing Company.

SEC. 1. **B**E *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Elisha Parks, Thomas Lord, and Ephraim H. Bellows, their associates, successors and assigns be, and they hereby are made a corporation by the name of "The Concord Manufacturing Company," for the purpose of manufacturing cotton and woollen goods and machinery, in the town of Concord 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 entitled "an act defining the general powers and duties of man- Persons incorporated.

ufacturing corporations," passed the twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty.

Real and personal estate.

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

[Approved by the Governor, January 24, 1832.]

CHAP. VIII.

An Act to incorporate the Trustees of the Ministerial Fund of the First Parish in Beverly.

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 Robert Rantoul, William Thorndike, Joshua Lovett, Edward Ford, Samuel Endicott, Cotton Bennett, and Charles Stephens, all of Beverly, be, and they hereby are constituted a body corporate, with their associates and successors, by the name of the Trustees of the Ministerial Fund of the First Parish in Beverly.

Election of officers.

SEC. 2. *Be it further enacted*, That the said trustees, their associates and successors, may elect such officers, and make and ordain such by laws and regulations as they may deem necessary for

their own government, and the proper management of the funds committed to their care, not repugnant to the laws and constitution of this Commonwealth; the number of said trustees shall be seven, a majority of whom shall be a quorum for the transaction of business, and all vacancies in the board of trustees, occurring by death, resignation or otherwise, shall be supplied by said parish in legal meeting called for that purpose, *provided, however,* that until such meeting be had such vacancies may be filled by said board of trustees.

SEC. 3. *Be it further enacted,* That said trustees, their associates and successors, shall have power to take, hold and possess all the property now belonging to the said parish, or which may hereafter accrue to the same by grant, donation or otherwise, both real and personal, in trust for the use and benefit of said parish as a ministerial fund, the net income of which shall be appropriated exclusively towards the support of a public teacher of Christian piety and morality in said parish, and no part of the principal shall be used for that purpose or any other. And the said trustees may, under the direction of the parish, expend the income of the fund annually, or add it, or any part thereof, to the principal whenever it may be thought expedient, and should the income, or any part thereof, be added to the principal, then only the proceeds of the accumulated fund shall be thereafter expended, and only for the support of said public teacher.

SEC. 4. *Be it further enacted,* That all grants, devises or donations made, or which may hereafter be made to the said trustees in their said capacity, for the use and benefit of said parish, shall be valid to every intent and purpose. And the said trustees

Ministerial Fund.

Grants, devises,
and donations
valid for all purposes.

may hold and possess funds, consisting of real and personal estate, or either, for the object before specified, the annual income of which shall not exceed the sum of fifteen hundred dollars, and should the fund, or the income thereof be used or appropriated by the parish or said trustees contrary to the provisions of this act, then the original donation or donations so misused, shall belong to, and revert to the president and fellows of Harvard College, unless otherwise provided for, by the donor or deviser, in the conditions of his gift or devise.

First meeting.

SEC. 5. *Be it further enacted*, That Robert Rantoul, Esq., before named, be, and he hereby is authorized to call the first meeting of said trustees, by giving to each of the other named trustees, at least seven days previous notice of the time and place of holding the same.

[Approved by the Governor, January 24, 1832.]

CHAP. IX.

An Act to incorporate the Proprietors of the Egremont Academy.

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 Wilber Curtis, Levi Hare, Nathan Benjamin, Chester Goodale, Jr. William H. Hollenbeck, Abel Hull, Isaac N. Race, Jerome Hollenbeck, Solomon Winegar, and Ephraim

Baldwin, their associates and successors be, and they hereby are made a body corporate, by the name of the Proprietors of the Egremont Academy, in the town of Egremont, in the County of Berkshire, with power to hold real estate, not exceeding in value five thousand dollars, and personal estate not exceeding in value ten thousand dollars, to be applied to the purpose of education.

SEC. 2. *Be it further enacted*, That said corporation may, from time to time, make such by laws and regulations as they may deem necessary for the management of the interests and concerns of said academy. *Provided*, the same be not repugnant to the constitution and laws of this Commonwealth. May make by laws.

SEC. 3. *Be it further enacted*, That any one of the persons named in this act may call the first meeting of said proprietors, by giving notice thereof to the persons named herein, ten days previous to the time of holding such meeting. First meeting.

[Approved by the Governor, Jan. 24, 1832.]

CHAP. X.

An Act authorizing the placing of Piles and Dolphins in the Harbor of New Bedford.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Wardens of the Port and District of New Bedford shall be em- Wardens empowered, &c.

powered to cause such piles and dolphins to be placed on or about the bar, which is between the channel and the wharves in the harbor of said New Bedford, as in their judgment shall be expedient to facilitate the passage of ships and other vessels across said bar.

[Approved by the Governor, Jan. 24, 1832.]

CHAP. XI.

An Act incorporating the Tyngsborough 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 Robert Brinley, Daniel Richardson, Calvin Thomas, Joseph Butterfield, Joseph Upton, and Jonas Kendall, together with such others as may hereafter associate with them, their successors or assigns be, and they are hereby made a Corporation by the name of the Tyngsborough Glass Company, for the purpose of manufacturing window glass, in the town of Tyngsborough, in the County of Middlesex, and for this purpose shall be entitled to all the powers and privileges, and subject to all the duties and requirements contained and prescribed in an act passed the twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled "An Act defining the general powers and duties of Manufacturing Corporations."

Persons incorpo-
rated.

SEC. 2. *Be it further enacted,* That the said corporation may lawfully hold and possess such real and personal estate as may be necessary for the purposes of said corporation: *Provided,* the value of such real estate shall not exceed the sum of thirty thousand dollars, and the value of such personal estate, the sum of fifty thousand dollars.

Real and personal estate.

[Approved by the Governor, Jan. 25, 1832.]

CHAP. XII.

An Act to incorporate the Leverett Place Brewing Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Isaac Winslow, Edward D. Clark, and John Sowdon Jr., with such other persons as may become associates with them, their successors and assigns, be, and they hereby are created a body corporate, by the name of the Leverett Place Brewing Company, for the purpose of manufacturing malt liquors in the city of Boston in the County of Suffolk; and for this purpose shall have all the powers and privileges, and shall be subject to all the duties and requirements, contained and provided in and by an act passed on the twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled "An Act defining the general powers and duties of Manufacturing Corporations."

Persons incorporated.

Real and personal estate.

SEC. 2. *Be it further enacted*, That the said corporation may take and hold such real estate, not exceeding in value the sum of thirty thousand dollars, exclusive of improvements, and such personal estate, not exceeding the sum of twenty thousand dollars, as may be suitable and convenient for carrying on the manufactures aforesaid.

[Approved by the Governor, Jan. 25, 1832.]

CHAP. XIII.

An Act in addition to an Act to incorporate the Hadley Falls Company.

Empowered to hold real and personal estate.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Hadley Falls Company be and they hereby are authorized and empowered to hold and possess such real and personal estate as shall be necessary or convenient for the purpose expressed in their act of incorporation, not exceeding in the whole, the sum of eighty thousand dollars.

[Approved by the Governor, Jan. 25, 1832.]

CHAP. XIV.

An Act to incorporate the Westfield 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 William G. Bates, James Fowler, Charles K. Bingham, Jehiel Abbott, Samuel Mather, Lewis Fowler, James Mosley, Horace Noble, William Atwater, Matthew Ives, Jr. and Frederick Fowler, Jr., their associates, successors and assigns, are hereby constituted a body corporate, by the name of the Westfield Mutual Fire Insurance Company, with the powers and privileges incident to such corporations, for the term of twenty-five years.

Persons incorporated.

SEC. 2. *Be it further enacted,* That when the sum subscribed to be insured shall amount to fifty thousand dollars, said corporation may insure for the term of from one to seven years, any dwelling house, store, or other buildings, or household furniture, against damage arising to the same by fire, to an amount not exceeding three-fourths of the value of the property insured.

When subscription amounts to fifty thousand dollars.

SEC. 3. *Be it further enacted,* That said corporation may choose such officers and establish such by laws as may be deemed necessary, not repugnant to the constitution or laws of this Commonwealth, and each member shall have as many votes as he has policies, and may vote by proxy.

Choice of officers.

SEC. 4. *Be it further enacted,* That the funds of

said corporation shall be invested in stocks, or loaned on such security as the directors may order, and shall be appropriated, first to pay the expenses of the corporation, and next to pay the damages which any member may be entitled to recover on his policy. In case any member shall have a just claim upon the corporation exceeding the amount of their then existing funds, the directors shall, without delay, assess such sum as may be necessary on the members, in proportion to the amount of their premiums and deposits, but not to exceed double the amount of such premiums and deposits.

Execution, how levied.

SEC. 5. *Be it further enacted,* That whenever any member shall recover judgment against said corporation, he may levy his execution on their estate or funds, but if sufficient estate or funds cannot be found to satisfy the same, and the directors shall neglect or refuse, for the space of thirty days from the 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 the manner by said corporation pointed out to satisfy such execution, then, and in that case, he may levy the same on the private property of any one or more of the directors; and any director, whose property may be thus taken, may sustain an action of the case against said corporation to recover full and adequate damages therefor.

Policies create a lien on buildings insured.

SEC. 6. *Be it further enacted,* That each policy of insurance shall of itself, without any other ceremony, create a lien on any building insured, and on the land under the same, and also on any other property insured, and this shall not prevent the taking of other collateral security.

SEC. 7. *Be it further enacted,* That in case it shall become necessary to resort to the lien on the property insured, the treasurer shall demand payment of the insured, or his legal representative, and likewise of the tenant in possession, and in case of non-payment, the corporation may sustain an action for the sum due, either on the deposit note, or by assessment, and their execution may be levied on the insured premises, and the officer making the levy may sell the whole or any part of the estate at auction, giving notice, and proceeding in the same manner as is required in the sale of equities of redemption on execution, and the owner shall have a right to redeem the estate by paying the costs of sale, the amount of execution, and twelve per cent. interest thereon, within one year from said sale.

SEC. 8. *Be it further enacted,* That each person insured, shall, after 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. 9. *Be it further enacted,* That the corporation shall be liable to be taxed by any general law of this Commonwealth, taxing other similar institutions, and any person named in this act may call the first meeting, by advertising the same in any newspaper printed in the County of Hampden.

Liab. to be
taxed.

[Approved by the Governor, January 26, 1832.]

CHAP. XV.

An Act to repeal “An Act to secure the town of Newburyport from damage by fire ;” also to repeal “An Act in addition to an act, entitled An Act to secure the town of Newburyport from damage by fire.”

Act repealed.

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 secure the town of Newburyport from damage by fire,” passed on the fourteenth day of June, in the year of our Lord one thousand eight hundred and eleven ; also, the act entitled “an act in addition to an act, entitled an act to secure the town of Newburyport from damage by fire,” passed on the eighteenth day of June, in the year of our Lord one thousand eight hundred and twelve, be, and the same hereby are repealed.

[Approved by the Governor, January 30, 1832.]

CHAP. XVI.

An Act in addition to an Act to incorporate the Plymouth County 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 Plymouth County Mutual Fire Insurance Company shall be, and hereby are authorized to insure for any term of time not less than one year, nor more than seven years, on any dwelling house or other building, and on any household furniture, merchandize and other personal property in any part of this Commonwealth, to any amount, not exceeding three fourths of the value of the property insured.

Power of insuring, how far to extend.

SEC. 2. *Be it further enacted,* That each policy of insurance hereafter made shall of itself, without any other ceremony, create a lien on the buildings therein insured, and on the land under the same, and also on any other property insured, for the premium stipulated in said policy, and of all assessments lawfully made by virtue thereof, and this provision shall not prevent the taking of other collateral security.

Policies create a lien on buildings insured.

[Approved by the Governor, January 30, 1832.]

CHAP. XVII.

An Act to incorporate the Trinitarian Church 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 Joshua Barker, David Briggs, Charles Coggeshall, Phineas Burgess, Benjamin Thompson Junior, John C. Almy, Joshua E. Gage, Alfred Kendrick, Simeon Bailey, Robert Gibbs, Frederick Reed, Richard A. Palmer, and their associates, successors and assigns, be, and they hereby are incorporated into a religious society, by the name of the Trinitarian Church in New Bedford, with all the privileges, powers and immunities, to which other religious societies in this Commonwealth are by law entitled, and may hold, purchase and receive, by gift or otherwise, real or personal estate, not exceeding in value thirty thousand dollars, and Joshua Barker is hereby authorized to call the first meeting of said society for the choice of officers, and for the organization thereof, by giving public notice in one of the newspapers printed in New Bedford, of the time and place of said meeting.

Persons incorporated.

[Approved by the Governor, February 2, 1832.]

CHAP. XVIII.

An Act to incorporate the Spring 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 Henry Upham, Thomas B. Coolidge, William C. Dunbar, and John D. Dunbar, their associates, successors, and assigns, be, and they hereby are, made a corporation, by the name of the "Spring Manufacturing Company," for the purpose of manufacturing woolen and cotton goods and machinery, in the town of Winchendon, 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, entitled "an act defining the general powers and duties of manufacturing corporations," passed the twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty.

Persons incorp
rated.

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

Real and per-
sonal estate

[Approved by the Governor, Feb. 2, 1832.]

CHAP. XIX.

An Act to incorporate the Greenfield 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 Nathaniel E. Russell, Francis Russell, Edmund Dwight, and J. K. Mills, together with such other persons as may become associates with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the "Greenfield Manufacturing Company," for the purpose of manufacturing cotton and wool and machinery, in the town of Greenfield, in the county of Franklin; 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 twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled "an act defining the general powers and duties of manufacturing corporations."

Persons incorporated.

Real and personal estate.

SEC. 2. *Be it further enacted,* That said corporation may be lawfully seized and possessed of such real estate, not exceeding in value the sum of fifty thousand dollars, exclusive of improvements, and such personal estate, not exceeding in value, the sum of one hundred thousand dollars, as may be necessary and convenient for carrying on the manufactures aforesaid.

[Approved by the Governor, February 2, 1832.]

CHAPTER XX.

An Act to authorize certain persons to be agents and attorneys for the full settlement of the affairs and concerns of the late Newburyport 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 Edward S. Rand ^{Trustees.} and Henry Frothingham, Esquires, two of the stockholders of the late Newburyport Marine Insurance Company be, and they hereby are appointed trustees and agents, for the due collection of all the outstanding claims of the said company, with the same powers therefor as the former president and directors of the said company had before the dissolution thereof, to collect all the remaining debts due to, and to settle all the demands against the late corporation; and it shall be their duty to apportion the residue of all sums received by them among the stockholders of said company, according to the respective shares by them holden therein, and to adopt all proper measures therefor.

SEC. 2. *Be it further enacted,* That the said ^{Trustees authorized to fill vacancies.} trustees, or agents, or either of them shall have power to fill any vacancy which may happen by reason of death, resignation, or inability of either of said trustees, before the concerns of said company shall be fully closed.

SEC. 3. *Be it further enacted,* That an act ^{Repeal.} entitled "an act to authorize certain persons to be

agents and attornies for the full settlement of the affairs and concerns of the late Newburyport Marine Insurance Company," passed the 18th January, A. D. 1832, be, and the same is hereby repealed.

[Approved by the Governor, February 2, 1832.]

CHAP. XXI.

An Act to incorporate the Boston Lying-in Hospital.

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 Rich, Thomas K. Jones, Charles Lowell, John Heard, Jr., Francis J. Oliver, Lynde Walter, Francis Parkman, James W. Burditt, Henderson Inches, Joseph Lovering, Joseph Coolidge, Robert G. Shaw, Daniel P. Parker, George Hayward, Edward H. Robbins, Jacob Bigelow, James Phillips, Samuel Perkins, Gedney King, Samuel Foster Mc Cleary, Charles Jones, and William C. Aylwin, with their associates, together with such other persons as shall from time to time be duly admitted members of the corporation hereby created, be, and they are hereby formed into, and constituted a body politic and corporate, under the name of the Boston Lying in Hospital, and by that name may sue and be sued, prosecute and defend suits in law or in equity to final judgment and execution, and shall have a common

Persons incorporated.

seal to be by them devised, and the same may break, change or alter and renew at pleasure.

SEC. 2. *Be it further enacted,* That the said corporation may at their first, or any subsequent meeting, choose all necessary and convenient officers, who shall be elected in such manner and for such periods of time as the by laws of said corporation shall provide, and the said corporation shall have power to make and establish such by laws and regulations for the election and government of its members, and for managing its property, as they shall judge to be proper, not repugnant to the constitution and laws of this Commonwealth, and may suspend, disfranchise, or expel any member for the breach of the same.

SEC. 3. *Be it further enacted,* That the said corporation shall be capable to take and receive, hold, purchase and possess any grants and devises of lands, tenements, or hereditaments, in fee simple or otherwise, and any donations and bequests and subscriptions of money or other property, and the same, or any part thereof, to change, alien and convey, *provided,* that the annual income of any real estate by the said corporation held, exclusive of the building or buildings with the land thereto belonging, which may be actually occupied or used by the said corporation for said Lying-in Hospital shall not exceed the sum of ten thousand dollars, and that the personal estate of said corporation shall not exceed in value the sum of two hundred thousand dollars.

SEC. 4. *And be it further enacted,* That it shall be lawful for the said corporation, at any general meeting of its members, to alter or change the name of said corporation, either by substituting the name of any distinguished benefactor, who may contrib-

ute a sum exceeding the amount of thirty thousand dollars for the benefit of said corporation, and to aid the benevolent purposes of the institution, or by adding the name of such benefactor to the name given to said corporation by this act ; and upon such change so as aforesaid made and notice thereof having been given in two or more newspapers, said corporation shall have a right to assume and take such name, and shall have, hold and enjoy all the powers and privileges given by this act, notwithstanding such alteration and change.

First meeting,

SEC. 5. *And be it further enacted*, That the persons herein named, or any two or more of them, shall have power to call the first meeting of the members of said corporation, by giving public notice of the time and place of meeting, two weeks successively in two newspapers printed in Boston.

[Approved by the Governor, February 4, 1832.]

CHAP. XXII.

An Act to increase the capital stock of the Andover 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 Andover Bank be, and hereby are authorized and empowered to increase their present capital stock, by an addition of twenty-five 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 October next.

SEC. 2. *Be it further enacted,* That the additional stock aforesaid shall be subject to the like tax, regulations, restrictions, and provisions to which the present capital stock of said corporation is now subject. Liable to taxation.

SEC. 3. *Be it further enacted,* That, before said corporation shall proceed to do business upon the said additional capital, a certificate signed by the president and directors, and attested by the cashier, that the same has been actually paid into said bank, shall be returned into the office of the Secretary of this Commonwealth.

[Approved by the Governor, February 10, 1832.]

CHAP. XXIII.

An Act to incorporate the Institution for Savings in the town of Fairhaven.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Ezekiel Sawin, Asa Swift, Jr., Nathan Church, Lemuel Tripp, Phineas Terry, Duncan McB. Thaxter, J. F. Ter-

Persons incorporated.

ry, George Hitch, Silvanus Allen, Philemon Fuller, Jr., James Tripp, Joshua Hitch, James Tripp, 2d, Joseph Bates, James Niel, Hiram H. Stackpole, W. Barstow, F. R. Whitwell, Noah Stoddard, Jabez Delano, Jr., Joseph Tripp, Levi Jenney, A. P. Willcox, Z. M. Allen, Enoch S. Jenney, James Wing, Philip Nye, Ansel Allen, Ansel Gibbs, Wm. P. Jenney, Wm. S. B. Gibbs, Rowland Rogers, Lebbeus Bailey, Bartholomew Taber, John Howland, Abner Pease, Elihu Wood, Jr., O. S. Irish, Arthur Cox, Rowland Gibbs, Franklin Bates, Joseph Whelden, and Sampson Perkins, and such other persons as may be duly elected, and their successors be, and they are hereby incorporated into a body politic, by the name of the "Fairhaven Institution for Savings."

Deposits.

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

How to be used.

SEC. 3. *Be it further enacted*, That all deposits of money received by said institution shall be by them improved to the best advantage, and be invested in such manner as best to promote the objects of the institution, and the income or profits thereof shall be by them divided among the persons making the said deposits, their executors, administrators, and assigns, in just proportion, with reasonable deductions for expenses, and the principal of such deposits may be withdrawn at such time and in such manner as the said institution shall direct and appoint.

SEC. 4. *Be it further enacted,* That the said Powers. corporation may have a common seal, which they may alter and renew at pleasure; that all deeds, conveyances, grants, covenants, contracts and agreements, made by their treasurer, or any other person or persons by their authority and direction, shall be good and valid, and the said corporation shall, at all times, have power to sue, and may be sued, and may defend, and shall be held to answer by the name aforesaid.

SEC. 5. *Be it further enacted,* That the said cor- Members. poration shall, at any legal meeting, have power to elect by ballot, any other person or persons, as member or members of said institution, and any member upon filing a written notice with the president thereof, three months prior, may, at any annual meeting of said corporation, withdraw and forever dissolve his connexion with the same.

SEC. 6. *Be it further enacted,* That the said cor- Place of meet- ing. poration shall hereafter meet at Fairhaven, some time in the month of January annually, and at such other times as the corporation shall direct; and any seven members of the corporation, the president, treasurer, or secretary being one, shall be a quorum, and the said corporation, at their first meeting, and at their meetings in January annually, shall have power to elect by ballot, a president, and treasurer, who shall give bond in the sum of five thousand dollars, for the faithful discharge of the duties of his office, and 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 all officers so chosen shall be under oath to the faithful performance of the duties of their office respectively.

Statement of
affairs.

SEC. 7. *Be it further enacted*, That the officers and agents of said institution shall lay a statement of the affairs thereof before any persons appointed by the legislature to examine the same, whenever required so to do, and shall exhibit to them all the books and papers relating thereto, and shall submit to be examined by them under oath concerning the same.

May make by
laws.

SEC. 8. *Be it further enacted*, That the said corporation shall have power to make by-laws for the more orderly managing of their concerns ; *provided* the same are not repugnant to the constitution and laws of this Commonwealth. And the legislature may at any time make such further regulations for the government of the said institution, as they may deem expedient.

First meeting.

SEC. 9. *Be it further enacted*, That any one of the persons named in this act shall have power to call the first meeting of said corporation at such time and place as he may judge proper, by giving notice in writing to the members of said corporation, at least ten days before the day of said meeting.

[Approved by the Governor, February 10, 1832.]

CHAP. XXIV.

An Act to incorporate the Walcott 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 Walcott, Matthias Armsby, and John Wetherell, together with such other persons as may become associates with them, their successors and assigns, be, and they hereby are, created a body corporate, by the name of the “Walcott Manufacturing Company,” for the purposes of manufacturing cotton, at Pawtucket, in the county of Bristol, and for this purpose shall have all the powers and privileges, and shall be subject to all the duties and requirements contained and provided, respecting such corporations, in, and by an act passed on the twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled, “an act defining the general powers and duties of manufacturing corporations.”

Persons incor-
porated.

SEC. 2. *Be it further enacted,* That said corporation may take and hold such real estate at said Pawtucket, not exceeding in value the sum of fifty thousand dollars, and such personal estate, not exceeding in value a like sum, as may be suitable and convenient for carrying on the manufacture aforesaid.

Real and person-
al estate.

[Approved by the Governor, February 15, 1832.]

CHAP. XXV.

An Act authorizing Thomas Mayhew, 2d, to construct a Wharf in the Harbor of Edgartown.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Thomas Mayhew, second, be, and he hereby is authorized and allowed to build a wharf in the harbor of Edgartown, in Dukes County, below low water mark, adjoining his land, into the channel of said harbor, until said wharf shall be extended to where there may be a depth of water equal to that at the other wharves now erected in said harbor, and that he be allowed all the privileges heretofore granted, or that may hereafter be granted, to proprietors of wharves in said harbor, for the use, occupation, and accommodation of said wharf: *Provided*, that this grant shall in no wise interfere with the legal rights of any other person or persons whatever.

[Approved by the Governor, February 15, 1832.]

CHAP. XXVI.

An Act incorporating the Trustees of the Ministerial Fund of the First Congregational Parish in Randolph.

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 Alden, Royal Turner, John Mann, John Wales, James Littlefield, and John Belcher, and their successors, be, and they are hereby made a corporation by the name of the "Trustees of the Ministerial Fund of the First Congregational Parish, in Randolph," and by that name to remain a corporation forever, with a common seal, 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, and to have power and authority to hold either real or personal estate, or both, the income at six per centum not to exceed the sum of fifteen hundred dollars per annum.

Persons incorporated.

SEC. 2. *Be it further enacted,* That the said trustees shall have power to appoint from among themselves, annually, a chairman, a clerk, and a treasurer, with such other officers as may from time to time be necessary, and that the clerk be sworn to the faithful discharge of the duties of his office, and that the treasurer shall give bond to the inhabitants of the first congregational parish aforesaid, for the faithful performance of his trust.

Trustees to choose officers.

SEC. 3. *Be it further enacted,* That the said

By-laws.

trustees shall have power to make, adopt, and execute all reasonable by-laws and regulations for the government of said corporation, not repugnant to the constitution or laws of this Commonwealth, subject to the approval of the parish.

Trustees divided
into classes.

SEC. 4. *Be it further enacted*, That the said trustees be divided into three equal classes, in the order of their names above, the term of office of one class to expire annually, or as soon as others be chosen in their stead, and that vacancies be filled by the written votes of the legal voters of said parish, at their meeting in March or April, in the same manner parish officers are chosen; and whenever any vacancies shall occur 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 or refuse to fill said vacancy for the term of one year after it shall happen, then the said trustees, by a major vote, shall have power to fill such vacancy.

Power of Trustees.

SEC. 5. *Be it further enacted*, That the said trustees shall have full power to receive and recover all property, real, personal, or mixed, which has arisen or grown out of a certain subscription made in the year of our Lord one thousand eight hundred and twenty-four, by sundry individuals, members of said Parish, and shall invest the principal of said fund as hereinafter provided, and appropriate the income annually, according to the will of the donors, and to no other purpose. *Provided*, if at any future period, said parish shall fail to be supplied with a pastor, then the said trustees shall, during the continuance of such vacancy, apply the income as aforesaid towards in-

creasing the principal of said fund, and the same invest until the interest of said fund shall amount to the sum of fifteen hundred dollars annually. *Providing nevertheless*, that if any future subscription, appropriation, donation, or bequest, should be made to the said fund, the trustees shall appropriate either the principal or interest of such subscription, appropriation, donation, or bequest, in conformity with the conditions under which they may be made.

SEC. 6. *Be it further enacted*, That the said trustees, by their treasurer, shall exhibit to the said parish annually in the months of March or April, an accurate account of their doings, expressing all receipts and disbursements during the year, with an accurate statement of the amount and nature of the said fund ; and the said parish may appoint auditors to examine their books and accounts, with the vouchers, who shall make report of the state of the fund, with the amount of receipts and disbursements, and the said trustees, or any one of them, as the case may be, shall be amenable to the said parish for negligence and misconduct in the management and disposition of the said fund, for adequate damages ; and all sums so recovered shall be applied for the benefit of said fund, and be paid to the board of trustees for the time being.

Trustees to report annually.

SEC. 7. *Be it further enacted*, That the two trustees first abovenamed, be, and are hereby authorized, to call the first meeting of the said corporation, by posting a notice at the meeting house of said parish, seven days at least prior to said meeting, and that all future meetings of said corpo-

First meeting.

ration, after the first, shall be called in such way and manner as said trustees may direct.

[Approved by the Governor, February 15, 1832.]

CHAP. XXVII.

An act to improve Chatham Harbor.

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 towns of Chatham and Orleans, in the county of Barnstable, and their associates, to open a passage through Nauset Beach, within the limits of the town of Chatham, for the purpose of improving Chatham harbor.

[Approved by the Governor, February 15, 1832.]

CHAP. XXVIII.

An Act to incorporate the First Methodist Episcopal Society in West Newbury and Newbury.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Micajah Poor, Joseph Perry, Jesse Rogers, Samuel Gould, Simeon Pilesbury, William W. Perry, Giles Woodman, Joseph I. Bayley, David Clefford and Samuel Stickney, 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 First Methodist Episcopal Society in West Newbury and Newbury, with all the powers and privileges to which other religious societies are entitled by the constitution and laws of this Commonwealth, and Micajah Poor is hereby authorized to call the first meeting of said society, by posting up his notice at the door of the meeting house of said society in West Newbury, seven days at least before such meeting, specifying the time, place and purposes of the same.

Persons incorporated.

[Approved by the Governor, February 15, 1832.]

CHAP. XXIX.

An Act to incorporate the New Bedford Port Society for the moral improvement of Seamen.

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 Samuel Rodman, Jr., James Arnold, Sylvester Holmes, John Howland, Jr., Jonathan Tuttle, Timothy I. Dyre, Charles W. Morgan, Orville Dewey, Jared Parkhurst, William H. Taylor, John Coggeshall and Nehemiah Leonard, their associates and successors, be, and they hereby are incorporated, by the name of the New Bedford Port Society, for the moral improvement of seamen, with power to make by laws and regulations for their own government, and the management of the concerns of the society, not inconsistent with the laws of this Commonwealth, and to take, hold and receive, by gift or otherwise, real and personal estate, not exceeding fifty thousand dollars in value, and the same to sell and convey, if necessary, the income thereof to be applied to the religious, moral and professional instruction of seamen, in such manner as the society shall direct.

Election of officers.

SEC. 2. *Be it further enacted,* That the officers of said society shall be a president, two vice presidents, a recording secretary, corresponding secretary, treasurer, and such number of managers not exceeding twenty, as the society may determine to elect. And James Arnold and Samuel Rodman

Jr., or either of them, may call the first meeting of said society, by giving notice thereof in one of the newspapers printed in New Bedford, ten days at least previous to the time of said meeting.

[Approved by the Governor, February 15, 1832.]

CHAP. XXX.

An Act in further addition to an Act entitled “an Act to incorporate the trustees of the Ministerial Fund in the town of Berkley.”

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That, whenever any person, who shall be hereafter appointed a trustee of the Ministerial Fund in the town of Berkley, shall withdraw from the First Congregational Society in said Berkley, he shall be considered as resigning his office of trustee, and the vacancy thereby made shall be filled from the members of said society.

Trustees authorized to fill vacancies.

SEC. 2. *Be it further enacted,* That, whenever any vacancy shall happen by death or resignation, such vacancy shall be filled from the members of the aforesaid society.

SEC. 3. *Be it further enacted,* That the said First Congregational Society shall have power at their annual meetings to appropriate so much of their ministerial fund, not exceeding the annual

Appropriation of money.

interest thereof, as they shall think expedient, to the payment of the salary of their minister.

Repeal.

SEC. 4. *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 is hereby repealed.

[Approved by the Governor, February 16, 1832.]

CHAP. XXXI.

An Act to empower the “Ipswich Manufacturing Company” to construct a canal in Ipswich.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the said corporation be, and they hereby are authorized and empowered to make and construct a canal of convenient width and dimensions, from the south east end of the dam at Farley’s Falls so called, or from the river above said Falls to the Mills at the Lower Falls, with liberty to construct a branch extending to the Cove, so called, and terminating on land belonging to said corporation. *Provided, however*, that if the said canal shall pass through any highway or town way, the said corporation shall make and maintain in good repair, a suitable bridge or bridges over the same, to the satisfaction of the County Commissioners of the county of Essex. *Provided further*, that the said canal shall not enter into, or pass through

Empowered to construct a canal.

the land of any person or persons, without the consent of said person or persons being first obtained.

[Approved by the Governor, February 16, 1832.]

CHAP. XXXII.

An Act to incorporate the Charlestown Dock 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 Skinner, Nathaniel Austin, Benjamin Brintnall, and William B. Swett, their associates, successors and assigns, be, and they hereby are created a body corporate, by the name of the "Charlestown Dock Company," for the purpose of repairing vessels in the town of Charlestown in the county of Middlesex, and for this purpose shall have all the powers and privileges, and shall be subject to all the duties and requirements contained and provided in an act passed on the twenty third day of February, in the year of our Lord, one thousand eight hundred and thirty, entitled, "an act defining the general powers and duties of manufacturing corporations."

Persons incorporated.

SEC. 2. *Be it further enacted,* That said corporation may take and hold such real estate, not exceeding in value the sum of seventy five thousand dollars, and such personal estate not exceeding in value the further sum of seventy five thousand dol-

Real and personal estate

lars. as may be necessary and convenient for carrying on the business aforesaid.

[Approved by the Governor, February 16, 1832.]

CHAP. XXXIII.

An Act confirming the location of a Wharf in Edgartown called Mayhew's Wharf.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Joseph Mayhew, and Joseph V. Kelley, be, and they hereby are authorized and allowed to continue and maintain the wharf called Mayhews Wharf, situated in the harbor of said Edgartown, and adjoining the land of the said Joseph Mayhew, and Joseph V. Kelley, and extending into the channel of said harbor, and that they be allowed all the privileges heretofore granted, or that may hereafter be granted to proprietors of wharves in said harbor, for the use, occupation, and accommodation of said wharf. Provided, that this grant shall in no wise interfere with the legal rights of any other person or persons whatever.

Mayhew's wharf.

[Approved by the Governor, February 16, 1832.]

CHAP. XXXIV.

An Act to incorporate the Fredonian 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 Longley, Persons incorporated. Augustus G. Parker, Willard Worcester, and Sampson Worcester, together with such other persons as may become associates with them, their successors and assigns, be, and they hereby are created a body corporate, by the name of the Fredonian Manufacturing Company, for the purpose of manufacturing cotton goods in the town of Shirley in the county of Middlesex, and for this purpose shall have all the powers and privileges, and shall be subject to all the duties and requirements contained and provided in and by an act passed on the twenty third day of February, in the year of our Lord one thousand eight hundred and thirty entitled, "an act defining the general powers and duties of manufacturing corporations."

SEC. 2. *Be it further enacted,* That the said corporation may take and hold such real estate, Real and personal estate. not exceeding in value the sum of twenty thousand dollars, exclusive of improvements, and such personal estate, not exceeding in value forty thousand dollars, as may be suitable and convenient for carrying on the manufacture aforesaid.

[Approved by the Governor, February 16, 1832.]

CHAP. XXXV.

An Act to change the name of the Saxon Cotton and Woollen Factory.

Name altered.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the corporation established by an act of this Commonwealth by the name of the Saxon Cotton and Woollen Factory shall hereafter assume and have the corporate name of the Saxon Factory, and with that name shall be subject to all the duties and liabilities, and entitled to all the powers and privileges of the Saxon Cotton and Woollen Factory.

[Approved by the Governor, February 16, 1832.]

CHAP. XXXVI.

An Act to incorporate the "Lessees of the City Wharf" 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 William B. Reynolds, David R. Griggs, Aaron D. Weld, Jr., John Kendrick, Rufus Kendrick, and John A. Mc Gaw, and others, their associates, successors

and assigns be, and they hereby are constituted a body politic and corporate, by the name of " Lessees of the City Wharf," 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 at pleasure to break, alter, or renew ; to make rules and by-laws for the regulation and management of the Wharf Estate and appurtenances which they hold as tenants under the city of Boston, for the term of twenty years from the first day of September, one thousand eight hundred and thirty two, and generally to do and execute whatever by law does or may appertain to bodies politic and corporate under the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted,* That the said corporation be and the same hereby is declared and made capable in law to have, hold and possess for said term of years, all or any part of that real estate and appurtenances commonly called and known by the name of the City Wharf in Boston and the flats, lands, docks, water rights and privileges connected therewith : *provided,* that the lawful proprietors thereof shall legally convey the same to said corporation. And said corporation shall have power to sell and alien their corporate property, and otherwise to manage, improve and alter the same according to their will and pleasure, and shall make and execute any contracts concerning their estate in the premises, in such manner and form as shall by their by-laws be provided. Water rights.

SEC. 3. *Be it further enacted,* That said corporation, at any legal meeting, may agree upon the number of shares into which their estate in the premises shall be divided, and agree upon the forms of the Shares.

certificates to be given to the proprietors, which shares shall be deemed and considered as personal estate, and shall be transferable by endorsement upon the certificate, recorded by the clerk or secretary of the corporation in a transfer book, and shall be liable to attachment on mesne process and sale on execution according to law.

Assessments.

SEC. 4. *Be it further enacted*, That the 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 laid unless public notice shall be given of the time, place and purpose of meeting, by advertisement in one or more of the newspapers printed in Boston, ten days at least before the time therefor appointed, or unless notice be specially given by the clerk or secretary to each member of said corporation in hand, designating, in writing, the time, place and purpose thereof.

Assessments to be paid before giving a certificate.

SEC. 5. *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.

SEC. 6. *Be it further enacted,* That said corporation may be called together and organized at any meeting of the persons mentioned in the first section of this act, the same being advertised by any one of them in any paper publicly printed in Boston, three times, the first time to be at least six days previous to said meeting. And the corporation, at their first meeting, and afterwards annually, on such days as shall be established by the by-laws, may choose a president, clerk, and such other officers and directors, if any, as shall seem fit to a majority of the members present; and may then and there enact, alter, repeal, amend, and renew such by-laws as shall seem expedient and proper to a majority in number and value of the stockholders in said corporation. First meeting.

SEC. 7. *Be it further enacted,* That in all meetings of said corporation, each member or proprietor shall be entitled to one vote for every share by him held in said corporation, and absent members may vote by proxy, duly authorized by writing, to be produced and recorded by the clerk. Each member entitled to one vote for every share.

SEC. 8. *Be it further enacted,* That said corporation shall continue until the first day of January, which will be in the year of our Lord one thousand eight hundred and fifty three, unless sooner dissolved by authority of the General Court, or in other lawful manner. Corporation, how long to continue.

SEC. 9. *Be it further enacted,* That the whole number of shares of the corporate stock of said lessees, shall not exceed five hundred, and the stock Capital stock.

holders in said corporation shall be liable, in their individual persons and estate, for all debts and liabilities of the said corporation.

[Approved by the Governor, February 16, 1832.]

CHAP. XXXVII.

An Act to incorporate the Patucket Manufacturing Company.

SEC. 1. **B**E *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That David R. Griggs, Aaron D. Weld, Jr., Stephen Goodhue, and Thomas P. Goodhue, their associates, successors and assigns, be, and they hereby are, made a corporation, by the name of the "Patucket Manufacturing Company," for the purpose of manufacturing flannels, and other woollen stuff goods, in the town of Dracut; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained and provided in and by an act passed on the twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled, "an act defining the general powers and duties of manufacturing corporations."

Persons incorporated.

Capital stock.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation shall not exceed one hundred thousand dollars; and it 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 fifty thousand dollars.

[Approved by the Governor, February 16, 1832.]

CHAP. XXXVIII.

An Act to incorporate the Franklin Coal 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 Lyman, Robert Ralston, Jr., George Gregory, and their associates, successors, and assigns, be, and they hereby are, made a corporation by the name of the "Franklin Coal Company," for the purpose of digging, or otherwise procuring, and vending coals; and shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled "an act defining the general powers and duties of manufacturing corporations." Persons incorporated.

SEC. 2. *Be it further enacted,* That the said corporation may lawfully hold such real estate, not exceeding in value one hundred thousand dollars, and such personal estate, not exceeding in value one hundred thousand dollars, as may be necessary for carrying into effect the purposes of this act. Real and personal estate.

SEC. 3. *Be it further enacted,* That the certifi- First meeting.

ates respecting the capital stock, required by the aforesaid act, to be filed and recorded in the registry of deeds, shall be made by the officers of this corporation, and shall be filed and recorded in the registry of deeds, for the county of Suffolk. And the first meeting of the said corporation shall be held in Boston, at such time and place, as shall be appointed by a majority of the persons named in this act, who shall give notice thereof, by publication in some newspaper printed in Boston, fourteen days at least before the time of meeting.

[Approved by the Governor, February 16, 1832.]

CHAPTER XXXIX.

An Act to change the name of the Etna Insurance Company in Boston, 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 corporation

Change of name. now known by the name of the Etna Insurance Company, shall be allowed to take the name of the National Insurance Company.

Powers.

SEC. 2. *Be it further enacted,* That the said corporation, under the name of the National Insurance Company, shall have and enjoy all the powers and privileges, and be subject to all the duties and restrictions granted and contained in the act, entitled "an act to incorporate the Etna Insurance Com-

pany, in Boston," passed on the eighteenth day of June, in the year of our Lord one thousand eight hundred and twenty-five, except as herein modified, for and during the term of twenty years after the passing of this act.

SEC. 3. *Be it further enacted*, That after either Instalments, how collected. of the instalments of the capital stock of said company shall become due and payable, the term of thirty days shall be allowed for collecting and completing the deficiency, if any, arising from non-payment by any delinquent stockholder, or subscriber, and that the times fixed in and by the said act for the payment of the third and fourth instalments of the said capital stock, shall be extended to such times, as the directors of said corporation shall hereafter appoint: *provided however*, that the whole of the first and second instalments of the said capital stock shall be paid in at the times named in said act, or within thirty days after; and shall be invested and secured in the like ample manner as is provided in the said act, for the investment and security of the whole capital stock, when fully paid in: *and provided further*, that the company shall never take on any one risk, a sum exceeding ten per centum on the capital stock of said company, actually paid in.

SEC. 4. *Be it further enacted*, That if any subscriber to the stock of said company, or any holder thereof, for the time being, shall fail to pay either of the instalments thereon, on the days they shall become due respectively, the directors of said company shall have power to sell and dispose of so many of the shares of such subscriber or stockholder, either at public or private sale, as shall be sufficient to pay the amount due from him to the com-

pany, with interest, and all necessary and incidental charges ; *provided*, ten days notice shall first have been given to such delinquent subscriber or stockholder, of the intention of the directors to sell and dispose of the said shares, at or after the expiration of that time, unless payment shall sooner be made.

[Approved by the Governor, February 18, 1832.]

CHAP. XL.

AN Act, in addition to An Act to establish the Hampden and Berkshire Turnpike Corporation.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Hampden and Berkshire Turnpike Corporation, be, and hereby are authorized and empowered to make the following alterations in their road, as now established, viz. : beginning at the foot of a steep hill in said road, about fifty rods west of the house of John Phelps, in the town of Russel, and county of Hampden, and thence running south of the present turnpike road around said hill, in a westerly direction, about forty rods, until it again meets the turnpike, and also at a point in said road about forty rods west of the house of James Bishop, in said town of Russel, and thence running north of the present turnpike road, near the house of the heirs of Amos Ward, in a westerly direction, about three fourths of a mile, upon the most advantageous

Corporation to
alter their road.

ground, until it again meets the turnpike, on the cleared land of Jacob Loomis. And whenever said alterations shall be made and accepted by the committee that shall be appointed for that purpose, so much of the present turnpike as lies between the points of intersection with the contemplated alterations, shall be discontinued.

SEC. 2. *Be it further enacted,* That in locating and constructing said road, the Hampden and Berkshire Turnpike Corporation shall be subject to all the duties, obligations, and requirements of the act defining the general powers and duties of turnpike corporations, and of the act to which this is in addition. Corporation subject to duties.

[Approved by the Governor, February 20, 1832.]

CHAP. XLI.

An Act to cede to the United States the jurisdiction of Nix's Mate.

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 Nix's Mate, in the harbor of Boston, and the soil thereof, being the property of this Commonwealth, be, and hereby is, granted to the United States of America, for the purpose of erecting a Beacon on the same, the Commonwealth to retain concurrent jurisdiction with the United States in Ceded to U. S.

Proviso.

and over said land, so far that all civil and criminal processes issued under the authority of this Commonwealth, or any officer thereof, may be executed on any part of said land, or in any building which may be erected thereon, in the same way and manner as if the jurisdiction had not been granted as aforesaid. *Provided*, that the United States cause to be built, on the aforesaid Nix's Mate, a beacon or monument, within two years from the passing of this act.

[Approved by the Governor, February 20, 1832.]

CHAP. XLII.

An Act to authorize the sale of ministerial land by the First Congregational Parish in Milton.

Empowered to sell land.

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 Parish in Milton, be, and hereby is, authorized and empowered to sell and execute a deed or deeds (by the treasurer of said parish for the time being,) to convey the whole, or any part of the lands owned by said parish, lying within the town of Milton, and to invest the proceeds of the sale or sales of said lands, as aforesaid, in such manner as the said parish shall by their vote, or by the direction of a committee thereto duly authorized by said parish, order and direct: *Provided*

however, that the proceeds aforesaid shall always be so invested that the income thereof, and no part of the principal sum, shall always hereafter be applied for the support of the ministry in said parish.

[Approved by the Governor, February 20, 1832.]

CHAP. XLIII.

An Act to incorporate the Prospect Hill Observatory Association, 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* Stephen Merrihew, Wm. H. Foster, Oliver Swain, and John Bailey, their associates and successors be, and hereby are incorporated, by the name of the "Prospect Hill Observatory Association," in New Bedford, with power to erect a building, and establish therein a transit and telescope, for making celestial and terrestrial observations, and for other scientific purposes, and to make rules and by-laws for the regulation of the association, and the management of its concerns, and to exercise all other powers usually incident to corporations of the like nature, consistent with the laws of this Commonwealth.

Persons incorporated.

SEC. 2. *Be it further enacted, That* said corporation may hold such real and personal estate, not exceeding in value ten thousand dollars, as may be necessary and convenient to carry into effect the purposes mentioned in this act.

Real and personal estate.

First meeting.

SEC. 3. *Be it further enacted*, That Stephen Merrihew shall call the first meeting of said association, by giving notice thereof, in one of the newspapers printed in New Bedford, five days at least before the time of said meeting.

[Approved by the Governor, February 20, 1832.]

CHAP. XLIV.

An Act in addition to an Act to regulate the Fishery in Taunton Great River.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, any person or persons, who shall have purchased, or hereafter shall purchase, any privilege or privileges of catching shad and alewives, in Taunton Great River, (the purchaser or purchasers of the privilege of the town of Somerset excepted,) and who shall have selected and located, or hereafter shall select and locate, the place or places where he or they intend to use his or their seine or seines, net or nets, for the purpose of catching shad and alewives, and such place or places, are or shall be, in that part of the town of Berkley, which is southerly of a line running due east from the mouth of the Segregansett river, (so called,) in the town of Dighton, shall have the right, and it shall be lawful, for any such person or

Regulations of fishery.

persons, to draw and sweep at such place or places, with a seine or seines, net or nets, thirty rods in length, and no more.

SEC. 2. *Be it further enacted*, That the purchaser or purchasers of any privilege or privileges of catching shad and alewives, as aforesaid, who shall have selected and located, or hereafter shall select and locate the place or places, where he or they intend to use his or their seine or seines, net or nets, for the purpose aforesaid, in that part of the town of Berkley, which is southerly of a line drawn due east from the mouth of said Segregansett river, shall be subject to, and shall regulate and govern himself or themselves, in the use of such privilege or privileges, by all the provisions and requisitions of an act entitled "an act to regulate the fishery in Taunton Great river," which passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty, except so far as the same are inconsistent with the provisions of this act.

Purchasers of
privileges.

[Approved by the Governor, February 20, 1832.]

CHAP. XLV.

An Act to incorporate the New Bedford Marine
Railway and Wharf 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 Randall, John C. Haskell, and their associates, successors, and assigns, be, and they hereby are, constituted a body politic and corporate, by the name of the "New Bedford Marine Railway and Wharf Company;" and said corporation are hereby made capable in law to sue and be sued, implead 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 property, consistent with the laws of this Commonwealth, and generally to do and execute whatever by law shall appertain to bodies politic.

Persons incor-
porated.

Real and per-
sonal estate.

SEC. 2. *Be it further enacted,* That said corporation be, and hereby is, declared and made capable to have, hold, and possess, the following described real estate, viz. : the island known and designated by the name of Fish Island, lying in Acushnet river, in the town of New Bedford, and county of Bristol, with authority and power to erect, continue, and maintain, a marine railway and wharves upon the shores of said island, and to extend the same to the channel of said river, if this should be thought necessary, the said corporation being subject to the provisions contained in the

second section of an act passed on the twenty-third day of June, in the year of our Lord one thousand eight hundred and six, entitled, “an act to authorize the owners of lots of land adjoining on Acushnet river, in the town of New Bedford, in the county of Bristol, from Clark’s Point, so called, to the head of navigation, in said river, to build and extend wharves beyond low water mark, in said river.” *Provided, however,* that no wharf on the western shore of said island shall ever approach nearer to the wharves on the opposite shore, than the one already erected.

SEC. 3. *Be it further enacted,* That said corporation shall have power to hold real and personal estate, not exceeding fifty thousand dollars in value, appertaining to the above described premises. Real and personal estate.

SEC. 4. *Be it further enacted,* That George Randall shall have power to call the first meeting of said corporation, by giving personal notice of the time and place thereof, ten days at least previous to said meeting; and the corporation, at such meeting, may prescribe the mode of calling future meetings, and may elect such officers as they may deem necessary for managing their corporate affairs. First meeting.

[Approved by the Governor, February 20, 1832.]

CHAP. XLVI.

An Act to incorporate the Pawtucket 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 James C. Starkweather, Larned Pitcher, Asa T. Hopkins, Edward Walcott, Lyman Claflin, Dwight Ingraham, Amos A. Tillinghast, and John Burbank, their associates and successors, be, and they hereby are, incorporated, as the "Pawtucket Academy," in the town of Pawtucket, in the county of Bristol, with power to hold real estate, not exceeding in value eight thousand dollars, and personal estate, not exceeding in value twelve thousand dollars, to be devoted exclusively to the purposes of education. And said corporation shall have all the powers usually incident to similar corporations, and may make all necessary by-laws, not repugnant to the constitution and laws of this Commonwealth.

Persons incorporated.

First meeting.

SEC. 2. *Be it further enacted,* That any two of the persons named in this act may call the first meeting of said corporation, by giving notice of the time and place, seven days at least previously thereto, in a newspaper printed in Pawtucket, in the State of Rhode Island.

[Approved by the Governor, February 20, 1832.]

CHAP. XLVII.

An Act in addition to an act to incorporate the Hampshire and Hampden Canal Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the time allowed for the completion of the Hampshire and Hampden Canal, by the seventeenth section of “an act to incorporate the Hampshire and Hampden Canal Company,” passed on the fourth day of February, one thousand eight hundred and twenty-three, be, and the same is hereby extended to the first day of January, one thousand eight hundred and thirty-five.

[Approved by the Governor, February 20, 1832.]

CHAP. XLVIII.

An Act to straighten the dividing lines of Bellingham, Franklin, and Medway.

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 dividing line between the towns of Bellingham and Franklin in the county of Norfolk is hereby straightened and

Dividing lines
straightened.

established as follows, viz : beginning at the northerly end of said line in the centre of the channel of Charles river opposite the central line of Hoppins river, (so called) thence running up stream in said channel one hundred and fifteen rods to a stone monument on the southerly side of said river, thence running south eleven degrees west fifty nine rods to another stone monument, thence south twelve degrees west one hundred and one rods to another stone monument, thence in the same direction one hundred and fifty five rods to another stone monument, thence south fifteen and one third degrees west one hundred and forty four rods to another stone monument, thence in the same direction one hundred and fifty three rods to another stone monument, thence south twenty degrees west one hundred and fifty five rods to another stone monument, thence in the same direction two hundred and fifty three rods to another stone monument, thence in the same direction one hundred and forty eight rods to another stone monument, thence south thirteen degrees west, one hundred and fifty two rods to another stone monument, thence south nine degrees west one hundred and sixty seven rods to another stone monument, thence south six and three quarters degrees west two hundred and forty one rods to another stone monument, thence south seven and one quarter degrees west one hundred and seventy nine rods to another stone monument, thence south twelve and two thirds degrees west two hundred and three rods to another stone monument, on split rocks (so called) on the line of the town of Wrentham ; (the said monuments being marked on the westerly sides with the capital letter B., and on the easterly sides with

the capital letter F.) and the said line shall be forever hereafter considered the dividing line between said towns.

SEC. 2. *Be it further enacted*, That a part of the dividing line between the said town of Franklin and the town of Medway, in the county of Norfolk, be, and the same hereby is straightened and established as follows, viz. : beginning at the stone monument on the easterly side of the road leading by the dwelling houses of Samuel Partridge in said Medway, and James Metcalf in said Franklin, at the corner of Whiting Metcalf's land, thence running easterly in a straight course to another stone monument at the line of the town of Wrentham (the said monuments being marked on the southerly sides with the capital letter F., and on the northerly sides with the capital letter M.,) and the said line shall forever hereafter be considered the dividing line of said towns of Medway and Franklin between said monuments.

[Approved by the Governor, February 23, 1832.]

CHAP. XLIX.

An Act to establish the Hoosac Rail or Mc Adamized Road 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 David Anthony, Persons incorporated.

Persons incorpo-
rated.

Zelotus Richmond, Caleb Brown, Nathan Putnam, Henry Raymond, Alpheus Smith, Giles Tinker, Abner Perry, Caleb B. Turner, George Whitman, Thomas Robinson, David Smith, Cyrus Sales, Thomas Faruham, William E. Brayton, Russel Brown, Samuel Ingols, Warner Farnum, Nathan Willis, Isaac U. Hoxie, John L. Barker, and Liberty Bowker, their successors, associates and assigns, be, and they hereby are made a body politic and corporate, under the name of the Hoosac Rail or Mc Adamized Road Company, and by that name shall be, and hereby are, made capable in law to sue and to be sued to final judgment and execution, plead and be impleaded, defend and be defended in any courts of record, or in any other place whatever; to make, have and use a common seal, and the same to break, renew, or alter at pleasure, and shall be, and are hereby vested with all the powers, privileges and immunities, which are or may be necessary to carry into effect the purposes and objects of this act as hereinafter set forth. And the said corporation are hereby authorized and empowered to locate, construct, and finally complete a Rail or Mc Adamized Road in such manner and form as they shall deem expedient, beginning at or near the north line of Williamstown in the county of Berkshire, thence to the north line of Cheshire, with liberty to extend the same to or near the source of the Hoosac river, and thereon to transport persons and property by steam power or otherwise; and for this purpose the said corporation are authorized to lay out their road at least four rods wide through the whole length, and for the purpose of cuttings, embankments, and stone and gravel, may take as much more land as may be necessary for the proper construction and

security of said road. *Provided, however,* that all damages that may be occasioned to any person or corporation by the taking of such land or materials for the purpose aforesaid, shall be paid for by said corporation in the manner hereinafter provided.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation shall consist of six thousand shares, of one hundred dollars each, and the immediate government and direction of the affairs of the said corporation shall be vested in five directors, who shall be chosen by the members of the corporation in the manner herein after provided, and shall hold their offices one year, or until others shall be duly elected and qualified, to take their place as directors; and the said directors, a majority of whom shall form a quorum for the transaction of business, shall elect one of their own number to be president of the board, who shall be president of the corporation, and shall have authority to choose a clerk who shall be sworn to the faithful discharge of his duty, and a treasurer, who shall give bonds to the corporation with sureties to the satisfaction of the directors in a sum not less than twelve thousand dollars for the faithful discharge of his trust.

SEC. 3. *Be it further enacted,* That the president and directors for the time being are hereby authorized and empowered, by themselves or their agents, to exercise all the powers herein granted to the corporation, for the purpose of locating, constructing, and completing said rail or macadamized road, and all such other powers and authority for the management of the affairs of the corporation, not heretofore granted, as may be necessary and proper to carry into effect the object of this grant, to purchase and hold land, materials, and other

Assessments.

necessary things in the name of the corporation, for the use of the said road ; to make such equal assessments, from time to time, on all the shares in said corporation, as they may deem expedient and necessary in the execution and progress of the work, and direct the same to be paid to the treasurer of the corporation ; and the treasurer shall give notice of all such assessments, and in case any subscriber shall neglect to pay his assessment for the space of thirty days after due notice by the treasurer of said corporation, the directors may order the treasurer to sell such share or shares at public auction, after giving due notice thereof, to the highest bidder, and the same shall be transferred to the purchaser. And such delinquent subscriber shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the assessments due thereon, with the interest and costs of sale, and shall be entitled to the overplus, if his share or shares shall sell for more than the assessments due, with interest, and the costs of sale. *Provided, however,* that no assessments shall be laid upon any shares in said corporation of a greater amount in the whole than one hundred dollars on each share.

By-laws.

SEC. 4. *Be it further enacted,* That the said corporation shall have power to make, ordain and establish all such by-laws, rules, regulations and ordinances, as they shall deem expedient and necessary to accomplish the designs and purposes, and to carry into effect the provisions of this act, and for the well ordering, regulating and securing the interests and affairs of the corporation. *Provided* the same be not repugnant to the constitution and laws of the Commonwealth.

SEC. 5. *Be it further enacted,* That a toll be, ^{Toll.} and hereby is granted and established, for the sole benefit of said corporation, upon all passengers and property of all descriptions, which may be conveyed or transported upon said road, at such rates per mile as may be agreed upon and established from time to time by the directors of said corporation; the transportation of persons and property, the construction of wheels, the form of cars and carriages, the weight of loads, and all other matters and things in relation to the use of said road shall be in conformity to such rules, regulations and provisions as the directors shall, from time to time, prescribe and direct; and said road may be used by any persons who shall comply with such rules and regulations, *provided however,* that if, at the expiration of four ^{Proviso.} years from and after the completion of said road, the net income or receipts from tolls and other profits, taking the four years aforesaid as the basis of calculation, shall have amounted to more than ten per cent per annum upon the cost of the road, the Legislature may take measures to alter and reduce the rate of tolls and other profits, in such manner as to take off the overplus for the next four years, calculating the amount of transportation upon the road to be the same as the four preceding years: and, at the expiration of every four years thereafter, the same proceedings may be had.

SEC. 6. *Be it further enacted,* That the directors of said corporation, for the time being, are hereby authorized to erect toll-houses, establish gates, appoint toll-gatherers, and demand toll upon the road when completed, and upon such parts thereof as shall from time to time be completed, and they shall, from year to year, make a report to the secre- ^{Erection of toll-houses, establishment of gates, appointment of toll-gatherers, &c.}

tary of the Commonwealth, under oath, of their acts and doings, receipts and expenditures, under the provisions of this act, and the books of the said corporation shall, at all times, be open to the inspection of any committee of the Legislature appointed for that purpose.

Damages.

SEC. 7. *Be it further enacted*, That the said corporation shall be holden to pay all damages that may arise to any person or persons, corporation or corporations, by taking their land for said rail or macadamized road, when it cannot be obtained by voluntary agreement, to be estimated and recovered in the manner provided by law for the recovery of damages happening by the laying out of highways.

SEC. 8. *Be it further enacted*, That when the lands or other property or estate of any femme covert, infant, or person non compos mentis, shall be necessary for the construction of said road, the husband of such femme covert, and the guardian of such infant, or person non compos mentis, may release all damages for any lands or estates, taken and appropriated as aforesaid, as they might do, if the same were holden by them in their own right respectively.

Forfeiture for injury or destruction of rail road.

SEC. 9. *Be it further enacted*, That, if any person shall wilfully, maliciously, or wantonly, and contrary to law, obstruct the passage of any carriage on said road, or in any manner spoil, injure or destroy said road, or any part thereof, or any thing belonging thereto, or any materials or implements to be employed in the construction, or for the use of the said road, 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 any court proper to try the same, by the treasurer of the corporation, or other officer whom they may direct, to the use of said corporation. And such offender or offenders, shall be liable to indictment by the grand inquest for the county within which such trespass shall have been committed, for any offence or offences, contrary to the above provisions, and, on conviction thereof, before any court of common pleas, to be holden in said county, shall pay a fine not exceeding one hundred dollars, and not less than thirty dollars, to the use of the Commonwealth, or may be imprisoned for a term not exceeding one year, at the discretion of the court before whom the conviction may be had.

SEC. 10. *Be it further enacted,* That the annual Annual meeting. meeting of the members of said corporation shall be holden on the first Wednesday of January, at such time and place as the directors for the time being shall appoint, at which meeting, five directors shall be chosen by ballot, each proprietor being entitled to as many votes as he holds shares: *provided,* they do not amount to more than one tenth part of the whole number; and the three persons first named in this act, or any two of them, are hereby authorized to call the first meeting of said corporation, by giving notice in two or more newspapers published in the county of Berkshire, of the time, place and purpose of such meeting, at least fourteen days before the time mentioned in such notice.

SEC. 11. *Be it further enacted,* That if the said If rail road cross any highway &c. how to be constructed. rail or macadamized road, in the course thereof, shall cross any private way, the said corporation

shall so construct said rail or macadamized road, as not to obstruct the safe and convenient use of said private way ; and if said rail or macadamized road shall not be so constructed, the party aggrieved shall be entitled to his action on the case in any court proper to try the same, and shall recover his reasonable damages for such injury ; and if the said rail or macadamized road shall, in the course thereof, cross any canal, turnpike, or other highway, the said rail or macadamized road shall be so constructed, as not to impede or obstruct the safe and convenient use of such canal, turnpike, or other highway ; and the said corporation shall have the power to raise or lower such turnpike, highway, or private way, so that the rail or macadamized road, if necessary, may conveniently pass over or under the same ; and if said corporation shall raise or lower any such turnpike, highway, or private way, pursuant thereto, and shall not so lower or raise the same, as to be satisfactory to the proprietors of such turnpike, or to the selectmen of the town in which said highway or private way may be situate, as the case may be, said proprietors or selectmen may require in writing, of said corporation, such alteration or amendment, as they may think necessary ; and if the required alteration or amendment, in the written opinion of the county commissioners of the county where such alteration or amendment is proposed, be reasonable and proper, and the said corporation shall unnecessarily and unreasonably neglect to make the same, such proprietors or selectmen, as the case may be, may proceed to make such alteration or amendment, and may institute and prosecute to final judgment and execution, in any court proper to try the same, any action of the

case against said corporation, and shall therein recover a reasonable indemnity in damage for all charges, disbursements, labor, and services occasioned by making such alteration or amendment, with costs of suit.

SEC. 12. *Be it further enacted,* That no other rail or macadamized road than the one hereby granted, shall, within thirty years from and after the passing of this act, be authorized to be made leading from the north line of Williamstown to the source of the Hoosac river, running through Adams and Cheshire. *Provided,* that any company which may be incorporated, shall have liberty to enter, with any other rail or macadamized road, at any point of said Hoosac rail or macadamized road, paying for the right to use the same or any part thereof, such a rate of toll, and complying with such rules and regulations, as may be established by said Hoosac Rail or Macadamized Road Corporation, by virtue of the fifth section of this act. *Provided also,* that it shall be in the power of the government, at any time during the continuance of the charter hereby granted, after the expiration of twenty years from the opening for use of the rail or macadamized road, herein provided to be made, to purchase of the said corporation, the said rail or macadamized road, and all the franchise, property, rights, and privileges of the said corporation, on paying therefor the amount expended in making the said road, together with such further sum, as shall, with interest, with the net profits and income, that may have been received from tolls, or other source of profit, on account of said road, amount to ten per cent. annually, upon such cost, and after such purchase, the limitation

No other road to be built within thirty years, &c.

provided in this section shall cease, and be of no effect.

Conditions of
this act.

SEC. 13. *Be it further enacted,* That if the amount of stock for said rail or macadamized road shall not have been subscribed, the company organized, and the location of the route, filed with the county commissioners of the county of Berkshire, previous to the first day of January, in the year of our Lord one thousand eight hundred and thirty-five, or if the said stock shall have been subscribed, the company organized, and the location made as aforesaid, but the said corporation shall fail to complete the said rail or macadamized road, on or before the first day of January, one thousand eight hundred and thirty-seven, in either of the before mentioned cases, this act shall be null and void, otherwise shall remain in full force until the Legislature shall purchase said rail or macadamized road, as aforesaid.

To keep bridges
in repair.

SEC. 14. *Be it further enacted,* That said Rail or macadamized Road Company shall constantly maintain in good repair, all bridges, with their abutments and embankments, which they may construct for the purpose of passing their rail or macadamized road, over any canal, turnpike, or other highway, or any private way, or of passing such private way, turnpike, or other highway, over said rail or macadamized road.

[Approved by the Governor, February 25, 1832.]

CHAP. L.

An Act to increase the capital stock of the Hamilton 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 Hamilton Manufacturing Company be, and they hereby are, authorized to increase their capital stock, from the sum of eight hundred thousand dollars, to one million of dollars, they having still all the powers and privileges, and being subject to all the duties and requirements contained in the act passed the twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled “an act defining the general powers and duties of manufacturing corporations.” Increase of capital.

[Approved by the Governor, February 25, 1832.]

CHAP. LI.

An Act to incorporate the Commercial Wharf Company 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 Robert G. Shaw, Samuel S. Lewis, Elisha Hathaway, John Brown, and Charles Henshaw and others, their associates, successors and assigns, be, and they hereby are constituted a body politic and corporate by the name of “the Commercial Wharf Company;” 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 at pleasure to break, alter and renew; to make rules and by-laws for the regulation and management of the estate herein after described, and for the prudent management of their affairs, consistent with the laws of this Commonwealth, and generally to do and execute whatever, by law, does or may appertain to bodies politic and corporate within the meaning and intent of this act.

Persons incorporated.

Real and personal estate.

SEC. 2. *Be it further enacted,* That the said corporation be, and the same hereby is declared and made capable in law to have, hold and possess, by fee simple, leasehold, or otherwise, all, or any part of that certain real estate, situate in the said city of Boston, including the Exchange Wharf, and bounded and described as follows, to wit: southwesterly and northwesterly by Commercial Street;

north easterly by the northeasterly side of Lewis' Long Wharf Estate ; easterly by that part of the harbor channel to which said company is hereby authorized to extend their wharves ; southerly by the northerly side of the common highway in the dock established by the city of Boston, the Mercantile Wharf Corporation and others, and thence by the City Wharf to Commercial Street ; and all rights, easements, privileges and appurtenances thereto belonging : *provided*, the lawful owners of said property shall legally convey the same to said Commercial Wharf Company ; and the said Commercial Wharf Company shall have power to extend, build, and maintain such wharf or wharves of said company as they may deem expedient, into said harbor channel as far as to a line drawn straight from the present north easterly corner of the end of Long Wharf or Boston Pier, so called, to a point at the northerly end of said line, intersected by the south easterly line or side of Union Wharf, extended straight as far as the proprietors of said Union Wharf are authorized to extend the same by an act entitled "an act to authorize the proprietors of Union Wharf to extend the same," passed on the twenty seventh day of February, in the year of our Lord one thousand eight hundred and twenty nine ; and said company shall have and enjoy the right to lay vessels at the sides and ends of their said wharves, and receive dockage and wharfage therefor ; also to grant, sell and alien, in fee simple, or otherwise convey their corporate property or any part thereof, within said described limits, and to lease, manage and improve, build, rebuild, pull down, or alter the same : also to remove, construct, erect, repair or alter, any buildings, wharf

Commercial
Wharf.

or wharves, docks, streets or passage ways within said limits, according to their will and pleasure, by such forms of conveyances and contracts as shall, by their by-laws, be provided. *Provided*, that no wharf, or other structure, shall be built by said company in said channel, excepting on piles, and parallel with the lines of the dock and common highway established northeasterly of said Long Wharf, by the city of Boston and others; and *provided also*, that nothing herein contained shall be construed to authorize the said company to lessen or injure the rights or property of the owner or owners of any wharf or wharves adjoining those of said company.

Number of
shares.

SEC. 3. *Be it further enacted*, That said Commercial Wharf Company, at any legal meeting, may agree upon the number of shares into which their corporate property and estate shall be divided, not exceeding three hundred shares, and agree upon the forms of certificates to be given to the proprietors, which shares shall be deemed and considered as personal estate; and shall be transferable by assignment on the back of the certificate, recorded by the clerk of the corporation in a book to be kept for that purpose; and shall be liable to attachment on mesne process, and sale on execution, in the same manner and according to the form of the statutes, making provision for the attachment and sale of shares of debtors in corporate companies.

Attachments.

SEC. 4. *Be it further enacted*, That the real estate and other property of said corporation shall be liable to be attached on mesne process, and to be set off and sold on execution against the said corporation in the same manner as the property or estate of individuals is by law subject to mesne or final process; and the said corporation shall have the

right in equity of redeeming the same, appertaining (by the laws of this Commonwealth) to other real estate.

SEC. 5. *Be it further enacted*, That the said corporation shall have power, from time to time, to assess on the stockholders such sums of money, not exceeding in the whole, two thousand dollars on each share, for the purchase, improvement, and good management of their estate, and for removing, constructing, erecting, repairing, or altering any buildings, wharf or wharves, docks, streets, or passage ways, on the land within said described limits, or for the incidental expenses of the said corporation, or for the improvement and management of the corporate property and estate, agreeably to the true intent 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 proprietors, as may be sufficient therefor, to be sold, at public auction, to the highest bidder, after thirty days notice to be given by publication thereof, in one or more newspapers, printed in said Boston. And after deducting the amount assessed and unpaid, together with the charges of sale, the surplus, if any, shall be paid over to such proprietor, and the purchaser of such share or shares, so sold, shall be entitled to receive a certificate of the same.

SEC. 6. *Be it further enacted*, That 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. But no one proprietor shall ever be entitled to more than ten votes. *Provided always*, that no assessment shall be made at

Powers.

Each member entitled to one vote for every share.

any meeting, unless the same shall be agreed to by two thirds at least in number of votes of those present, or represented, at said meeting, nor unless public notice shall have been given, at least ten days previous to such meeting, of the purpose of such meeting, by publication thereof in one or more newspapers printed in said Boston; and proprietors may appear and act by proxy, in writing at any meeting.

First meeting.

SEC. 7. *Be it further enacted,* That either of the persons named in the first section of this act may call the first meeting of said corporation, by advertisement in any newspaper printed in said Boston, three times, the first to be not less than six days before the time appointed for such meeting; and the said Commercial Wharf Company, at their first meeting and afterwards annually, on such days as shall be established by their by-laws, may choose a president, clerk, and such other directors or officers, as they may see fit, for conducting their corporate affairs and estate; such clerk to be sworn, before entering on the duties of his office.

Corporation,
how long to con-
tinue.

SEC. 8. *Be it further enacted,* That said corporation shall continue and be in force for the term of fifty years from the time of the passage of this act, unless sooner repealed by the Legislature.

[Approved by the Governor, February 25, 1832.]

CHAP. LII.

An Act to incorporate the Wardens, Vestry, and proprietors of St. Stephen's Church, in Pittsfield.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Edward A. Newton, Benjamin Luce, Hosea Merrill, Jr., William E. Gold, Jonathan Allen, 2d, Otis Peck, Nelson Strong, Daniel B. Bush, Joseph Shearer, William Hollister, Nathaniel Fairfield, Isaac Ward, Phillips Merrill, Bartlett A. Luce, Butler Bement, Thomas Melville, Jr., Jonathan Y. Clark, Justus Merrill, Robert Campbell, Comfort B. Platt, George M. Newell, Levi Beebe, John Holder, Addison Merrill, John Pomeroy, Oliver P. Ward, Richard Coman, Abner Stevens, William Lister, Lyman Warriner, Elias Parker, William Ormsby, Elijah F. Willis, Lemuel Pomeroy, Jr, together with such persons as may hereafter associate with them, and their successors, be, and they are hereby incorporated into a society, or body politic by the name of the "Wardens, Vestry, and Proprietors of St. Stephen's Church, in Pittsfield," with all the powers and privileges, and subject to all the duties and restrictions of other religious societies, according to the constitution and laws of this Commonwealth, and the rights and usages of the Protestant Episcopal Church in the United States of America; and may purchase, receive by gift or otherwise, and hold real and personal estate,

Persons incorporated.

the value of which shall not exceed thirty thousand dollars, for the purpose of building a church, and supporting public worship therein, and may have and use a common seal, and the same alter at pleasure, at any legal meeting of the society, and may ordain and establish such by-laws and regulations as to them seem necessary and convenient for the government of said society, and the management of their ministerial and parochial funds: *Provided*, such by-laws and regulations shall in no wise be contrary to the constitution and laws of this Commonwealth.

First meeting.

SEC. 2. *Be it further enacted*, That any justice of the peace for the county of Berkshire is hereby authorized, upon application of either of the persons named in this act, to issue his warrant, requiring such person applying as aforesaid, to notify a meeting of the members of said society, at such convenient time and place as shall be appointed in said warrant, for the election of such officers, and transacting such other business as may be necessary for the due organization of said society.

[Approved by the Governor, February 25, 1832.]

CHAP. LIII.

An Act to incorporate the Proprietors of Taunton Hotel.

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 Richmond, D. G. W. Cobb, William A. Crocker, S. B. King, George A. Crocker, Samuel L. Crocker, Alpheus Sanford, Abigail West, James Leach, Horatio Leonard, and their associates, successors and assigns be, and they hereby are constituted a body politic and corporate by the name of the Proprietors of Taunton Hotel, and by that name are 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, 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.

Persons incorporated.

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, certain real estate situate in the town of Taunton, upon Taunton Green, so called, and also to purchase and hold such other real estate, in said town of Taunton, as shall be necessary or convenient for stables, bath houses or other offices connected with, or for the use of said hotel, and also such personal property as they shall deem necessary or convenient for the purposes of their

Real and personal estate.

association. *Provided always*, that the real estate held by said corporation shall not exceed in value the sum of fifty thousand dollars, and said corporation may sell any of the real estate so purchased by them; *provided also*, that the books of said corporation shall be open to all persons having claims and demands on said corporation, and who shall actually have instituted a suit against them.

SEC. 3. *Be it further enacted*, That it shall be lawful for the said corporation to divide their capital stock and property into any number of shares not exceeding six hundred of the value of one hundred dollars each.

Shares to be personal estate.

SEC. 4. *Be it further enacted*, That the shares in the stock of said corporation shall be personal estate, and that the evidence of proprietorship in said 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 of the proprietor to whom the same shall have been issued, and the title to any share or shares shall be vested in the assignee thereof, when the assigned certificate shall have been surrendered, and the transfer recorded by the secretary, and a new certificate shall thereupon be issued in manner aforesaid to the assignee.

Choice of officers.

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 such other officers as said proprietors may think best, all which officers shall be chosen annually, unless said proprietors shall otherwise order, and the directors shall choose one of their own number who shall be president of the corporation, and all officers so cho-

sen shall hold their offices until others are chosen, unless said proprietors shall, at their annual meeting, vote to abolish or suspend any of the said offices, and the said proprietors shall have power to prescribe the respective duties of the officers so chosen, and to make such by-laws and regulations for the government of the affairs of the corporation as they shall think fit, not repugnant to law, and the secretary of said corporation shall be sworn to a faithful discharge of his duty. The annual meeting of said proprietors for the choice of officers shall be held in the town of Taunton on such day in the month of January, and at such place as said proprietors may order, of which public notice shall be given by advertisement in two or more newspapers printed in Taunton at least ten days before the time of such meeting.

SEC. 6. *Be it further enacted*, That, in the election of officers, and all other questions that shall come before said proprietors, each proprietor shall be entitled to as many votes as he shall have shares, and absent proprietors shall or may authorize any proprietor to appear and vote in their behalf, such authority appearing in writing, filed with the recording officer of the meeting. Election of officers.

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: *provided*, that two thirds in number and interest of the proprietors present at the meeting at which any assessment shall be voted shall concur therein, and that no assessment shall be made unless public notice Assessments.

shall be given of the time, place and purpose of said meeting by advertisement in two or more newspapers printed in Taunton at least ten days before the time appointed therefor.

Notwithstanding any assignment, corporation may sell any share on which assessments are due.

SEC. 8. *Be it further enacted,* That after an assessment shall have been laid on the shares of said corporation, no assignee of any share shall be entitled to a certificate in his own name, until all assessments due on said shares shall have been paid, and said corporation shall have power, by such rules and regulations as they may establish, to provide for the sale, at public auction, of any share or shares whereon any assessment or assessments shall be due and unpaid, notwithstanding any assignment thereof by the delinquent proprietor.

Attachment on mesne process.

SEC. 9. *Be it further enacted,* That the shares of proprietors in said corporation shall be liable to be attached on mesne process, and taken and sold on execution to satisfy judgments, recovered against the proprietor or proprietors of such shares in the same manner as is by law provided in similar cases.

First meeting.

SEC. 10. *Be it further enacted,* That the said Charles Richmond shall have authority to call the first meeting of said corporation by advertising in any of the public newspapers printed in Taunton, at least ten days before the time of meeting.

[Approved by the Governor, February 25, 1832.]

CHAP. LIV.

An Act, in addition to an act to regulate the fishery in Monatiquot river in the town of Braintree.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the committee, or the survivors or survivor of them, in case of death of either, annually chosen by the inhabitants of said town of Braintree, pursuant to the provisions of the first section of said act, be, and they are hereby fully authorized and empowered to prosecute, sue for and recover any, and all penalties incurred by any breach or breaches of said act before any court of record proper to try the same, and that all fines and penalties recovered by such committee, suing as such, or by the survivors or survivor of them, shall be, and enure to the sole use of the said inhabitants of said town of Braintree.

Regulations of fishery.

[Approved by the Governor, February 25, 1832.]

CHAP. LV.

An Act to incorporate the "Fellenberg Academy"
in the town of Greenfield.

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 Wales Tilston, Samuel H. Read, James H. Coffin, Ansel Phelps, Elijah Alvord, Hooker Leavitt, and Franklin Ripley, together with their associates, their successors and assigns be, and they hereby are incorporated by the name of "the Fellenberg Academy" in the town of Greenfield, and by that name may sue and be sued, and shall be invested with all the powers, privileges and immunities, to which other similar corporations in this Commonwealth are by law entitled, and shall be capable of holding in fee such estate, real and personal, obtained by grant, donation or purchase, as they shall find necessary for the establishment and operation of the academy aforesaid, and the same to grant, sell and convey in fee simple or otherwise, as the said proprietors shall determine. *Provided*, that the whole estate of said corporation shall not exceed twenty thousand dollars, and that the same shall be wholly applied to the purposes of education.

Trustees.

SEC. 2. *Be it further enacted*, That the proprietors of the said Fellenberg Academy shall be authorized to elect annually any number of persons not less than five nor more than fifteen, who shall be trustees of said academy and continue in office

for one year, and until others are chosen and qualified in their stead, and also to choose such other officers as shall be thought proper. The said trustees shall have the management and control of the property and concerns of the corporation, subject to such directions, as the proprietors of the said institution may give at any legal meeting. In the choice of officers, and in all votes of the corporation, each proprietor shall be entitled to as many votes as he has shares, *provided*, that no person shall be entitled to more than ten votes.

SEC. 3. *Be it further enacted*, That the said proprietors shall be authorized to agree upon the mode of transferring shares, and the shares of each proprietor shall be a pledge to the corporation for the payment of instalments that may become due. Transfer of shares.

SEC. 4. *Be it further enacted*, That any two of the persons above named are hereby authorized to call the first meeting of the said proprietors by advertising seven days previous in some public newspaper printed in Greenfield, at which meeting, or at any other meeting, duly called and holden, said proprietors may agree upon the mode of calling future meetings, and adopt a system of by-laws not inconsistent with the laws of this Commonwealth. First meeting.

[Approved by the Governor, February 25, 1832.]

CHAP. LVI.

An Act in addition to "An Act further regulating the Fishery in the Merrimack River and the streams running into the same."

Further regulat-
ing the Fishery in
Merrimack river.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the fourth and fifth sections of an act entitled "An Act further regulating the Fishery in the Merrimack River and the streams running into the same," passed the eighteenth day of June, in the year of our Lord, one thousand eight hundred and nineteen, be, and the same are hereby repealed. *Provided, however,* that the said sections shall be in full force as to any prosecutions commenced for a breach of the same.

Penalty.

SEC. 2. *Be it further enacted,* That instead of the penalty contained in the third section of the act to which this is in addition, the person or persons offending against the same, shall, for such offence, forfeit and pay a sum not exceeding twenty dollars, nor less than five dollars, to be recovered on complaint made to any Justice of the Peace for the county where said offence shall be committed: one half to the use of the town where the offence shall be committed, and the other half to the use of the person or persons who may prosecute for the same.

[Approved by the Governor. February 25, 1832.]

CHAP. LVII.

An Act to authorize the owners of the T wharf, in the city of Boston, to extend the same into the channel.

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 and owners of that quay or wharf, lying next northerly of the Boston Pier, or Long wharf, in the city of Boston, known and called by the name of the T wharf, their heirs or assigns, be, and they are hereby authorized, licensed, and empowered, at their pleasure, to erect, continue, and maintain said wharf beyond low water mark, until the easterly end thereof shall be on a line with the northeast corner of the head of said Boston Pier, or Long wharf, and the southeast point or end of Union wharf, extended to the limit prescribed by an act, entitled "an act to authorize the proprietors of Union wharf to extend the same," passed on the twenty-seventh day of February, A. D. one thousand eight hundred and twenty-nine. *Provided however,* that said T wharf shall be extended within the lines of said wharf, as it now exists, continued eastwardly to the limit aforesaid, and that any addition to said wharf, made in virtue of this act, shall be made with and upon piles, and that no solid wharf, by which the course of the water can be obstructed, shall be erected or placed in the channel.

Proprietors not
authorized to
violate engage-
ments.

SEC. 2. *Be it further enacted*, That nothing herein contained shall have the effect to enable said proprietors of said T wharf, their heirs or assigns, to violate any covenants or engagements they have made or entered into with any person or persons, or bodies corporate, and which are now subsisting, nor to infringe the rights or estates of any person or persons whomsoever.

[Approved by the Governor, February 25, 1832.]

CHAP. LVIII.

An Act in addition to the acts to exempt certain goods and chattels of debtors from attachment and execution.

Fuel exempt
from attachment.

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, fuel, of the value of ten dollars, or less, belonging to any householder, and procured and designed for the use of such householder, in his or her family, shall be exempt from attachment on mesne process and execution.

[Approved by the Governor, February 25, 1832.]

CHAP. LIX.

An Act in addition to "An Act regulating Notices of Petitions to be presented to the General Court."

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That notice of any petition to be presented to the General Court, at a future session thereof, which affects the rights or interests of any city, town, or other municipal corporation, shall be given, by serving such city, town, or other municipal corporation, with a true copy of such petition, twenty days, at least, before the second Monday of the November next preceding such General Court, to which such petition shall be presented, any thing in the act to which this is in addition to the contrary notwithstanding; and such service may be made in the manner prescribed in the second section of said act to which this is in addition.

[Approved by the Governor, February 25, 1832.]

CHAP. LX.

An Act to increase the capital stock of the Gloucester 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 Gloucester Bank, be, and hereby are, authorized and empowered to increase their present capital stock, by an addition of eighty 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 October next.

Increase capital.

SEC. 2. *Be it further enacted,* That the additional stock aforesaid shall be subject to the like tax, regulations, restrictions, and provisions to which the present capital stock of said corporation is now subject.

Liable to tax-
1832.

SEC. 3. *Be it further enacted,* That, before said corporation shall proceed to do business upon said additional capital, a certificate, signed by the president and directors, and attested by the cashier, that the same has been actually paid into said bank, shall be returned into the office of the Secretary of this Commonwealth.

Certificate.

[Approved by the Governor, February 28, 1832.]

CHAP. LXI.

An Act to increase the capital stock of the Oriental 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 the president, ^{Increase capital} directors, and company of the Oriental Bank, in Boston, be, and they 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 October next.

SEC. 2. *Be it further enacted,* That the additional stock aforesaid shall be subject to the like ^{Liabie to be taxed.} tax, regulations, restrictions, and provisions, to which the present capital stock of said corporation is now subject.

SEC. 3. *Be it further enacted,* That, before said ^{Certificate.} corporation shall proceed to do business upon such additional capital, a certificate, signed by the president and directors, and attested by the cashier, that the same has been actually paid into said bank, shall be returned into the office of the Secretary of this Commonwealth.

[Approved by the Governor, February 28, 1832.]

CHAP. LXII.

An Act further providing for the punishment of attempts to commit the crime of Murder.

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 attempt to commit the crime of wilful murder, by poison, drowning, strangling, or in any other way or manner not enumerated in the statutes now existing; or shall be present aiding and abetting in the attempt to commit such crime; or, not being present, shall have been accessory thereto before the fact, by counselling, hiring, or otherwise procuring the same to be done; every such offender, who, in any court competent to try the same, shall be convicted of either of the offences aforesaid, shall be punished by solitary imprisonment for such term, not exceeding three months, and by confinement afterwards to hard labor in the State Prison, for such term, not less than five years, as the court before whom such conviction shall be, shall sentence and order, according to the aggravation of the offence.

Murder by poisoning, strangling, or drowning.

[Approved by the Governor, February 28, 1832.]

CHAP. LXIII.

An Act to incorporate the Cabot 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 Dwight, Harrison G. Otis, Israel Thorndike, Edmund Dwight, James K. Mills, Thomas H. Perkins, Samuel A. Eliot, Benjamin Day, Samuel Cabot, Francis Stanton, George W. Lyman, and George Bliss, ^{Persons incorporated.} their associates, successors and assigns, be, and they hereby are made a corporation, by the name of the "Cabot Manufacturing Company," for the purpose of manufacturing cotton and woollen goods, iron and machinery, in the town of Springfield, in the county of Hampden, 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 twenty third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled, "an act defining the general powers and duties of manufacturing corporations."

SEC. 2. *Be it further enacted,* That the capital ^{Capital stock.} stock of said corporation shall not exceed the sum of one million of dollars, and that the said corporation 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 two hundred thousand dollars, exclusive of build-

ings and improvements that may be made thereon, by said corporation.

[Approved by the Governor, February 28, 1832.]

CHAP. LXIV.

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

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 Perkins, Edmund Cushing, George H. Hills, Nathaniel Rand, Stephen P. Gardner, Ivers Jewett, Nathaniel Wood, David Boutelle, Alpheus Kimball, their associates, successors, and assigns, be, and they are hereby created a corporation by the name of the "President, Directors and Company of the Fitchburg Bank," and shall so continue until the first day of October, which shall be in the year of our Lord one thousand eight hundred and fifty-one; and said corporation shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements contained in an act passed on the twenty-eighth day of February, in the year of our Lord one thousand eight hundred and twenty-nine, entitled, "an act to regulate banks and banking," and the provisions of an act passed on the twenty-eighth day of February, in the year of our Lord one thousand eight hundred and thirty-one, entitled

Persons incorporated.

“an act to continue the banking corporations therein named, and for other purposes.”

SEC. 2. *Be it further enacted,* That the stock in said bank shall be transferable only at its banking house, and in its books, and no part thereof shall be transferred by way of security for the performance of any obligation whatsoever, until two years from the payment of the first instalment into said bank. Where and when stock is transferable.

SEC. 3. *Be it further enacted,* That the capital stock of said corporation shall consist of the sum of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *Provided,* the whole be paid in within one year from the passing of this act. Capital stock.

SEC. 4. *Be it further enacted,* That the said bank shall be established in the town of Fitchburg, and that any three of the persons beforenamed shall be authorized to call the first meeting of said corporation, by advertising the same in any newspaper published in the county of Worcester ten days at least before said meeting. First meeting.

[Approved by the Governor, February 23, 1832.]

CHAP. LXV.

An Act to increase the capital stock of the Franklin 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 Franklin Bank, be, and hereby are authorized and empowered to increase their present capital stock, by an addition of 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 October next.

Increase capital.
Subject to taxation.

SEC. 2. *Be it further enacted,* That the additional stock aforesaid shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said corporation is now subject.

Certificate.

SEC. 3. *Be it further enacted,* That, before said corporation shall proceed to do business upon said additional capital, a certificate, signed by the president and directors, and attested by the cashier, that the same has been actually paid into said bank, shall be returned into the office of the Secretary of this Commonwealth.

[Approved by the Governor, February 28, 1832.]

CHAP. LXVI.

An Act to incorporate the Bellingham Cotton Manufacturing Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Nathan Jones, Asa Richardson, William White and Gilbert Clark, and such persons as may hereafter be associated with them, their successors and assigns be, and they hereby are created a body corporate by the name and title of the Bellingham Cotton Manufacturing Company, for the purpose of manufacturing cotton goods, and building machinery for said manufacture ; and, for this purpose, shall have all the powers and privileges, and be subject to all the duties and requirements respecting such corporations, contained and provided in and by an act passed on the twenty third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled “an act defining the general powers and duties of manufacturing corporations.”

Persons incorporated.

SEC. 2. *Be it further enacted,* That said corporation may lawfully hold and possess such real estate not exceeding twenty thousand dollars, and such personal estate not exceeding thirty thousand dollars, as may be necessary and convenient for the purposes aforesaid.

Real and personal estate.

[Approved by the Governor, February 29, 1832.]

CHAP. LXVII.

An Act to incorporate the Marblehead Charitable Society.

Persons incor-
porated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Isaac Collyer, Nathaniel Adams, Samuel Dodd, 3d, Nehemiah Preble, Amos Humphrey, Jr., Joseph Glass, William Frederick, Samuel Standly, Thomas E. Vicary, Joseph Tucker, Daniel Symonds, Benjamin Doliber, Samuel Sparhawk, Samuel S. Trefrey, John White, Charles Chadwick, John S. Bartlett, Richard S. Thompson, Francis Parton and John Sparhawk, together with such as are or may hereafter become members of said society be, and hereby are incorporated and made a body politic and corporate, by the name of the Marblehead Charitable Society, for the purpose of raising a fund in order to assist and relieve each other when in circumstances of want and distress ; to aid their destitute widows, to provide for their helpless orphans, and to perform such acts of charity and benevolence as the funds of the society may allow.

Choice of of-
ficers.

SEC. 2. *Be it further enacted,* That said society shall have power to choose a president, secretary, treasurer, and all other necessary officers, and to make all proper and necessary rules and by-laws for the regulation of its members and property, not repugnant to the constitution and laws of this Commonwealth.

SEC. 3. *Be it further enacted*, That said society shall be capable of purchasing, receiving and holding any estate, real or personal, to be used and improved for the purposes aforesaid; *provided*, the whole estate of the society shall not exceed the value of twenty thousand dollars. Real and personal estate.

SEC. 4. *Be it further enacted*, That Isaac Collyer be and he hereby is authorized to call the first meeting of the society at such time and place as he shall think proper, and he is also empowered to act as secretary until another shall be chosen. First meeting.

[Approved by the Governor, February 29, 1832.]

CHAP. LXVIII.

An Act to increase the Capital Stock of the Merchants 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 the president, directors and company of the Merchants Bank in Boston, be, and they 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 or before the first day of October next. Capital stock increased by the addition of two hundred and fifty thousand dollars.

Additional stock. SEC. 2. *Be it further enacted*, That the additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock of said corporation is now subject.

Certificate. SEC. 3. *Be it further enacted*, That, before the said corporation shall proceed to do business upon such additional capital, a certificate signed by the president and directors, and attested by the cashier, that the same has been actually paid into said bank, shall be returned into the office of the secretary of this Commonwealth.

[Approved by the Governor, February 29, 1832.]

CHAP. LXIX.

An Act to incorporate the President, Directors and Company of the Charles River Bank in Cambridge.

Persons incorporated. SEC. 1. **B**E *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Asahel Stearns, Israel Porter, Levi Farwell, William J, Whipple, Abel Willard, Eliab W. Metcalf, Samuel O. Mead, and James Brown, their associates, successors and assigns shall be, and they hereby are created a corporation, by the name of the President, Directors and Company of the Charles River Bank, and shall

so continue until the first day of October, which shall be in the year of our Lord one thousand eight hundred and fifty one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements contained in an act passed on the twenty eighth day of February, in the year of our Lord, one thousand eight hundred and twenty nine, entitled "an act to regulate banks and banking," and to the further provisions contained in an act passed the twenty eighth day of February in the year of our Lord one thousand eight hundred and thirty one, entitled "an act to continue the banking corporations therein named, and for other purposes."

SEC. 2. *Be it further enacted,* That the stock in said bank shall be transferable only at its banking house, and in its books, and no part thereof shall be transferred by way of security for the performance of any obligation whatsoever, until two years from the payment of the first instalment into said bank. Transfer of shares.

SEC. 3. *Be it further enacted,* That the capital stock of said corporation shall consist of the sum of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times as the stockholders may direct. *Provided,* the whole be paid in, within one year from the passing of this act. Capital stock.

SEC. 4. *Be it further enacted,* That the said bank shall be established in the town of Cambridge, and that any three of the persons before named shall be authorized to call the first meeting of said corporation by advertising the same in any newspaper Location.

published in the county of Middlesex, ten days at least before said meeting.

[Approved by the Governor, February 29, 1832.]

CHAP. LXX.

An Act to increase the capital stock of the Rail Road 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 Rail Road Bank, be, and hereby are, authorized and empowered to increase their present capital stock, by an addition of two hundred 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 October next.

Increase capital.

Subject to taxation.

SEC. 2. *Be it further enacted,* That the additional stock aforesaid shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said corporation is now subject.

Certificate.

SEC. 3. *Be it further enacted,* That before said corporation shall proceed to do business upon said

additional capital, a certificate, signed by the president and directors, and attested by the cashier, that the same has been actually paid into said bank, shall be returned into the office of the Secretary of this Commonwealth.

[Approved by the Governor, February 29, 1832.]

CHAP. LXXI.

An Act to increase the capital stock of the Merrimack 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 Merrimack Bank, be, and hereby are, authorized and empowered to increase their present capital stock, by an addition of one hundred and twenty thousand dollars thereto, in shares of one hundred and fifty 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 October next.

SEC. 2. *Be it further enacted,* That the additional stock aforesaid shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said corporation is now subject.

Certificate.

SEC. 3. *Be it further enacted*, That before said corporation shall proceed to do business upon said additional capital, a certificate, signed by the president and directors, and attested by the cashier, that the same has been actually paid into said bank, shall be returned into the office of the Secretary of this Commonwealth.

[Approved by the Governor, February 29, 1832.]

CHAP. LXXII.

An Act to increase the capital stock of the Lowell 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 Lowell Bank, be, and they hereby are, authorized and empowered to increase their present capital stock, by an addition thereto, of one hundred thousand dollars, 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 October next.

Subject to taxation.

SEC. 2. *Be it further enacted*, That the additional stock aforesaid shall be subject to the like tax, regulations, and restrictions, to which the

present capital stock of said corporation is now subject.

SEC. 3. *Be it further enacted*, That, before said corporation shall proceed to do business upon said additional capital, a certificate, signed by the president and directors, and attested by the cashier, that the same has been actually paid into the said bank, shall be returned into the office of the Secretary of this Commonwealth. Certificate.

[Approved by the Governor, February 29, 1832.]

CHAP. LXXIII.

An Act in addition to "An Act for the government and regulation of the State Prison."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That no convict shall hereafter be sentenced to confinement in said State Prison, by force of the provisions contained in the nineteenth and twentieth sections of the act to which this is in addition, unless it shall be alleged and proved to the court having jurisdiction of the case, that such convict has at two several times before been sentenced by competent authority to confinement in said state prison, or to some other state prison in the United States for a period, at each time, more than one year, and had been twice discharged therefrom in due course of law. Prison regulations.

Sentence.

SEC. 2. *Be it further enacted*, That, in all cases arising under the act to which this is in addition, in which it is provided that the additional punishment on conviction shall be by confinement in said prison for life, the party convicted may be sentenced for life, or for a period not less than seven years, at the discretion of the Court which may or shall decree the additional sentence by virtue of said act.

[Approved by the Governor, February 29, 1832.]

CHAP. LXXIV.

An Act in addition to "An Act to establish the Boston and Providence Rail Road 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 it shall be in the power of the government of the Commonwealth, at any time during the continuance of the charter of the said Boston and Providence Rail Road Corporation, after the expiration of twenty years from the opening for use of the rail road, therein provided to be made, to purchase of the said corporation, the said rail road, and all the franchise, property, rights, and privileges of the said corporation, by paying them therefor the amount expended in making said rail road, and the expenses of repairs, and all other expenses relating thereto; and in case, at

Government
may purchase
rail road, &c.

the time of such purchase, the said corporation shall not have received an income equal to ten per cent. per annum, on the original cost, over and above the charge for repairs and superintendance, and all other expenses relating thereto, the government are to pay the said corporation such additional sum, as, together with the tolls and profits of every kind, which they shall have received from the said rail road, will be equal to ten per cent. per annum, on the cost of said rail road, from the date of the payment thereof, by the stockholders of the said corporation, to the time of such purchase ; and every thing contained in the act to which this is in addition, inconsistent with the provisions herein made, is hereby repealed.

SEC. 2. *Be it further enacted,* That the further period of one year beyond the respective times mentioned in the act to which this is in addition, is hereby granted to said corporation for filing the location of the route, and completing said rail road.

Further period
allowed.

[Approved by the Governor, February 29, 1832.]

CHAP. LXXV.

An Act to incorporate the Point Bridge Company,
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 Oliver G. Lane, Gideon Lane, Jr., George N. Davis, Asa Woodbury, Epes Davis, William Hodgkins, and Jonathan Dennison, together with such others as now are 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 "Point Bridge Company;" and by that name may sue and be sued 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.

SEC. 2. *Be it further enacted, by the authority aforesaid,* That either of the persons named in this act is authorized to call the first meeting of said corporation, to be holden at some suitable time and place, in said town, by causing notice thereof to be published in the Gloucester Telegraph, a newspaper printed in Gloucester, or by posting up notifications in some public places in said Gloucester, seven days at least before the time of holding such meeting: and the proprietors, by a vote of the majority of those present, or duly represented at said meeting,

First meeting.

allowing one vote to and for each share, *provided* that no proprietor shall be allowed more than ten votes, shall choose a clerk, who shall be sworn to the faithful discharge of the duties of his office, and shall also determine the mode of calling future meetings; and may elect such officers and make and establish such rules and by-laws, not repugnant to the laws and constitution of this Commonwealth, as to them may seem necessary and 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 for any one offence; and all rules, regulations, and proceedings of said corporation shall be fairly and truly recorded by the clerk, in a book kept for that purpose.

SEC. 3. *Be it further enacted*, That the said proprietors be, and they hereby are, authorized and empowered, to erect a bridge over and across Lobster Cove, in the town of Gloucester, from some convenient point, northeasterly from the wharf now owned by William Hodgkins and Jonathan Demmison, on the southeast side of said cove, to some convenient point on the northwest side of said cove, with a suitable and convenient draw, at least twenty-five feet wide, for the passing of vessels; and the said proprietors shall constantly keep some suitable person or persons, at said bridge, who shall raise said draw for any vessel that may be passing up or down said cove, (which cannot conveniently pass under said draw,) free of expense to the owner or owners of such vessel; and if the person or persons, whose duty it shall be to raise said draw for the passage of vessels, shall unreasonably neglect or refuse to do the same, the proprietors of said

Proprietors authorized to erect a bridge over Lobster Cove.

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 neglect, to be recovered in any court of competent jurisdiction to try the same.

Toll.

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, or sulkey, eight cents; for each coach, phaeton, chariot, or other four wheeled carriage, drawn by two or more horses, twelve and a half cents; for every wagon, drawn by not more than two horses, eight cents, if drawn by more than two horses, ten cents; for every cart, wagon, or other machine, drawn by two or four oxen, six cents, if drawn by more than four oxen, eight cents; for every cart, wagon, truck, or dray, drawn by one horse, six cents; for every sleigh, drawn by one horse, six cents; for every sleigh, drawn by two horses, eight cents; for every sled, drawn by two or four oxen, six cents; for every sled, drawn by one horse, five cents, if by more than one horse, one cent for every additional horse; for every sleigh, drawn by more than two horses, ten cents; and for all horses, mules, and neat cattle, two cents each; and for all sheep and swine, four cents for each dozen; and one person, and no more, shall be allowed to each team, as a driver, to pass free of toll. *Provided always*, that scholars, while going to or returning from school, shall be permitted to pass free of toll; and the toll shall commence on the day of first opening 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 thereon, in large letters. *Provided nevertheless*, that the legislature shall have the 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 whenever a majority of the inhabitants of the town of Gloucester, at a legal meeting, warned and held for the purpose, shall determine so to do, they shall have the right to remunerate said proprietors for the expense of said bridge, with eight per cent. interest thereon, (deducting what may have been received for tolls,) and open said bridge free of toll; and said proprietors shall then be released from all their liabilities, any thing in this act to the contrary notwithstanding.

SEC. 5. *Be it further enacted*, That the said proprietors be, and they hereby are authorized to lay out, make and maintain a good and sufficient road from said bridge to the highway on both sides of said cove; and, if the inhabitants of the town of Gloucester, or the County Commissioners for the county of Essex, shall refuse to lay out, make and maintain the same, the said proprietors shall be liable for all damages to be sustained by any person or persons whose land is taken for said road, the amount of damages, if the parties cannot agree, to be ascertained in the way prescribed by law for damages sustained by individuals whose lands are taken for public roads.

SEC. 6. *Be it further enacted*, That said bridge shall be well built of suitable materials, at least twenty two feet wide, and covered with planks, with

Proprietors to
make a road.

Bridge to be
twenty-two feet
wide.

sufficient railings on each side ; and the said bridge shall be kept in good repair, and said corporation shall, within six months from the time they shall commence receiving tolls at said bridge, lodge in the secretary's office an account of the expenses of erecting the same ; and they shall annually, in the month of January, exhibit to the Governor and Council a true account of the income or dividends arising from said tolls, with their necessary disbursements on said bridge ; and the books of said corporation shall at all times be subject to the inspection of the Governor and Council, and to the legislature when called for.

Damages.

SEC. 7. *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 mar or injure any part of said bridge, or any work or works connected with or appertaining to the same, or any part thereof, such person or persons for every such offence shall forfeit and pay to said proprietors or corporation treble the amount of such damage as said corporation shall, to the justice or court and jury before whom trial shall be, make appear that they have sustained by means of said trespass, to be sued for and recovered 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 one hundred dollars.

Number of shares.

SEC. 8. *Be it further enacted*, That the stock of said corporation shall be divided into sixty shares ; said shares shall be deemed personal property, and liable to be taken on mesne process or execution as

the property of the owner or owners thereof, in the same way and manner as is now by law provided for taking the share or shares of individuals in banking corporations. And said corporation may make assessments on the shares for the purpose of effecting the objects of the corporation. *Provided, how-* Proviso. *ever,* that the whole amount of assessments on each share, after deducting the amount of all dividends previously declared thereon, shall not exceed the sum of fifty dollars; and, in case the amount so assessed on each share will not supply the necessary funds, the corporation may raise the funds required by selling any number of shares not subscribed for, or by creating any necessary number of shares over and above the said sixty, and if any proprietor of any share or shares shall refuse or neglect to pay any assessment for the term of sixty 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 in the Gloucester Telegraph, or some newspaper printed in Gloucester, and by posting up notifications in some public places within the town of Gloucester ten days at least before 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 his legal representative on demand, and such sale shall give good and complete title to the purchaser or purchasers of such share or shares. *Provided, however,* that if, before the actual sale of any such delinquent share or shares, the proprietor thereof pay the assessments due thereon with interest from the time the same became due, and all ne-

cessary and reasonable charges, the sale shall not proceed.

Conditions of
this act.

SEC. 9. *Be it further enacted*, That if the proprietors shall neglect, for the space of five years from the passing of this act, to erect and finish said bridge, then this act is to be void and of no effect.

[Approved by the Governor, March 1, 1832.]

CHAP. LXXVI.

An Act authorizing Daniel Howland Jr., and Bradford Howland to extend a wharf to the channel of Apponaganset River.

Extension of the
wharf running
into Apponagan-
set river.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Daniel Howland, J., and Bradford Howland, be, and they hereby are authorized and allowed to extend the wharf now owned by them running into Apponaganset River, in the town of Dartmouth, until it shall reach the north east corner of the store formerly owned by David Thacher, and, from the said point, to extend the said wharf southerly, fifty feet, northerly, eighty feet, and westerly, ninety feet. *Provided*, that this grant shall not authorize the extension of said wharf into the channel of said river, and *provided also*, that it shall in no wise interfere with the legal rights of any other person or persons whatsoever.

[Approved by the Governor, March 1, 1832.]

CHAP. LXXVII.

An Act repealing parts of “ An Act to prevent routs, riots, and tumultuous assemblies, and the evil consequences thereof,” and also, of “ an Act against profane cursing and swearing.”

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That so much of the fourth section of the act entitled “ an act to prevent routs, riots, and tumultuous assemblies, and the evil consequences thereof,” as provides for the reading of the same at the opening of every Court of General Sessions of the peace, by the clerk of said court, and at the meeting of each town, by the town clerk thereof, in March or April, annually, passed the twenty eighth day of October, in the year of our Lord, one thousand seven hundred and eighty six, and the fourth and fifth sections of the act entitled “ an act to prevent profane cursing and swearing,” providing for the reading of the same, passed on the twenty ninth day of June, in the year of our Lord, one thousand seven hundred and ninety eight, be, and the same are hereby repealed.

Routs, riots, and
tumultuous as-
semblies.

[Approved by the Governor, March 1, 1832.]

CHAP. LXXVIII.

An Act to incorporate the President, Directors, and Company of the Market Bank, in Boston.

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 Josiah Marshall, David R. Griggs, John Kendrick, William F. Otis, Amos Binney, James Fullerton, and John A. McGaw, their associates, successors, and assigns, shall be, and they hereby are, created a corporation, by the name of the "President, Directors and Company of the Market Bank," and shall so continue until the first day of October, which shall be in the year of our Lord one thousand eight hundred and fifty-one; and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities, and requirements, contained in an act passed on the twenty-eighth day of February, in the year of our Lord one thousand eight hundred and twenty-nine, entitled, "an act to regulate banks and banking," and to the further provisions contained in an act passed the twenty-eighth day of February, in the year of our Lord one thousand eight hundred and thirty-one, entitled, "an act to continue the banking corporations therein named, and for other purposes."

Where and when
stock is transfer-
able.

SEC. 2. *Be it further enacted,* That the stock in said bank shall be transferable only at its bank-

ing house, and in its books, and no part thereof shall be transferred by way of security for the performance of any obligation whatsoever, until two years from the payment of the first instalment into said bank.

SEC. 3. *Be it further enacted*, That the capital Capital stock. stock of said corporation shall consist of the sum of five hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *Provided*, the whole be paid in within one year from the passing of this act.

SEC. 4. *Be it further enacted*, That the said First meeting. bank shall be established in the city of Boston, and that any three of the persons beforenamed shall be authorized to call the first meeting of said corporation, by advertising the same in any newspaper published in the city of Boston, ten days, at least, before said meeting.

[Approved by the Governor, March 1, 1832.]

CHAP. LXXIX.

An Act in addition to an Act to incorporate the Franklin Rail Road 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 all meetings of the Franklin Rail Road Company, each stockholder in said company shall be entitled to as many votes as he holds shares, *provided* they do not exceed one tenth part of the whole number of votes.

Votes.

Extension of time &c.

SEC. 2. *Be it further enacted,* That the time, within which the State have reserved the right to purchase the interests and property of said company in the rail road which they are authorized to construct in the manner prescribed in the fourteenth section of the act to which this is in addition, be, and the same is hereby extended to the term of twenty years.

Additional allowance of four years.

SEC. 3. *Be it further enacted,* That the additional term of four years be allowed to said company for the purpose of locating, constructing, and finally completing said rail road.

[Approved by the Governor, March 1, 1832.]

CHAP. LXXX.

An Act to establish the Berkshire and New York
Rail Road 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 Henry W. Dwight, Cyrus Williams, Horatio Byington, Theodore S. Pomeroy, Robbins Kellogg, Walter Laffin, Eli Ensign, Robert F. Barnard, Parker L. Hall, John Whiting, David Ives, Lyman Brown, William Porter, Charles M. Owen, Caleb Hyde, Henry B. Boynton, Melancton Lewis, Henry W. Bishop, Lester Filley, Alonzo N. Dewey, Joseph Tucker, Ralph Taylor, Edward F. Ensign, Wilbur Curtis and Chester Goodale Jr. their associates, successors and assigns, be, and they hereby are made a body politic and corporate, by the name of the Berkshire and New York Rail Road Company, and by that name shall be and hereby are made capable in law to sue and be sued to final judgment and execution, plead and be impleaded, defend and be defended, in any court of record, or in any place whatever; to make, have and use a common seal, and the same to break, renew or alter at pleasure; and shall be, and are hereby vested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act as herein after set forth; and the said corporation are hereby authorized and empowered to locate, construct, and finally complete a

Persons incorpo-
rated.

Berkshire and
New York Rail
Road.

Rail Road, with a single, double, or treble track, to transport, take and carry persons and property on the same, by the power of steam, of animals, or of any mechanical or other power, or of any combination of them, which the said corporation may choose to apply. To commence at the line of the State of Connecticut, at the point where the contemplated Rail Road from the city of New York to Albany, or the branches thereof, shall strike said line. Thence through the town of Sheffield, and thence on the most eligible route to the village of West Stockbridge, there to unite with the West Stockbridge Rail Road route, with a view of having the same extended by the inhabitants of the State of New York to the city of Albany, from the western line of the State of Massachusetts; and the said company shall have liberty to construct a branch to their Rail Road, connecting with the above Rail Road as a part of the same concern, and to be constructed by the same company, to commence at Great Barrington, or West Stockbridge, near Housatonic Ville, at the most convenient point of intersection, thence in the most convenient route to the Village of Stockbridge, thence through South Lee, Lee, Lenox, Pittsfield, to the head waters of the Hoosac River at or near Pittsfield, or to intersect with the contemplated Rail Road petitioned for by David Anthony and others. And for this purpose the said corporation are authorised to lay out their road, not exceeding six rods wide through the whole length, and for the purpose of cuttings, embankments, and stone and gravel, may take as much more land as may be necessary for the proper construction and security of said road. *Provided however,* that all damages that may be occasioned to

any person or corporation, by the taking of such land or materials, for the purposes aforesaid, shall be paid for by said corporation, in manner hereinafter provided.

SEC. 2. *Be it further enacted,* That the capital Capital stock. stock of said corporation shall consist of eight hundred thousand dollars, to be divided into shares of one hundred dollars each, which shall be deemed personal property, and transferable in such manner as the by-laws of said corporation shall direct. And the said corporation may from time to time increase said capital stock, by new subscriptions, in such manner and form as they may deem expedient, under the same regulations as may be imposed on the original subscribers, if such increase shall be found necessary to complete said road, *provided* that such capital stock shall not be enlarged, so as to exceed in the whole amount, one million of dollars; and the immediate government and direction of the affairs of the said corporation shall be vested in a board of not less than five directors, who shall be chosen by the members of the corporation, in the manner hereinafter provided, and shall hold their offices until others shall be duly elected and qualified to take their place as directors; and the said directors, a majority of whom shall form a quorum for the transaction of business, shall elect one of their own number to be president of the board, who shall also be president of the corporation. And it shall be the duty of said corporation, annually, or oftener, to choose a clerk, who shall be sworn to the faithful discharge of his duty, and a treasurer, who shall give bonds to the corporation, with sureties to the satisfaction of the directors, in a sum not less than twenty thousand dollars, for the faithful discharge of his trust.

Powers.

SEC. 3. *Be it further enacted,* That the president and directors for the time being are hereby authorized and empowered, by themselves or their agents, to exercise all the powers herein granted to the corporation, for the purpose of locating, constructing, and completing said rail road, and for the transportation of persons, goods, and merchandize, thereon, and all such other powers and authority for the management of the affairs of the corporation, not heretofore granted, as may be necessary and proper to carry into effect the objects of this grant; to purchase and hold land, materials, engines, cars, and other necessary things, in the name of the corporation, for the use of said road, and for the transportation of persons, goods, and merchandize, to make such equal assessments from time to time on all the shares in said corporation, as they may deem expedient and necessary in the execution and progress of the work, and direct the same to be paid to the treasurer of the corporation, and the treasurer shall give notice of all such assessments. And in case any subscriber shall neglect to pay his assessment for the space of thirty days after due notice by the treasurer of said corporation, the directors may order the treasurer, after giving due notice thereof, to sell such share or shares, at public auction, to the highest bidder, and the same shall be transferred to the purchaser. And such delinquent subscriber shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the assessments due thereon, with interest and costs of sale, and shall be entitled to the overplus, if his share or shares shall sell for more than the assessments due, with interest and costs of sale. *Provided however,* that no assess-

Assessments.

ments shall be laid upon any shares in said corporation of a greater amount in the whole than one hundred dollars on each share.

SEC. 4. *Be it further enacted,* That the corporation shall have power to make, ordain and establish, ^{By-laws.} all such by-laws, rules, regulations and ordinances, as they shall deem expedient and necessary to accomplish the design and purposes, and to carry into effect the provisions of this act, and for the well ordering, regulating, and securing the interests and objects of the corporation: *Provided,* the same be not repugnant to the constitution and laws of the Commonwealth.

SEC. 5. *Be it further enacted,* That a toll be and ^{Tolls.} hereby is granted and established for the sole benefit of said corporation, upon all passengers and property of all descriptions, which may be conveyed or transported upon said road, at such rates per mile, as may be agreed upon and established from time to time by the directors of said corporation. The transportation of persons and property, the construction of wheels, the forms of cars and carriages, the weight of loads, and all other matters and things in relation to the use of said road, shall be in conformity to such rules, regulations, and provisions, as the directors shall, from time to time, prescribe and direct, and said road may be used by any person who shall comply with such rules and regulations. *Provided, however,* that, if at the expiration of four years from and after the completion of said road, the net income and receipts from tolls and other profits, (taking the four years aforesaid as the basis of calculation,) shall have amounted to more than ten per cent. per annum upon the cost of the road, the legislature may take measures to alter and reduce the

rates of tolls and other profits, in such manner as to take off the surplus for the next four years, calculating the amount of transportation upon the road to be the same as the four preceding years; and at the expiration of every four years thereafter, the same proceedings may be had; *provided further*, that the legislature shall not, at any time, so reduce said tolls and other profits, as to produce less than ten per cent. per annum upon the cost of said road, without the consent of said corporation.

Toll houses, &c. SEC. 6. *Be it further enacted*, That the directors of said corporation, for the time being, are hereby authorized to erect toll houses, establish gates, appoint toll gatherers, and demand toll, upon the road when completed, and upon such parts thereof as shall, from time to time, be completed, and they shall from year to year make a report to the legislature of their acts and doings, under the provisions of this act. The books of the corporation shall be open to the inspection of any committee of the legislature that may be appointed to examine them.

SEC. 7. *Be it further enacted*, That said corporation shall be holden to pay all damages that may arise to any person or persons, corporation or corporations, by taking their land for said road, when it cannot be obtained by voluntary agreement, to be estimated and recovered in the manner provided by law, for the recovery of damages happening by the laying out highways.

Land or estate of any infant, femme covert, or person non compos mentis.

SEC. 8. *Be it further enacted*, That when the lands or other property or estate of any femme covert, infant, or person non compos mentis, shall be necessary for the construction of said rail road, the husband of such femme covert, and the guardian of such infant or person non compos mentis, may re-

lease all damages for any land or estates taken and appropriated as aforesaid, as they might do if the same were holden by them in their own right respectively.

SEC. 9. *Be it further enacted,* That if any person shall wilfully, maliciously, or wantonly, and contrary to law, obstruct the passage of any carriage on said rail road, or in any way spoil, injure, or destroy said rail road, or any part thereof, or any thing belonging thereto, or any material or implements to be employed in the construction, or for the use of said road, 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. And such offender or offenders shall be liable to indictment by the grand inquest for the county within which such trespass shall have been committed, for any offence or offences contrary to the above provisions, and, on conviction thereof before any court of competent jurisdiction to try the same, 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 one year, at the discretion of the court before whom the conviction may be had.

Forfeiture for injury or obstruction of rail road.

SEC. 10. *Be it further enacted,* That the annual meeting of the members of said corporation shall be holden on the third Wednesday of December, at such time and place as the directors for the time being shall appoint, at which meeting, the directors and such other officers as are necessary shall be chosen by ballot, each proprietor being entitled to as

Annual meeting.

many votes as he holds shares, *provided*, they do not amount to more than one tenth part of the whole number. And the eight persons first named in this act, or a majority of them, are hereby authorized to call the first meeting of said corporation, by giving notice in one newspaper, published in the County of Berkshire, of the time, and place, and purpose of such meeting, at least ten days before the time mentioned in such notice.

If rail road cross
any highway &c.
how to be con-
structed.

SEC. 11. *Be it further enacted*, That if the said rail road shall, in the course thereof, cross any private way, the said corporation shall so construct said rail road as not to obstruct the safe and convenient use of such private way, and if said rail road shall not be so constructed, the party aggrieved shall be entitled to his action on the case in any court proper to try the same, and shall recover suitable damages for such injury; and if the said rail road shall, in the course thereof, cross any canal, turnpike, or other highway, the said road shall be so constructed as not to impede or obstruct the safe and convenient use of such canal, turnpike, or other highway. And the said corporation shall have the power to raise or lower such turnpike, highway, or private way, so that the said rail road, if necessary, may conveniently pass over or under the same. And if said corporation shall raise or lower any such turnpike, highway, or private way, pursuant thereto, and shall not raise or lower the same so as to be satisfactory to the proprietors of such turnpike, or to the selectmen of the town in which such highway or private way may be situate, as the case may be, such proprietors or selectmen may require, in writing, of said corporation, such alteration or amendments as they may think necessary, and if the required

amendments or alteration be reasonable and proper, in the written opinion of the county commissioners, for the county in which such alteration or amendments shall be required, and the said corporation shall, unnecessarily and unreasonably, neglect to make the same, after due notice, such proprietors, or selectmen, as the case may be, may proceed to make such alteration or amendments, and may institute and prosecute to final judgment and execution, in any court proper to try the same, any action of the case against said corporation, and shall therein recover a reasonable indemnity in damages, for all charges, disbursements, labor, and services, occasioned by making such alteration or amendments, with costs of suit. And the said rail road company shall constantly maintain, in good repair, all bridges, with their abutments and embankments, which they may construct for the purpose of conducting their rail road over any canal, turnpike, or other highway or private way; or for conducting such private way, turnpike, or other highway over said rail road.

SEC. 12. *Be it further enacted,* That said Berkshire and New York Rail Road Company shall have a right to enter upon and use the rail road hereafter to be constructed by the West Stockbridge Rail Road Company, paying therefor such a rate of toll as the legislature may, from time to time, prescribe, and complying with such rules and regulations as may be established by said West Stockbridge Rail Road Company, conformable to the act incorporating the same, or may adopt the rail road of said West Stockbridge Company, or make one over the route over which the said West Stockbridge Company are allowed to construct such road, first having

Berkshire and N. York Rail Road Company to use the West Stockbridge rail road, &c.

their consent. And if said West Stockbridge Rail Road Company shall fail to comply with the provisions of their act of incorporation, and neglect to complete their road by the time limited in said act, the said Berkshire and New York Rail Road Company may construct a rail road over the general route described in said act, or such other route as shall be in a direction from West Stockbridge to the Hudson River, at or near Greenbush.

Special meetings

SEC. 13. *Be it further enacted,* That the president and directors may call special meetings of the stockholders, for such purposes, and at such times and places, as they may judge expedient, giving notice thereof in such manner as the corporation, by their by-laws, shall prescribe; at least ten days previously to the time of said meeting. And assessments may be laid and collected upon such shares as are subscribed for, at any time before the whole stock and shares shall be subscribed for and taken up.

Rail road from
New York to Al-
bany.

SEC. 14. *Be it further enacted,* That, whereas it is contemplated by citizens of New York and others, to make and construct a rail road from New York to Albany, and to obtain an act of incorporation for the same from the legislature of the state of New York, and the corporation which may be so created may be desirous to extend the said contemplated rail road into, and through a part of this Commonwealth, *Be it enacted,* That any corporation that may be created for the above purpose, by the legislature of the state of New York, within three years, may extend said rail road over all, or any part of the route, over which the said Berkshire and New York Rail Road Company is, by this act, authorized to make a rail road, first having the consent of said Berkshire and New York Rail Road

Company, and they shall have all the powers, privileges and immunities in this Commonwealth, which the said Berkshire and New York Rail Road Company has, by virtue of this act, and be subject to all the conditions, limitations and restrictions of the same.

SEC. 15. *Be it further enacted,* That if said Corporation shall not have been organized, and the location of the route of said rail road filed with the County Commissioners, of the County of Berkshire, previous to the first day of January, one thousand eight hundred and thirty-five, or the said Corporation shall have failed to make any part of said rail road by the first day of January, one thousand eight hundred and thirty-six, this act shall be null and void, and if they shall not have completed the same by the first day of January, one thousand eight hundred and forty, then said Berkshire and New York Rail Road Company shall not have authority to extend the same any further than shall then be completed.

Conditions of this act.

SEC. 16. *Be it further enacted,* That should the said Berkshire and New York Rail Road Company be unable to dispose of an amount of stock sufficient to construct the whole length of road described in this act, then that part of it from the line of the State of Connecticut to the line of the State of New York, shall be first constructed.

In case of inability to dispose of stock to an amount sufficient for the construction of the whole length of the road.

SEC. 17. *Be it further enacted,* That any rail road company, which may be incorporated, shall be authorized to enter with their rail road at any point of the Berkshire and New York rail road, paying for the right of using the same, or any part thereof, such rate of toll, and complying with such rules and regulations as may be established by said Berk-

Entry of an other rail road.

shire and New York Rail Road Company, by virtue of the fifth section of this act.

Government
may purchase
rail road, &c.

SEC. 18. *Be it further enacted,* That it shall be in the power of the Government, at any time during the continuance of the charter hereby granted, after the expiration of twenty years from the opening for use of the rail road herein provided to be made, to purchase of the said company, the said rail road, and all the franchises, property, rights and privileges of said company, on paying therefor the amount expended in making said rail road, together with such further sums as shall, with the profits and income they may have received from tolls or other sources of profits on account of said rail road, amount to ten per cent. annually, upon such cost. And after such purchase the limitation provided in the fifth section of this act shall cease and be of no effect.

[Approved by the Governor, March 2, 1832.]

CHAP. LXXXI.

An Act to incorporate the President, Directors and Company of the Warren Bank in Danvers.

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 Upton, Andrew Nichols, Kendall Osborn, Oliver Saunders, Benjamin Goodridge, and Abner Sanger, their

Persons incorpo-
rated.

associates, successors and assigns shall be, and they hereby are created a corporation by the name of the President, Directors and Company of the Warren Bank in Danvers, and shall so continue until the first day of October, which shall be in the year of our Lord one thousand eight hundred and fifty one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements contained in an act passed on the twenty eighth day of February, in the year of our Lord, one thousand eight hundred and twenty nine, entitled "an act to regulate banks and banking," and to the further provisions contained in an act passed the twenty eighth day of February, in the year of our Lord one thousand eight hundred and thirty one, entitled "an act to continue the banking corporations therein named, and for other purposes."

SEC. 2. *Be it further enacted,* That the stock in said bank shall be transferable only at its banking house, and in its books, and no part thereof shall be transferred by way of security for the performance of any obligation whatsoever until two years from the payment of the first instalment into said bank.

Where and when stock is transferable.

SEC. 3. *Be it further enacted,* That the capital stock of said corporation shall consist of the sum of one hundred and twenty thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments and at such times as the stockholders may direct. *Provided* the whole be paid in within one year from the passing of this act.

Capital stock.

SEC. 4. *Be it further enacted,* That the said bank shall be established in the town of Danvers, and that any three of the persons before named shall

Location.

be authorized to call the first meeting of said corporation by advertising the same in any newspaper published in the town of Salem, ten days at least before said meeting.

[Approved by the Governor, March 3, 1832.]

CHAP. LXXXII.

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

SEC. 1. **B**E *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Abiel Heywood, Nathan Brooks, William Monroe, Abel Moore, Lemuel Shattuck, and Rufus Hosmer, their associates, successors and assigns, shall be, and they hereby are created a corporation by the name of the President, Directors and Company of the Concord Bank, and shall so continue until the first day of October, which shall be in the year of our Lord one thousand eight hundred and fifty one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements contained in an act passed on the twenty eighth day of February, in the year of our Lord one thousand eight hundred and twenty nine, entitled "an act to regulate banks and banking," and to the further provisions contained in an act passed the twenty eighth day of February in the year of our Lord one thou-

Persons incorpo-
rated.

sand eight hundred and thirty one entitled "an act to continue the banking corporations therein named, and for other purposes."

SEC. 2. *Be it further enacted*, That the stock Transfer of stock. in said bank shall be transferable only at its banking house, and in its books, and no part thereof shall be transferred by way of security for the performance of any obligation whatsoever, until two years from the payment of the first instalment into said bank.

SEC. 3. *Be it further enacted*, That the capital stock of said corporation shall consist of the sum Number of shares. of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct, provided the whole be paid in within one year from the passing of this act.

SEC. 4. *Be it further enacted*, That the said Location. bank shall be established in the town of Concord, and that any three of the persons before named shall be authorized to call the first meeting of said corporation by advertising the same in any newspaper published in the county of Middlesex ten days at least before said meeting.

[Approved by the Governor, March 3, 1832.]

CHAP. LXXXIII.

An Act to incorporate the President, Directors, and Company of the Old Colony Bank, in 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 Schuyler Sampson, Josiah Robbins, James Spooner, Ezra Finney, Alden Danforth, Bridgham Russell, Jacob H. Loud, John B. Thomas, their associates, successors, and assigns, shall be, and they hereby are created a corporation, by the name of the "President, Directors, and Company of the Old Colony Bank, in Plymouth," and shall so continue, until the first day of October, which shall be in the year of our Lord one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities, and requirements, contained in an act passed on the twenty-eighth day of February, in the year of our Lord one thousand eight hundred and twenty-nine, entitled, "an act to regulate banks and banking," and the further provisions contained in an act passed the twenty-eighth day of February, in the year of our Lord one thousand eight hundred and thirty-one, entitled "an act to continue the banking corporations therein named, and for other purposes."

Persons incorporated.

Where and when stock is transferable.

SEC. 2. *Be it further enacted,* That the stock in said bank shall be transferable only at its banking house, and in its books, and no part thereof

shall be transferred by way of security for the performance of any obligation whatsoever, until two years from the payment of the first instalment into said bank.

SEC. 3. *Be it further enacted*, That the capital Capital stock. stock of said corporation shall consist of the sum of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *Provided*, the whole be paid in within one year from the passing of this act.

SEC. 4. *Be it further enacted*, That the said bank First meeting. shall be established in Plymouth, and that any two of the persons before named, shall be authorized to call the first meeting of said corporation, by advertising the same in a newspaper published in Plymouth, ten days at least before said meeting.

[Approved by the Governor, March 3, 1832.]

CHAP. LXXXIV.

An Act to incorporate the President, Directors and Company of the Marine Bank, 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 Joseph Grinnell, Persons incorporated. James Howland, Wm. W. Swain, George Tyson, John Price, Kimball Perry, Charles Russell, Joseph S. Tillinghast, Samuel Leonard, their associates, successors, and assigns, be, and they hereby are,

created a corporation, by the name of the "President, Directors and Company of the Marine Bank," and shall so continue, until the first day of October, in the year of our Lord one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities, and requirements contained in an act passed on the twenty-eighth day of February, in the year of our Lord one thousand eight hundred and twenty-nine, entitled "an act to regulate banks and banking," and to the further provisions contained in an act passed the twenty-eighth day of February, in the year of our Lord one thousand eight hundred and thirty-one, entitled "an act to continue the banking corporations therein named, and for other purposes."

When and
where stock is
transferable.

SEC. 2. *Be it further enacted*, That the stock in said bank shall be transferable only at its banking house, and in its books, and no part thereof shall be transferred by way of security for the performance of any obligation whatsoever, until two years from the payment of the first instalment into said bank.

Capital stock.

SEC. 3. *Be it further enacted*, That the capital stock of said corporation shall consist of the sum of two hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, the whole be paid in within one year from the passing of this act.

First meeting.

SEC. 4. *Be it further enacted*, that the said bank shall be established in the town of New Bedford, and that any three of the persons beforenamed, shall be authorized to call the first meeting of said corporation, by advertising the same in any news-

paper published in the town of New Bedford, ten days at least before said meeting.

[Approved by the Governor, March 3, 1832.]

CHAP. LXXXV.

An Act to incorporate the President, Directors and Company of the Adams 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 Caleb B. Turner, Josiah Q. Robinson, W. E. Brayton, James Wilbur, Peter Briggs, Daniel Smith, Daniel N. Dewey, Isaac Dean, William Jenks, David Anthony, Isaac U. Hoxie and Alpheus Smith, their associates, successors and assigns, be, and they are hereby created a corporation by the name of the President, Directors and Company of the Adams Bank, and shall so continue until the first day of October, which shall be in the year of our Lord one thousand eight hundred and fifty one, and said corporation shall be entitled to all the powers and privileges, and subject to all the duties, liabilities, and requirements contained in an act passed on the twenty eighth day of February, in the year of our Lord one thousand eight hundred and twenty nine, entitled "an act to regulate banks and banking," and the provisions of an act passed on the twenty eighth day of February, in the year of our Lord one thou-

Persons incorporated.

sand eight hundred and thirty one, entitled "an act to continue the banking corporations therein named, and for other purposes."

Transfer of stock.

SEC. 2. *Be it further enacted*, That the stock in said bank shall be transferable only at its banking house, and in its books, and no part thereof shall be transferred by way of surety for the performance of any obligation whatsoever until two years from the payment of the first instalment into said bank.

Capital stock.

SEC. 3. *Be it further enacted*, That the capital stock of said corporation shall consist of the sum of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times as the stockholders may direct. *Provided*, the whole be paid within one year from the passing of this act.

Location.

SEC. 4. *Be it further enacted*, That the said bank shall be established in the town of Adams, and that any one of the persons herein named shall be authorized to call the first meeting of said corporation, by advertising the same in two newspapers printed in the county of Berkshire, fourteen days at least before said meeting.

[Approved by the Governor, March 3, 1832.]

CHAP. LXXXVI.

An Act to incorporate the First Society of the New Jerusalem Church in the town of North 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 Jabez Field, Persons incorporated. Lucius Field, James A. Tolman, Reuel Richmond, Robert Stoddard, Nahum Smith, Rufus Dorr, Orville Handy, Winslow B. Cushman, James Humphrey, William French, Ephraim Howard, Josiah Packard, Charles Howard, Nathaniel B. Harlow, Lyman Clark, Sidney Perkins, Eleazer Smith, John Field, Sanford Brett, Samuel Howard, Marcus Shaw, William Faxon, John Ide, and Arnold Hunt, together with those who have associated, or may hereafter associate with them, or their successors for the purpose of public worship, be, and they hereby are incorporated into a religious society, by the name of the First Society of the New Jerusalem Church in the town of North Bridgewater, with all the powers and privileges, and subject to all the duties and liabilities of parishes, according to the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted,* That said society shall be capable in law to purchase, hold and dispose of any estate, either real or personal, not exceeding the sum of twenty thousand dollars for the support of public worship, and for other lawful parochial purposes. Real and personal estate.

First meeting.

SEC. 3. *Be it further enacted*, That any justice of the peace for the county of Plymouth, upon application therefor, is hereby authorised to issue a warrant, directed to a member of said society, requiring him to notify and warn the members of said religious society 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, March 3, 1832.]

CHAP. LXXXVII.

An Act in further addition to “an Act to establish the Boston and Lowell Rail Road 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 it shall be in the power of the government of the Commonwealth, at any time during the continuance of the charter of the said Boston and Lowell Rail Road Corporation, after the expiration of twenty years from the opening for use of the rail road therein provided to be made, and not before, to purchase of the said corporation the said rail road, and all the franchise, property, rights, and privileges of the said corporation, by paying them therefor the amount expended in making the said rail road, and the expenses of repairs, and all other expenses relating thereto.

Government
may purchase
rail road, &c.

And in case, at the time of such purchase, the said corporation shall not have received an income equal to ten per cent. per annum, on the original cost, over and above the charge for repairs and superintendance, and all other expenses relating thereto, the government are to pay the said corporation such additional sum, as, together with the tolls and profits of every kind, which they shall have received from the said rail road, will be equal to ten per cent. per annum, on the cost of said rail road, from the date of the payment thereof by the stockholders of said corporation, to the time of such purchase. And every thing contained in the twelfth section of the original act, establishing the said corporation, inconsistent with the provisions herein made, is hereby repealed.

SEC. 2. *Be it further enacted,* That the said Boston and Lowell Rail Road Corporation be, and they hereby are, authorized and empowered to erect a bridge, in the direction which shall be found most convenient for the said rail road, across the waters of Charles river, from a point in Boston, between Canal and Warren bridges, to Cambridge or Charlestown, (not, however, so far south as to be nearer Canal bridge than one hundred feet, or so far north as to approach within one hundred feet of the draw now in the Branch or Prison Point Dam bridge,) for the sole and exclusive accommodation of the travel on the said rail road. And the said corporation shall be authorized to receive no other or greater rates of toll for passing the said bridge, than for passing a like distance on any other portion of the said rail road. And it shall not be lawful for the said corporation to permit the passing of the said bridge by carriages of any description, other than those which

Proprietors authorized to erect a bridge over Charles river.

are adapted for the travelling on the said rail road, nor by horses not attached to such rail road carriages, nor by persons on foot, except by such persons, carriages, or horses, as may be employed in the immediate service of the said corporation.

Bridge, how to
be built.

SEC. 3. *Be it further enacted,* That the said bridge may be built in such manner, and of such materials, either by a solid embankment, or otherwise, as in the opinion of the directors of the said corporation may be most advantageously used for the purpose, and of such form and such width, not exceeding four rods, as they may judge best, for the convenient accommodation of said rail road: *Provided always,* that there be made proper and sufficient passages for the water of said river, not less than there now are at Charles river bridge, and there be made and kept, in a part of the channel of said river, a sufficient draw or passage way, at least thirty feet wide, suitable and proper for the passing and repassing of vessels at all times, toll free, and that there shall be built, and kept in good repair, a substantial and sufficient pier, either built on piles, or solid, on each side of, and extending out from said bridge, from one hundred to one hundred and fifty feet, as shall be necessary to properly accommodate the passage of vessels, and, if built on piles, to be planked on the sides ranging with the draw, the whole length of each pier, and, through the draw, from the top to the lowest ebb of the tide. And the said corporation shall be held liable to keep said draw, planking, and piers in good repair, and to raise the draw, and to afford all reasonable accommodation to vessels having occasion to pass it by day or by night. And if any vessel shall be unreasonably detained in passing the said bridge, by

the negligence of the said corporation, in constantly providing agents to faithfully discharge the duties enjoined by this act, the owner, commander, or the merchant, having the consignment of said vessel, may recover equitable damages therefor, of the said corporation, in an action on the case, before any court proper to try the same.

SEC. 4. *Be it further enacted,* That in case the bridge hereby authorized to be made, shall be so located as to cross the channel, which discharges the waters of Miller's river, there shall be made in the deepest water of said channel, a draw of equal capacity and convenience, for the passing and repassing of vessels, as is now in the Branch, or Prison Point Dam Bridge; and the said corporation shall be held to give the same attention to all vessels, which may have occasion to pass, and be liable for the same damages as they would have been for the detention of a vessel at the draw in the channel of Charles river. *Provided, however,* if the bridge is made by a solid embankment, extending from Barrell's Point to the Branch or Prison Point Dam Bridge, and a channel is excavated and kept open on the south side of the same bridge, of as large dimensions as that which now discharges the waters of Miller's river, then and in that case, the draw may be placed in the Branch or Prison Point Dam Bridge, in the channel so excavated, instead of being placed in the rail road bridge, as required by the first part of this section.

SEC. 5. *Be it further enacted,* That the draws and piers connected therewith, required to be made by this act, shall be located and made in such manner, as three commissioners, to be appointed by the Governor and Council, at or before the commence-

Bridge, how located.

Draws and piers.

ment of the work, and at the charge of said corporation, shall direct. And it shall be the duty of said commissioners to examine the draws and piers when completed, and to cause a plan and profile of the whole bridge to be made, shewing the dimensions and height thereof, from the bottom of the channel, and the flats, to the top of the bridge, with the opening for the water; this plan, with a clear description of the work, to make a part of their report to the Governor and Council

Land or estate of any infant, femme covert, or person non compos mentis.

SEC. 6. *Be it further enacted,* That the said corporation shall be holden to pay all damages that may arise to any person or persons, by taking their land for said bridge, when it cannot be obtained by voluntary agreement, to be estimated and recovered in the manner provided by law for the recovery of damages happening by the laying out of highways. And the same powers are hereby given to the husband of any femme covert, and the guardian of any minor, or person non compos mentis, to release all damages for any lands or estates, taken and appropriated as aforesaid, as are given in the eighth section of the said original act.

Construction of bridge, &c.

SEC. 7. *Be it further enacted,* That, in the place where said rail road bridge shall cross Prison Point Dam Bridge, the said corporation shall so construct the same, as not to obstruct the safe and convenient use of said last mentioned bridge, and if the same shall not be so constructed, the proprietors of said Prison Point Dam bridge shall have the same remedy for any injury they may sustain, as is provided in respect to turnpikes, highways, or private ways, by the eleventh section of said original act.

If rail road pass Miller's river.

SEC. 8. *Be it further enacted,* That if said rail road shall pass through the village of East Cam-

bridge, and above the principal wharves now located on Miller's river, the said corporation are hereby authorized to construct a bridge across said Miller's river, and to build the same either solid or on piles, leaving sufficient passages for the water as in the opinion of the commissioners, to be appointed by the provision contained in the fifth section of this act, may be necessary.

[Approved by the Governor, March 5, 1832.]

CHAP. LXXXVIII.

An Act to incorporate the Squanicook 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 Hiram Wolcott, Paul Gerrish, Elisha Giddens, Beriah Blood, Reuben Farrar, and Timothy Farrar, their associates, successors and assigns, be, and they hereby are, incorporated, by the name of the "Squanicook Manufacturing Company;" to be located in the town of Townsend, in the county of Middlesex, for the purpose of manufacturing woollen and cotton goods, with all the powers and privileges, and subject to all the duties and requirements contained in an act passed on the twenty third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled, "an act defining the general powers and duties of manufacturing corporations."

Persons incorporated.

Real and personal estate.

SEC. 2. *Be it further enacted*, That the said corporation may hold real estate, not exceeding one hundred thousand dollars, and personal estate not exceeding one hundred thousand dollars, for the purpose of carrying on the manufactures aforesaid.

[Approved by the Governor, March 5, 1832.]

CHAP. LXXXIX.

An Act in addition to “An Act to incorporate the Lowell Manufacturing Company, at Lowell.”

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Lowell Manufacturing Company be, and it hereby is, authorized, to increase its present capital stock, by an addition thereto of one hundred thousand dollars.

[Approved by the Governor, March 5, 1832.]

CHAP. XC.

An Act to incorporate the Fulton 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 Henry Rice, Persons incorporated. N. R. Cobb, Hall J. How, Walter Farnsworth, William Phipps, N. F. Cunningham, and William Wright, their associates, successors and assigns, be, and they hereby are made a corporation by the name of the Fulton Manufacturing Company, for the purpose of manufacturing cotton and woollen goods by steam power in the city of Boston and county of Suffolk, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the twenty third day of February in the year of our Lord one thousand eight hundred and thirty, entitled "an act defining the general powers and duties of manufacturing corporations."

SEC. 2. *Be it further enacted,* That the capital stock of said corporation shall not exceed the sum of one million of dollars, Capital stock. and that the said corporation may be lawfully seized and possessed of real estate not exceeding the value of three hundred thousand dollars, exclusive of buildings and improvements that may be made thereon by the said corporation.

[Approved by the Governor, March 5, 1832.]

CHAP. XCI.

An Act in addition to "An Act establishing the Sandy Bay Pier 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, for the purpose of making a safe and convenient harbor of Long Cove, so called, in Sandy Bay in Gloucester, in the county of Essex, "the Sandy Bay Pier Company" shall be authorized to purchase, take and hold all the lands and flats and privileges thereunto belonging, included within the following bounds, beginning at Norwood's head, so called, a sufficient distance from the bank for a good cartway, thence westerly to a bend in William Norwood's field wall, thence across said field to the upper bar post on the opposite side of the field, thence to the southern side of the road by widow Norwood's barn, thence continuing by the southerly side of the road to C. Norwood's red house, thence by said house through the porch to fifteen feet southerly of the end of said road where it comes to the highway, thence northwesterly by the highway to Eleazer Boynton's land, thence northeasterly by said Boynton's land to the east corner of the same, thence west, northerly by land of said Boynton, E. Oakes, John Gott, E. Oakes and others, to the north corner of the same, thence southwesterly, by land of E. Oakes, and others to the highway; thence northwesterly by the highway until it comes to fifty feet distance from

Long Cove in
Sandy Bay.

the slaughter house lot, thence northeasterly thirty feet, thence northwesterly fifty feet until it comes to the slaughter house lot, thence by said slaughter house lot and George Dennison's land to a road, thence by said road and George Dennison's land to the highway, thence northwesterly by the highway to widow Sally Tarr's land, thence northeasterly by said Tarr's land to the corner of the same, thence northwesterly and other courses by land of Sally Tarr, George Dennison, Samuel Mc Jennet, Daniel Thurston, John Burns, and Thomas O. Marshall and Co., also including all the land northeasterly commonly called Bearskin neck.

SEC. 2. *Be it further enacted*, That said "Sandy Bay Pier Company" shall be authorized to build Breakwaters. breakwaters, or piers, so far across the entrance of said Long Cove as may be necessary to make a safe and convenient harbor of said cove, and that they may make such wharves and other erections, as may be necessary for the purposes aforesaid; *provided* that the additional real estate, which said company may at any one time hold in their corporate capacity, shall not exceed fifty thousand dollars in value. And the said "Sandy Bay Pier Company" shall be holden to pay all damages which shall or may arise to any person by taking his estate or land for said purpose, when it cannot be obtained by voluntary agreement. And any person sustaining any damage by the taking of his estate or land as aforesaid, and making said harbor, and building said breakwaters and piers, may apply, within the same time and in the same manner, to the court of common pleas for the county of Essex, for a committee to be appointed to estimate the said damages, as is provided in the second section of the act entitled,

“an act to incorporate the Pigeon Cove Harbor Company” passed the fifth day of February, A. D. 1831, and said damage shall be estimated in the same way and manner, and the same proceedings shall be had, as is provided in said section concerning such persons as might sustain damage under the said act to incorporate the “Pigeon Cove Harbor Company.”

Enlargement of capital stock by the addition of new shares.

SEC. 3. *Be it further enacted*, That the said Company may enlarge their capital stock by adding such number of new shares, of the value of one hundred dollars each, as may be necessary to defray the expense of making said breakwaters, piers, wharves and erections, and all the expenses attending the making of said harbor ; and they shall open a subscription for the same, in the first place, to the inhabitants of that part of Gloucester called Sandy Bay, in such manner as the said Company shall determine, and said new shares shall be held in the same manner, and with the same privileges, and subject to the same restrictions, as shares in the said Sandy Bay Pier Company are now holden. And the said corporation may make assessments on said new shares, at such times, and in such manner, as they may direct ; and if any subscriber for said new shares shall not pay the first assessment on the same, at such time as shall be fixed and determined by said Corporation, such subscriber so neglecting and refusing to pay, shall not be entitled to retain said share or shares, but the same shall be forfeited and may be disposed of by said corporation in such manner as they may determine. And if the proprietor of any share shall neglect and refuse to pay any subsequent assessment for the term of thirty days from the time the same shall become due, the

share or shares of such proprietor may be sold at public auction, notice of the time and place being given, by the Treasurer, in any newspaper printed in the County of Essex, three weeks before the time appointed for such sale, and also by posting up notifications in two or more public places in the town of Gloucester, ten days at least before such sale. And the proceeds of such sale shall be applied to the payment of the assessments due on the share or shares so sold, with incidental charges; and the surplus, if any, shall be paid to the proper owner or his legal representative, on demand; and the purchaser or purchasers of such share or shares, shall receive a new certificate or certificates thereof: *Provided however*, that if before the actual sale of any such share, the proprietor thereof shall pay the assessments due thereon, with interest from the time they become due, and all legal charges, the sale shall not proceed.

SEC. 4. *Be it further enacted*, That all the estate, property, and shares now belonging to said Sandy Bay Pier Company shall be appraised by three commissioners to be appointed by the county commissioners for the county of Essex for the purpose of bringing the same into a common stock with the new shares to be created as aforesaid. And the said commissioners shall be sworn before one of the justices of the peace for said county of Essex, faithfully and impartially to appraise such estate, property and shares; and the said commissioners shall make duplicate returns of their doings in the premises, one copy of which shall be returned into the office of the clerk of the county commissioners for said county, and the other copy shall be delivered to the clerk of the said "Sandy Bay Pier Compa-

Appraisement
of property.

ny," and such appraisal, so made by the said commissioners, or a major part of them, shall be taken to be the true value of the estate, property and shares of said Company.

Income of erec-
tions.

SEC. 5. *Be it further enacted*, That the proprietors of the existing shares of said company shall be entitled to receive the income of all the erections, which have been heretofore made by said company, and shall have the control and management of the same, until said harbor in said long cove is so far completed, as to be productive of income from wharfage and dockage.

Votes.

SEC. 6. *Be it further enacted*, That at all their meetings the proprietors present may vote according to their interest in said property, allowing one vote to each share; provided that no person shall have more than twenty votes, and absent proprietors may vote by proxy authorized in writing.

SEC. 7. *Be it further enacted*, That unless said breakwaters shall be commenced within six years from the first day of May next, the said company shall not be entitled to any of the privileges hereby granted.

[Approved by the Governor, March 5, 1832.]

CHAP. XCII.

An Act to incorporate the Proprietors of Millbury 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 Caleb Burbank, Asa Waters, Simon Farnsworth, Jonas L. Sibley, Abraham G. Randall, with their associates and successors, be and they hereby are made a body corporate, for the purpose of educating youth in the languages, and in the liberal arts and sciences, by the name of the "Proprietors of Millbury Academy" in the town of Millbury. Persons incorporated.

SEC. 2. *Be it further enacted,* That said corporation may hold real estate not exceeding six thousand dollars, and personal estate not exceeding twelve thousand dollars, to be appropriated and used for the purpose of education and instruction of youth and others in the languages and sciences. Real and personal estate.

SEC. 3. *Be it further enacted,* That said corporation may from time to time make such by-laws and regulations as they may deem necessary for the management of the interests and concerns of said academy: *Provided,* the same be not repugnant to the constitution and laws of this Commonwealth. By-laws.

SEC. 4. *Be it further enacted,* That any one of the persons named in this act may call the first meeting of said proprietors by giving personal notice thereof, ten days previous to the time of said meeting. First meeting.

[Approved by the Governor, March 5, 1832.]

CHAP. XCIII.

An Act to incorporate the town of Webster.

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 territory in the southerly part of the county of Worcester, comprised within the following limits, that is to say, beginning at the southwest corner of said territory where the line between Massachusetts and Connecticut intersects French River; thence running easterly, by said line, to the south west corner of Douglas; thence northerly by the line which divides Douglas from Oxford South Gore, until it intersects the line between Oxford and Douglas; thence due west two and three fourth miles and thirty rods to a stone monument, about eighty eight rods west of French River; thence southerly in the direction of a stone monument in the line of Oxford and Dudley, near the house owned by Daniel Greenwood and Samuel Slater, to the middle of said river; thence southerly by said river, to the first mentioned corner, together with all the inhabitants dwelling thereon, be, and they hereby are, incorporated into a town, by the name of Webster, and vested with all the powers, privileges and immunities, and subject to all the duties and requirements of other incorporate towns, agreeably to the constitution and laws of this Commonwealth.

Territory in the southerly part of the county of Worcester incorporated into a town by the name of Webster.

Arrears of taxes.

SEC. 2. *Be it further enacted,* That the inhabitants of said town of Webster shall be holden to

pay all arrears of taxes, which have been legally assessed upon them, by the towns of Oxford and Dudley, before the passing of this act ; and all taxes assessed, and not heretofore collected, shall be collected and paid to the treasurers of the towns of Dudley and Oxford, respectively, in the same manner as if this act had not been passed.

SEC. 3. *Be it further enacted*, That the said town of Webster shall hereafter be liable to pay two seventh parts of the expenses necessarily to be incurred in the support of all paupers who at the time of the passing of this act were actually in need of relief, and were receiving support from the town of Dudley, and one fourth part of the expenses so to be incurred by the town of Oxford, in the support of paupers, at present receiving relief from the said town of Oxford. And that in all cases of paupers, who shall hereafter stand in need of relief as paupers, whose settlements have been derived or obtained in either of the towns of Oxford or Dudley, previous to the passing of this act, the said paupers shall be supported by the town, within the territorial limits of which such settlement was gained, the said town of Webster being required to support all such as have acquired, or shall hereafter acquire a settlement within the territory herein described.

Liability to pay two seventh parts of all expenses necessarily to be incurred in the maintenance of paupers.

SEC. 4. *Be it further enacted*, That the said town of Webster shall be holden to pay and discharge two seventh parts of all expenses which may accure to the said town of Dudley in the construction of a county road, leading from a point near the dwelling house of Ralph Vinton to the line of Oxford, which the county commissioners for the county of Worcester have heretofore located

Expenses accruing from the construction of a county road.

and ordered to be wrought; and shall also pay and discharge two seventh parts of all debts and obligations due and incurred by the town of Dudley before the passing of this act, by virtue of any contract already executed, and shall be holden in the same proportional amount for all legal liabilities heretofore incurred by the said town of Dudley, not otherwise provided for in this act. *Provided, nevertheless,* that all monies now in the treasury of the said town of Dudley, or which may hereafter be paid into the same, as the proceeds of taxes already assessed, or of obligations now due or owing to the said town of Dudley, shall first be applied to the payment of the debts and expenses, and the discharge of the liabilities due from, or incurred by the town of Dudley as aforesaid.

Bridge over
French river.

SEC. 5. *Be it further enacted,* That the bridge over French River, near Preston's cotton mill, and the bridge on the same stream, near Slater's cotton thread mill, shall forever hereafter be maintained and kept in repair by said town of Webster, and that the bridge on said river, near the line of the state of Connecticut, shall be maintained and kept in repair by said town of Dudley; and that the said bridges, in regard to all legal liabilities, shall be respectively deemed and taken to be within the limits of the town which by this act is required to maintain and repair the same.

State and county
taxes.

SEC. 6. *Be it further enacted,* That, of all state and county taxes which shall be required of said towns, previous to a new valuation, the said town of Webster shall pay thereof in the proportion in which the said town of Webster is liable as aforesaid to the payment of expenses, to be incurred as aforesaid in the support of paupers now chargeable to the towns of Oxford and Dudley.

SEC. 7. *Be it further enacted*, That any justice of the peace for the county of Worcester, upon application therefor, is hereby authorized to issue his warrant, directed to any freeholder in the said town of Webster, requiring him to notify and warn the inhabitants thereof to meet at such time and place as may be appointed in said warrant, for the choice of all such town officers as towns are by law required to choose at their annual town meetings.

Meeting for the choice of town officers.

[Approved by the Governor, March 6, 1832.]

CHAP. XCIV.

An Act to incorporate the President, Directors and Company of the Mercantile Bank 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 Isaac McLellan, Robert G. Shaw, Samuel S. Lewis, John Kettell and Charles Henshaw, their associates, successors and assigns, shall be, and they hereby are created a corporation by the name of the President, Directors and Company of the Mercantile Bank, in the city of Boston, and shall so continue until the first day of October, which shall be in the year of our Lord one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities

Persons incorporated.

and requirements contained in an act passed on the twenty-eighth day of February, in the year of our Lord one thousand eight hundred and twenty-nine, entitled "an act to regulate banks and banking," and the further provisions contained in an act passed on the twenty-eighth day of February, in the year of our Lord one thousand eight hundred and thirty-one, entitled "an act to continue the banking corporations therein named, and for other purposes."

Transfer of stock.

SEC. 2. *Be it further enacted,* That the stock in said bank shall be transferable only at its banking house and in its books, and no part thereof shall be transferred by way of security for the performance of any obligation whatsoever, until two years from the payment of the first instalment into said bank.

Capital stock, consisting of five hundred thousand dollars to be divided into shares of one hundred dollars each.

SEC. 3. *Be it further enacted,* That the capital stock of said corporation shall consist of five hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct. *Provided,* that the whole be paid in within one year from the passing of this act.

Location.

SEC. 4. *Be it further enacted,* That the said bank shall be established and located on Commercial street, as near the head of Exchange wharf, so called, as it conveniently may be, in the city of Boston, and that any one of the persons before named shall be authorized to call the first meeting of said corporation, by advertising the same in any newspaper published in the city of Boston, ten days at least before said meeting.

[Approved by the Governor, March 6, 1832.]

CHAP. XCV.

An Act in addition to an Act to define the Powers,
Duties and Restrictions of Insurance Companies.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all Insurance Companies which shall hereafter be incorporated by the authority of this Commonwealth, are hereby required to elect by ballot annually, or oftener, a secretary, who shall be the clerk, who shall be sworn to the faithful discharge of his duty, and whose duty it shall be to keep a true and faithful record of all the votes of the stockholders and of the directors, and a true list of the stockholders, and of the number of shares held by each one, and to record every transfer of a share or shares in a transfer book to be by him kept for that purpose, in addition to the other duties of such secretary as prescribed by law. Election of officers.

SEC. 2. *Be it further enacted,* That the capital stock of all such companies shall be all collected and paid in within the time of twelve months from the grant of the charters to such companies respectively, and the said companies shall never take on any one risk a sum exceeding ten per centum on the respective capital stocks of the said companies actually paid in. Capital stock.

SEC. 3. *Be it further enacted,* That the stock, property, affairs and concerns of every such company shall be managed and conducted by not less than Directors.

seven directors, one of whom shall be president of the company, and who shall hold their offices for one year, and until others are chosen, and who shall be stockholders in the company and citizens of this Commonwealth at the time of their election, which shall be held at such time and place, and shall be conducted in such manner as shall be provided in the by-laws of the company. *Provided*, that all elections shall be made by ballot and by a majority of the votes of the stockholders present, or absent and voting by proxy, and one vote shall be allowed for each share, saving that no one stockholder shall be allowed more than thirty votes.

Choice of President.

SEC. 4. *Be it further enacted*, That the directors shall meet as soon as may be after their election, and choose from their 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 and directors that may occur in the interim of the annual elections may be filled by a special election in the manner herein prescribed for the annual elections.

Board for doing business.

SEC. 5. *Be it further enacted*, That the president and three directors, and in the absence of the president, four directors, shall be a board competent to transact the business of the company, and in all questions before them, a majority of the board shall prevail, except in those cases already otherwise provided for by law, and they shall have power to make such rules and by-laws as they may deem proper for the arrangement and security of the affairs and property of said company, and to appoint such officers as they may think necessary, 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.

SEC. 6. *Be it further enacted,* That any two of the persons named in the act incorporating any such company, are authorized to call the first meeting thereof for the purpose of organizing the same, by giving notice in two newspapers printed within or nearest to the town in which said company shall be established, seven days previous to the time of holding such first meeting, or by giving personal notice of the time and place of said meeting, to all persons interested therein, seven days previous thereto, of which an especial record shall be made. First meeting.

SEC. 7. *Be it further enacted,* That said companies shall be liable to be taxed by any general law, providing for the same. Liable to be taxed.

SEC. 8. *Be it further enacted,* That in all suits and actions at law, in which any of said companies shall be a party, it shall be lawful for the defendants to plead the general issue, and thereupon to give in evidence, such facts, causes and circumstances, as they shall have notified in writing to the plaintiffs or their attorney, at least seven days previous to the trial thereof. Actions at law.

[Approved by the Governor, March 6, 1832.]

CHAP. XCVI.

An Act incorporating the Lowell 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 Kirk Boott, Luther Lawrence, Elisha Glidden, Cyril Coburn, Pelham W. Warren, Darius Young, Aaron Mansur, George Brown, John L. Sheafe, Stephen Mansur, Thomas B. Goodhue, Francis Hilliard, Nathaniel Wright, John C. Dalton, Seth Ames, Benjamin Walker, James G. Carney, Samuel F. Haven, William T. Heydock, John Nesmith, Thomas Nesmith, Alpheus Smith, Francis Thompson, Timothy Frye, Hazen Elliot, Matthias Parkhurst, Simon Adams, Alvah Mansur, Ransom Reed, Joseph G. Kittridge, Daniel Shattuck, and their associates, successors and assigns, are hereby constituted a body politic and corporate by the name of the Lowell Mutual Fire Insurance Company, with all the powers and privileges incident to such corporations, for the term of twenty eight years.

Persons incorporated.

One hundred thousand dollars.

SEC. 2. *Be it further enacted,* That when the sum subscribed to be insured shall amount to one hundred thousand dollars, said corporation may insure for the term, of from one to seven years, any buildings, goods or moveables whatsoever in this Commonwealth, or in the state of New Hampshire to any amount not exceeding three fourths of the value of the property insured.

SEC. 3. *Be it further enacted,* That said corporation may choose such officers, and establish such by-laws as they may deem necessary, not repugnant to the constitution and laws of this Commonwealth, and each member shall have as many votes as he has policies, and may vote by proxy.

SEC. 4. *Be it further enacted,* That the funds of said corporation shall be invested in stocks or loaned on security, as the directors may order, and shall be appropriated first to pay the expenses of the corporation, and next to pay the damages which any member may be entitled to recover on his policy. In case any member shall have a just claim upon the corporation exceeding the amount of their then existing funds, the directors shall without delay assess such sum as may be necessary, on the members, in proportion to the amount of their premiums and deposits for seven years, but not to exceed triple the amount of such premiums and deposits.

Investment of funds.

SEC. 5. *Be it further enacted,* That when any member shall recover judgment against said corporation, he may levy his execution on their estate or funds; but if sufficient estate or funds cannot be found he may levy the same on the private property of any of the directors: *Provided,* they first refuse or neglect, for the space of sixty days, to satisfy the execution after formal demand made upon them for that purpose; and any director whose property may be thus taken may sustain an action of the case against the corporation to recover full and adequate damage therefor.

Execution, how levied.

SEC. 6. *Be it further enacted,* That each policy of insurance, shall of itself, without any other ceremony, create a lien on any building insured and on the land under it for the payment of the premium

Policies create a lien on buildings insured.

stipulated in said policy, and of all assessments lawfully made by virtue thereof: but this provision shall not prevent the taking of other collateral security.

Where a necessity exists of resorting to the lien on the property insured, payment may be demanded of the insured or his legal representative.

SEC. 7. *Be it further enacted,* That in case it should become necessary to resort to the lien on the property insured, the treasurer shall demand payment of the insured, or his legal representative, and likewise of the tenant in possession; and in case of non payment, the corporation may sustain an action for any sum due, either on the deposit note, or by assessment, and their execution may be levied on the premises insured; and the officer making the levy may sell the whole or any part of the estate at auction, giving notice, and proceeding in the same manner as is required in the sales of equities of redemption on execution; and the owner shall have a right to redeem the estate by paying the cost of sale, the amount of the execution, and twelve per cent interest thereon, within one year from the time of sale.

Liable to taxation.

SEC. 8. *Be it further enacted,* That this corporation shall be liable to be taxed by any general law of this Commonwealth, taxing other similar institutions; and any member named in this act may call the first meeting by advertising the time and place of such meeting in some newspaper published at said Lowell, ten days at least before the time of meeting.

[Approved by the Governor, March 6, 1832.]

CHAP. XCVII.

An Act to incorporate the Pittsfield and West Stockbridge Rail Road 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 M. M'Kay, Lemuel Pomeroy, Thomas A. Gold, and Eleazer Williams, their associates, successors and assigns be, and they hereby are made a body politic and corporate by the name of the Pittsfield and West Stockbridge Rail Road Company, and by that name may sue and be sued, plead and be impleaded, in any court of law or equity, and have a common seal, and the same may alter or renew at pleasure, and do all acts and things necessary to carry into effect the object and purposes of this act. And the said corporation are hereby authorized and empowered to locate, construct, and finally complete a rail road, beginning at, or near the village of Pittsfield, and thence through Richmond, in the most convenient route, to or near the west line of this Commonwealth in the town of West Stockbridge; and may lay out said road at least four Persons incorporated. rods wide, and for the purpose of cuttings, embankments, and obtaining stone and gravel, may take as much more land, as may be necessary for the proper construction and security of the road, paying, however, damages for taking such land or materials, in the manner hereinafter provided. Four rods wide.

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

stock of said corporation shall consist of four thousand eight hundred shares, of fifty dollars each, and the immediate government and direction of its affairs shall be vested in five directors, who shall be chosen by the members of the corporation, in the manner hereinafter provided, who shall hold their offices for one year, and until others shall be duly elected and qualified to take their place as directors. And the said directors, a majority of whom shall form a quorum for the transaction of business, shall elect one of their number to be president of the board, who shall also be president of the corporation, and said directors shall have authority to choose a clerk, who shall be sworn to the faithful discharge of his duty, and a treasurer, who shall give bonds to the corporation, with one or more sureties, to the satisfaction of the directors, in a sum not less than six thousand dollars for the faithful discharge of his trust.

Empowered to
construct a rail
road.

SEC. 3. *Be it further enacted*, That the president and directors for the time being, are hereby authorized and empowered, by themselves or their agents, to exercise all the powers herein granted to the corporation, for the purpose of locating, constructing, and completing said rail road, and all other powers and authority necessary and proper to carry into effect the objects of this grant; to purchase and hold land, materials, and other necessary things, in the name of the corporation, for the use of the said road: to make such equal assessments, from time to time, on all the shares of said corporation, as they may deem expedient and necessary in the progress and execution of the work, not exceeding in the whole fifty dollars on a share, and direct the same to be paid to the treasurer of the

corporation, and the treasurer shall give notice of all such assessments. And in case any subscriber shall neglect to pay his assessment for the space of thirty days after due notice by the treasurer, the directors may order the treasurer to sell such share or shares at public auction, after giving due notice thereof, to the highest bidder, and the same shall be transferred to the purchaser. And such delinquent subscriber shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the assessments due thereon, with the interest and cost of sale; and shall be entitled to the overplus, if his share or shares shall sell for more than the assessments due, with the interest and cost of sale.

SEC. 4. *Be it further enacted*, That the said corporation shall have power to make all such by-laws and regulations, as they shall deem expedient and necessary to effect all the purposes of this act, not repugnant to the constitution and laws of the Commonwealth. May make by laws.

SEC. 5. *Be it further enacted*, That a toll be, and Toll. hereby is granted and established, for the sole benefit of said corporation, on all passengers and property, which may be conveyed on said road, at such rates per mile as the directors shall from time to time establish. The transportation of persons and property, the construction of wheels, the form of cars and carriages, the weight of loads, and all other matters and things, in relation to the use of said road, shall be in conformity to such rules, regulations and provisions as the directors shall, from time to time, prescribe and direct, and any person conforming thereto may use said road. *Provided, however*, that the legislature may, in four years after the

completion of the road, and any four years thereafter, raise or reduce the rate of toll for the next four years, according as the net income or receipts from tolls and other profits shall have exceeded or fallen short of ten per cent. per annum, upon the whole cost of the road.

Toll-houses, &c. SEC. 6. *Be it further enacted*, That the directors of said corporation, for the time being, are hereby authorized to erect toll-houses, establish gates, appoint toll gatherers, and demand toll, upon the road when completed, and upon such parts thereof as shall from time to time be completed; and they shall, from year to year, make a report to the legislature under oath, of their acts and doings, receipts and expenditures, under the provisions of this act; and their books shall be at all times open to the inspection of any committee of the legislature, appointed for that purpose; and if the directors shall unreasonably neglect or refuse to make such report, at the expiration of any year after the opening of said rail road, for any such neglect or refusal, said corporation shall forfeit and pay to the use of the Commonwealth, a sum not exceeding three thousand dollars, to be recovered by action or indictment, in any court of competent jurisdiction.

Corporation holden to pay damages springing from taking the land of any person, when it cannot be obtained by voluntary agreement. SEC. 7. *Be it further enacted*, That the said corporation shall be holden to pay all damages, that may arise to any person or corporation, by taking their land for said rail road, when it cannot be obtained by voluntary agreement, to be estimated and recovered in the manner provided by law for the recovery of damages happening by the laying out of highways.

SEC. 8. *Be it further enacted*, That when the lands, or other property, or estate of any married

woman, infant, or person non compos mentis, shall be necessary, for the construction of said rail road, the husband of such married woman, and the guardian of such infant, or person non compos mentis, may release all damages in relation to the lands, or estates, to be taken and appropriated as aforesaid, as they might do, if the same were holden by them in their own right respectively.

SEC. 9. *Be it further enacted,* That if any person shall wilfully, maliciously, or wantonly, and contrary to law, obstruct the passage of any carriage on said rail road, or in any way spoil, injure, or destroy, said rail road, or any part thereof, or any thing belonging thereto, or any materials or implements to be employed in the construction, or for the use of said road, or shall aid, assist, or abet such trespass, shall forfeit and pay to said corporation, for any such offence, treble such damages, as shall be proved before the court or jury, before whom the trial shall be had; to be sued for and recovered before any court of competent jurisdiction, by the treasurer of the corporation; and such offender shall be liable to indictment, and on conviction before any court of Common Pleas, in the county where the offence was committed, shall pay a fine not exceeding one hundred dollars, and not less than thirty dollars, to the use of the Commonwealth, or may be imprisoned for a term not exceeding one year, at the discretion of the court.

Forfeiture for injury or obstruction of rail road.

SEC. 10. *Be it further enacted,* That the annual meeting of the members of the corporation shall be holden on the first Wednesday of May, at such time and place as the directors for the time being shall appoint; at which meeting five directors shall be chosen by ballot, each propietor being entitled

Annual meeting.

to as many votes as he holds shares ; *Provided*, they do not amount to more than one tenth part of the whole number. And the persons named in this act, or any three of them, are hereby authorized to call the first meeting of said corporation, by giving notice in the Pittsfield Sun, and in the Journal and Argus, printed in Lenox, of the time, place and purpose of such meeting, at least ten days before the time mentioned in such notice.

Wherever rail road shall cross any canal, turnpike, or other highway it shall so be constructed as not to impede the safe and convenient use of such canal, turnpike, or other highway.

SEC. 11. *Be it further enacted*, That if the said rail road, in the course thereof, shall cross any private way, said rail road shall be so constructed, as not to obstruct the safe and convenient use of such way, otherwise the party aggrieved shall be entitled to his action on the case in any court proper to try the same, and shall recover his reasonable damages for such injury. And if the said rail road shall, in the course thereof, cross any canal, turnpike or other highway, it shall be so constructed as not to impede or obstruct the safe and convenient use of such canal, turnpike or other highway. And the said corporation shall have the power to raise or lower such turnpike, highway, or private way, so that the rail road, if necessary, may conveniently pass under or over the same ; and if said corporation do not exercise said power, in a manner satisfactory to the proprietors of such turnpike, or to the selectmen of the town in which said highway or private way may be situated, as the case may be, said proprietors or selectmen may require, in writing, of said corporation, such alteration or amendment, as they may think necessary ; and if the required amendment or alteration be reasonable and proper, in the written opinion of a majority of the county commissioners, and the said corporation shall

unnecessarily and unreasonably neglect to make the same, such proprietors or selectmen, as the case may be, may proceed to make such alteration or amendment, and may institute and prosecute to final judgment and execution, in any court proper to try the same, any action of the case against said corporation, and shall therein recover a reasonable indemnity in damages, for all charges, disbursements, labor and services, occasioned by making such alteration or amendment, with costs of suit.

SEC. 12. *Be it further enacted*, That no other rail road, than the one hereby granted, shall, within thirty years from passing this act, be authorized to be made, leading from Pittsfield through Richmond to any place within five miles of the western termination of the rail road hereby granted. *Provided*, that any rail road company which may be incorporated, shall be authorized to enter with their rail road, at any point of the hereby granted rail road, paying for the right to use the same, or any part thereof, such a rate of toll and complying with such rules and regulations as may be established by the Pittsfield and West Stockbridge corporation by virtue of the fifth section of this act. *Provided also*, that the state may, after the expiration of twenty years from the opening for use of the rail road herein provided to be made, purchase of the said corporation the said rail road, and all the franchise, property, rights and privileges of the said corporation, on paying therefor the amount expended in making said road. together with such further sum, as shall, with the net profits and income they may have received from tolls and other sources of profit on account of said rail road, amount to ten per cent. annually upon such cost ; and after such

No other road to be built within thirty years, &c.

After the expiration of twenty years from the opening for use of the rail road, the state may purchase the said rail road.

purchase, the limitation provided in the fifth section of this act shall cease, and be of no effect.

Conditions of this act.

SEC. 13. *Be it further enacted,* That if the stock shall not have been subscribed for, the company organized, and location of the route filed with the proper county commissioners, previous to the first day of January, eighteen hundred and thirty-four, or if the stock, being so subscribed for, the company organized, and location made as aforesaid, the said corporation shall fail to complete said rail road before the first day of April, eighteen hundred and thirty-six, in either of the before mentioned cases, this act shall be void, and of no effect, otherwise it shall remain in full force, until the Commonwealth shall purchase the said rail road as aforesaid.

Bridges with their abutments and embankments,

SEC. 14. *Be it further enacted,* That said corporation shall constantly maintain, in good repair, all bridges, with their abutments and embankments, which they may construct, for the purpose of passing their rail road over any canal, turnpike or other highway, or private way; or of passing such private way, turnpike or other highway, over said rail road.

[Approved by the Governor, March 6, 1832.]

CHAP. XCVIII.

An Act to incorporate the President, Directors and Company of the Bristol County Bank in Taunton.

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 A. Crocker, Charles Richmond, Nathan Lazell Jr., Nahum Mitchell, Samuel L. Crocker, Jacob Perkins, D. G. W. Cobb, and George A. Crocker, their associates, successors and assigns shall be, and they hereby are created a corporation, by the name of the President, Directors and Company of the Bristol County Bank, and shall so continue until the first day of October, which shall be in the year of our Lord one thousand eight hundred and fifty one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements contained in an act passed on the twenty eighth day of February, in the year of our Lord one thousand eight hundred and twenty nine, entitled "an act to regulate banks and banking," and to the further provisions contained in an act passed the twenty eighth day of February, in the year of our Lord one thousand eight hundred and thirty one, entitled "an act to continue the banking corporations therein named, and for other purposes."

Persons incorporated.

SEC. 2. *Be it further enacted,* That the stock in said bank shall be transferable only at its banking house, and in its books, and no part thereof shall be

Transfer of stock.

transferred by way of security for the performance of any obligation whatsoever, until two years from the payment of the first instalment into said bank.

Capital stock. SEC. 3. *Be it further enacted*, That the capital stock of said corporation shall consist of the sum of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times as the stockholders may direct: *provided* the whole be paid in within one year from the passing of this act.

Location SEC. 4. *Be it further enacted*, That the said bank shall be established in the town of Taunton, and that any three of the persons before named shall be authorized to call the first meeting of said corporation by advertising the same in any newspaper published in Taunton, ten days at least before said meeting.

[Approved by the Governor, March 6, 1832.]

CHAP. XCIX.

An Act to incorporate the Fishing Insurance Company at Provincetown.

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 Simeon Co-
nant, Henry Willard, Samuel Soper, Thomas Nickerson, Jonathan Cook, Jr., Elisha Young, Ephraim Cook, Charles Parker, and Solomon Cook, with

their associates, successors and assigns, be, and they are hereby incorporated into a company and body politic by the name of the Fishing Insurance Company at Provincetown, for the purpose of taking marine risks on vessels employed in the fishing and coasting business, their cargoes and appurtenances, 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, 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, excepting such as may be taken for debt, or held as collateral security for money due to said society.

SEC. 2. *Be it further enacted*, That the capital Capital stock. stock of said company shall be thirty thousand dollars, and shall be divided into shares of fifty dollars each, fifteen thousand dollars of which shall be paid in money within sixty days after the first meeting of 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 subscrib-

ers thereto for and during the term of one year after the said company shall go into operation.

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 of said company, 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 in February in each year, and every year, at such time of the day, and at such place in Provincetown, as a majority of the directors for the time being shall appoint, of which election public notice shall be posted up in two public houses in Provincetown, and continue 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 the said company shall prescribe. And if, through any unavoidable accident, the said directors shall not be chosen on the first Monday in February as aforesaid, it shall be lawful to choose them on any other day in the manner herein provided.

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 until another 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 a special election for that purpose, to be held in the same manner as hereinbefore directed respecting annual elections of directors.

SEC. 5. *Be it further enacted,* That the president and five of the directors, or six 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 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 for doing business.

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 posting up notice in two public houses in Provincetown, two successive weeks, for the purpose of electing their first board of directors, who shall continue in office till the first Monday in February, then next ensuing, and until others shall be chosen in their stead ; *Provided however,* that this charter

Meeting may be called by notification in two public houses in said town.

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 fifteen thousand dollars of the capital stock of said company shall have actually been paid.

Insurance in any other way on the same bottom.

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

Company to be located and kept in Provincetown.

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

LIABLE TO TAXATION.

SEC. 9. *Be it further enacted*, That the said 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, March 6, 1832.]

CHAP. C.

An Act in addition to “ an Act to incorporate certain persons for the purpose of building a bridge over Connecticut River, between the towns of Sunderland and Deerfield, in the county of Hampshire.”

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 Sunderland Bridge be, and they are hereby authorized and empowered to erect a bridge over Connecticut River, not less than twenty six feet in width, any thing in the act to which this is in addition to the contrary notwithstanding.

Authority given to the proprietors of Sunderland Bridge to erect a bridge over Connecticut river.

[Approved by the Governor, March 7, 1832.]

CHAP. CL.

An Act to authorize the Proprietors of "Hancock's Wharf," to extend the same.

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 the proprietors of the wharf in the city of Boston, now called and known by the name of Hancock's wharf, be and they hereby are authorized and empowered to extend and maintain the said wharf into the harbor channel, as far as to a line drawn straight from the present northeasterly corner of the end of Long Wharf, or Boston Pier, so called, to a point at the northerly end of said line, intersected by the southeasterly line or side of Union Wharf, extended straight as far as the proprietors of said Union Wharf are authorized to extend the same, by an act entitled "an act to authorize the proprietors of Union Wharf to extend the same," passed on the twenty seventh day of February in the year of our Lord one thousand eight hundred and twenty nine; and that the proprietors of said Hancock's wharf, shall have and enjoy the right and privilege of laying vessels at the sides and ends of their said wharf, and receiving dockage and wharfage therefor, *provided*, that so much of said wharf as may be constructed in said channel shall be built on piles, and be parallel with the lines of the dock and common highway established northeasterly of said Long wharf by the city of Boston and others.

SEC. 2. *Be it further enacted,* That nothing herein contained shall be construed to authorize the proprietors of said Hancock's wharf to lessen or injure the rights or property of the owner or owners of any wharf or wharves adjoining said Hancock's wharf. Wharves not to be injured.

[Approved by the Governor, March 7, 1832.]

CHAP. CII.

An Act to authorize the Proprietors of Lewis' Wharf to extend the same.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the proprietors of the wharf in the city of Boston, now called and known by the name of Lewis' Wharf, be, and they are hereby authorized and empowered to extend and maintain the said wharf into the harbor channel, as far as to a line drawn straight from the present northeasterly corner of the end of Long wharf, or Boston Pier, so called, to a point on the northerly end of said line, intersected by the southeasterly line or side of Union Wharf, extended straight as far as the proprietors of said Union Wharf are authorized to extend the same by an act entitled "an act to authorize the proprietors of Union Wharf to extend the same" passed on the twenty seventh day of February, in the year of our Lord one thousand eight Extension of Lewis' Wharf.

hundred and twenty nine, and that the proprietors of said Lewis' Wharf, shall have and enjoy the right and privilege of laying vessels at the sides and end of their said wharf, and receiving dockage and wharfage therefor. *Provided*, that so much of said wharf, as may be constructed in said channel shall be built on piles, and be parallel with the lines of the dock, and common highway established north-easterly of said Long Wharf by the city of Boston and others.

Nothing in this act gives authority to injure the wharves adjoining Lewis wharf.

SEC. 2. *Be it further enacted*, That nothing herein contained shall be construed to authorize the proprietors of said Lewis' Wharf to lessen or injure the rights or property of the owner or owners of any wharf or wharves adjoining said Lewis' Wharf.

[Approved by the Governor, March 7, 1832.]

CHAP. CIII.

An Act to incorporate the Trustees of the First Methodist Episcopal Church in Andover.

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 Daniel Saunders, Orlando Abbot, Charles Abbot, Parker Richardson, Charles F. Abbot, Samuel K. Hutchinson, and Solomon H. Higgins, of Andover, and their successors in office be, and they hereby are constituted a body corporate, by the name of the Trus-

tees of the First Methodist Episcopal Church in Andover.

SEC. 2. *Be it further enacted,* That the said trustees, and their successors in office, shall have power to receive, hold and possess all the property belonging to said church, both real and personal, in trust, for the support and maintenance of the public worship of God in said church, and for the uses and purposes for which it may be committed to them; and all gifts, grants, bequests and donations, that may be made to the said trustees, in their said capacity, for the use and benefit of said church, shall be valid, to every intent and purpose, and the said trustees may hold and possess, as aforesaid, funds, consisting of real and personal estate, belonging to said church, the annual income of which shall not exceed two thousand dollars.

Trustees may hold property for the purposes for which it may be committed to them.

SEC. 3. *Be it further enacted,* That the board of trustees hereby constituted, and that may be hereafter elected, shall consist of seven members, a majority of whom shall constitute a quorum for doing business, and said trustees may be chosen annually by a majority of the pew owners, at a meeting regularly notified and holden for that purpose; and all vacancies that may occur during the year, by death, resignation or otherwise, shall be filled in such manner as the pew owners may direct; and said trustees shall have power to make and ordain such by-laws as they shall deem necessary for their own government, not repugnant to the constitution and laws of this Commonwealth, and Daniel Saunders before named hereby is authorized to call the first meeting of said trustees, by giving notice of the time and place to each of the aforesaid trus-

A majority of the board of trustees constitutes a quorum for the transaction of business.

tees seven days before the time of holding the same.

[Approved by the Governor, March 7, 1832.]

CHAP. CIV.

An Act in addition to an act to incorporate the Managers of the Port Society of the city of Boston 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 the annual income of said society shall not exceed four thousand dollars, instead of two thousand dollars, as limited in the act to which this is in addition.

Annual income
not to exceed
four thousand
dollars.

SEC. 2. *Be it further enacted.* That, in accordance with the original design of said society, the said income shall be applied exclusively to the moral and religious instruction of seamen: that the said society shall never be perverted to *sectarian* purposes, and that, in case of any such abuse of the corporate property of said society, the legislature may inquire into such abuse, and may declare this act, and the act to which this is in addition to be void, and that thereupon the funds contributed to the object of said society shall revert to the donors thereof, or to their legal representatives.

Society not to be
perverted to sec-
tarian purposes.

SEC. 3. *Be it further enacted.* That all provisions in the act to which this is in addition, inconsis-

tent with the provisions of this act, be, and the same hereby are repealed.

[Approved by the Governor, March 7, 1832.]

CHAP. CV.

An Act to incorporate the Fairhaven Seamen's Friend Society.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Joseph Bates, E. S. Jenny, Asa Hills, Jabez Delano Jr. Nathan Church, Tucker Damon, Daniel Perry, Solomon Williams, their successors and associates be, and they are declared to be a body corporate, with all the usual powers of corporations, and made capable of having, holding and using, by subscription, purchase or donation, for the purposes in this act expressed, real estate to the amount of five thousand dollars and personal estate to the same amount.

SEC. 2. *Be it further enacted,* That the corporation hereby created is established and created Capital stock. for the purpose and only purpose of improving the moral and religious character of seamen, and to this end are hereby enabled to establish a place of public worship and of christian instruction, and to establish one or more schools, and such other means of moral instruction as to said corporation may seem expedient.

Choice of officers.

SEC. 3. *Be it further enacted*, That said corporation, at any legal meeting, may choose all such officers as may by said corporation be found necessary and proper, and may provide by regulations and by-laws from time to time for the government of said corporation and for the safe management and use of its corporate property to the ends aforesaid.

First meeting.

SEC. 4. *Be it further enacted*, That any three of the persons in this act mentioned be, and they hereby are, authorized and empowered to call the first meeting of the members of said corporation, by public notification printed in any newspaper of the town of New Bedford, at least one week before the day appointed for such meeting, and at such meeting or any adjourned meeting, the members present may proceed to organize said corporation, and to execute the powers hereby given.

[Approved by the Governor, March 7, 1832.]

CHAP. CVI.

An Act to improve the navigation of Town River in Quincy.

Improvement of the navigation of Town River.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Quincy Canal Corporation be, and they are hereby, authorized and empowered to place spiles or dolphins in such places or points in or near the channel of

Town River, (so called) in Quincy, as shall give greater facilities to the navigation of said river : *provided, however,* that no spile or dolphin shall be so placed as to obstruct in any degree a free passage in said river to any wharf, shipyard, or landing place, without the previous consent of the proprietors thereof.

[Approved by the Governor, March 7, 1832.]

CHAP. CVII.

An Act in addition to an Act to establish the Boston and Taunton Rail Road 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 it shall be in the power of the government of the Commonwealth, at any time during the continuance of the charter of said Boston and Taunton Rail Road Corporation, after the expiration of twenty years from the opening for use of the rail road therein provided to be made, to purchase of the said corporation the said rail road, and all the franchise, property, rights and privileges of the said corporation, by paying them therefor the amount expended in making said rail road, and the expenses of repairs, and all other expenses relating thereto ; and in case, at the time of such purchase, the said corporation shall not have received an income equal to ten per cent. per annum on the orig-

Government may purchase rail road, &c.

inal cost, over and above the charge for repairs and superintendance, and all other expenses relating thereto, the government are to pay the said corporation such additional sum, as together with the tolls and profits of every kind which they shall have received from the said rail road, will be equal to ten per cent. per annum on the cost of said rail road, from the date of the payment thereof by the stockholders of the said corporation, to the time of such purchase, and every thing contained in the act to which this is in addition, inconsistent with the provisions herein made, is hereby repealed.

Location.

SEC. 2. *Be it further enacted*, That the further period of one year beyond the respective times mentioned in the act to which this is in addition, is hereby granted to the said corporation for filing the location of the route, and completing said rail road.

[Approved by the Governor, March 7, 1832.]

CHAP. CVIII.

An Act to incorporate the Proprietors of the New-Bedford and Fairhaven Ferry.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Ivory H. Bartlett, Asa Swift, Jr. Ezekiel Sawin, and William T. Hawes, their associates, successors and assigns be, and they hereby are constituted a corporation, by

Persons incorpo-
rated.

the name of the Proprietors of the New-Bedford and Fairhaven Ferry, and by that name may sue and be sued to final judgment and execution, and do and suffer all other matters and things which bodies politic may or ought to suffer and do; and said corporation shall have full power to make and use a common seal, and the same to break, alter and renew at pleasure.

SEC. 2. *Be it further enacted*, That said corporation be, and they hereby are authorized to establish and support a ferry across Accushnett river, in the county of Bristol, from the easterly termination of Union street in New-Bedford, or from some point south of said street, to the shore of the village of Fairhaven.

Establishment and support of a ferry.

SEC. 3. *Be it further enacted*, That said corporation shall be held liable to afford all necessary and proper accommodation, and give due attendance to all persons having occasion to pass said river by the said Ferry.

Accommodation of passengers by said ferry.

SEC. 4. *Be it further enacted*, That either of the persons named in this act is authorized to call the first meeting of said corporation, by causing notice thereof to be published in one of the newspapers printed in New-Bedford, at least seven days previous to the time of holding said meeting, and the said proprietors, at the same, or any subsequent meeting, may elect such officers as to them may seem proper, and may make and establish any by-laws, rules and regulations, not repugnant to the constitution and laws of this Commonwealth, that shall be necessary or convenient for regulating said corporation, and for effecting, completing and executing the purposes aforesaid, and for collecting the toll hereinafter granted, and the same by-laws

First Meeting.

rules and regulations may cause to be kept and executed ; or for the breach thereof may order and enjoin fines and penalties not exceeding twenty dollars.

Toll.

SEC. 5. *Be it further enacted,* "That the same toll be, and hereby is granted, for the benefit of said proprietors, as was granted to the proprietors of New-Bedford bridge, by an act passed on the seventeenth day of June, in the year of our Lord one thousand seven hundred and ninety-six.

[Approved by the Governor, March 8, 1832.]

CHAP. CIX.

An Act to incorporate the Salt Water Pond Company in Harwich.

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 Theophilus Burgess, Jeremiah Walker, Obed Brooks, Barnabas Ellis, and Ezra Nickerson, their associates, successors and assigns be, and they hereby are made a corporation, by the name of the Salt Water Pond Company, for the purpose of constructing a harbor for vessels and boats in Salt Water Pond in the town of Harwich, and, by their corporate name, shall sue and be sued, plead and be impleaded, may have a common seal, which they may alter at pleasure, and shall have power to appoint all such offi-

cers, and to make all such by-laws and regulations, as shall be necessary for the management of their concerns, *provided*, that the same be not inconsistent with the laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That the said company shall have power to deepen said pond, and to open and maintain a suitable channel from the same into the sea or bay adjoining the same, also to erect and keep in repair all such wharves or piers as may be convenient for the use of said harbor.

May deepen said pond, and open a channel, &c.

SEC. 3. *Be it further enacted*, That said company shall have power to demand and recover of any person or vessel using or improving the said harbor, or any of its appendages, such compensation as wharfage, dockage, or rent, as the said company shall, by their by-laws, establish and determine.

Company shall have power to demand, of any vessel using said harbor, wharfage dockage, or rent.

SEC. 4. *Be it further enacted*, That the said company may hold real estate, not exceeding in value the sum of fifty thousand dollars, and personal estate, not exceeding in value the sum of ten thousand dollars, as may be necessary and convenient to carry into effect the objects of this act, and either of the persons named in this act may call the first meeting of said company by giving ten days previous notice of the time, place and objects of said meeting.

Real and personal estate.

[Approved by the Governor, March 9, 1832.]

CHAP. CX.

An Act to increase the capital stock 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 the president, directors and company of the Danvers Bank be, and hereby are authorized and empowered to increase their capital stock, by an addition of thirty 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 October next.

Increase capital.

SEC. 2. *Be it further enacted,* That the additional stock aforesaid, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said corporation is now subject.

Certificate.

SEC. 3. *Be it further enacted,* That, before said corporation shall proceed to do business upon said additional capital, a certificate signed by the president and directors, and attested by the cashier, that the same has been actually paid into said bank, shall be returned into the office of the secretary of this Commonwealth.

[Approved by the Governor, March 9, 1832.]

CHAP. CXI.

An Act to increase the capital stock 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 president, directors and company of the Dedham Bank be, and hereby are authorized and empowered to increase their present capital stock, by an addition of 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 October next.

Increase of capital stock by the addition thereto of fifty thousand dollars.

SEC. 2. *Be it further enacted*, That the additional stock aforesaid, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said corporation is now subject.

Additional stock aforesaid subject to the like tax, regulations, and provisions to which the present capital stock is liable.

SEC. 3. *Be it further enacted*, That before said corporation shall proceed to do business upon said additional capital, a certificate signed by the president and directors, and attested by the cashier, that the same has been actually paid into said bank, shall be returned into the office of the secretary of this Commonwealth.

Secretary of State to receive a certificate, before said corporation proceed to do business on said additional capital.

[Approved by the Governor, March 9, 1832.]

CHAP. CXII.

An Act in addition to an Act entitled, “ An Act to establish a Fund for the support of the Gospel Ministry, in the first Parish in the town of Groton, 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 trustees of the Groton Ministerial Fund shall hereafter consist of five persons, to wit : three persons to be annually elected by ballot for that purpose, by the legal voters of the first parish in said Groton, at their annual meeting in March or April, and the treasurer of said parish, and the junior deacon, by age, of the church in said parish ; and they shall perform all the duties, and be subject to all the liabilities, mentioned in the act to which this is in addition. And to the end that said corporation shall always consist of five persons, the three persons to be chosen as abovementioned, shall never include either said parish treasurer or junior deacon ; and if, at any time, said junior deacon shall be chosen parish treasurer, the next junior deacon, by age, shall be one of said trustees ; *Provided however,* that the persons who are or may be trustees, by the act to which this is in addition, shall continue so to be, until said parish shall have elected three persons as aforesaid, and no longer.

Trustees of the Groton ministerial fund shall hereafter consist of five persons.

SEC. 2. *Be it further enacted,* That so much of

the first section of the act to which this is in addition, as is inconsistent with this act be, and the same is hereby repealed.

[Approved by the Governor, March 9, 1832.]

CHAP. CXIII.

An Act to incorporate the Unitarian Society at Fall River in the town of 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 Bradford Durfee, John S. Cotton, John Eddy, William H. Hawkins, Holder Borden, Harris Gurney, Thomas D. Chaloner, Ebenezer Andrews, Joseph Gooding, Daniel Goss, Foster Hooper, Robert N. Lawton, Samuel L. Thaxter, William Newhall, James Ford, and Hezekiah Battelle, together with such others as already have or may hereafter associate with them, and their successors and assigns, be and they are hereby incorporated as a religious society by the name of the Unitarian Society at Fall River in the town of Troy; with all the powers, privileges and immunities to which other religious societies are entitled by the constitution and laws of this Commonwealth.

Persons incorporated.

SEC. 2. *Be it further enacted,* That the said society may purchase, hold and dispose of estate, real, personal and mixed, the annual income of which,

Real and personal estate.

exclusive of their meeting house, shall not at any time exceed two thousand dollars.

Assessment on pews.

SEC. 3. *Be it further enacted,* That said society may assess upon the pews in any meeting house which they may erect or purchase, according to a valuation of said pews which shall be agreed upon by said society previous to any sale thereof, such sums of money as shall hereafter be voted to be raised by said society for the support of public worship, the repairing of their meeting house, and for other purposes incident to the authority given by this act, and all assessments upon the pews as aforesaid may be collected by the treasurer of said society, in the manner provided by an "act authorizing the proprietors of churches, meeting houses and other houses of public worship to regulate and manage their property and interests therein," passed the twenty fourth day of February in the year of our Lord one thousand eight hundred and eighteen.

SEC. 4. *Be it further enacted,* That any owner of a pew or pews in the meeting house of said society shall be entitled, at all meetings of said society held for the purpose of raising money by assessments upon pews as aforesaid, to one vote for each pew he shall own in their meeting house.

Society may be sued, &c.

SEC. 5. *Be it further enacted,* That said society may sue and be sued by their corporate name, may have a common seal, and may by ballot elect a moderator, clerk and treasurer, and such other officers and make and establish such by-laws, rules and regulations as to them may seem necessary and convenient for the government of said society, and the management of their affairs: *Provided* the same are not repugnant to the constitution and laws of this Commonwealth.

SEC. 6. *Be it further enacted,* That the stock Shares. of said corporation shall be divided into not less than one hundred nor more than two hundred and fifty shares, upon which the said society may impose all necessary assessments : *provided* that the amount of all such assessments shall never exceed the sum of sixty dollars on each of said shares, unless the same shall be made and imposed by the consent in writing of all the stockholders ; a certificate whereof, by them signed, shall be recorded by the clerk of said society. And in all meetings of said society each stockholder shall be entitled to one vote for each share by him owned, and may vote in person or by proxy.

SEC. 7. *Be it further enacted,* That whenever Negligence in paying assessments. any stockholder shall neglect or refuse to pay to the treasurer of said society any assessments legally made upon his share or shares, within sixty days after the same shall be made payable, the treasurer may sell at public auction the share or shares of such delinquent stockholder, after publishing notice of the time, place, and cause of sale in a newspaper printed in said Troy two successive weeks previous to such sale, and upon such sale may execute and deliver a deed or deeds thereof to the purchaser ; or the said treasurer may in his own name sue and prosecute to final judgment and execution, any such delinquent stockholder. And in case of any such sale of a share or shares as aforesaid the treasurer shall, after deducting the assessment due thereon and the expenses of sale and collection, pay over the balance, if any, to the delinquent stockholder on demand.

SEC. 8. *Be it further enacted,* That any three First meeting. of the persons named in this act may call the first

meeting of said society by publishing a notice of the time and place for holding the same in the Fall River Monitor, two successive weeks previous thereto; and the future meetings of said society may be called in such manner and at such times and places as said society shall hereafter direct.

[Approved by the Governor, March 9, 1832.]

CHAP. CXIV.

An Act to incorporate the President, Directors and Company of the Bank of Brighton, in the town of Brighton.

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 Sparhawk, Convers Francis, Amos Thwing, Benjamin Holton, Samuel Brooks, Stephen H. Bennet, and Stutly Burlingame, their associates, successors and assigns, shall be, and they hereby are created a corporation, by the name of the President, Directors and Company of the Bank of Brighton, and shall so continue until the first day of October, which shall be in the year of our Lord one thousand eight hundred and fifty-one; and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements, contained in an act passed on the twenty-eighth day of February, in the year of our Lord one thousand eight hundred

Persons incorporated.

and twenty-nine, entitled “an act to regulate banks and banking,” and to the further provisions contained in an act passed the twenty-eighth day of February, in the year of our Lord one thousand eight hundred and thirty-one, entitled “an act to continue the banking corporations therein named, and for other purposes.”

SEC. 2. *Be it further enacted*, That the stock in said bank shall be transferable only at its banking house and in its books, and no part thereof shall be transferred by way of security for the performance of any obligation whatsoever until two years from the payment of the first instalment into said bank. Transfer of stock.

SEC. 3. *Be it further enacted*, That the capital stock of said corporation, shall consist of the sum of one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *Provided*, the whole be paid in within one year from the passing of this act.

SEC. 4. *Be it further enacted*, That the said bank shall be established in the town of Brighton, Location. and that any three of the persons before named, shall be authorized to call the first meeting of said corporation, by advertising the same in any newspaper published in the city of Boston, ten days at least before said meeting.

[Approved by the Governor, March 9, 1832.]

CHAP. CXV.

An Act to incorporate the Proprietors of the Worcester Female 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 Abijah Bigelow, John Davis, Pliny Merrick, Alfred D. Foster, Benjamin Butman, Simeon Burt, George T. Rice, Thomas Kinnicutt, Isaac Davis, and Rejoice Newton, and such as may associate with them, their successors and assigns be, and they hereby are made a body corporate, by the name of the Proprietors of the Worcester Female Academy, to continue for the term of fifteen years, with the right to hold real estate, in the town of Worcester, of the value of eight thousand dollars, and personal estate of the value of ten thousand dollars, and the same to sell, transfer, and convey, with power to choose all proper officers, and to make all needful by-laws not inconsistent with the laws and constitution of this Commonwealth.

Persons incorporated.

SEC. 2. *Be it further enacted,* That the property of said proprietors shall be divided into twenty shares, and each proprietor shall have a right to as many votes as he owns shares, and that said shares shall not be liable to assessment.

Property to be divided into twenty shares.

SEC. 3. *Be it further enacted,* That the said Thomas Kinnicutt is authorized to call the first meeting of said proprietors, by advertising eight

days before said meeting, in any newspaper printed in Worcester.

[Approved by the Governor, March 10, 1832.]

CHAP. CXVI.

An Act to exempt the County of Middlesex from maintaining and keeping in repair a Bridge in the town of Newton.

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 county of Middlesex shall be exempted from all liability of maintaining and keeping in repair the bridge in Newton across the stream which is the boundary between the towns of Newton and Needham, any law, custom, or usage to the contrary notwithstanding.

County of Middlesex exempted from all liability of keeping bridge in repair, &c.

SEC. 2. *Be it further enacted,* That the said town of Newton, in which said bridge is situated, shall hereafter be obliged to maintain and keep in repair the same, in the same manner as towns are required by law to build, maintain and keep in repair town bridges.

Who is to keep said bridge in repair.

[Approved by the Governor, March 10, 1832.]

CHAP. CXVII.

An Act to authorize Central Bridge Corporation to reduce and compound their Tolls.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Central Bridge Corporation shall have power and authority to reduce the tolls which are granted by their act of incorporation, and to compound the same in all cases in which the said corporation may deem it expedient for their own benefit and the public convenience.

When corporation shall deem it for their own benefit, may compound tolls, &c.

[Approved by the Governor, March 10, 1832.]

CHAP. CXVIII.

An Act in addition to An Act to incorporate the Central Mills.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the act to incorporate the Central Mills, passed on the eighth day of March, one thousand eight hundred and twenty eight be, and the same is hereby revived and continued in force in as full and perfect a manner as if

Revival and continuance of the act of incorporation passed on eighth day of March, one thousand eight hundred and twenty eight.

the conditions contained in the fourth section of the act to which this is in addition had been complied with.

SEC. 2. *Be it further enacted*, That if said corporation do not perform, or cause to be performed, all the acts mentioned in the said fourth section of the act before mentioned, within three years from the passing of this act, then this act, and the act to which this is in addition shall be void and of no effect.

Performance of acts mentioned in the fourth section of the act before alluded to.

[Approved by the Governor, March 10, 1832.]

CHAP. CXIX.

An Act in addition to “An Act to incorporate the President, Directors and Company of the Mendon Bank.”

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That, from and after the first day of May next, the bills of the Mendon Bank shall be paid and redeemed at the Commercial Bank, in Boston, and not elsewhere: *Provided*, that notice of the change of the place of paying and redeeming said bills, shall be published three weeks successively before the said first day of May next, in some newspaper in the county of Worcester, and in two daily newspapers in the city of Boston, and upon a delay or refusal to pay said bills, in

Payment and redemption of the bills of the Mendon bank.

gold or silver, in the usual banking hours at the said Commercial Bank, the same remedies shall be had against, and the same penalties incurred by the president, directors and company of the Mendon Bank, and the stockholders in said bank, as are provided by law in the case of a delay or refusal to pay or redeem said bills at the banking house of said corporation in Mendon.

[Approved by the Governor, March 10, 1832.]

CHAP. CXX.

An Act in further addition to An Act regulating the Fishery in Taunton Great River.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That, from and after the passing of this act, it shall not be lawful for any person or persons to catch or destroy shad or alewives with scoop nets or with any other instrument, or by any other means whatsoever, within one hundred rods of the dam across Taunton Great River near Kingsbridge.

Destruction of shad and alewives in Taunton Great River.

SEC. 2. *Be it further enacted,* That, if any person or persons shall, at any time, catch or destroy shad or alewives at, or within, the distance of one hundred rods from said dam, he or they shall forfeit and pay a sum not exceeding twenty dollars, nor less than five dollars, for every such offence, to

Forfeiture of twenty dollars in case of offence.

be recovered by indictment, complaint, or action of debt, in any court proper to try the same, to the use of him who shall prosecute and sue for the same, *provided, however,* that the penalty herein provided shall not be construed to apply to fishing with, or setting a seine, within that distance of said dam, for which a different penalty is by law provided.

[Approved by the Governor, March 10, 1832.]

CHAP. CXXI.

An Act to incorporate the President, Directors and Company of the Wrentham Bank 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 David Fisher, Philo Sanford, Robert Blake, Samuel Bugbee, Benjamin Shepard, Jr., Oliver Felt, Benjamin H. Fales, and Enoch Brown, their associates, successors and assigns shall be, and they hereby are created a corporation, by the name of the President, Directors and Company of the Wrentham Bank, and shall so continue until the first day of October which will be in the year of our Lord one thousand eight hundred and fifty one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements contained in an act passed on the twenty eighth day of February in the year of

Persons incorporated.

our Lord one thousand eight hundred and twenty nine entitled "an act to regulate banks and banking," and to the further provisions contained in an act passed the twenty eighth day of February in the year of our Lord one thousand eight hundred and thirty one, entitled "an act to continue the banking corporations therein named, and for other purposes."

Transfer of
stock.

SEC. 2. *Be it further enacted*, That the stock in said bank shall be transferable only at its banking house and in its books, and no part thereof shall be transferred by way of security for the performance of any obligation whatsoever until two years from the payment of the first instalment into said bank.

Capital Stock to
be divided in-
to shares.

SEC. 3. *Be it further enacted*, That the capital stock of said corporation shall consist of the sum of one hundred thousand dollars to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided* the whole be paid in within one year from the passing of this act.

First meeting.

SEC. 4. *Be it further enacted*, That the said bank shall be established at Wrentham in the county of Norfolk, and that any one of the persons before named shall be authorized to call the first meeting of said corporation by advertising the same in any newspaper published in said county ten days at least before said meeting.

[Approved by the Governor, March 10, 1832.]

CHAP. CXXII.

An Act in addition to "An Act to establish the Hingham and Quincy Bridge and Turnpike Corporation."

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That it shall be the duty of the Hingham and Quincy Bridge and Turnpike Corporation, to hoist the drawers of their bridges, on a signal or other notice being given by masters of vessels who may be desirous of passing through the same; to place suitable buoys in the rivers above and below each of said bridges, and there keep the same, or to lengthen the piers thereof, as an agent herein after provided for, shall decide to be most proper, and to furnish all the facilities for the passage of vessels through the drawers of said bridges, which have heretofore been afforded by said corporation, without fee or reward.

Shall hoist drawers, &c.

SEC. 2. *Be it further enacted,* That his Excellency the Governor, by and with the advice and consent of the Council, is hereby authorized to appoint an agent to view said bridges and rivers, and to determine whether suitable buoys shall be placed and kept in the rivers above and below said bridges, or whether the piers thereof shall be lengthened, to facilitate the passage of vessels through the drawers; and, if said agent shall determine that suitable buoys shall be placed in said rivers, he shall designate the places where they shall be fixed; or,

His Excellency, the Governor, to appoint an agent for determining whether suitable buoys shall be placed in rivers.

if he shall determine that, instead thereof, the piers shall be lengthened, he shall determine how much they shall be lengthened for the purposes aforesaid, and the manner of constructing the same.

Provisions of the eighth section of the act to which this is in addition shall be null and void from and after the time when said buoys shall be placed in the aforesaid rivers.

SEC. 3. *Be it further enacted,* That from and after the time when said buoys shall be placed in the rivers aforesaid, or the piers of the bridges lengthened as before provided for, the provisions of the eighth section of the act to which this act is in addition, shall be null and void.

Expenses.

SEC. 4. *Be it further enacted,* That the expenses of the agent aforesaid, incurred by virtue of his employment, under the provisions of this act, shall be paid by said corporation.

[Approved by the Governor, March 12, 1832.]

CHAP. CXXIII.

An Act in addition to "An Act to incorporate the Episcopal Church of St. Thomas in Taunton."

Sections of former act repealed.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the second, third, fourth, fifth, sixth, and seventh sections of the act, to which this is in addition, be and the same hereby are repealed.

Conveyance of estate.

SEC. 2. *Be it further enacted,* That the said corporation at any legal meeting, held for the purpose, shall have power to authorize the wardens of said

church to transfer and convey all, or any part of the real or personal estate which said corporation now possesses or may hereafter acquire or possess, and to execute good and sufficient deeds to convey the same, in fee simple, or in any other manner, and for such consideration as the said corporation at such meeting shall by vote determine.

SEC. 3. *Be it further enacted*, That the proceedings and doings of said corporation, at their several meetings heretofore held, be and the same are hereby confirmed and made valid in law in all respects, notwithstanding any irregularity that may have occurred in the manner of notifying or calling said meetings.

Confirmation of doings of said corporation.

[Approved by the Governor, March 12, 1832.]

CHAP. CXXIV.

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 Webber Ricker, of Boston, may take the name of George Webber Ricker; that Orlando White, minor, son of Charles S. White, of Boston, may take the name of Henry Kirk White; that Sampson Wilder Thurston, of Boston, may take the name of Wilder Stoddard Thurston; that Petro Papathakes, of Boston, may

Names altered.

Names changed. take the name of Peter Patterson ; that William McManagil, of Boston, may take the name of William Pinkerton McKay ; that John McManagle, of Boston, may take the name of John McKay ; that Elizabeth McManagle, wife of the said John McManagle, may take the name of Elizabeth McKay ; and that Mary Ann McManagle, daughter of the said John McManagle, may take the name of Mary Ann McKay ; and that his son John Pinkerton McManagle, may take the name of John Pinkerton McKay ; that Rebecca Waitt, of Chelsea, may take the name of Ann Rebecca Waitt ; that Thomas James Prince, of Boston, may take the name of James Prince ; that Lucius Augustus Hoar, of Boston, may take the name of Lucius Augustus Horr ; that William Smith, of Boston, may take the name of William Otis Smith ; that Blowers Danforth, of Boston, may take the name of Bowers Danforth ; that Thomas Goddard, son of James Goddard, of Boston, may take the name of Thomas Austin Goddard ; that Nathaniel Thayer, minor, son of Susan F. Thayer, of Boston, may take the name of Nathaniel Frederick Thayer ; that Andrew Haskell, of Boston, may take the name of Andrew W. Haskell ; that William Eckley, minor, son of David Eckley, of Boston, may take the name of William Havard Eliot Eckley ; that Robert Lapish, of Boston, may take the name of Robert Hardison Dalton ; that James Lloyd Borland, son of John Borland, of Boston, may take the name of James Lloyd ; that William Richardson, of Boston, may take the name of William Horatio Richardson ; all of the county of Suffolk. That Elizabeth Wendell, of Salem, may take the name of Mary Elizabeth Wendell ; that Samuel Becket Kehew, of Salem, may take the

Names changed.

name of Samuel K. Appleton ; that Elhanan Winchester Knight, of Salisbury, may take the name of Winchester Knight ; that Josiah Cooper, of Newburyport, may take the name of Henry Franklin Benton ; that Caroline Chase, of Newburyport, may take the name of Caroline Boardman Chase ; that Harriet Chase, of Newburyport, may take the name of Harriet Augusta Chase ; that Peter Augustine Kimball, of Ipswich, may take the name of Augustine Phillips Kimball ; that William Micklefield, jr. minor, son of Mary Magrath, of Salem, may take the name of Thomas Morris ; that Daniel Putnam, jr. and William Putnam, second, sons of Daniel Putnam, Esquire, of Danvers, may severally take the name of Daniel Franklin Putnam and William Richardson Putnam ; that Timothy Dow Plumer, minor, son of Nathan Plumer, of Newburyport, may take the name of Charles Henry Plumer ; that Helen Elizabeth Cook, and that Joseph Augustus Edwin Long Cook, minor children of John Cook, jr. of Newburyport, may take the respective names of Helen Mar Cook and Joseph Augustus Cook ; that Pedro Blasina, of Beverly, may take the name of Edward Harrington ; that Margaret Welman McMillan, of Salem, may take the name of Margaret Ann Maskall : that Cynthia Clarinda Dennis Young, minor, daughter of Levi Young, of Ipswich, may take the name of Cynthia Clarinda Young ; that Nathaniel Rogers Lane, of Gloucester, may take the name of Fitz Henry Lane ; that Daniel Jackson Doggett, of Ipswich, may take the name of Daniel Jackson Akerman ; that Lucy Lord Doggett, wife of the said Daniel Jackson Doggett, may take the name of Lucy Lord Akerman ; that Joseph L. Doggett, may take the name of Joseph

Names changed. Lord Ackerman ; that Sarah L. Doggett, may take the name of Sarah Lord Akerman ; that Lucy M. Doggett, may take the name of Lucy Maria Akerman ; that Susan L. Doggett, may take the name of Susan Lord Akerman ; and that Walter P. Doggett, may take the name of Walter Phillips Akerman ; the five above last named persons are minor children of the said Daniel Jackson Doggett ; that Daniel Wardwell, the third, of Andover, Mchitable Putnam Wardwell, wife of the said Daniel, that Susan Putnam Wardwell, minor daughter of the said Daniel Wardwell, may each respectively take the surname of Davenport instead of Wardwell ; that Morris Hern, of Rowley, may take the name of Morris Hersey ; that Joseph Wormwood, of Lynn, that Susan Wormwood, wife of the said Joseph, and that Eliza Ellen Wormwood, daughter of the said Joseph, may each respectively take the surname of Everett instead of Wormwood ;—all of the county of Essex. That Charles Carter, minor son of Jacob Carter, of Leominster, may take the name of Charles Augustus Carter ; that Stillman Hoar, of Sterling, may take the name of Stillman Haven ; that Hannah Ward Hoar, wife of the said Stillman Hoar, may take the name of Hannah Ward Haven ; that Oscar Dexter and Ward Knowlton, minor sons of said Stillman Hoar, may severally take the surname of Haven ; that Jonathan Fairbanks, of Leominster, may take the name of Henry Fairbanks ; that Samuel Granger, of New Braintree, may take the name of Edwin Granger ; that Thomas Lawrence, second, of Leominster, may take the name of Thomas Edmunds ; that John Babcock, of Fitchburg, may take the name of John B. Marshall ; that Nathaniel Bradford, of

Fitchburg, may take the name of Gustavus Lyman; Names changed. that Ann Maria Keyes, of Ashburnham, may take the name of Almira Keyes; that Thomas Woodbury Gaffield, of Grafton, may take the name of George Woodbury Hale; that Oliver Goodridge, of Lunenburgh, may take the name of Oliver Newton Goodrich; that Abel Murdock, jr. of Leominster, may take the name of Thomas A. Murdock; that William Meriam, jr. of Ashburnham, may take the name of William Sanborn Meriam; that Nabby Willis, of Charlton, may take the name of Abigail Ellis Willis; that Mary L. B. Wiswall, of Westminster, may take the name of Mary Lyman; that Sarah Crouch, of Bolton, may take the name of Sarah Alvira Nelson; that Jefferson Beers, of Spencer, may take the name of Edward Beman; that Samuel Bullen, of Charlton, may take the name of Samuel Boyden; and that Adams S. Bullen, of said Charlton, may take the name of Adams Boyden;—all of the county of Worcester. That Moses C. Danforth, of Lowell, and that Pamela Danforth, wife of the said Moses C. Danforth, may severally take the surname of Monroe instead of Danforth; that John Henry Blasker, of Lowell, may take the name of John Henry Blake; that James Nichols, jr. of Reading, may take the name of James Churchill Nichols; that Vashti Brigam Barns, of Reading, may take the name of Mary Jane Barns; that Haslet Managle, of Marlboro', may take the name of Haslet-McKay; that Nancy McManagle, wife of the said Haslet, that Ann, his daughter, and that William Pinkerton, his son, may respectively take the surname of McKay instead of McManagle; that Ephraim Littlefield, of Holliston, minor, son of Oliver P. Littlefield, deceased, may

Names changed. take the name of Ephraim Oliver Prescott Littlefield ; that Benjamin Thompson, of Charlestown, may take the name of Benjamin Lowell Thompson ; that Samuel Matticks Ellen Kittle, of Townsend, may take the name of William Matticks Rogers ; that James Kidder, minor child of James Kidder, junior, of Watertown, may take the name of James Hosmer Kidder ; that Jason Chamberlain Smith, of Holliston, may take the name of Jason Smith ; that Anna Damon, of Reading, may take the name of Anna Pratt ;—all of the county of Middlesex. That Isaac Maltoa Wansongthi Adams, of Brookline, may take the name of Isaac Mahtra Wansongthi Adams ; that Franklin Oakes, of Cohasset, minor son of Levi Oakes, may take the name of Benjamin Franklin Oakes ; that Martin Spear, of Dedham, may take the name of Henry Forister Spear ;—all of the county of Norfolk. That Anna Mayo, of Eastham, may take the name of Anna Doane Mayo ; that Lucy Knowles of Eastham, may take the name of Lucy Harding Knowles ; that Thankful Hallet Bray, of Yarmouth, may take the name of Susan Augusta Bray ;—all of the county of Barnstable. That Ignatious Loring of Great Barrington, may take the name of Almon Ignatious Loring ; that Grosvenor Curtis, of Egremont, may take the name of Harvey Grosvenor Curtis ;—both in the county of Berkshire. That John Foster, Jr. of Scituate, may take the name of John Hatherly Foster ;—of the county of Plymouth. That Calvin Hoar, of Northampton ; that Phebe Hoar, wife of the said Calvin ; that William Patric and Samuel Johnson, children of the said Calvin, may each respectively take the surname of Hoyt instead of Hoar ;—all of the county of Hampshire.

That Elisha Hunt, of Northfield, in the county of Franklin, may take the name of Elisha Watriss Hunt.—That Martha Leavett Mayhew, an adopted daughter of Leavett Thaxter, of Edgartown, in the county of Dukes county, may take the name of Martha Leavett Thaxter; that Nancy S. Covell, of New Bedford, may take the name of Nancy S. Blackmere; that Abigail Gifford, daughter of John Gifford, of Westport, may take the name of Abby Gifford; that Isaac Hathaway, of New Bedford, may take the name of Isaac Franklin Hathaway; all in the county of Bristol;—and the several persons herein mentioned are hereby allowed to take and hereafter be known by the respective names which by this act they severally are authorized to assume.

[Approved by the Governor, March 13, 1832.]

CHAP. CXXV.

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

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Hamilton Davidson, John M. Fiske, Abijah Goodridge, Paul Willard, Nathan Lynde, Arthur W. Austin, John Cheever, Samuel Poor, and Edward Hearsey, their associates, successors and assigns, shall be and they

Persons incorporated.

hereby are created a corporation by the name of the President, Directors and Company of the Charlestown Bank, and shall so continue until the first day of October which shall be in the year of our Lord one thousand eight hundred and fifty one, and said corporation shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements contained in an act passed on the twenty eighth day of February in the year of our Lord one thousand eight hundred and twenty nine entitled, "an act to regulate banks and banking," and the further provisions contained in an act passed on the twenty eighth day of February in the year of our Lord one thousand eight hundred and thirty-one entitled, "an act to continue the banking corporations therein named and for other purposes."

Transfer of
stock.

SEC. 2. *Be it further enacted*, That the stock in said bank shall be transferable only at its banking house, and in its books, and no part thereof shall be transferred by way of security for the performance of any obligation whatsoever until two years from the payment of the first instalment into said bank.

Shares.

SEC. 3. *Be it further enacted*, That the capital stock of said corporation shall consist of one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments and at such times as the stockholders may direct: *Provided*, that the whole be paid within one year from the passing of this act.

Location.

SEC. 4. *Be it further enacted*, That the said bank shall be established in the town of Charlestown, and that any one of the persons herein named shall be authorized to call the first meeting of said corporation by advertising the same in any news-

paper printed in the town of Charlestown, or in the city of Boston ten days at least before said meeting.

[Approved by the Governor, March 13, 1832.]

CHAP. CXXVI.

An Act to incorporate the President, Directors and Company of the Phoenix Bank in Charlestown.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Nathan Pratt, Charles Thompson, William Gordon, Eliab P. Macintire, and Jonathan Bridge, their associates, successors and assigns shall be, and they hereby are created a corporation by the name of the President, Directors and Company of the Phoenix Bank, and shall so continue until the first day of October, which shall be in the year of our Lord one thousand eight hundred and fifty one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements contained in an act passed the twenty eighth day of February, in the year of our Lord one thousand eight hundred and twenty nine, entitled "an act to regulate banks and banking," and the further provisions contained in an act passed the twenty eighth day of February in the year of our Lord one thousand eight hundred and thirty one, entitled "an act to continue the banking corporations therein named, and for other purposes." Persons incorporated.

Transfer of
stock.

SEC. 2. *Be it further enacted,* That the stock in said bank shall be transferable only at its banking house and in its books, and no part thereof shall be transferred by way of security for the performance of any obligation whatsoever, until two years from the payment of the first instalment into said bank.

Capital stock of
said corporation
to consist of one
hundred and fif-
ty thousand dol-
lars.

SEC. 3. *Be it further enacted,* That the capital stock of said corporation shall consist of one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times as the stockholders may direct. *Provided,* that the whole be paid within one year from the passing of this act.

First meeting to
be called by ad-
vertisement in a
newspaper pub-
lished in Charles-
town.

SEC. 4. *Be it further enacted,* That the said bank shall be established in the town of Charlestown, and that any three of the persons before named shall be authorized to call the first meeting of said corporation by advertising the same in any newspaper published in the town of Charlestown, ten days at least before said meeting.

[Approved by the Governor, March 13, 1832.]

CHAP. CXXVII.

An Act to incorporate the Dana 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 Oliver Sheple, Samuel Dana, Samuel Dana, Jr., Oliver Sheple, Jr., James Dana, and Washington Sheple, their associates and assigns be, Persons incorporated. and they hereby are constituted a corporation and made a body politic, by the name and style of the Dana Manufacturing Company, for the purpose of manufacturing cotton and woollen goods, iron wares, and starch from any materials, in the respective towns of Groton and Shirley in the county of Middlesex, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the twenty third day of February in the year of our Lord one thousand eight hundred and thirty, entitled "an act defining the general powers and duties of manufacturing corporations."

SEC. 2. *Be it further enacted,* That the said corporation may take and hold such real estate, Real and personal estate. not exceeding in value the sum of two hundred thousand dollars, and such personal estate not exceeding in value two hundred thousand dollars, as may be suitable and convenient for carrying on the business aforesaid.

[Approved by the Governor, March 13, 1832.]

CHAP. CXXVIII.

An Act to incorporate the Lynn Academy.

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 Andrews Breed, Isaiah Breed, Josiah Newhall, Jonathan Buffum, Francis S. Newhall, Caleb Wiley, and Hezekiah Chace, their associates and successors be, and they hereby are incorporated as the Lynn Academy, in the town of Lynn, in the county of Essex, with power to hold real estate not exceeding in value twenty thousand dollars, and personal estate not exceeding twenty thousand dollars, to be devoted exclusively to the purposes of education. And said corporation shall have all the powers usually incident to similar corporations, and may make all necessary by-laws not repugnant to the laws of this Commonwealth.

First meeting.

SEC. 2. *Be it further enacted,* That any two of the persons named in this act may call the first meeting of said corporation, by giving notice of the time and place, seven days at least previous thereto, in the newspapers printed in said town of Lynn.

[Approved by the Governor, March 13, 1832.]

CHAP. CXXIX.

An Act in addition to an Act providing for the government and regulation of the State Prison.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That, from and after the first day of April next, the compensation allowed to the chaplain of the state prison, for his services, shall be eight hundred dollars a year; to the superintendent of the stone department, one thousand dollars a year, instead of the sums allowed those officers by the provisions contained in the eighth section of the act providing for the government and regulation of the state prison, passed on the eleventh day of March one thousand eight hundred and twenty-eight.

Compensation allowed to chaplain of State Prison.

SEC. 2. *Be it further enacted,* That the warden of the state prison may, at his discretion, make an addition to the rations as now fixed by law, in favor of those convicts, for whom, in his opinion, the present rations are insufficient, not exceeding two ounces of beef or pork to each convict.

Addition to convicts' rations.

[Approved by the Governor, March 13, 1832.]

CHAP. CXXX.

An Act enlarging the Jurisdiction of the Court of Common Pleas in Criminal Cases, and regulating the Appointment and Duties of Prosecuting Officers.

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 the counties in the Commonwealth, except the county of Suffolk, the Court of Common Pleas, at any term holden by one or more Justices thereof, shall have and exercise exclusive original jurisdiction of all offences, crimes and misdemeanors, of which the Supreme Judicial Court had jurisdiction before the passing of this act, and also of all actions of *scire facias*, to recover the penalty and forfeitures of any recognizance, returnable to, or remaining in, either of said courts. And their said jurisdiction therein shall be final in all matters of fact, excepting as hereinafter provided, and excepting herefrom the trial and punishment of all crimes which are or shall be punishable with death, which crimes shall be originally prosecuted in said Court of Common Pleas, and tried as hereinafter provided. And the said court of Common Pleas, in relation to the prosecution, trial, judgment, and sentences, for said offences, crimes and misdemeanors, shall have and exercise as full and ample powers and authority, as are vested by law in the Supreme Judicial Court, at any term holden by one justice thereof. *Provi-*

Enlargement of
the jurisdiction
of the Court of
Common Pleas.

ded however, that all prosecutions pending in the said Supreme Judicial Court, when this act shall take effect, shall be proceeded in and determined as the same would have been if this act had not been passed. And the forms of all processes, issued in pursuance of this act, shall be so far altered as to conform to the provisions thereof, and they shall be served and returned in the same manner as is provided by law for the service and return of like processes of the Supreme Judicial Court.

SEC. 2. *Be it further enacted*, That from and after the time when this act shall take effect, all recognizances and other processes in criminal cases, which may then be returnable by law to the Supreme Judicial Court, shall, in all the counties of the Commonwealth, except the county of Suffolk, be returned to and have day in, the next term of the Court of Common Pleas, to be holden within and for said county ; and if such returns be not so made, the party or parties guilty of any such neglect, shall be subject to all the penalties and forfeitures, now by law provided for neglecting to make such returns to the Supreme Judicial Court.

SEC. 3. *Be it further enacted*, That any person who shall be convicted in the said court of common pleas for any county of the Commonwealth, upon any prosecution for a libel, nuisance or conspiracy, or for any crime or offence, which is or may be punishable by confinement to hard labor for a term exceeding five years, may appeal therefrom unto the Supreme Judicial Court then next to be holden for the same county. *Provided*, that said appeal shall be claimed in a convenient time before the rising of the court, before which such conviction shall be had, and that the party appealing shall,

within such convenient time, recognize to the Commonwealth ; and when, by law, a forfeiture accrues to any individual, shall recognize to such individual, in such reasonable sum as the court shall order, with a surety or sureties for his personal appearance at the court appealed to, and for the prosecution of his appeal there, with effect, and to abide the sentence therein given, and, in the mean time, to keep the peace, and be of good behaviour. And the party, so appealing, shall be in custody, until he shall so recognize, or until he shall be sentenced for want of such recognizance. And he shall produce, at the court appealed to, a copy of the record of his conviction, with a copy of all the other proceedings had in the cause ; and shall enter his appeal, and pay all such fees in said Supreme Judicial Court, as shall by law be provided in other causes. And, if he shall fail in the prosecution of his appeal, or in any of the particulars aforementioned, his recognizance shall be forfeited, and the said Supreme Judicial Court shall award such sentence against him for the offence whereof he is so convicted, as they ought to do, in case he stood convicted by the verdict of a jury in said court, and may issue a *capias* to bring him into court to receive such sentence.

New trial.

SEC. 4. *Be it further enacted,* That said court of common pleas shall have power, at the term at which the trial of any such indictment shall be had, or any judgment shall be rendered thereon, or at any term within one year from the time of such trial or judgment, on the petition or motion of the defendant in writing, to grant a new trial in such case, for any cause, for which by law a new trial may be granted, or when it shall appear to said court, that justice has not been done, upon such terms and conditions, as to said court shall seem proper.

SEC. 5. *Be it further enacted,* That any person after conviction of any offence, thinking himself or herself aggrieved by any opinion, direction or judgment of said Court of Common Pleas, in any matter of law, whether such person shall have a right to appeal therefrom or not, *Provided* such appeal be not effectually taken, may allege exceptions to the same, which, being reduced to writing, in a summary mode, and presented to the court in a convenient time before the adjournment thereof, and found conformable to the truth of the case, shall be allowed and signed by the presiding justice thereof, and thereupon all further proceedings in such case in said court shall be stayed. *Provided, however,* that, when it shall appear to such presiding justice, that such exceptions are clearly frivolous, immaterial, or intended for delay, judgment may be entered in such case, and sentence awarded therein, on such conditions as the court may deem reasonable, notwithstanding the allowance of such exceptions. And if, upon any such trial in said court, of any person who shall be duly convicted thereon, and who shall not be assisted by council, any question of law shall arise, which, in the opinion of the presiding justice, is of such magnitude, or so doubtful, as to deserve the opinion of the Supreme Judicial Court thereon, it shall be his duty, if the defendant consent thereto, to report the facts in said case, so far as to present the question of law arising therein; and thereupon all further proceedings in such case in said court shall be stayed. And the person filing such exceptions, or for whose benefit such report shall be made, may recognize, with sufficient surety or sureties for his or her appearance at the term of the Supreme Judicial Court, next to be holden for the

Any person, imagining himself aggrieved, may allege exceptions.

Opinion of the Supreme Judicial Court.

Recognizance.

same county, and for entering such case, and producing copies thereof in the same court, and for abiding the order and judgment of the court thereon. And if such person shall not so recognize, he or she shall be committed to prison, to await the order and judgment of said Supreme Judicial Court. And the clerk of the court in which such trial shall be had, shall certify the copies of the case into the Supreme Judicial Court, where said case shall be returned; and they shall have cognizance thereof, and consider and decide the same, in the same manner as they are now authorized to do, when questions of law are reserved by any one justice of said Supreme Judicial Court; and shall pass such orders and render such judgments therein as law and justice shall require. And said Supreme Judicial Court may discharge such person from his or her recognizance, or from further confinement, or prosecution in the case, or may proceed to sentence him or her for the offence of which he or she may have been convicted, or may remand such case to the Court of Common Pleas for new trial, judgment, sentence, or such other proceedings therein as law and justice shall require. And if they shall so remand such case, they may order and require such person to recognize, with sufficient surety or sureties, for his or her appearance at said Court of Common Pleas, and then abiding the order and judgment of court thereon; and in default of such recognizance, may commit him or her to prison; and said Supreme Judicial Court shall certify to said Court of Common Pleas, their proceedings, determination, and orders therein, and said Court of Common Pleas shall proceed to try said case again, or pass sentence therein, or do whatever the said Supreme Judicial Court

shall have determined and ordered in such case. *Provided, however,* that this act shall not be so construed as to deprive any party of his writ of error, for any thing appearing of record.

SEC. 6. *Be it further enacted,* That grand jurors Grand jurors. shall not be selected for, or required to attend upon the Supreme Judicial Court, in any county of the Commonwealth, except the county of Suffolk. And the grand and traverse jurors, which now are selected for, and required to attend the Courts of Common Pleas, shall be selected and attend said courts, for the purposes in this act described, and perform all the duties by law required of grand and traverse jurors respectively, in relation thereto. And the foreman of any grand jury, in any county of the Commonwealth, who shall be elected at the first term of the court at which such grand jury shall attend, shall be foreman of such jury during all the time for which they shall be empanelled; *provided,* that, in the absence of any such foreman, another foreman shall be elected in the mode prescribed by law, who shall perform the duties of foreman during the absence of his predecessor. And if the grand jury attending any Court of Common Pleas shall find and return into court an indictment against any person or persons, for any crime which is or may be punishable with death, said court shall have power to issue a *capias* for the arrest and confinement of the person or persons so charged, if not already in confinement, and shall, as soon as conveniently may be, after the finding of such indictment, cause to be served upon the person or persons so charged, by the sheriff of said county or his deputy, a copy thereof, with an order of court notifying such person or persons, that the same will be entered at the Supreme

Notice of indictment.

Judicial Court, next to be holden for said county, and the clerk of such Court of Common Pleas, shall forthwith give notice of such indictment to the chief justice of the Supreme Judicial Court. And whenever any such indictment shall be found in the county of Dukes County, the same shall be returned to and tried in the Supreme Judicial Court holden at Barnstable, for the counties of Barnstable and Dukes County, and a copy thereof, with the order of court thereon, shall be served upon the person or persons so charged as before provided. And the clerk of said Court of Common Pleas, in which any such indictment shall be found, shall return the same into the Supreme Judicial Court, at the term next to be holden for said county, and the same shall be entered therein. And if the court so next to be holden shall be holden by one justice thereof, it shall be lawful for such court to cause the person indicted to be arraigned, and, if he or she shall, by plea, confess himself or herself guilty, to award sentence according to law; and, if such person shall deny the charge, and put himself or herself upon trial, the court so holden may assign counsel, and order and take all measures preparatory for trial, in the same manner, as if the same court were holden by three or more justices thereof. And said court, when holden by three or more justices thereof, shall proceed to try thereon the person or persons so charged, in the same manner, as if such indictment had originally been found in and returned to said Supreme Judicial Court, and shall proceed to sentence such person or persons, for any crime for which he or they may be convicted, on such trial, in the same manner as they are now by law authorized to do for similar crimes.

SEC. 7. *Be it further enacted,* That all costs and fees in the Court of Common Pleas, in the cases provided for by this act, shall be taxed and allowed by said court, in the same manner, and upon the same principles, as they were, before the passing of this act, taxed and allowed by said court, in cases then cognizable by them. And the clerks or other officers of said court, who shall receive fees or monies to the use of the Commonwealth in said cases, shall account therefor in the same manner as they were, before the passing of this act, required to account for fees and monies received in cases then cognizable by said court.

Costs and fees
in the court of
common pleas.

SEC 8. *Be it further enacted,* That the Governor, by and with the advice and consent of Council, shall appoint and commission some suitable person to be Attorney General for the Commonwealth, with all the powers and privileges, and subject to all the duties by law belonging to said office. And the said Attorney General shall appear, and act for the Commonwealth, in the Supreme Judicial Court, when holden by three or more justices thereof, in all prosecutions for crimes which are or may be punishable with death; and in the trial and argument, in said court, of all causes, criminal or civil, in which the Commonwealth may be a party to the record or be interested, and when any question of law shall be tried or argued. And when thereto required by the Governor, or either branch of the Legislature, he shall further appear and act for the Commonwealth, in any court or tribunal of competent jurisdiction, in any other causes, criminal or civil, in which the Commonwealth may be a party to the record, or be interested. And it shall further be the duty of the Attorney General to consult with

Appointment of
some suitable
person to be At-
torney General.

and advise the District Attornies of the Commonwealth, in all matters appertaining to the duties of their offices, whenever he shall be applied to by them therefor ; to make and submit to the Legislature, at the commencement of each session thereof, a report of all the business done by him during the preceding year, by virtue of his office, specifying the suits and prosecutions to which he may have attended as such, the names of the persons prosecuted for crime, the crimes for which, and the counties where, such prosecutions were had, the results thereof, and the punishments awarded therefor. And he shall also embrace in said report an abstract of the annual reports of the several district attornies, with such observations and statements, as in his opinion the criminal jurisprudence, and the proper and economical administration of the criminal law of the Commonwealth, shall warrant and require. And he shall always be in attendance upon the call of the Legislature during their sessions, and shall give his opinion upon all questions of law submitted to him by either branch of the Legislature, or the Governor and Council ; and shall give his aid and advice in the arrangement and preparation of legislative documents and business, when thereto required by either branch of the Legislature.

Division of counties.

SEC. 9. *Be it further enacted,* That the several counties in the Commonwealth, except the county of Suffolk, shall be divided into four Districts, for the administration of criminal justice. The counties of Essex and Middlesex shall constitute the northern district ; the counties of Bristol, Plymouth, Barnstable, Dukes County, and Nantucket, shall constitute the southern district ; the counties of Norfolk and Worcester shall constitute the middle

district, and the counties of Hampshire, Franklin, Hampden, and Berkshire, shall constitute the western district. And for each of said districts, there shall be appointed and commissioned by the Governor, by and with the advice and consent of Council, a district attorney for the Commonwealth, who shall be resident within the district for which he is appointed. And the said district attorneys shall, within their respective districts, appear and act for the Commonwealth, in all cases, criminal or civil, in which the Commonwealth may be a party to the record, or be interested, in the Courts of Common Pleas, and in the Supreme Judicial Court. And they shall also, within their respective districts, perform all the duties which the attorney general and the solicitor general, or either of them, before this act shall take effect, are by law obliged to perform, and which are not herein before required to be done by the attorney general, and shall aid the attorney general in the duties so required of him in their several districts: *Provided*, that the attorney general, when present, shall, in any court, have the direction and control of any prosecutions and suits, in behalf of the Commonwealth. And the said district attorneys, and the attorney for the Commonwealth, for the county of Suffolk, may, from time to time, make such arrangements, in relation to the duties of their offices, by interchanging the same, as may, with reference to their mutual accommodation, best ensure a punctual and prompt despatch of the duties incumbent upon them, and may perform said duties accordingly. And the Supreme Judicial Court and Court of Common Pleas may, in the absence of the attorney general and district attorneys, at any term of either of said

District attorneys.

District attorneys to make arrangements for the punctual and prompt despatch of duties, &c.

courts, appoint some suitable person to perform the duties by law required of them ; and the person so appointed may perform said duties accordingly. And the said district attorneys shall, severally, in the month of November in each year, make reports to the attorney general, setting forth particularly the amount and kind of business done by them severally, by virtue of their offices, in each county, the names of any persons prosecuted, the crimes, offences, or misdemeanors, for which such prosecutions were had, the result thereof, and the punishments awarded against any persons convicted thereon ; and, generally, they shall present in said reports, plain and particular statements of the criminal business of their respective districts. And the attorney for the Commonwealth, for the county of Suffolk, shall perform the same duties, in all causes and business arising within said county, as are herein required of said district attorneys within their respective districts.

Attorney general and district attorneys to hold their offices for the term of five years.

SEC. 10. *Be it further enacted,* That the attorney general and district attorneys shall severally hold their offices for the term of five years from the date of their several appointments, unless sooner removed by the Governor and Council ; and whenever any vacancy shall happen in either of said offices, the same shall be filled in like manner, and the person appointed shall hold his office for the same term, unless sooner removed by the Executive. And the attorney general shall receive the sum of eighteen hundred dollars annually, and the district attorneys each the sum of one thousand dollars annually, to be paid to them severally, out of the treasury of the Commonwealth, in equal quarterly payments, in full for all fees, and for all services by them render-

ed. And they shall severally account with the treasurer of the Commonwealth for all fees, bills of cost, and monies received by them by virtue of their said offices, or for any business done by them for the Commonwealth. And they shall not receive any fee or reward from, or in behalf of any prosecutor, for services in any prosecution or business, to which it shall be their official duty to attend ; or, during the pendency of such prosecution, be concerned as counsel or attorney for either party, in any civil action depending upon the same state of facts.

SEC. 11. *Be it further enacted,* That all the foregoing provisions of this act shall take effect on the first day of June next ; *provided,* that the said attorney general and district attorneys may be appointed at any time after the passing of this act. Provisions of this act, when to take effect.

SEC. 12. *Be it further enacted,* That the act, entitled “ an act to give criminal jurisdiction, except in capital cases, to the Court of Common Pleas,” passed on the eighteenth day of March, in the year of our Lord one thousand eight hundred and thirty one, be, and the same hereby is repealed, from and after the passing of this act. Act repealed. And all acts and parts of acts, heretofore passed, so far as they provide for the appointment, salaries, fees, and compensation of the attorney general and solicitor general, and of the attorneys for the Commonwealth, in all the counties, except the county of Suffolk, and all other acts and parts of acts heretofore passed, so far as they are inconsistent with the provisions of this act, be, and the same hereby are repealed, from and after the first day of June next.

[Approved by the Governor, March 14, 1832.]

CHAP. CXXXI.

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 Levi Crowell, Obed Baxter Jr. Leonard Underwood, Thomas Akin, and Freeman Baker, and their associates, successors and assigns, be and they hereby are constituted a corporation by the name of "the proprietors of Bass River Lower Bridge," and by that name may sue and be sued to final judgment and execution; may make and use a common seal, and the same may break, alter and renew at pleasure; may elect all officers necessary for the management of the business of said corporation; and generally, shall have, and may exercise the same powers and privileges, and be subject to the same duties and requirements which bodies politic may or should have, exercise, and be subject to perform.

Persons incorporated.

Erection of a bridge across Bass River.

SEC. 2. *Be it further enacted,* That the said corporation be, and they hereby are authorized to construct and erect a bridge across Bass River, at such point or place as shall be determined upon to be most for the public accommodation, and least prejudicial to the interests of all persons or parties concerned, by three commissioners, or a majority of them, who shall be the following named persons, Samuel P. Crowell, of Falmouth, Matthew Cobb, of Barnstable, and Obadiah Doane of Eastham.

And the said commissioners, upon application made to them by any three or more of the persons hereby incorporated, shall assemble at such time and place as they may appoint, after giving due notice to all persons interested of the said time and place of meeting by advertisement in a newspaper printed in Barnstable, and they shall proceed to hear the parties, view the premises, and determine and adjudge, where the said bridge shall be located and erected. *Provided, however,* that the said bridge shall not be located or erected at any place or point farther north upon said river than Killey's Wharf so called, nor farther south than one hundred rods south of said Killey's Wharf. And the said commissioners shall receive for their services as herein required a reasonable compensation, to be paid them by such of the persons or parties interested in the location of the said bridge as to them shall seem the most proper. And the said corporation shall be subject, and required to conform to the provisions and restrictions following, to wit, that the said bridge shall be built on piles excepting suitable abutments at the end thereof; that said bridge shall have a sufficient draw not less than twenty eight feet wide; that the said proprietors shall cause the said draw to be opened whenever it may be necessary for the passage of any vessel or vessels; that the said proprietors shall place and maintain at their own expense two buoys, well anchored, the one above, and the other below said bridge, with a ring in each for warping through said bridge; that if said bridge shall cause shoals under, or on either side of the draw, so as to obstruct the passage of vessels through the same, the said draw shall be removed, from time to time, to that part of said bridge where the water may be

Assembly of commissioners upon application made to them by any three or more of the persons hereby incorporated.

Provisions and restrictions.

of sufficient depth for the passage of vessels ; that if said bridge shall cause a bar across said river so as unreasonably to obstruct the passage of such vessels as usually pass up and down said river, said proprietors shall wholly remove said bridge at their own expense ; and the said corporation shall at their own expense purchase, fence, make and keep in repair an open road from the end of the said bridge in Dennis to the ferry road, and the said town of Dennis shall be free from all expenses arising from said bridge, and from that part of said road.

Bridge to be built of good materials.

SEC. 3. *Be it further enacted,* That the said bridge shall be well built of good and sufficient materials ; shall be twenty-four feet wide at least ; shall have sufficient rails on each side for the protection of passengers, and shall be at all times kept in good repair : And the said 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 or returning from military duty, and all persons passing to and from funerals, are hereby exempted from paying any toll required by this act.

Toll.

SEC. 4. *Be it further enacted,* That, for reimbursing the said proprietors for the monies expended, and to 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, to wit, for each foot passenger two cents ; for each horse and rider six cents ; for each horse and chaise, chair, or sulkey twelve cents ;

for each horse and wagon or sleigh eight cents ; for each coach, chariot or phaeton, or other carriage with four wheels twenty cents ; for each cart, sled or other carriage of burthen drawn by one beast six cents ; if drawn by two beasts eight cents ; and if drawn by more than two beasts twelve cents ; for each horse without a rider, and neat cattle, two cents each ; for sheep or swine six cents by the dozen, and in proportion for a less number ; and for each hand cart or wheel barrow three cents ; and only one person shall be allowed for each team, to pass free of toll. And at all times, when the toll gatherer 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 for and during the term of seventy years thereafter. *Provided*, that at all times hereafter the rate of toll shall be subject to the regulations of the Legislature ; and also, that, if the said proprietors shall neglect to build and complete the said bridge within five years from and after the passing of this act, then the same shall be void, and of no effect.

Rates of toll.

Whenever the toll gatherer is not attending to his duty, the gate or gates must be left open.

SEC. 5. *Be it further enacted*, That any two of the persons named in this act are hereby authorized to call the first meeting of said corporation, by causing notice thereof to be published in one or more of the newspapers printed in the county of Barnstable at least fourteen days previous to the time of holding such meeting. And said proprietors, by a vote of a majority of those present, or represented by proxy at said meeting, allowing in all cases one vote to each share, shall choose a clerk and treasurer, who shall be sworn or affirmed to a faithful dis-

First meeting may be called by publication in any newspaper printed in the county of Barnstable.

For the accomplishment of the purposes aforesaid said corporation may make by-laws, &c.

charge of their respective offices; and said offices shall be united in one person, if the said proprietors shall so elect; and at the same, or any subsequent meeting, the said proprietors may make and establish any by-laws, rules and regulations, not repugnant to the constitution and laws of the Commonwealth, that shall be necessary or convenient for regulating said corporation, and for effecting, completing and executing the purposes aforesaid, and for collecting the tolls aforesaid.

[Approved by the Governor, March 14, 1832.]

CHAP. CXXXII.

An Act authorizing a Bridge to be built over Broad Cove, in the County of Bristol.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Elisha Burgess and Joseph Marble, together with such others as may associate with them for that purpose be, and they are hereby authorized and allowed to build a bridge across Broad Cove, from the south side of said cove, in the town of Somerset, to or near land of Ebenezer Talbut, on the north side of said cove, in the town of Dighton: *Provided*, that said bridge shall be built in a substantial manner, twenty feet wide, with a passage way twenty-seven feet wide, to build a bridge across Broad Cove.

Authority given to Elisha Burgess and Joseph Marble in a substantial manner, twenty feet wide, with a passage way twenty seven feet wide, to build a bridge across Broad Cove.

vessels through said bridge, and the wood work over said passage way so constructed that the same may be conveniently removed, and said bridge, when completed, shall ever remain free for the accommodation of the public: *Provided further*, that this act shall not take effect until the town of Somerset, in legal town meeting, warned for that purpose, shall consent to pay one half of the expense of maintaining and repairing said bridge, and the county commissioners of the county of Bristol, after a full hearing of all persons interested, shall adjudge that the common convenience and necessity require that said bridge should be built.

This act not to take effect until the town of Somerset consent to assist in repairs, &c.

SEC. 2. *Be it further enacted*, That whenever said bridge shall be built agreeably to the provisions contained in the first section of this act, one half of the expense of maintaining and repairing the same shall be borne by the town of Somerset, and the other half thereof by the town of Dighton.

Expenses of repairing and supporting bridge, when built, to be defrayed one half by the town of Somerset, and the other half by the town of Dighton.

[Approved by the Governor, March 16, 1832.]

CHAP. CXXXIII.

An Act to establish a Fire Department in the town of Troy.

Choice of fire-wards.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the inhabitants of the town of Troy, at their annual meeting for the choice of town officers, shall choose by ballot, a number of persons, not exceeding twenty, for firewards, who shall possess the same authority, and exercise the same powers in relation to the extinguishing of fires, as firewards did by law possess and exercise previous to the passing of this act.

Organization.

SEC. 2. *Be it further enacted,* That the firewards so chosen shall, as soon as may be, meet at some convenient place in said town, and organize themselves into a board, by choosing a chairman, and it shall be the duty of the town clerk of said town, to appoint the time and place of the first meeting of the firewards after they have been chosen as aforesaid, and all succeeding meetings, when required by the chairman, and notify them of the same. He shall preside at the election of the chairman, and shall also be clerk of the board, and record all their proceedings in a book kept for that purpose, and shall receive for his services such compensation from the town as the board of firewards shall determine.

Nomination of Enginemen.

SEC. 3. *Be it further enacted,* That the said board of firewards be, and they are hereby author-

ized and required to exercise all the powers, and perform all the duties, in relation to the nomination and appointment of enginemen, which the selectmen of said town have been heretofore by law authorized and required to exercise and perform ; and all appointments made by said board of firewards pursuant to this act shall subject the persons thus appointed to the same duties, and entitle them to the same privileges and exemptions as enginemen are by law entitled to when appointed by the selectmen. *Provided, however,* that they shall not be exempted from military duty unless they shall annually produce to the commanding officer of the company within whose bounds they reside, certificates of their appointments from the said board of firewards, signed by their chairman.

SEC. 4. *Be it further enacted,* That the said board of firewards be, and they are hereby authorized and empowered to appoint such number of men to the engines, hose and hook and ladder carriages, and to constitute a company for the securing of property when endangered by fire, as they shall think expedient, *provided,* that the number of men appointed to each and every hydraulion or engine with suction hose shall not exceed one hundred ; to each and every hydraulion or engine without suction hose fifty men ; to each and every mill hydraulion or forcing pump operated by water power, and to manage the hose respectively belonging to each, fifteen men ; to each and every hook and ladder carriage, forty men ; and to act as a company for the rescuing of property when endangered by fire twenty five men ; they are also authorized and empowered to appoint three men as engineers or inspectors of fire apparatus, who shall also be general inspectors of all caus-

Appointment of
enginemen, &c.

es of complaint, where it is alleged that individuals or the public are in danger of loss by fire from such causes : and the said engine, hose, hook and ladder carriage men, and the men for rescuing of property, are authorized to organize themselves into distinct companies under the direction of the firewards, to elect directors or captains, clerks, and other officers, to establish such rules and regulations as may be approved by the firewards, and to annex penalties to the same, which may be recovered by the clerk of any company, so organized, before any justice of the peace in the county of Bristol ; *provided*, that no penalty shall exceed the sum of ten dollars, and that such rules and regulations shall not be repugnant to the constitution and laws of this Commonwealth, and the said penalties shall be appropriated to the use of said companies, severally, as they shall direct.

Firewards to have the care of apparatus.

SEC. 5. *Be it further enacted*, That the said firewards shall have the care and superintendance of the public engines, hose, fire hooks, and ladders, together with the buildings, fixtures and appendages thereto belonging, and all other apparatus owned by the said town of Troy, that is used for the extinguishment of fire, and shall cause the same to be kept in repair, and may, from time to time, make such alterations and improvements therein as they shall deem expedient, *provided*, that the sum expended for such repairs, alterations and improvements, shall not exceed in any one year the sum of one hundred dollars, unless the said town of Troy shall have previously assented to a larger appropriation.

Inspection of fire apparatus.

SEC. 6. *Be it further enacted*, That the engineers or inspectors to be appointed as provided for in this act, shall inspect from time to time all the ap-

paratus for extinguishing fire belonging to, and in the use of said town of Troy, and report their condition to the said board of firewards whenever they shall require it. And it shall also be the duty of said engineers or inspectors, in case of any of the apparatus belonging to said town of Troy having been wantonly or wilfully damaged, injured or destroyed, to make diligent inquiry, to ascertain by whom said damage, injury or destruction was committed, and to report such information as they shall obtain, to the treasurer of said town, who shall, if the information received from the engineers or inspectors be sufficient to sustain an action against any person or persons, immediately prosecute such offender or offenders in the name of the town according to the law in such cases made and provided.

SEC. 7. *Be it further enacted*, That the said board of firewards, at any meeting called as herein before provided, may establish such rules and ordinances as they may judge proper to prohibit or regulate the carrying of fire, fire-brands, lighted matches or any other ignited material, openly in the streets and thoroughfares of said town, or in such parts thereof as they may designate, and to prohibit any owner or owners, occupant or occupants of any building within said town, or such parts thereof as said board of firewards shall designate, from erecting or maintaining any defective chimney, hearth, oven, stove or stove pipe, fire frame, or other fixture, deposit of ashes, or any mixture or other material which may produce fire by spontaneous combustion, or whatever else may give just cause of alarm, and may be the means of kindling, or spreading fire. *Provided*, such rules and ordinances shall not be repugnant to the constitution and laws of

Establishment of
rules and regula-
tions.

this Commonwealth, and shall not be binding until the same shall be approved by the inhabitants of said town in legal meeting held for that purpose, and published in some newspaper printed in said town, and the said board of firewards may annex suitable penalties for the breach of any of said rules and ordinances, not exceeding the sum of twenty dollars for any one breach thereof, and the same may be prosecuted for, and collected before any justice of the peace for the county of Bristol, not being an inhabitant of said town of Troy, in the name of the treasurer of said town, and all penalties so recovered shall be appropriated by said board of firewards for the improvement of the fire apparatus of said town.

Act, when to
take effect.

SEC. 8. *Be it further enacted*, That this act shall take effect when accepted by said town of Troy, at any meeting called for that purpose, at which meeting the firewards contemplated in this act shall be elected as herein prescribed, who shall hold their office one year, or until the next succeeding election of town officers in said town of Troy shall take place, when a new election of firewards shall be had, any thing in this act to the contrary notwithstanding, but vacancies, that shall at any time occur in said board, may be filled at any town meeting legally notified, and all persons elected as firewards shall be notified of their election and shall make known their acceptance or refusal in the same manner, and be subject to the same penalties for neglecting so to do, as was established by law previous to the passing of this act.

[Approved by the Governor, March 16, 1832.]

CHAP. CXXXIV.

An Act to increase the capital stock of the Taunton Copper 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 Taunton Copper Manufacturing Company, be and hereby are authorized to increase their capital stock, by the addition thereto of the sum of seventy five thousand dollars, the same being entitled to all the powers and privileges, and subject to all the duties and requirements contained in the act passed the twenty third day of February in the year of our Lord one thousand eight hundred and thirty, entitled "an act defining the general powers and duties of manufacturing corporations."

Increase of capital stock by the addition thereto of seventy five thousand dollars.

[Approved by the Governor, March 16, 1832.]

CHAP. CXXXV.

An Act to incorporate the Proprietors of the Third
Congregational Meetinghouse in Lowell.

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 Jonathan Morse 2d. William T. Heydock, Edwin Stearns, Salmon Stevens, Thomas Sweetser, Hananiah Whitney, Stephen Goodhue, Edward Sherman, Simon Adams, Abram Brigham, and others, who have associated, or may hereafter associate with them, for the purpose of building a meetinghouse, their successors and assigns be, and they hereby are incorporated and made a body politic, by the name of the Proprietors of the third Congregational Meetinghouse in Lowell, and by that name may sue and be sued, and may have and use a common seal, and may ordain and establish such by-laws and regulations, as to them may seem necessary and convenient for the government of said corporation: *Provided* such by-laws and regulations be not repugnant to the constitution and laws of this Commonwealth.

Real and personal estate.

SEC. 2. *Be it further enacted,* That the said corporation may purchase and hold real and personal estate, the annual income of which, exclusive of the meetinghouse and land under the same, shall not exceed two thousand dollars; and shall divide their estate into shares, the number of which shall not be less than fifty nor more than three hundred; and may make and impose assessments on such shares,

from time to time, as they may deem expedient, to carry their intended object into effect.

SEC. 3. *Be it further enacted,* That whenever any proprietor shall neglect or refuse to pay any assessment, legally made upon his share or shares, to the treasurer of said corporation, within thirty days after the same shall be made payable, the said treasurer is hereby authorized to sell at public auction the share or shares of such delinquent proprietor, after publishing in one or more of the Lowell papers notice of the time, place and cause of such sale, and also on the door of said meetinghouse, whenever such house shall have been erected, at least thirty days previous to such sale, to execute deed or deeds thereof to the purchaser or purchasers; and after deducting the amount of such delinquent's assessment, together with legal interest thereon, from the time the same was payable, and necessary incidental charges, the said treasurer shall pay the surplus, if any there be, to such delinquent proprietor; or the said treasurer may sue and prosecute to final judgment and execution any such delinquent proprietor for any tax or assessment due and payable on any share or shares of such delinquent proprietor.

Negligence in
paying assess-
ments.

SEC. 4. *Be it further enacted,* That there shall be an annual meeting of said proprietors, after the present year, on the second Monday in March, at which they shall elect by ballot, a president, clerk, treasurer, and five trustees, of whom the president shall be one, and the treasurer and clerk shall be sworn to the faithful discharge of their respective trusts; and at such meeting, each proprietor, or his agent duly authorized in writing, shall be entitled to as many votes as he holds shares: *Provided,*

Annual meeting.

that no one person shall be entitled to more than ten votes.

Clerk to keep a record of proceedings.

SEC. 5. *Be it further enacted,* That it shall be the duty of the clerk of said corporation to keep a record of all the proceedings of said corporation, and of all shares and transfer of shares therein, and to grant certificates thereof to said proprietors; and the shares may be transferred under the hand and seal of the proprietors on the back of such certificate.

First meeting.

SEC. 6. *Be it further enacted,* That any justice of the peace in the county of Middlesex be and he hereby is authorized to issue his warrant to some one of the said proprietors, for the purpose of calling the first meeting to elect officers and organize said corporation, at such convenient time and place as he shall direct; at which meeting said proprietors may agree upon the manner of calling future meetings.

[Approved by the Governor, March 16, 1832.]

CHAP. CXXXVI.

An Act, in further addition to an Act to incorporate the Proprietors of the Boston South 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, from and after the passing of this act, the proprietors of the Boston South Bridge be, and they hereby are authorized to discontinue said bridge, as a pass way, and at any time between the passing of this act, and the first day of August next, if the city of Boston, before the first day of May next, does not pay to said proprietors such sum of money as may be agreed upon by them and the said city, for a transfer and assignment of the franchise and materials of said bridge according to the first section of "an act in addition to an act, entitled an act to incorporate the proprietors of the Boston South Bridge," passed on the twenty-third day of June last, the said proprietors are hereby authorized and empowered to take up the materials of said bridge, leaving the channel and flats under the same unincumbered by any of the timbers or materials composing the same, and also to sell and dispose of, at public or private sale, all the said materials of said bridge, and every other kind of property whatever belonging to said proprietors in their corporate capacity, as a compensation for the sums of money expended in the construction and erection of said bridge, and to divide the net proceeds of such sale among the respective

Bridge discontinued, unless city of Boston pay a sum of money.

Channel and flats to be left unincumbered.

Proviso.

stockholders, according to the number of their shares respectively. *Provided always*, that before said proprietors shall proceed to take up, or remove the materials of said bridge, they shall cause to be executed to the city of Boston bonds to the satisfaction of the Governor and Council, conditioned, that the said materials shall be taken up and entirely removed, so that the channel and flats under the same may be free from incumbrance in the same manner as they were before said bridge was built.

Acts incompatible with this repealed.

SEC. 2. *Be it further enacted*, That so much of the several acts relating to said bridge to which this is in addition, as is incompatible with the provisions of this act be, and the same hereby is repealed.

[Approved by the Governor, March 16, 1832.]

CHAP. CXXXVII.

An Act to incorporate the President, Directors and Company of the Union Bank of Weymouth and Braintree, in Weymouth.

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 Christopher Webb, Ezra Leach, Elisha Blanchard, Asa Webb, Joseph Richards, Briant Newcomb, Jonathan Newcomb, Briant Newcomb, Jr. Josiah Vinton, Jr. Amos Stetson, Elihu White, Joseph Loud, James White second, John Crane, Salmon Clapp, and

James Whittemore, their associates, successors and assigns, shall be and they are hereby created a corporation, by the name of the President, Directors and Company of the Union Bank of Weymouth and Braintree, and shall so continue, until the first day of October which will be in the year of our Lord one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements, contained in an act passed on the twenty-eighth day of February in the year of our Lord one thousand eight hundred and twenty-nine, entitled "an act to regulate banks and banking," and the further provisions contained in an act, passed on the twenty-eighth day of February in the year of our Lord one thousand eight hundred and thirty-one, entitled "an act to continue the banking corporations therein named and for other purposes."

Powers, privileges, liabilities, &c.

SEC. 2. *Be it further enacted,* That the stock in said bank shall be transferable only at its banking house and in its books, and no part thereof shall be transferred by way of security for the performance of any obligation whatsoever until two years from the payment of the first instalment into said bank.

Transfer of stock.

SEC. 3. *Be it further enacted,* That the capital stock of said corporation shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct, *Provided,* the whole be paid within one year from the passing of this act.

Shares.

SEC. 4. *Be it further enacted,* That the said bank shall be located in the town of Weymouth, and that any one of the persons before named shall

Location.

First meeting,
how called.

be authorized to call the first meeting of said corporation, by advertising the same in some public newspaper printed in the city of Boston, and by posting up notices thereof in some public place in each of the towns of Weymouth, Braintree, Randolph, Abington, Hingham and Quincy, ten days at least before said meeting.

[Approved by the Governor, March 17, 1832.]

CHAP. CXXXVIII.

An Act in addition to an Act, incorporating the Proprietors of the First Unitarian Church in Danvers.

Preceding act altered and amended.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the aforesaid act be so far altered and amended, in the third section of the same, as to read “for the term of one year after the same shall be so assessed,” instead of “for the space of two successive years after the same shall be so assessed.” And the proprietors of the pews in said house are hereby authorized to make sale of the same in conformity to this alteration.

[Approved by the Governor, March 17, 1832.]

CHAP. CXXXIX.

An Act establishing a Fire Department 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 the Fire Department of the town of Cambridge shall hereafter consist of a chief engineer, and as many engineers, not exceeding twelve, as the selectmen of said town shall annually, on the first Wednesday in April, appoint, who shall hold their offices for one year, from the first day of May next succeeding, also as many enginemen, hosemen, and hook and ladder men, as the selectmen shall annually, on the first Wednesday in May, or as soon thereafter as may be, appoint. *Provided,* that the number of enginemen shall not exceed fifty to every hydraulion or suction engine, thirty five to every common engine, five to every hose carriage, and twenty five hook and ladder men. *Provided, also,* that the first appointment under this act may be made in the month of May instead of April as provided for in the former part of this section.

Cambridge Fire Department, of whom to consist.

SEC. 2. *Be it further enacted,* That the selectmen of said town be, and they are hereby authorized and required to fill any vacancies occurring in said fire department, to give certificates of appointments to the members thereof, and to fix and establish from time to time the powers and duties of the officers and members of said fire department respec-

Selectmen authorized to fill vacancies.

tively, in relation to fire engines, and all their fire apparatus belonging to or used in said town, and the care and management thereof, and to fix and ordain rules and regulations for the conduct of said officers and members, and of the citizens present at fires, and to annex penalties for the breach thereof, not exceeding twenty dollars, which penalties may be sued for in the name of the treasurer of said town in any courts proper to try the same: *provided*, such rules and regulations shall not be binding and valid, until the same be published in some newspaper printed in the city of Boston.

Authority in regard to the demolition of houses, &c.

SEC 3. *Be it further enacted*, That the chief engineer and engineers so appointed shall have the same powers and authority, relative to pulling down or demolishing any house or other building to prevent the spreading of fires, and relative to all other matters and things affecting the extinguishment or prevention of fires, or the commanding assistance at them, as firewards now by law have, and the said town of Cambridge shall be liable to pay all such reasonable compensation for damage done by or consequent upon the acts or directions of the said chief engineer or engineers, as other towns in this Commonwealth are liable to pay in like cases for like acts and directions done or given by their firewards. And all fines and forfeitures arising within said town of Cambridge, under the laws of this Commonwealth relative to the extinguishing and prevention of, or proceedings at fires, shall be distributed in such manner, and applied to such uses as the said town shall ordain and direct.

Duty of members.

SEC. 4. *Be it further enacted*, That every member of said fire department shall be held to produce within thirty days after he shall have become a

member of said department, and annually, in the month of May thereafter, to the commanding officer of the military company within whose bounds he may reside, a certificate from the selectmen, stating that he is a member of said department, which certificate shall exempt him from military duty so long as he shall remain a member of said fire department, and every member of said department who shall produce a certificate, signed by the chairman of the board of selectmen of said Cambridge, stating that he has served as a member of said department for seven successive years after the age at which the laws of the United States or of this Commonwealth may hold the citizens thereof liable to enrolment in the militia, shall be exempted from all military duty, excepting that of keeping himself constantly armed, furnished with the arms and equipments required by the laws of the United States, and of this Commonwealth, and the duty of carrying or sending them annually to the place of inspection or view of arms of the company within whose bounds he may reside, and in which he is enrolled.

SEC. 5. *Be it further enacted,* That, from and after the organization of a fire department under this act, and notice thereof given in one or more newspapers published in the city of Boston, all former laws of this Commonwealth, relating to the election and appointment of firewards, and hook and ladder men, so far as they affect the election and appointment of firewards and hook and ladder men in the town of Cambridge, be, and the same are hereby repealed.

Former laws repealed.

SEC. 6. *Be it further enacted,* That the provisions of this act shall take effect and be in force as soon as the same shall be accepted by the citizens of said town, qualified to vote in town affairs

Provisions of this act, when to take effect.

at a legal meeting notified for such purpose, and shall continue in force until modified or repealed by the Legislature.

[Approved by the Governor, March 17, 1832.]

CHAP. CXL.

An Act respecting Agencies of Insurance Companies incorporated out 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 where, by the laws of any State of the United States, other than this Commonwealth, now in force, or hereafter to be enacted, an agent of insurance companies incorporated in this Commonwealth, is or shall be liable in such other State to pay a special tax, excise or commission, on the amounts he may procure to be insured by insurance companies incorporated in this Commonwealth; then and in such case any person residing in this Commonwealth, and acting as the agent for any insurance company incorporated in any such other State, for the purpose of proposing, procuring, or agreeing for insurances to be made by such companies, so incorporated in any such other State, on property situated in or in behalf of persons residing in this Commonwealth, every person so acting in this Commonwealth as such agent as aforesaid, shall semi-annually on, or

Agents of insurance companies to make returns to the treasurer of this Commonwealth.

within ten days before the first Mondays of April and October, respectively, every year, make a return to the Treasurer of this Commonwealth, under oath, of all amounts he shall as such agent so have agreed for insurance of, or so procured to be insured, during the six months preceding the time of making such return. And in case of his neglecting to make such return, or of his making the same falsely or fraudulently, he shall forfeit for each such neglect, or for each such false or fraudulent return so made, the sum of one thousand dollars, one half to the use of the person complaining thereof, and one half to the use of the Commonwealth; and on making any such return, such agent shall pay over to the treasurer of this Commonwealth one half of one per centum on the whole amount so by him, or through his agency, procured or caused to be insured.

Time within which said return must be made.

Agent neglecting to make such return, or making a false one, shall incur a penalty of \$1000 for every such neglect or fraudulent return.

SEC. 2. *Be it further enacted,* That no person shall act in this Commonwealth, as such agent of any insurance company, incorporated in any such other State, wherein like agencies are taxed as aforesaid, or, as such agent, shall, in this Commonwealth, procure or agree for any sum to be insured on property in this Commonwealth, or in behalf of persons residing therein, until he shall have first given a bond in the penalty of at least five thousand dollars, to the treasurer of this Commonwealth, with two or more sureties to be by him approved, to pay into the treasury of this Commonwealth, semi-annually as aforesaid, the said amount of one half of one per centum on all sums that shall be by him, as such agent, procured, or caused, to be insured; *Provided, however,* that in case any such tax, excise or commission as aforesaid, shall be imposed or exacted in any other State of the United States by a law

No person shall act as such agent until he shall have given bond with sureties, in the penalty of at least \$5000.

Proviso.

Person acting as agent not required to give bond or to pay commission, in certain cases.

passed after the passing of this act, then any person acting or proposing to act as such agent as aforesaid, in this Commonwealth, for any insurance company, incorporated by the laws of such state so hereafter imposing such tax, excise or commission, shall not be required to give such bond to the treasurer of this Commonwealth, or to pay such commission of one half of one per centum on the amount by him procured to be insured, or to make return of any sums that may by him be procured to be insured, until sixty days after the passing of such law in such other State.

[Approved by the Governor, March 17, 1832.]

CHAP. CXLI.

An Act to incorporate the President, Directors and Company of the Dorchester and Milton 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 Moses Whitney, Darius Brewer, Samuel Bridge, Caleb Hobart, Robert P. Tolman, Abel Cushing and Asaph Churchill, their associates, successors and assigns shall be, and they hereby are created a corporation, by the name of the President, Directors and Company of the Dorchester and Milton Bank, and shall so continue until the first day of October, which shall be in the year of our Lord one thousand eight hundred and fifty-one, and shall be entitled to all the powers

Persons incorporated.

and privileges, and subject to all the duties, liabilities and requirements contained in an act passed on the twenty-eighth day of February, in the year of our Lord one thousand eight hundred and twenty-nine, entitled "an act to regulate banks and banking," and to the further provisions contained in an act passed the twenty-eighth day of February in the year of our Lord one thousand eight hundred and thirty-one, entitled "an act to continue the banking corporations therein named, and for other purposes."

SEC. 2. *Be it further enacted,* That the stock in said bank shall be transferable only in its banking house and in its books, and no part thereof shall be transferred by way of security for the performance of any obligation whatsoever, until two years from the payment of the first instalment into said bank.

Transfer of shares.

SEC. 3. *Be it further enacted,* That the capital stock of said corporation shall consist of the sum of one hundred thousand dollars, to be divided into shares, one hundred dollars each, to be paid in such instalments and at such times as the stockholders may direct. *Provided,* the whole be paid in within one year from the passing of this act.

Capital stock.

SEC. 4. *Be it further enacted,* That said bank shall be established in the town of Dorchester and in the Lower Mills village, and as near to Milton bridge as conveniently may be, and that any three of the persons named in this act shall be authorized to call the first meeting of said corporation, by giving public notice of the same in any newspaper published in the city of Boston, ten days at least before said meeting.

Location.

First meeting.

[Approved by the Governor, March 17, 1832.]

CHAP. CXLII.

An Act to incorporate the Union 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 Charles D. Coolidge, Charles Thatcher, and their associates, and their successors and assigns, be and they are hereby incorporated and made a body politic by the name of the "Union Marine Insurance Company," for the purpose of making maritime loans and insurance against maritime losses, in the usual and customary manner, with all the privileges and subject to all the duties and obligations contained in a law 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 an act, in addition thereto, passed March sixth, in the year of our Lord one thousand eight hundred and thirty two, entitled "an act in addition to an act to define the powers, duties and restrictions of insurance companies," for and during the term of twenty years from and after the passing of this act, and by the name aforesaid, they may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution and they may have a common seal, which they may alter at pleasure, and they may purchase, hold and convey any estate, real or personal for the use of said company,

Persons incorporated.

May sue and be sued, plead and be impleaded, &c.

Provided, that the 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 money due to said company.

SEC. 2. *Be it further enacted*, That the capital Capital stock. stock of said company shall be two hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and shall all be collected and paid in, in such instalments and under such provisions and penalties, as the president and directors of said company shall order and appoint.

SEC. 3. *Be it further enacted*, That the "Union Location. Marine Insurance Company" shall be located in the city of Boston.

[Approved by the Governor, March 17, 1832.]

CHAP. CXLIII.

An Act to establish a Police Court for the towns of Newbury and Newburyport.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the towns of Newbury and Newburyport shall hereafter form a district for the administration of justice therein, conformably to the provisions of this act. Newbury and Newburyport made into a district for the administration of justice therein.

SEC. 2. *Be it further enacted*, That there shall be, and hereby is, established, within and for said district, a police court, to consist of one able, learn- Police court established.

ed and discreet person, to be appointed and commissioned pursuant to the constitution, to take cognizance of all crimes, offences and misdemeanors committed within the district aforesaid, whereof justices of the peace may take cognizance by law; the said justice to hold his office for the same time, and by like tenure as other justices of the peace.

Court to exercise same powers and authority which are or may be vested in justices of the peace.

The court hereby established shall hear and determine all suits, complaints and prosecutions, cognizable by it, in like manner as is provided by law for the exercise of the powers and authority which now are or may hereafter be vested in justices of the peace, and do all acts, necessary to, or consistent with such powers and authority; and said court shall also have original, exclusive jurisdiction and cognizance, of all civil suits and actions hereafter to be tried and determined within said district, and which, before the passing of this act, might by law be tried and determined before any justice of the peace within either of the said towns; and no writ, in any such suit or action, shall be made returnable before any other justice of the peace, within said district but to said court only; and an appeal shall be allowed from all orders, decrees and judgments in said court, in like manner, and to the same extent, that appeals are now allowed by law from orders, decrees and judgments of justices of the peace; and the justice of said court shall not be of counsel or attorney to any party in any matter or thing whatsoever, which may be pending in said court.

Writs to be made returnable to said court only.

Justice of said court not to be counsel or attorney in any matter pending in said court.

Warrants issued by said court returnable thereto.

SEC. 3. *Be it further enacted,* That all warrants issued by said court, or by any justice of the peace within said district, shall be made returnable and be returned before said court; and if any war-

rant shall be issued by any justice of the peace, returnable before said court, the lawful fees, payable therefor, shall not be paid or allowed on the examination or hearing before said court, unless it shall appear to said court that there was reasonable cause for issuing said warrant, in which case such fees, costs and charges shall be allowed and taxed, in like manner as though said warrant had been issued by a justice of the peace, according to the laws now in force.

Fees not allowed unless there was reasonable cause for issuing a warrant.

SEC. 4. *Be it further enacted,* That all costs in criminal prosecutions, before said court, which shall be received by or paid into the hands of said justice, shall, on demand, be paid over to the persons to whom such costs are due; and all costs in such prosecutions not thus received shall be made up, taxed, certified, and allowed, and shall be paid and satisfied in like manner as is now or may hereafter be provided by law in the case of justices of the peace, and all fines and forfeitures received by said court shall be paid over in the same manner and under the same penalties for neglect as are prescribed in the case of justices of the peace.

Costs received to be paid over to whom due.

SEC. 5. *Be it further enacted,* That a court shall be held by said justice, on one day of each week, at nine of the clock in the forenoon, and as much oftener as may be necessary, to take cognizance of crimes, offences and misdemeanors, and on one day in each week, at ten of the clock in the forenoon, and at such other times as may be necessary, for the trial of civil suits and actions; and the justice of said court shall, from time to time, establish all necessary rules for the orderly and uniform conducting of the business of said court.

Court to be held one day in each week, and oftener if necessary.

SEC. 6. *Be it further enacted,* That all suits,

Determination of suits, &c.

actions and prosecutions which shall be instituted and pending before any justice of the peace within the district aforesaid, when this act shall take effect, shall be heard and determined as though said act had not been passed.

Two special justices to be appointed,

SEC. 7. *Be it further enacted,* That there shall be appointed by the Governor, by and with the advice and consent of Council, two special justices of said court, and whenever it shall happen that the justice of said court shall be a party, or interested in any suit or prosecution, cognizable in said court, or be akin to either party therein, or shall from any cause be unable to attend said court, or hear and determine any matter or thing pending therein, the cause shall be assigned on the record; and the court may and shall be held, and its jurisdiction exercised by one or both of said special justices, upon a summons issued to one or both, by the standing justice of said court; and the said special justices shall be paid for the services herein required of them, out of the monies received in said court, such sum as the justice of said court would be entitled to receive for the same services.

Compensation.

Record of proceedings to be kept.

SEC. 8. *Be it further enacted,* That the justice of said court shall keep a full and fair record of all proceedings in said court, and shall make return, to the several courts, of all legal processes, and of his doings therein, in the same manner as justices of the peace are now by law required to do.

Act, if accepted, when to take effect.

SEC. 9. *Be it further enacted,* That this act shall go into operation, from and after the first day of May next, unless the towns of Newbury and Newburyport, or either one of them, shall at a legal town meeting, called for that purpose, refuse to accept the same, and shall signify said refusal to the

Governor, on or before the first day of April next, and the Governor shall have power, by and with the advice and consent of Council, to appoint said justice and special justices, at any time after the said first day of April.

SEC. 10. *Be it further enacted,* That all acts, and parts of acts, so far as they are inconsistent with the provisions of this act, be and the same are hereby repealed. Part of former acts repealed.

[Approved by the Governor, March 17, 1832.]

CHAP. CXLIV.

An Act to incorporate the Proprietors and Trustees of the Dorchester 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 John Codman, Benjamin Fuller, John Capin, James Penniman, Aaron Nixon, Thomas Tremlett, James Leach, and Joseph Leeds, their associates, successors and assigns, be and they hereby are created a body politic and corporate, by the name of the Proprietors of Dorchester Academy in the town of Dorchester, County of Norfolk, with power to hold real estate not exceeding ten thousand dollars in value, to be used and applied solely for the purposes of education. And the said proprietors shall have power from time to time to choose a clerk and such other Persons incorporated.

officers as they may judge necessary, may have a common seal which they may alter at their pleasure, may make contracts, sue and be sued in all actions, and prosecute and defend the same to final judgment and execution, and may make and establish any by-laws, rules and regulations for the government of their affairs, for the division of their property into shares, and for the sale and transfer thereof, *provided*, the same be not repugnant to the constitution and laws of this Commonwealth.

Assessment upon shares.

SEC. 2. *Be it further enacted*, That the said proprietors may from time to time, at any legal meeting called for the purpose, assess upon each share in the capital stock such sum or sums of money as they may judge expedient for the hire or purchase of land, and the erecting, improvement, and repairs of buildings and grounds, and for defraying the expenses thereof, to be paid to the treasurer at such time or times as they may direct, each proprietor having a right to as many votes as he holds shares, and may vote by proxy ; and if any proprietor shall neglect to pay any such assessment for the space of fifteen days after such time, it shall be lawful for the treasurer to sell, at public vendue, such share or shares of such delinquent proprietor, first giving notice of the time and place of sale fourteen days at least before the sale, by posting up a notification at said academy, and two other public places in said town, and such sale shall be a legal transfer of the share or shares so sold to the purchaser thereof. *And provided* such sale of share or shares shall more than pay the assessment or assessments due thereon, with all the incidental expenses attending the sale, such surplus shall be paid over to the delinquent proprietor.

SEC. 3. *Be it further enacted,* That John Codman, James Penniman, Thomas Tremlett, James Leach, and Joseph Leeds, be and are hereby constituted a board of trustees whose duty it shall be to act as visitors and governors of said schools that are now, or may hereafter be established in said academy; to elect and contract with teachers, to prescribe their duties, and to pay them and all incidental expenses attending the school or schools, and shall have the control of the tuition fees and all such funds as may hereafter be given, devised or bequeathed to them, and to make and ordain by-laws for the regulation of their meetings of business, and reasonable rules and orders for the government and discipline of said schools in said academy, and the said trustees are hereby authorized to fill all vacancies that may hereafter happen in the said board of trustees.

Board of trustees.

SEC. 4. *Be it further enacted,* That said trustees may lawfully take and hold by gift, grant, bequest, devise or otherwise, any real or personal estate for the benefit of said school or schools in said academy, *provided* the annual income thereof shall not exceed five thousand dollars.

Real and personal estate.

SEC. 5. *Be it further enacted,* any one of the proprietors named in this act, may call the first meeting of the proprietors by giving written or personal notice of the time and place of meeting to each proprietor, ten days before the day of such meeting.

First meeting.

[Approved by the Governor, March 20, 1832.]

CHAP. CXLV.

An Act to prevent the destruction of the bird called
Grouse or Heath Hen, in Dukes county.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That, from and after the passing of this act, it shall not be lawful for any person to take, kill or destroy, any of the birds called grouse or heath hen, within the limits of Dukes County, from the first day of January to the first day of November in every year; and if any person shall take or kill, or shall sell, buy, or have in his possession after being killed or taken, any of the birds aforesaid within the time limited as aforesaid, such person shall forfeit and pay, for each and every grouse or heath hen so taken, killed, or in his possession, the sum of ten dollars, to be recovered by any person who will sue for the same, within one year from the time of the offence committed, to his own use, in an action of debt in any court having jurisdiction of the amount demanded; or said forfeitures may be recovered by complaint to any justice of the peace in the name of the Commonwealth, to the use of the county where the prosecution shall take place; and, on failure to pay such forfeitures and costs on conviction, the offender may be committed to prison for a term not less than five nor more than fifteen days: Provided, however, that the inhabitants of any town in said county, may, at their annual meeting in March or April, in*

No person shall take, kill, or destroy Grouse or Heath hen, in Dukes county, from the 1st day of Jan. to the 1st day of Nov. in each year.

Proviso.

any year, by a vote suspend the operation of the prohibitions and restrictions contained in this act, in whole or in part, within such town, and for such term of time, not exceeding one year, as to them shall seem expedient.

SEC. 2. *Be it further enacted*, That an act Former act repealed. passed the fourth day of March, in the year of our Lord one thousand eight hundred and thirty-one, entitled an act, in addition to an act, entitled an act to prevent the destruction of certain useful birds at unseasonable times of the year, be and the same is hereby repealed.

[Approved by the Governor, March 20, 1832.]

CHAP. CXLVI.

An Act to establish the times and places of holding the Courts of Probate within and for the county of Middlesex.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That, from and after the first day of June, in the year of our Lord one thousand eight hundred and thirty-two, a Probate Court shall be holden at the following times and places, within and for the county of Middlesex, annually, to wit: at Cambridge, on the second Tuesday of January, on the third Tuesdays of March, May and November, and on the first Tuesday of

Times and places of holding probate courts in the county of Middlesex.

September ; at Concord, on the second Tuesdays of February, April, August and November ; at Charlestown, on the third Tuesdays of February and August ; at Framingham, on the last Tuesdays of June and October ; at Groton, on the first Tuesdays of May and November ; at Lowell, on the first Tuesdays of June and December, and at Woburn, on the fourth Tuesday of April.

Former act repealed.

SEC. 2. *Be it further enacted*, That the act passed on the fourteenth day of February, in the year of our Lord one thousand eight hundred and twenty-two, entitled “an act to alter and establish the times of holding the courts of probate within and for the county of Middlesex,” be, and the same is hereby repealed, from and after the first day of June next.

[Approved by the Governor, March 20, 1832.]

CHAP. CXLVII.

An Act in further addition to “An Act regulating the descent and distribution of intestate estates.”

Regulating the descent of intestate estates.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That, from and after the passing of this act, any child or children, whose father and mother shall, after the birth thereof, have lawfully intermarried, and have had other issue thereafter, and the father shall have

recognized such child or children, born before such intermarriage, as aforesaid, then in case any of the said children shall, after the decease of the father, die without lawful issue, the surviving child or children of such parents shall inherit the estate of such deceased child or children, in the same manner as if all the said children had been born in lawful wedlock; saving however to the mother, the right of sharing in the estate, in the same manner as if all the said children had been born in wedlock, and in no other manner; any law to the contrary notwithstanding.

Inheritors of the estates of deceased children.

[Approved by the Governor, March 20, 1832.]

CHAP. CXLVIII.

An Act further to suspend the operations of “An Act providing for the use of broad rimmed wheels.”

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the provisions of an act, passed the eighth day of March, one thousand eight hundred and twenty eight, entitled “an act providing for the use of broad rimmed wheels,” shall have full force and effect from and after the eighth day of March, one thousand eight hundred and thirty four, and that so much of said act as pro-

Provisions of an act in relation to broad rimmed wheels.

vides for its earlier operation, be, and the same is hereby repealed.

[Approved by the Governor, March 20, 1832.]

CHAP. CXLIX.

An Act to incorporate the Adams Academy.

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 Briggs, David Anthony, Jr. Robert R. Briggs, Thomas Robinson, Isaac U. Hoxie, Zelotes Richmond, Daniel Smith, Daniel Jenks, and Snell Babbit, their associates and successors, be, and they hereby are incorporated as the Adams Academy, in the town of Adams, in the county of Berkshire, with power to hold real estate, not exceeding in value twenty thousand dollars, and personal estate not exceeding in value twenty thousand dollars, to be devoted exclusively to the purposes of education. And said corporation shall have all the powers usually incident to similar corporations, and may make all necessary by-laws not repugnant to the laws of this Commonwealth.

SEC. 2. *Be it further enacted,* That any two of the persons named in this act may call the first meeting of said corporation, by giving notice of the time and place seven days *and* [at] least previously thereto, in any newspaper printed in the county of Berkshire.

[Approved by the Governor, March 20, 1832.]

CHAP. CL.

An Act in addition to “An Act authorizing the town of Charlestown to establish a Board of Health.”

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the selectmen of the town of Charlestown be, and they hereby are authorized and empowered, from time to time, to make and establish rules, orders, and regulations, for the interment of the dead in said town, to establish the police of the burying grounds, appoint and locate the places where the dead may be buried in said town, to make regulations for funerals, and appoint all necessary officers and persons to carry the same into effect, and to prescribe their duties and fees. And the said selectmen may establish such penalties for the violation of any such rules, orders, and regulations, as they may think proper: *Provided*, that the penalty for any one such violation shall not exceed the sum of fifty dollars: *And provided further*, that before any such rule, order, or regulation shall go into effect, the same shall be approved by the inhabitants of said town, at a legal meeting thereof for that purpose called, and shall be published in one or more newspapers printed in Charlestown or Boston.

Establishment of rules and regulations for the burial of the dead.

SEC. 2. *Be it further enacted*, That all fines, forfeitures, and sums, to be paid, arising under any

How fines shall be prosecuted for.

Fines and forfeitures.

of the provisions of this act, shall be prosecuted for, by and in the name of the selectmen of the town of Charlestown, in the same manner, and under the same provisions within the county of Middlesex, as are provided for the recovery of similar fines, forfeitures and sums, within the county of Suffolk, by the twelfth section of an act, entitled "an act to empower the town of Boston to choose a board of health, and to prescribe their power and duty," passed the twentieth day of June, in the year of our Lord one thousand eight hundred and sixteen. And all fines, forfeitures, or sums, to be paid under any of the provisions of this act, shall enure to the use of said town of Charlestown, and shall be accounted for by the said selectmen to the treasurer thereof.

[Approved by the Governor, March 20, 1832.]

CHAP. CLI.

An Act in addition to An Act to incorporate the
"Franklin Coal 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 the act to which this is in addition as authorizes said corporation to procure coal otherwise than by digging, be, and the same is hereby repealed.

Digging the only means for corporation to obtain coal.

[Approved by the Governor, March 20, 1832.]

CHAP. CLII.

An Act to incorporate the Franklin Laboratory.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Maximillian Isnard, Nathaniel Dorr, Charles Hickling, and Nathaniel Dorr, Jr., with their associates, successors and assigns be, and they hereby are made a corporation, by the name of the Franklin Laboratory, for the purpose of manufacturing white lead in the town of 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 on the twenty third day of February in the year of our Lord one thousand eight hundred and thirty, entitled "an act defining the general powers and duties of manufacturing corporations."

Persons incorporated.

SEC. 2. *Be it further enacted,* That the said corporation may hold and possess such real estate, not exceeding in value six thousand dollars, and such personal estate, not exceeding in value the sum of nine thousand dollars, as may be necessary and convenient for the purposes aforesaid.

Real and personal estate.

SEC. 3. *Be it further enacted,* That any one of the persons named^s in this act, be, and either of said persons is hereby authorized to appoint the time and place for holding the first meeting of said corporation, giving ten days notice thereof to the others, either by personal notice or otherwise.

First meeting.

[Approved by the Governor, March 20, 1832.]

CHAP. CLIII.

An Act in addition to "An Act to establish the Boston and Worcester Rail Road Corporation."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the said Boston and Worcester Rail Road Corporation be and they hereby are authorized and empowered to erect, for the sole and exclusive accommodation of the travel on the said rail road, a bridge, in a direction which shall be found most convenient for the said rail road, across the water of Charles river, from a point in Boston, between the western avenue and canal bridge, to Cambridge, not approaching within one hundred feet of either the western avenue, West Boston bridge, or canal bridge, without the consent of the proprietors of said avenue and bridges respectively. And the said corporation shall be authorized to receive no other or greater rates of toll for passing the said bridge than for passing a like distance on any other portion of the said rail road; and it shall not be lawful for the said corporation to permit the passing of the said bridge by carriages of any description other than those which are adapted to the travelling on the said rail road, nor by horses not attached to such rail road carriages, nor by persons on foot, except by such persons, carriages or horses as may be employed in the immediate service of the said corporation.

Bridge may be erected across the water of Charles river.

SEC. 2. *Be it further enacted,* That the said bridge may be built in such manner, and of such materials, either by a solid embankment or otherwise, as in the opinion of the directors of the said corporation may be most advantageously used for the purpose, and of such form and such width, not exceeding four rods, as they may judge best for the convenient accommodation of said rail road : *Provided always,* that there be made proper and sufficient passages for the water of said river, not less than what there now are at Charles river bridge, and there be made and kept in a part of the channel of said river a sufficient draw or passage way, at least thirty feet wide, suitable and proper for the passing and repassing of vessels at all times, toll free, and that there shall be built and kept in good repair a substantial and sufficient pier, either built on piles, or solid, on each side of, and extending out from said bridge from one hundred to one hundred and fifty feet, as shall be necessary to properly accommodate the passage of vessels, and, if built on piles, to be planked on the sides, ranging with the draw, the whole length of each pier, and through the draw, from the top to the lowest ebb of the tide. And the said corporation shall be held liable to keep said draw, planking and piers, in good repair, and to raise the draw, and to afford all reasonable accommodation to vessels having occasion to pass it by day or by night. And if any vessel shall be unreasonably detained in passing the said bridge, by the negligence of the said corporation in constantly providing agents to faithfully discharge the duties enjoined by this act, the owner, commander, or the merchant having the consignment of said vessel,

Manner in which
bridge may be
built.

Proviso.

may recover equitable damages therefor of the said corporation, in an action on the case, before any court proper to try the same.

Corporation to pay all damages that may arise from taking land for bridge, &c.

SEC. 3. *Be it further enacted,* That the said corporation shall be holden to pay all damages that may arise to any person or persons by taking their land for the said bridge, when it cannot be obtained by voluntary agreement, to be estimated and recovered in the manner provided by law for the recovery of damages happening by the laying out of highways. And the same powers are hereby given to the husband of any femme covert, and the guardian of any minor, or person non compos mentis, to release all damages for any lands or estates taken and appropriated as aforesaid, as are given in the eighth section of the act to which this is an addition.

Branch rail roads may be constructed.

SEC. 4. *Be it further enacted,* That, for the greater accommodation of persons residing near the route of the said rail road, the said corporation be, and hereby are authorized, in addition to the main rail road leading from Boston to Worcester, to construct branch rail roads, diverging from the said main rail road, at such convenient points as shall be selected therefor, to any part of the towns through which the said main rail road shall pass, or of the towns adjoining; and to establish such depots, or places for the reception and delivery of merchandize and passengers, as shall be adapted to the convenience of the inhabitants of the said towns, and to facilitate the transportation and travelling upon the said rail road; and in the laying out, construction and use of the said branch rail roads, the said corporation shall possess all the powers, enjoy all the privileges, and be subject

to all the liabilities, which are granted to and imposed upon them in reference to the main rail road from Boston to Worcester: *Provided*, that all the reservations made in the said act for the exercise of the authority of the Legislature in reference to the said main rail road, shall apply equally to the branches, which shall be constructed under the authority hereby granted: *And provided further*, that in case the said corporation shall construct a branch rail road leading to the town of Millbury, no other rail road shall, within thirty years from the passing of this act, be authorized to be made, leading from Boston, or from Roxbury, Brookline, Cambridge, or Charlestown, to any place within five miles from the termination of the said branch rail road in Millbury.

Proviso.

Further proviso.

SEC. 5. *Be it further enacted*, That, in case a further capital stock than one million of dollars, shall be required for the construction of the said rail road with the said branches and depots, and in case the said corporation shall, at any time after the opening of the said rail road, judge it expedient for the better accommodation of the travelling and transportation thereon to construct a double set of tracks, they shall be authorized and empowered, by vote of the stockholders, at a meeting specially notified for the purpose, to increase their said capital stock by the creation of an additional number of shares, to be assessed to the same amount as the shares which are already created by the said act of incorporation: *Provided*, that the additional number of shares so to be created shall not exceed ten thousand, and that the proprietors of the shares already created for the time being shall have the option of subscribing to the said

Capital stock may be increased.

additional shares, in proportion to the amount which they may hold, respectively, of the said original shares.

Right reserved to Commonwealth to purchase rail road after 20 years.

SEC. 6. *Be it further enacted,* That it shall be in the power of the government of the Commonwealth, at any time during the continuance of the charter of the said Boston and Worcester Rail Road Corporation, after the expiration of twenty years from the opening for use of the rail road therein provided to be made, to purchase of the said corporation the said rail road, and all the franchise, rights and privileges of the said corporation, by paying them therefor the amount expended in making said rail road, and in case at the time of such purchase the said corporation shall not have received a net income equal to ten per cent. per annum on the said expenditures, from the time of the payment thereof by the stockholders, by paying the said corporation such additional sum as, together with the tolls and profits of every kind, which they shall have received from the said rail road, will be equal to a net profit of ten per cent. per annum on the cost of said rail road, from the date of the payment thereof by the stockholders of the said corporation to the time of such purchase; and every thing contained in the proviso in the fourteenth section of the act to which this is an addition, inconsistent with the provisions herein made, is hereby repealed.

Three Commissioners to be appointed to examine the location & construction of the draws and piers.

SEC. 7. *Be it further enacted,* That the location and construction of the draws and piers connected therewith, required to be made by this act, shall be liable to the examination and approval of three commissioners, to be appointed by the Governor and Council, at or before the com-

mencement of the work, and at the charge of said corporation: And it shall be the duty of said commissioners to examine the draws and piers when completed, and to cause a plan and profile of the whole bridge to be made, shewing the dimensions and height thereof, from the bottom of the channel and the flats, to the top of the bridge, with the opening for the water; this plan, with a clear description of the work, to make a part of their report to the Governor and Council.

Examination of
draws and piers.

[Approved by the Governor, March 22, 1832.]

CHAP. CLIV.

An Act to incorporate the Braintree and Weymouth Coal 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 Fisher A. Kingsbury, John Hayward, Whitcomb Porter, Minot Thayer, Ezra Leach, Josiah Vinton, jr. Joseph Hayward, Philo Keith, Joseph Richards, Jonathan Newcomb, John Vickery, Orris Allen, Phineas Blake, John Crane, Amos Stetson, Jonas Perkins, John Loud, Lewis S. Keith, Ira Curtis, Isaiah Thayer, Salmon Clapp, Asa Webb, Christopher Webb, Calvin Crane, Isaac Newcomb, Otis Fairbanks, E. Marsh, jr. Amos W. Stetson, William Bowditch, jr. Samuel Cook, Joseph Tilden, Wil-

Persons incorporated.

liam Adams, G. W. Adams, Daniel Safford, Gridley Briant, Walter Janes, their associates, successors or assigns, be, and they hereby are made a corporation, by the name of the Braintree and Weymouth Coal Company, for the purpose of digging and raising coal, in the towns of Braintree and Weymouth, or either of said towns, and for vending the same; and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed the twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled "an act defining the general powers and duties of manufacturing corporations."

Digging coal.

Corporation may be seized and possessed of real and personal estate.

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

[Approved by the Governor, March 22, 1832.]

CHAP. CLV.

An Act to divide the Commonwealth into Districts,
for the choice of Counsellors and Senators.

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 Commonwealth be, and hereby is, divided into thirteen districts for the choice of counsellors and senators, and that each district be, and hereby is authorized and directed to choose the number of counsellors and senators to the same hereinafter respectively affixed, in the manner prescribed by the constitution and laws of this Commonwealth. The county of Suffolk shall form one district, and choose six senators. The county of Essex shall form one district, and choose six senators. The county of Middlesex shall form one district, and choose five senators. The county of Worcester shall form one district and choose six senators. The county of Hampshire shall form one district and choose two senators. The county of Hampden shall form one district, and choose two senators. The county of Franklin shall form one district, and choose one senator. The county of Berkshire shall form one district, and choose two senators. The county of Norfolk shall form one district, and choose three senators. The county of Bristol shall form one district, and choose three senators. The county of Plymouth shall form one district, and choose two senators. The

Division of Commonwealth into districts for the choice of counsellors and senators.

county of Barnstable shall form one district, and choose one senator. The counties of Nantucket and Dukes County shall form one district, and choose one senator.

[Approved by the Governor, March 22, 1832.]

CHAP. CLVI.

An Act to set off a part of the town of Tewksbury, in the County of Middlesex, and annex the same to the town of Lowell, in said 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 all that part of said Tewksbury lying within the following lines and bounds, namely, beginning at the mouth of Concord River, at its confluence with the Merrimack River, thence running easterly on said Merrimack River one hundred and seventy-nine rods, to a stone wall, embracing all that part of the Merrimack River against said line which is in the town of Tewksbury, the said stone wall being the dividing line between the lands of Ebenezer Hunt and Edward St. Loe Livermore; thence running by said stone wall southerly about thirteen rods to the highway; thence crossing the said highway to the corner of a certain other stone wall, being the dividing line between lands of Edward Wood and said Livermore; thence running by said line or wall southerly forty-five rods to the corner of a

Description of
land.

certain other stone wall; thence south fifteen and a half degrees west, through land of said Livermore and land of Zadock Rogers, one hundred and eighty-five rods and six-tenths of a rod, to a large rock on fort-hill, so called, on land of said Rogers; thence turning and running westerly sixty-two rods to a maple tree on Concord River and to the line of Lowell aforesaid; thence running northerly on Concord River and the line of said Lowell, four hundred and two rods to the bound first mentioned, including all of said Concord and Merrimack Rivers against the lines first and lastly herein mentioned which belonged to the said town of Tewksbury, together with all the inhabitants on the lands herein described, be, and the same hereby is set off and separated from said Tewksbury, and annexed to said town of Lowell; and that the same land and the inhabitants thereon shall be deemed and considered as annexed to and as constituting a part of said town of Lowell: *Provided, however,* that said tract of land and the inhabitants thereon, set off as aforesaid, shall be holden to pay all such taxes as are already assessed or ordered to be assessed on them by said town of Tewksbury, in the same manner as they would have been liable if this act had not been passed. *And provided further,* that this act shall not take effect until, at legal meetings of the inhabitants of Lowell and Tewksbury, called for that purpose, in said towns, within thirty days from the passage of this act, a majority of the votes in each of those towns, given upon the question, shall be in favour of the annexation herein provided for, which votes shall be given upon written ballots.

Boundaries, &c.

[Approved by the Governor, March 22, 1832.]

CHAP. CLVII.

An Act to prevent Fraud in the transfer of Personal Property.

Mortgages of personal property.

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 mortgage of personal property, hereafter made, shall be valid against any other person than the parties thereto, unless possession of the mortgaged property be delivered to, and retained by the mortgagee, or unless the said mortgage be recorded in the office of the clerk of the city or town, where the mortgager shall reside at the time of making the same. *Provided,* that nothing herein contained shall affect any transfer of property under bottomry or respondentia bonds, or of any ship or goods at sea or abroad, if the mortgagee shall take possession thereof, as soon [as] may be after the arrival of the same in this Commonwealth.

Duty of clerks

SEC. 2. *Be it further enacted,* That it shall be the duty of said clerks, upon payment of their fees, to record mortgages of personal property, in a book to be by them respectively kept for that purpose, with the time when the same are received and recorded ; and the fees of said clerks for recording such mortgages, and for certifying the time when, and the book and page where the same may be recorded, for making and certifying copies and for entering discharges, shall be the same, as

are now by law allowed to registers of deeds for similar services.

[Approved by the Governor, March 22, 1832.]

CHAP. CLVIII.

An Act relating to the Assessment of Taxes.

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 county commissioners within their respective counties, when duly authorized to assess any county tax, shall apportion the same on the several towns, districts and other places therein, according to the number of their ratable polls and the order of their respective ratable estates, as ascertained and fixed by law in the year of our Lord one thousand eight hundred and thirty-two.

Apportionment
of taxes.

SEC. 2. *Be it further enacted,* That in the assessment of all county, town, district and plantation taxes, all the machinery employed in any branch of manufactory, and belonging to any corporation, copartnership, person or persons of this or any other State, shall be assessed in the respective cities, towns or other places, wherein such machinery may be situated or employed; and, in assessing the shares in any manufacturing corporation, there shall first be deducted from the value thereof, the value of the machinery and real estate

County, town,
and plantation
taxes.

belonging to such corporation, otherwise specifically taxed.

Modification of the provisions of the tax act, for the year 1831.

SEC. 3. *Be it further enacted*, That the provisions of the tax act, for the year of our Lord one thousand eight hundred and thirty-one, are hereby so far modified as to render the same consistent with the provisions of this act. And the Secretary of the Commonwealth shall forthwith transmit a copy of this act to the clerks of the several towns and districts therein.

[Approved by the Governor, March 22, 1832.]

CHAP. CLIX.

An Act in addition to “An Act to prevent fraud in the attachment of Real or Personal Estate.”

Extension of the benefits of the act to which this is in addition.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the benefits of the act to which this is in addition, be, and the same hereby are extended to all persons, who are, or may be interested in any estate, whether real or personal, which is or may be attached on mesne process, whether such persons be interested as purchasers, mortgagees, subsequent attaching creditors or otherwise. *Provided*, such persons shall appear and make themselves parties to any suit whereon said supposed fraudulent attachment may have been made, at any time before final

judgment in said suit, and provided also such person or persons shall in all other respects comply with the provisions of the said act to which this is in addition.

[Approved by the Governor, March 22, 1832.]

CHAP. CLX.

An Act in addition to an Act to provide for the Inspection of Hops for Exportation.

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 inspector of hops for this Commonwealth shall appoint and keep in commission one or more deputy inspectors, in such parts of the Commonwealth as will best accommodate the growers and consumers of hops, who shall be removable by him at pleasure, for whose conduct he shall be answerable, and from whom he may require sufficient bonds for the faithful discharge of their duty.

Appointment of deputy inspectors.

SEC. 2. *Be it further enacted,* That the inspector shall be appointed by the Governor and Council once in five years, and may be removed by them at pleasure, any thing in the third section of the act to which this is in addition to the contrary notwithstanding.

Inspector to be appointed by the Governor and Council once in five years.

[Approved by the Governor, March 23, 1832.]

CHAP. CLXI.

An Act in addition to “ An Act to provide for the Instruction of Youth.”

Construction of
proviso, &c.

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 fourteenth section of the act passed on the tenth day of March, in the year of our Lord one thousand eight hundred and twenty-seven, entitled “ an act to provide for the instruction of youth,” in and by which proviso power is given to any school district to prescribe the mode of warning all future meetings of such district, shall be deemed and taken, and so construed, as to authorize any school district to prescribe by what person or persons, and in what manner, such meetings shall be called, as well as to prescribe the mode of warning the same.

[Approved by the Governor, March 24, 1832.]

CHAP. CLXII.

An Act giving further remedies between Co-Executors and Co-Administrators.

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 Supreme Judicial Court may hear and determine, in equity, all disputes and controversies between co-executors and co-administrators, and between their respective legal representatives, in all cases where there is no plain and adequate remedy at law; and in these cases may exercise the same powers in the same way and manner they do or may between co-partners, joint tenants and tenants in common, and their legal representatives.

Disputes between co-executors and co-administrators.

[Approved by the Governor, March 24, 1832.]

CHAP. CLXIII.

An Act concerning the State Lunatic Hospital.

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 government of the State Lunatic Hospital, at Worcester, shall be vested in a board of five trustees, and the Governor is hereby authorized to nominate, and, by and with the advice and consent of the council, to appoint and commission five discreet persons, whose duty it shall be to take charge of the general interests of the institution, and to see that its affairs are conducted according to the requirements of the Legislature, and the by-laws and regulations which the trustees are hereby authorized to establish, from time to time, for the internal government and economy of the institution. The trustees shall appoint a superintendent, who shall always be a physician, constantly resident at the hospital; and a treasurer, who shall give bonds, in such sum, and with such sureties, as the trustees shall judge proper, for the faithful discharge of his duties. They shall also appoint, or make provision in the by-laws for appointing, such other officers as, in the opinion of the board, may be necessary for conducting efficiently and economically the business of the institution. The salaries of all the officers shall be determined by the trustees, subject to approval by the Governor and Council. And the appointment of all officers by the trustees

Government of
State Lunatic
Hospital to be
vested in a board
of five trustees.

shall be made in such manner, with such restrictions, and for such periods of time, as the by-laws may provide.

SEC. 2. *Be it further enacted,* That there shall be regular and thorough visitations of the hospital; once in each month, by one or more of the trustees; semi-annually, by a majority of them; and annually, by the whole board. At each visitation, a written account shall be drawn up of the state of the institution, to be presented to the board at the annual meeting and visitation, which shall be in the month of December; at which time a full and detailed report shall be made, to be laid before the Governor and Council, during the first week of the session of the Legislature, for the use of the government, exhibiting a particular statement of the condition of the hospital, and of all its concerns. The treasurer shall also at the same time present to the Governor and Council his annual report of the finances of the institution.

Visitations of the hospital.

SEC. 3. *Be it further enacted,* That so soon as the hospital shall be prepared for the reception of the insane, and that fact shall be made public by proclamation of the Governor of the Commonwealth, all orders, decrees, and sentences, for the confinement of any lunatic in any gaol or house of correction within the Commonwealth, thereafter to be made by any court or any judicial officers, by virtue of the statutes of one thousand seven hundred and ninety-seven, chapter sixty-second, and of one thousand eight hundred and sixteen, chapter twenty-eighth, shall be so far modified, that all such lunatics shall thereafter be committed to the custody of the superintendent of the hospital at Worcester; and all lunatics, who, at the time

When hospital shall be prepared for the reception of the insane orders shall be modified, &c.

when such proclamation shall be made, shall be confined in any gaol or house of correction, under any order, decree, or sentence of any court, or any judicial officers, by virtue of the statutes above mentioned, shall, as soon as may be practicable, be removed to said hospital, under the direction of the mayor and aldermen of the city of Boston, or of the county commissioners of the several counties of the Commonwealth, at the expense of said city and counties respectively. And it shall be the duty of every keeper of any gaol, and master of a house of correction, from which any lunatic shall be removed to said hospital, by force of the provisions of this act, to transmit with such lunatic a statement in writing of all such facts connected with his confinement, and the cause thereof, and the length of time he has been confined, as may be in his power.

Powers.

SEC. 4. *Be it further enacted*, That the board of trustees shall possess the same powers which the keepers of gaols and of houses of correction do now possess by law, against delinquent towns or individuals, in regard to the expenses incurred by those committed to the hospital, by virtue of the statutes above mentioned as herein before modified.

Town pauper lunatics.

SEC. 5. *Be it further enacted*, That town pauper lunatics may be admitted to the hospital for a sum in no case exceeding the actual expense incurred in their support. And, as a bounty upon humane efforts for the prompt relief of poor patients, recently attacked by insanity, the trustees are hereby authorized to receive such patients, in their discretion, for a less sum than the actual cost of their support.

SEC. 6. *Be it further enacted*, That the board of trustees, at any meeting, when a majority shall be present, or either of the justices of the Supreme Judicial Court, and of the Court of Common Pleas, at any term of said courts, holden within and for the county of Worcester, may discharge from confinement any lunatic committed to the hospital, by judicial authority, after the cause of such confinement shall have ceased to exist, application being made therefor in writing.

Discharge of lunatics.

SEC. 7. *Be it further enacted*, That no keeper of any gaol or house of correction shall hereafter make a private contract for the custody and support of any town pauper lunatic or lunatics within the county buildings, without the consent and approbation in writing of the mayor and aldermen of the city of Boston, or of the county commissioners of the respective counties, under a penalty of not less than one hundred dollars, to be recovered by indictment in any court of competent jurisdiction, for the use of the Commonwealth.

Private contracts.

SEC. 8. *Be it further enacted*, That, after the first year, two trustees shall be appointed annually, and for that purpose the places of the two senior trustees, as they stand arranged in their commission, shall be annually vacated. And, from the time when the institution shall be completely organized, the trustees shall receive no compensation, except for the actual expenses of the visitations.

Two trustees to be appointed annually.

SEC. 9. *Be it further enacted*, That the board of trustees, for the time being, may receive any grants and devises of lands and tenements, and any donations and bequests of money, in trust for the Commonwealth, to be used and improved for the

Grants and devises of lands.

maintenance of insane persons, and for the benefit of the institution.

[Approved by the Governor, March 24, 1832.]

CHAP. CLXIV.

An Act in further addition to an Act entitled “ An Act to enable creditors to receive their just demands out of the goods, effects, and credits of their debtors, when the same cannot be attached by the ordinary process of law.”

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the several provisions of “ an act to enable creditors to receive their just demands out of the goods, effects and credits of their debtors, when the same cannot be attached by the ordinary process of law,” and of all other acts in addition thereto, shall be, and the same hereby are extended to all cases wherein any corporation or body politic may be entrusted with or possessed of any money, goods, effects or credits of any debtor, so far as they shall be applicable to such cases; and such corporation or body politic shall be proceeded against, and held to answer in the same way and manner, as is provided in the acts aforesaid, for trustees in other cases.

Provisions of act extended, &c.

SEC. 2. *Be it further enacted,* That whenever the trustee process, provided in the several acts aforesaid, shall be instituted against any corporation, or body politic, as the trustee of any debtor, the service thereof shall be made upon the same persons, and by the same officers, thirty days before the said process shall be returnable, as is now by law required in suits wherein such corporation or body politic shall be the principal debtor. And such corporation, or body politic, is hereby required to disclose its pecuniary relations with such debtor, on the oath or affirmation of the cashier, clerk, agent, selectmen, committee, or other person or persons conducting the concerns thereof, which disclosure shall have the same operation and effect as a disclosure of trustees in other cases, and the several forms of the trustee process aforesaid may be so altered, as to conform to the provisions of this act.

Trustee process.

SEC. 3. *Be it further enacted,* That all provisions of existing laws, inconsistent with the provisions of this act be, and the same are hereby repealed.

Provisions of existing laws repealed.

[Approved by the Governor, March 24, 1832.]

CHAP. CLXV.

An Act in addition to 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 the proviso at the close of the first section of the act to which this is in addition, entitled "an act respecting appeals from judgments of the court of common pleas," passed on the eleventh day of February, in the year of our Lord one thousand eight hundred and twenty-three, be, and the same is hereby repealed.

Proviso of former act repealed.

SEC. 2. *Be it further enacted,* That this act shall take effect from and after the first day of April next.

Time when this act is to take effect.

[Approved by the Governor, March 24, 1832.]

CHAP. CLXVI.

An Act for the due regulation of Licensed Houses.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That no person shall presume to be an innholder, or seller of wine, brandy, rum, or any other spirituous liquors, to be used, and consumed in or about his or her premises, except such person be first duly licensed according to law, as is herein provided, on pain of forfeiting the sum of one hundred dollars ; and if any person shall at any time sell any spirituous liquors, or any mixed liquors, part of which is spirituous, to be used or drunk in or about his or her premises, without license therefor duly had or obtained according to law, he or she shall forfeit and pay, for each offence, a sum not exceeding twenty dollars, nor less than ten dollars.

Forfeiture for selling without license.

SEC. 2. *Be it further enacted,* That no person shall presume to be a retailer or seller of wine, brandy, rum, gin, whiskey or other distilled spirits, in a less quantity than ten gallons, and that delivered and carried away all at one time, except such person be first duly licensed according to law, as is herein provided, on pain of forfeiting the sum of twenty dollars for each offence ; and no person, licensed to be a retailer as aforesaid, shall presume to sell any of the above liquors, either mixed or unmixed, to be drunk in his or her house or shop, or in any of the parts or dependencies of the same,

In a less quantity than ten gal. lons.

under pain of forfeiting therefor the sum of twenty dollars.

Offence punishable by the forfeiture of a sum not exceeding twenty dollars nor less than ten dollars.

SEC. 3. *Be it further enacted,* That no person shall presume to be a common victualler, or seller of wine, brandy, rum, or any other spirituous liquors, to be used and consumed in or about his or her premises, except such person be first duly licensed according to law, as is herein provided, on pain of forfeiting the sum of one hundred dollars; and if any person shall at any time sell any spirituous liquors, to be used or drunk in or about his or her premises, without license therefor duly had and obtained according to law, he or she shall forfeit and pay, for each offence, a sum not exceeding twenty dollars, nor less than ten dollars.

Mayor and aldermen may license as many persons as, in their apprehension, the public advantage may require.

SEC. 4. *Be it further enacted,* That the mayor and aldermen of the city of Boston, may license for said city as many applicants therein as common victuallers, as they shall decide the public good may require, and to remove all doubt of the nature of the occupation of the common victualler provided to be licensed in this act, it is hereby provided that all the liabilities, privileges and requirements of this act, which apply to innholders, shall apply to common victuallers, excepting that they shall not be required to furnish lodging for travellers, hay and provender for horses and cattle.

Penalty for keeping open shop on the Lord's day.

SEC. 5. *Be it further enacted,* That if any person licensed as a common victualler, as described in the preceding section of this act, shall keep open his or her house, cellar, shop, store or place of business, on any part of the Lord's day or evening, or keep open the same at a later hour than ten of the clock of the evening of any working day, and entertain any person therein by selling him or her

any spirituous or strong liquor on the Lord's day or evening, or on any working day at a later hour than ten of the clock in the evening thereof, he or she so offending shall forfeit and pay, for each offence, on conviction thereof, the sum of ten dollars.

SEC. 6. *Be it further enacted,* That the mayor and aldermen of the city of Boston may license for said city of Boston; and the county commissioners in the several counties in this Commonwealth may license for the towns and districts in their respective counties, as many applicants therein as innholders or retailers, as they shall decide the public good may require: and, in all licences to be granted either to innholders, common victuallers or retailers within the city of Boston, or in the towns or districts in this Commonwealth, the street, lane, alley or other place, and the number of the building, or some other particular description thereof, within said city, town or district, shall be specified, where such licensed person shall carry on and exercise his or her respective employment, and said license shall not protect such person from the liabilities provided in this act, for carrying on and exercising his or her employment in any other place than in that specified in said license.

Mayor and aldermen may license for the city of Boston, and county commissioners for the several counties, &c.

SEC. 7. *Be it further enacted,* That all licenses to innholders, retailers and common victuallers, shall be yearly granted or renewed, and the time for which all such licenses shall be granted or renewed shall expire on the first day of April in each year, but it shall be in the power of the mayor and aldermen of the city of Boston, and the county commissioners in their several counties, to grant or renew licenses at any time after the said first day of April, for the remainder of the year, whenever

Licenses to be yearly renewed, &c.

they shall deem the same expedient. And each person, who shall be licensed as aforesaid, shall pay to the clerk of the city of Boston, or to the clerk of the county commissioners of their respective counties, the sum of one dollar, which shall be paid by said clerks to the treasurers of their respective counties, for the use and benefit of said counties.

Mayor and aldermen and county commissioners may license without fee, &c.

SEC. 8. *Be it further enacted*, That the mayor and aldermen of the city of Boston may license for the city of Boston, and the county commissioners in the several counties may license for the towns and districts in their respective counties, in the manner before provided, as many persons therein as they shall decide the public good shall require as innholders, common victuallers, or retailers or sellers of wine, beer, ale, cider, or any other fermented liquor, and no excise or fee shall be required therefor.

Transmission of the names of persons licensed, &c.

SEC. 9. *Be it further enacted*, That the clerk of the county commissioners in the several counties shall from time to time, annually, before granting the said licenses, seasonably transmit to the selectmen of every town or district within the county, a list of the names of the persons in such town or district, who were licensed as innholders, retailers or common victuallers the year before. And no license shall be granted or renewed to any person unless he or she shall produce a certificate from the selectmen of the town or district where such license is intended to be exercised, or from a majority of them, in form following, to wit: We, the subscribers, a majority of the selectmen of the town (or district) of _____ do hereby certify, that _____ has applied to us to be recommended as (here expressing the employment, and a particular description of the place for which the license is sought) in

the town (or district) of _____ and that, after mature consideration, we are of opinion, that the public convenience requires, that the petition of said _____ be granted, he or she being, to the best of our knowledge and belief, a person of good moral character.

(Signed) A B }
 C D } *Selectmen of* _____
 E F }

Provided, however, that any person aggrieved by ^{Proviso.} the neglect or refusal of the selectmen of any town or district within any county within this Commonwealth to return the certificate, as has been herein prescribed, in order that his or her license as an innholder, retailer or common victualler may be renewed, or by their refusing to give their approbation, that such person may be originally licensed to be an innholder, retailer or common victualler, within such town or district, it shall and may be lawful for the county commissioners within said county, on application of such aggrieved person to renew or originally grant the license prayed for, any law, custom, or usage to the contrary notwithstanding: *provided always,* that the person applying shall substantially prove to the satisfaction of the said commissioners, that the selectmen have unreasonably neglected or refused to give their certificate or approbation, as is herein prescribed, and that the public convenience requires the renewal or originally granting the license prayed for; and that it shall be the duty of such aggrieved person to inform the selectmen or some one of them, refusing as aforesaid, that he or she shall apply to the county commissioners at their session next to be holden within said county, for the renewal or granting of his license, so that the select-

men may, if they see fit, appear and shew cause why such person should not be licensed.

Every licensed innholder shall be furnished with suitable provisions for the refreshment and entertainment of strangers, &c.

SEC. 10. *Be it further enacted,* That every licensed innholder shall at all times be furnished with suitable provisions and lodging, for the refreshment and entertainment of strangers and travellers, stable room, hay and provender for their horses and cattle, on pain of being deprived of his or her license. And every licensed innholder and common victualler shall, at all times, have a board or sign affixed to his or her house, shop, cellar or store, or in some conspicuous place near the same, with his or her name at large thereon, and the employment for which he or she is licensed, under pain of forfeiting the sum of twenty dollars : and if any innholder enjoined by this act to be suitably provided to receive and entertain strangers, travellers, or others, as occasion may require, shall be convicted of refusing to make suitable provisions, when desired, for receiving of strangers, travellers, and their horses and cattle, such person, upon conviction thereof, in the Court of Common Pleas in the county to which such licensed person belongs, shall, by the said court, be deprived of his or her license : and the said court shall, in such case, order the sheriff of the same county, or his deputy, to cause the sign of such convicted person to be taken down, whose duty it shall be to perform the same without delay.

Dice, cards, billiards.

SEC. 11. *Be it further enacted,* That no innholder, and no common victualler, shall have or keep in or about his or her house, shop, cellar or store, yards, gardens or dependencies, any dice, cards, bowls, billiards, quoits, or any other implements used in gaming ; nor shall suffer any person or persons resorting unto his or her house or other

place of business to use or exercise any of said games, or any other unlawful game or sport within his or her house or place of business, or any of the dependencies as aforesaid, or places to them belonging, on pain of forfeiting the sum of ten dollars for every such offence. And every person convicted of using and exercising any of the games as aforesaid, in any such house, place of business, or dependencies thereof, shall forfeit the sum of ten dollars.

SEC. 12. *Be it further enacted,* That no innholder, and no common victualler, shall suffer any person to drink to drunkenness or excess in his or her house or place of business, or suffer any minor, (travellers excepted) or servant to drink there, or to have any strong drink there, after having been forbidden by their respective parents, guardians or masters, on pain of forfeiting the sum of five dollars for each offence.

No innholder or common victualler shall suffer any person to drink to excess in his or her place of business.

SEC. 13. *Be it further enacted,* That if any innholder, or any common victualler, shall trust or give credit, from time to time, to any person for liquor to be drunk and used in his or her premises, such innholder or common victualler shall lose and forfeit all such sums so trusted and credited; and all actions hereafter brought for such debt or debts, shall be utterly excluded and barred. And the defendant in such action may plead the matter specially, or, under the general issue, give the matter in evidence, any law, usage or custom to the contrary notwithstanding.

Any innholder or common victualler giving credit for liquor to be drunk in his or her premises, shall lose and forfeit all sums so credited.

SEC. 14. *Be it further enacted,* That whenever any person shall, by idleness or by excessive drinking of spirituous liquors, so misspend, waste, or lessen his or her estate, as thereby either to expose

Persons who shall by idleness or excessive drinking, misspend or waste his or her estate, &c.

Prohibition to be renewed from year to year.

himself or herself, his or her family, to want or indigent circumstances, or the city, town or district to which he or she belongs, to a charge or expense for the maintenance of him or her, or his or her family, or shall so habitually indulge himself or herself in the use of spirituous liquors, as thereby to greatly injure his or her health, or endanger the loss thereof, the city clerk, under the direction of the mayor and aldermen of the city of Boston, and the selectmen of the towns or districts as aforesaid, shall, in writing, under their hands, forbid all licensed innholders, retailers and common victuallers to sell to any of the persons aforesaid, any spirituous or strong liquors in this act mentioned or referred to, for the space of one year, and shall, in like manner forbid the licensed persons, as aforesaid, of the city of Boston, or of any other town or district to which such persons may resort for the same: and said mayor and aldermen, and said selectmen, shall, in the same manner, from year to year, renew the prohibition as to all such persons as have not in their opinion reformed within the year; and if any licensed innholder, common victualler or retailer, shall, during any such prohibition, sell to any such prohibited person, any spirituous liquor in this act mentioned or referred to, he or she shall forfeit and pay, for each offence, the sum of twenty dollars; and whenever the authorities aforesaid, agreeably to the provisions of this act, have prohibited the sale of any strong liquor to any mispender of time or estate as aforesaid, if any person shall, with a knowledge of said prohibition, give, sell, purchase or procure for, and in behalf of such prohibited person, or for his or her use, any spirituous or strong

liquors as aforesaid, he shall forfeit and pay the sum of twenty dollars for each offence.

SEC. 15. *Be it further enacted*, That all fines, forfeitures and penalties, created by this act, may be sued for and recovered in an action of debt, or of the case, in any court of competent jurisdiction to try the same, by any person who will prosecute therefor, in which case the penalty, fine or forfeiture shall enure, one moiety thereof to the county where the offence was committed, and the other moiety to the person prosecuting for the same; or the same may be prosecuted for and recovered by indictment in any court of competent jurisdiction, in which case the whole of the fines, forfeitures and penalties shall enure to the county where the offence was committed;—and in all cases arising under this act in the city of Boston, (excepting where the fine, forfeiture or penalty exceeds twenty dollars,) the police court shall be held to be a court of competent jurisdiction; and the prosecutions in said court shall be by complaint or information, subject to the right of appeal to the municipal court; but the police court shall not have power under this act to sentence to imprisonment. *Provided*, that in all cases where a person shall be convicted of a breach of this act, and is unable to pay the penalty, fine or forfeiture, or fails to do it, he may be imprisoned in the jail of the county where the offence was committed, for a term of time not more than ninety days, at the discretion of the court before whom trial has been had. *Provided further*, that any licensed person described in this act, being twice convicted of any breach of it, shall thereupon, in addition to the penalties herein before

Fines, forfeitures and penalties created by this act, how recovered.

Proviso.

Further proviso.

provided, be liable to a further punishment of not more than ninety days imprisonment, in the jail of the county within which the offence was committed, at the discretion of the court before whom trial may be had.

Former acts re-
pealed.

SEC. 16. *Be it further enacted,* That the act for the due regulation of licensed houses, passed on the twenty-eighth day of February, one thousand seven hundred and eighty-seven, and the several acts in addition thereto, and all former laws on the same subject, be and the same are hereby repealed.

Provisos,

Provided however, that nothing herein contained shall affect any suit, indictment, or other legal proceeding now commenced or pending, or that shall be hereafter commenced for any breach of the laws which are by this section repealed, nor the rights of any person now licensed, for the remainder of the term for which they are licensed.

[Approved by the Governor, March 24, 1832.]

CHAP. CLXVII.

An Act in addition to an Act relating to the Punishment of Convicts who may be sentenced to solitary imprisonment and confinement to hard labor.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That it shall be the duty of the overseers of the several houses of correction in this Commonwealth, to oversee the execution of all sentences of persons convicted of any offence, and which, by the judgment of any court of competent jurisdiction, are to be performed and executed within the said house of correction; and all the duties of the sheriff in relation to the execution of the sentences of convicts to be performed in the houses of correction in their respective counties, and as provided by the law of this Commonwealth, passed on the nineteenth day of February, one thousand eight hundred and nineteen, entitled "an act relating to the punishment of convicts who may be sentenced to solitary imprisonment and confinement to hard labor," shall be done and performed by the overseers of said houses of correction; and the said overseers shall have the same power and authority to control and govern the said convicts, as by said law is given to the sheriff.

Duty of the overseers of houses of correction.

[Approved by the Governor, March 24, 1832.]

CHAP. CLXVIII.

An Act relating to the Congressional Districts of
the Commonwealth.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the operation of the 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 the fifteenth day of June, in the year of our Lord one thousand eight hundred and twenty-two, be, and the same is hereby extended to the third day of March next: *Provided however,* that so much thereof as requires the choice of Representatives to Congress, to be made on the first Monday of November next, be, and the same is hereby repealed.

Extension of the operation of an act to divide the Commonwealth into districts for the choice of representatives in the Congress of the United States.

[Approved by the Governor, March 24, 1832.]

CHAP. CLXIX.

An Act directing the mode of choosing Electors of President and Vice President of the United States.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the selectmen of the several towns and districts in this Commonwealth shall notify, in the manner prescribed by law for notifying town meetings, the inhabitants thereof, duly qualified to vote for representatives to the General Court of this Commonwealth, to assemble on the second Monday of November next, and give in their votes for the number of electors of president and vice president to which this Commonwealth may then be entitled, which electors shall be qualified according to the constitution of the United States ; and the names of all the electors to be then chosen shall be written or printed on each ticket or ballot, and every such ticket or ballot shall contain the name of at least one inhabitant of each of the several congressional districts, into which this Commonwealth shall then be divided, and against the name of each person, on every such ticket, shall be designated the congressional district to which he belongs ; and the selectmen shall preside at such meetings, and shall, in open town meeting, receive, sort, count and declare the votes given in, and the same shall be recorded by the town and district clerks respective-

Notification of
inhabitants, &c.

ly, and exact lists thereof shall be made and certified by a majority of the selectmen, and the clerk, who shall deliver the same, sealed, to the sheriff of the county in which such election shall be held, within three days next after the day of such election, and the said sheriff shall transmit the same to the office of the secretary of this Commonwealth, within four days thereafter, or the selectmen or clerk may themselves transmit the same to the office of the said secretary, within seven days after the day of such election, and all votes not so returned shall be rejected; and the Governor and Council shall open and examine the said returns, and count the votes, and the Governor shall forthwith transmit to each person, who shall have received a majority of the votes so returned, a certificate of his election.

Governor, by proclamation, may call the General Court together.

SEC. 2. *Be it further enacted,* That if, upon an examination of the votes as aforesaid, it shall appear that a majority of the whole number of electors have not been chosen, in the manner herein before provided, it shall be the duty of the Governor, by proclamation, to call the General Court together forthwith, and the General Court, by joint ballot of the senators and representatives assembled in one room, shall choose as many electors as shall be necessary to complete the number of electors to which this Commonwealth may then be entitled.

Election to be holden in the city of Boston.

SEC. 3. *Be it further enacted,* That in the city of Boston, the said election shall be holden, and the returns thereof made in conformity with the directions and provisions of "an act establishing the city of Boston," and the acts supplementary thereto. *Provided,* that such elections shall be

holden, and the returns thereof by the mayor and aldermen of said city be made, at and within the times herein before prescribed.

SEC. 4. *Be it further enacted,* That the electors, so chosen, shall convene at the state house in the said city of Boston, on the Tuesday next preceding the first Wednesday of December next, at three of the clock in the afternoon, and in case of the death or absence of any elector so chosen, or in case the number of electors aforesaid shall, from any cause, be deficient, the electors then present, or a majority of them, shall forthwith elect from the citizens of this Commonwealth, so many persons as shall supply such deficiency ; and, on the said first Wednesday of December, all the said electors, convened as aforesaid, shall vote by ballot for one person for president and one person for vice president of the United States, one of whom at least shall not be an inhabitant of this Commonwealth ; they shall name in their ballots the person voted for, as president, and, in distinct ballots, the person voted for as vice president ; and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice president, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate, and in all respects shall proceed, and conduct conformably to the constitution of the United States, and the laws in this behalf provided ; and the said electors shall receive such compensation for their travel and attendance, as the members of the General Court of this Commonwealth are entitled to receive ; and all laws now in force, in re-

lation to the duties of sheriffs, town officers, and voters, in the election of Governor, Counsellors, Senators, and Representatives, shall, as far as the same are applicable, apply and be in force, in regard to the meetings and elections to be holden, and the returns to be made, under this act. And like penalties shall be incurred for a violation thereof.

Governor to
make proclama-
tion.

SEC. 5. *Be it further enacted*, That His Excellency the Governor be, and he is hereby authorized and requested to make proclamation, on or before the first of October next, by and with the advice and consent of the Council, of the number of electors to which the Commonwealth may then by law be entitled.

[Approved by the Governor, March 24, 1832.]

CHAP. CLXX.

An Act in addition to "An Act to establish the Warren Bridge Corporation."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the toll now established by law for passing Warren bridge, across Charles river, be, and hereby is continued and established until the last day of the first session of the next General Court; and when the present proprietors shall have been reimbursed the money and

Toll now estab-
lished continued
until the last day
of the first ses-
sion of the next
general court.

sums of money to which they are entitled, according to their act of incorporation, or shall cease to take the toll at present established by law, the Governor, with the advice and consent of Council, be, and is hereby authorized to place toll gatherers, to collect and receive said toll, and also to employ such other servants, and agents, and do any other matter or thing relative to said bridge, and the collection and receipt of the toll, as may be thought advisable: *Provided however*, that all monies which may be received, according to the provisions of this act, shall be held by the Treasurer of the Commonwealth, subject to the order of the Legislature.

[Approved by the Governor, March 24, 1832.]

Commonwealth of Massachusetts.

SECRETARY'S OFFICE, MAY 14, 1832.

I HEREBY CERTIFY, that I have compared the printed copy of Acts contained in this Pamphlet with the Original Acts passed by the Legislature in January, February, and March last, and find the same to be correct.

EDWARD D. BANGS,
Secretary of the Commonwealth.

L A W S

OF THE

Commonwealth of Massachusetts,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION, WHICH COMMENCED ON WEDNESDAY, THE SECOND
OF JANUARY, AND ENDED ON THURSDAY, THE TWENTY-
EIGHTH OF MARCH, ONE THOUSAND EIGHT HUNDRED
AND THIRTY-THREE.

CHAP. I.

An Act in addition to "an Act concerning the State
Lunatic Hospital."

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 the Govern-
or shall issue his Proclamation, making known that
the State Lunatic Hospital is prepared for the re-
ception of insane persons, he be, and hereby is,
authorized therein, to prescribe and direct in what

Governor au-
thorized to pro-
vide for the re-
moval of insane
persons, &c.

order and succession, at what times, and in what state of preparation, as to cleanliness and clothing, the insane persons confined in jails and houses of correction shall be removed to said Hospital, according to the provisions of the Third Section of the Act to which this is an addition ; and that no insane persons shall be removed to said Hospital from any jail or house of correction, before the time in said Proclamation prescribed for such removal therefrom ; and that the clothing which shall thus be prescribed for said insane persons shall be paid for, (if not otherwise furnished,) by the several counties in which those persons are confined.

Powers of Trustees.

SEC. 2. *Be it further enacted*, That the Trustees of said Hospital shall, in all cases whatsoever, of the commitment of insane persons to said Hospital, under any process authorized by law, have the same powers which are conferred on them in the cases mentioned in the Fourth Section of the Act to which this is in addition.

[Approved by the Governor, January 12, 1833.]

CHAP. II.

An Act to Incorporate the Lowell Bleachery.

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 Jonathan Derby, John Clark, and Augustus H. Fiske, their associates, successors and assigns be, and they hereby are made a Corporation by the name of the "Lowell Bleach-

ery," for the purpose of bleaching, coloring, printing and finishing cotton and woollen goods in the town of Lowell, 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 entitled "an act defining the general powers and duties of manufacturing corporations," passed the twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty.

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

Real and personal estate.

[Approved by the Governor, January 18, 1833.]

CHAP. III.

An Act giving additional powers to the National Insurance Company, in Boston.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That, from and after the passage of this act, the National Insurance Company, in Boston, in addition to the powers which it now has, shall have authority to take and insure against marine risks, and for this purpose

Additional powers.

said company shall have all the powers and privileges of a marine insurance company, and be subject to all the duties and liabilities in relation to marine insurance, specified in an act passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, entitled “an act to define the powers, duties and restrictions of insurance companies,” and in an act passed on the sixth day of February, in the year of our Lord one thousand eight hundred and thirty-two, entitled “an act in addition to an act to define the powers, duties and restrictions of insurance companies.”

[Approved by the Governor, January 21, 1833.]

CHAP. IV.

An Act in addition to “An Act to Incorporate the Protection Insurance Company.”

Part of former act repealed. SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the second Section of said Act be, and the same is hereby repealed.

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 and fifty thousand dollars of which shall be paid in money, within sixty days after the first meeting of said company, and the remaining fifty thousand dollars within one year

from the twentieth day of January current, in such instalments, and under such penalties as the President and directors of said company shall order and appoint, and the capital stock shall not be transferred within one year from the time of the first meeting of said company; and if the provisions of this act and of the act to which this is in addition shall not have been complied with in one year from the last named date, both of the same shall be void.

[Approved by the Governor, January 21, 1833.]

CHAP. V.

An Act in addition to "An Act to incorporate the Boston and Providence Rail Road Corporation."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the time for Annual meeting. holding the annual meeting of the members of said corporation shall be on the first Wednesday of June, at which meeting seven directors shall be chosen, four of whom shall form a quorum for the transaction of business, at any meeting of the directors duly notified.

SEC. 2. *Be it further enacted,* That all persons who were originally subscribers to the stock of said corporation, or their legal representatives, and any subsequent grantees, the transfers to whom have been or may be exhibited to the treasurer or other officer authorized by the by-laws of the corporation Original subscribers or legal representatives liable for all assessments while stockholders.

to issue certificates, shall be considered as subscribers within the meaning of the original act of incorporation, and shall be liable for all assessments made on their shares while they shall continue to be stockholders. And no conveyance of any shares shall be valid to hold the same against any other person or persons but the grantor or grantors and his or their executors or administrators, unless the conveyance is in writing, and recorded by the said treasurer or other officer.

May apply to county commissioners to estimate damages occasioned by taking land.

SEC. 3. *Be it further enacted,* That in case the said corporation shall not be able to obtain the land which they may take for said road, or for the proper construction and security thereof, by voluntary agreement with the owner or owners of said land, the said corporation, as well as the said owner or owners, may apply to the County Commissioners of the county where the said land lies, to estimate the damages occasioned by taking the same. And in case either party is dissatisfied with the estimate thus made by the commissioners, he or they may apply for a Jury upon this subject at the next regular meeting of said commissioners. And no application to said commissioners to estimate said damages shall be sustained, unless made within one year from the time of completing that portion of the road for which said land is taken.

Part of former act repealed.

SEC. 4. *Be it further enacted,* That every thing contained in the original act of incorporation inconsistent with the provisions of this act, be and the same hereby is repealed.

[Approved by the Governor, January 23, 1833.]

CHAP. VI.

An Act to incorporate the "Pittsfield Cotton Mills."

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Samuel M. McKay, Curtis T. Fenn, Enoch White, and Ebenezer White, their associates, successors and assigns, be, and they hereby are made a corporation by the name of the "Pittsfield Cotton Mills," for the purpose of manufacturing cotton and woollen goods and machinery in the town of Pittsfield in the County of Berkshire, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in the act passed the twenty third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled "an act defining the general powers and duties of manufacturing corporations." Persons incorporated.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation shall not exceed the sum of two hundred thousand dollars, and that said corporation may be lawfully seized and possessed of such real estate as may be necessary and convenient for the purpose aforesaid, not exceeding in value the sum of seventy five thousand dollars. Capital Stock.

[Approved by the Governor, January 23, 1833.]

CHAP. VII.

An Act to incorporate the Middlesex Paper Manu-
factory.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 William Hilliard, Charles C. Little, Nathan Hale, Eliab W. Metcalf, Lemuel Shattuck, and James Brown, with such other persons as already have associated, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation by the name of the Middlesex Paper Manufacturing Company, for the purpose of manufacturing paper in the town of Lowell, in the county of Middlesex, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the twenty third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled "an act defining the general powers and duties of manufacturing corporations."

Capital stock.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation shall not exceed the sum of one hundred thousand dollars, and that the said corporation 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 fifty thousand dollars.

[Approved by the Governor, January 23, 1833.]

CHAP. VIII.

An Act to incorporate the Lynn Mechanics 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 Isaiah Breed, Micajah C. Pratt, Daniel Breed, Francis S. Newhall, their associates, successors and assigns, be, and they are hereby incorporated and made a body politic by the name of the "Lynn Mechanics Fire and Marine Insurance Company," for the purpose of making loans, and insurance against fire and maritime losses, in the usual and customary manner, with all the privileges, and subject to all the duties and obligations contained in a law 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 an act in addition thereto, passed March sixth, in the year of our Lord one thousand eight hundred and thirty two, entitled "an act in addition to an act to define the powers, duties and restrictions of insurance companies," for and during the term of twenty years from and after the passing of this act, and, by the name aforesaid, they may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution, and they may have a common seal, which they may alter at pleasure, and they may purchase, hold and convey any estate real or personal, for the use of said company. *Provided,*

Persons incorporated.

that the real estate shall not exceed the value of five thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said company.

Capital Stock.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be fifty thousand dollars, and shall be divided into shares of one hundred dollars each, and shall all be collected and paid in in such instalments, and under such provisions and penalties, as the president and directors of said company shall order and appoint.

Risks.

SEC. 3. *Be it further enacted*, That said company shall at no time take any one risk by way of a policy of insurance, maritime loan or otherwise, to a greater amount than seven per cent. on their capital actually paid in. And at all elections no one stockholder shall be allowed more than ten votes.

Location.

SEC. 4. *Be it further enacted*, That the Lynn Mechanics Fire and Marine Insurance Company shall be located in the town of Lynn.

[Approved by the Governor, January 23, 1833.]

CHAP. IX.

An Act for the Relief of Poor Convicts.

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 two Justices of the Peace, each of whom shall be of the quorum, in any county of the Commonwealth except the County of Suffolk, be, and they hereby are authorized to liberate from prison any poor convict within the county for which they are commissioned, when it shall be made to appear to them that said convict has continued in prison for the term of three months for fine and costs only, and that he or she stands committed for no other cause, and has no estate real or personal, wherewith to discharge said sentence ; and they are hereby empowered to issue their order to the Sheriff of such county to that effect.

Justices of Peace
authorized to liberate
poor convicts.

SEC. 2. *Be it further enacted,* That the statute of seventeen hundred and ninety-nine, chapter seven, and the several acts in addition thereto be, and the same are hereby repealed.

Repeal of statute
of 1799, &c.

[Approved by the Governor, January 24, 1833.]

CHAP. X.

An Act to incorporate the Goodale Academy.

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 Job Goodale, George Grennell, Jr., Amariah Chandler, Benjamin Fowler, Josiah W. Canning, P. L. Cushman, Zebina C. Newcomb, John Brooks, Joseph Slate, E. W. Carpenter, Samuel W. Chapin, Ralph Cushman, and Lyman Griswold, their associates and successors be, and they hereby are incorporated as the Trustees of Goodale Academy, in the town of Bernardston and county of Franklin, with power to hold real and personal estate, not exceeding in value twenty thousand dollars, to be devoted exclusively to the purposes of education. And said corporation shall have all the powers usually incident to similar corporations, and may make all necessary by-laws, not repugnant to the laws of this Commonwealth.

First meeting.

SEC. 2. *Be it further enacted,* That any two of the persons named in this act may call the first meeting of said corporation, by giving notice seven days at least previously thereto, in any newspaper printed in the county of Franklin.

[Approved by the Governor, January 24, 1833.]

CHAP. XI.

An Act to incorporate the Nantucket Steam Boat 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 Mitchell, Persons incorporated. Philip H. Folger, George B. Upton, Thomas Macy and Nathaniel Barney, their associates, successors and assigns, be, and they hereby are made a body corporate, by the name of the Nantucket Steam Boat Company, for the purpose of running a Steam Boat, and two other vessels not exceeding seventy-five tons each, for the convenience of the public travel and the transportation of merchandize between Nantucket and New Bedford and the intervening places, and by that name are 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, and generally to do and perform all acts incident to corporations, according to the laws of this Commonwealth and the provisions in this act contained.

SEC. 2. *Be it further enacted,* That said company may lawfully purchase, hold and convey real estate, Real and personal estate. not exceeding the value of ten thousand dollars, and personal estate not exceeding the value of sixty thousand dollars.

SEC. 3. *Be it further enacted,* That the stock Shares. of said company shall be divided into shares of twenty-five dollars each, and the number of shares in said corporation may be increased to an amount not exceeding the value of the real and personal estate which by this act said corporation is author-

ized to hold, whenever said corporation may deem it expedient, and the shares therein shall be deemed personal estate, and shall be subject to attachment and sale in like manner as the shares of debtors in other corporations.

Choice of officers.

SEC. 4. *Be it further enacted,* That the stockholders of said company, at a meeting legally warned for that purpose, may choose such number of directors as they may deem necessary, and a secretary and treasurer, all which officers shall annually be chosen. And the directors of said corporation shall choose one of their number who shall be President of the corporation; and all officers so chosen shall hold their offices until others are chosen. And said stockholders shall have power to make and establish such by-laws, rules and regulations for the government of said corporation and its respective officers, as they may deem fit, not repugnant to the constitution and laws of this Commonwealth.

Assessments.

SEC. 5. *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 they may deem necessary to effect the objects of said corporation. *Provided,* that no share shall be assessed a greater sum than twenty-five dollars. And said corporation may provide for the sale at public auction of any share or shares, whereon any assessment shall be due and not paid.

First meeting.

SEC. 6. *Be it further enacted,* That any one of the aforesaid persons is hereby authorized to call the first meeting of said company by giving public notice of the same, five days at least before the time of said meeting, in any newspaper printed in Nantucket.

[Approved by the Governor, January 26, 1833.]

CHAP. XII.

An Act to incorporate the Westminster 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 Cyrus Mann, Joseph Chickering, David Brigham, Joseph G. Kendall, Alonzo Phillips, Sumner Lincoln, Flavell Cutting, Samuel Gay, John A. Albro, Ebenezer Perkins and Ezra Wood, their associates and successors, be, and they hereby are incorporated by the name of the Trustees of Westminster Academy, in the town of Westminster, in the county of Worcester, with power to hold real estate not exceeding in value five thousand dollars, and personal estate not exceeding in value ten thousand dollars, to be devoted exclusively to the purposes of education, and said corporation shall have all the powers usually incident to similar corporations, and may make all necessary by-laws, not repugnant to the constitution and laws of this Commonwealth. Persons incorporated.

SEC. 2. *Be it further enacted,* That any two of First meeting. the persons named in this act, may call the first meeting of said corporation by giving personal notice thereof, ten days previous to the time of said meeting.

[Approved by the Governor, January 30, 1833.]

CHAP. XIII.

An Act to incorporate the Lowell Paper Mills.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Benjamin Loring, Samuel Lawrence, James Cook, Joseph A. Chamberlain, W. W. Stone, Benjamin Perkins, and T. R. Marvin, their associates, successors and assignes, be, and they hereby are made a corporation, by the name of the Lowell Paper Mills, for the purpose of manufacturing paper in the town of Lowell, in the county of Middlesex, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the twenty-third of February, in the year of our Lord one thousand eight hundred and thirty, entitled "an act defining the general powers and duties of manufacturing corporations."

Persons incor-
porated.

Capital stock.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation shall not exceed the sum of one hundred thousand dollars, and that the said corporation 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 fifty thousand dollars.

[Approved by the Governor, January 30, 1833.]

CHAP. XIV.

An Act to incorporate the Centralville Cotton and
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 David Lester and Amos Avery, Jr. their associates, successors and assigns, be, and they are hereby made a corporation by the name of the Centralville Cotton and Woollen Manufacturing Company, for the purpose of manufacturing cotton and woollen goods in the town of Stockbridge, in the county of Berkshire, with all the powers and privileges, and subject to all the duties and requirements contained in an act passed on the twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled "an act defining the general powers and duties of manufacturing corporations." Persons incorpo-
rated.

SEC. 2. *Be it further enacted,* That the said corporation may take and hold such real estate, not exceeding in value the sum of sixty thousand dollars, and such personal estate, not exceeding in value the sum of ninety thousand dollars, as may be suitable and convenient for carrying on the manufactures aforesaid. Real and person-
al estate.

[Approved by the Governor, January 30, 1833.]

CHAP. XV.

An Act establishing the Dividing Line between the towns of Sharon and Foxborough, in the County of Norfolk.

Dividing line established.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the following described line be in future established as the dividing line between the towns of Sharon and Foxborough, viz: beginning at the Walpole and Sharon corner on Foxborough line, thence running south about thirty-two degrees east, about three miles to a stake and stones on the line of said towns, near Mr. Benjamin Hodges; thence north sixty-six degrees and forty-five minutes east, as the line now runs, five chains and twelve links to the monument on the west side of Norton road, by the burying ground; thence the same course twenty-nine chains to a monument on low hill at a corner; thence as the line now runs south thirty degrees east, eighty-five chains and fifty links to Mansfield line, at a corner of said Sharon and Foxborough, and all lands on the westerly side of said line, heretofore belonging to Sharon, shall be annexed to Foxborough, and all lands on the easterly side of said line, heretofore belonging to Foxborough, shall be annexed to Sharon.

[Approved by the Governor, January 30, 1833.]

CHAP. XVI.

An Act to discontinue a Landing or Loading place
in the town of Hingham.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the landing or loading place on a piece of uninclosed land situated in the town of Hingham, and bounded easterly on Laban Hearsey's homestead, southerly on Summer street, and westerly on Hingham harbor, be, and the same is hereby discontinued. Landing place discontinued.

[Approved by the Governor, January 30, 1833.]

CHAP. XVII.

An Act to establish the South Cove 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 Welles, Edward Tuckerman, Francis J. Oliver, Edward D. Clark, Henry H. Fuller, and Abraham A. Dame, their associates, successors and assigns, be, and they are hereby constituted a body corporate, by the name of the South Cove Corporation, and by that name may sue and be sued, prosecute and be prosecuted, to final judgment and execution. And said corporation shall have power to make and use a common seal, and the same to break, alter and renew at pleasure; and may, from time to time, Persons incorporated.

make, ordain and establish all such by-laws, rules and regulations, as they shall deem expedient and useful to carry into effect the objects of this corporation, *Provided* the same be not repugnant to the constitution and laws of the Commonwealth. And said corporation may purchase and hold real estate, in fee simple or otherwise, to any amount not exceeding in value one million of dollars, and personal estate to any amount not exceeding in value one hundred thousand dollars, necessary to promote the objects of the corporation; and, in general, may do and suffer all other acts and things which bodies corporate may and ought to do and suffer.

Corporation may hold and possess land, &c.

SEC. 2. *Be it further enacted*, That said corporation shall have power to purchase, hold and possess any part or all the land, wharves and flats, with the buildings and other improvements thereon standing, lying easterly of Front street, southerly of Essex street, and westerly of Sea street, in the city of Boston, *Provided* said corporation shall legally acquire the same from the lawful proprietors thereof; and said corporation shall have power to grant, sell and alien, in fee simple or otherwise, the said corporate property, or any part thereof; and to lease, mortgage, improve, or otherwise manage the same, in such manner as may be deemed most for the interest of said corporation, and by such forms of conveyance and contract, as shall by their by-laws be provided.

Number of shares.

SEC. 3. *Be it further enacted*, That the stock and property of said corporation shall be divided into not less than eight hundred nor more than twelve hundred shares, certificates of which shall be issued under the seal of the corporation, and be signed by the president and treasurer thereof, and said shares shall be deemed and taken to be personal

estate, and may be transferred by an assignment on the back of the certificate, and recorded by the clerk of said corporation in a book to be kept for that purpose, and shall be liable to attachment on mesne process, and sale on execution, in the manner and according to the form of the statutes making provision for the attachment and sale of shares of debtors in incorporated companies.

SEC. 4. *Be it further enacted*, That the real estate and property of said corporation shall be liable to be attached on mesne process, and be set off and sold on execution against the corporation, in the same manner as the property or estate of individuals is by law subject to mesne or final process.

Real estate liable to attachment.

SEC. 5. *Be it further enacted*, That the immediate government and direction of the affairs of said corporation shall be vested in a board of not less than seven directors, who shall be chosen by the members of this corporation in the manner hereinafter provided, and shall hold their offices until others shall be duly elected to fill their places as directors; a majority of whom shall form a quorum for the transaction of business, and shall elect one of their own number to be president of the board, who shall also be president of the corporation: and they shall have authority also to choose a clerk, who shall be sworn to the faithful discharge of his duty, and a treasurer, who shall give bonds to the corporation, with sureties to the satisfaction of the directors, in a sum not less than forty thousand dollars, for the faithful discharge of his trust. And the president and directors aforesaid, for the time being, shall have and exercise, in the name and for the benefit of the corporation, all the powers granted in this act to said corporation, relative to the purchase, sale, and transfer of real estate.

Directors.

Location.

SEC. 6. *Be it further enacted,* That the president and directors of said corporation for the time being, shall have power, and they are hereby authorized to take such measures as they may deem expedient, to procure the location, upon the flats and lands aforesaid, of the rail roads proceeding from Worcester and from Providence, to the city of Boston ; and for that purpose, may give, grant, sell, or otherwise convey to the Boston and Worcester rail road corporation, or the Boston and Providence rail road corporation, or both, such quantity of ground, lying between Sea street and Front street, as shall be necessary for depots, or terminations, of either or both of said rail roads ; and may enclose said flats with a sea-wall, and fill up with mud and earth, and make solid ground for the purposes aforesaid, and may lay out and extend streets in any direction from or near said depots or termini, to communicate with the existing streets in the vicinity, and may fill up and fully complete the same for public travel, and may fill up and make lots of building ground contiguous thereto, for the use and benefit of said corporation. And should said streets, in the course thereof, cross any land not embraced in the purchases of said corporation, and the same cannot be acquired by voluntary agreement, then, in that case, the owner or owners thereof shall be entitled to reasonable damage therefor, to be estimated and recovered of said corporation, in the manner provided by law for the recovery of damages happening by the laying out of highways. And, in consideration of the advantages to be derived from the location and final termination of said rail roads, or either of them, upon the lands aforesaid, said corporation may give, in the nature of a bonus to

said rail road corporations, or either of them, such sums of money and parcels of land, together with such other facilities and advantages, as may be found useful and profitable to said corporations. And said rail road corporations, or either of them, shall possess and enjoy all the benefit of such gifts, grants, sales, and other accommodations, made to them, or either of them, for the purposes aforesaid; and the right to possess and enjoy the same is hereby vested in said corporations; and all the engagements and agreements of said rail road corporations, or either of them, with said South Cove Corporation, in consideration of the gifts and grants aforesaid, shall, in like manner, be enjoyed by, and secured to, said South Cove Corporation.

SEC. 7. *Be it further enacted,* That should it be found expedient, by reason of any defect in the titles to, or contracts made for any of said estates, or otherwise, to preserve a water communication through the sea-wall or streets laid out and made as aforesaid, then, and in such case, said corporation shall leave an opening through such sea-wall or streets near the Free Bridge, sufficiently capacious to preserve the usual flow of the tide waters in said cove and the passage of vessels to said estates. And said corporation shall construct suitable and convenient draws over the same, which shall, in all respects, be well adapted to the public wants, and shall be holden to maintain and keep said draws in good repair, and shall raise and lower the same, at all times of day and night, for the accommodation of all persons passing through and over the same; and for any neglect so to do, said corporation shall be holden to pay reasonable damage, which may be recovered by an action on the case, before

Water communication.

any tribunal competent to hear and determine the same.

General landing place.

SEC. 8. *Be it further enacted*, That said Corporation may locate and set apart such quantity of land, made as aforesaid, as may be necessary for a general landing place or place of deposit for wood, lumber, stone, and other bulky articles, which may be transported to or from the interior, on said railroads; and may charge and receive according to the accustomed rates of wharfage in the city of Boston, for the use and privilege of landing thereon.

Assessments.

SEC. 9. *Be it further enacted*, That the directors of said corporation may make such equal assessments upon the shares aforesaid from time to time, as they may deem expedient and necessary to effect the objects of the corporation, and may direct the same to be paid to the treasurer thereof, and if the proprietor of any share shall neglect or refuse to pay any assessment, for the space of thirty days from the time the same shall have been due, the directors may order the treasurer to sell said share or shares at public auction, to the highest bidder, after giving due notice thereof, and the same shall be transferred to the purchaser; and said delinquent proprietor shall be holden to pay said corporation the balance, if his share or shares shall sell for less than the amount assessed thereon, with the interest and cost of sale, and shall be entitled to the overplus, if his share or shares shall sell for more than the assessment due with the interest and cost of sale: *Provided, however*, that no assessments shall be laid on any share in said corporation of a greater amount in the whole, than five hundred dollars on each share.

First meeting.

SEC. 10. *Be it further enacted* That either of the

persons named in the first section of this act, may call the first meeting of said corporation, by advertising said meeting, three times previously in any newspaper printed in Boston: And the corporation at their first meeting, and afterwards annually, at such time as shall be established by the by-laws of said corporation, shall choose said board of directors by ballot; each proprietor being entitled to as many votes as he may hold shares in said corporation. Members may vote by proxy in writing.

SEC. 11. *Be it further enacted,* That said corporation shall be holden to extend and carry out all drains and common sewers which have their present termination in said cove, before they shall so fill up said cove as to obstruct and affect their use; and the same shall be done in such manner as shall be approved by the mayor and aldermen of the city of Boston. And if any other drains or common sewers shall from time to time hereafter be made by said mayor and aldermen into said cove, as far as it shall have been filled up at the time of making such other drains or common sewers, and the said corporation shall thereafter further proceed to fill up said cove beyond the termination of such other drains or common sewers, then the said corporation shall be further holden to extend and carry out from time to time, such other drains and common sewers before the said cove shall be farther filled up, so that the said filling up shall not obstruct and affect the use of such other drains and common sewers.

SEC. 12. *Be it further enacted,* That all the members of a certain joint-stock company, called "The South Cove Company," are hereby constituted and made members of this corporation in

conformity with certain principles and provisions, contained in an instrument creating and establishing said company, and bearing the signatures of its several members: and, as stockholders in said company, they shall severally be entitled to corresponding amounts of stock in this corporation, and shall be subject to all the provisions contained in said instrument, and the by-laws of this corporation relative to assessments and transfer of shares; and shall also remain subject to the provisions of said agreement in relation to certain covenants contained therein, with the Boston and Worcester Rail Road Corporation.

Plan to be deposited with mayor and aldermen.

SEC. 13. *Be it further enacted*, That before any street or streets which may be laid out and made by said corporation upon the lands and flats aforesaid, shall be extended across the lands of any individual or corporation, to communicate with any of the existing streets in that vicinity, said corporation shall deposit a plan with the mayor and aldermen of the city of Boston, upon which plan the location of any street or streets, contemplated to be made and extended as aforesaid, shall be fully and particularly described. And said mayor and aldermen shall thereupon issue notice in such form and manner as they shall deem proper and expedient, that all persons interested may appear before them, at such time and place, as said mayor and aldermen shall appoint, to shew cause, if any they have, why said corporation should not make or extend such street or streets, across the lands of such person or corporation, agreeably to the provisions contained in the sixth section of this act. And said mayor and aldermen at the time and place appointed as aforesaid shall hear the parties, and determine upon the expediency of extending

such street or streets in manner aforesaid. And if upon such hearing, said mayor and aldermen shall be of opinion that the public necessity and convenience require the extension of such street or streets, they shall have power to authorize the extension thereof. And all streets so authorized shall be taken and deemed to be public highways.

SEC. 14. *Be it further enacted*, That this act shall continue in force forty years from the passing thereof.

[Approved by the Governor, January 31, 1833.]

CHAP. XVIII.

An Act to incorporate the New Bedford Mechanics 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 Barzillai Luce, Oliver Swain, J. G. Harris, citizens of New Bedford, their associates, successors and assigns, be, and they hereby are made a corporation, by the name of the New Bedford Mechanics Association, and by that name may sue and be sued, defend and be defended, in any court of record, or other place whatsoever; may have a common seal, and the same may alter at pleasure; may make such by-laws, rules and regulations, not repugnant to the constitution and laws of the Commonwealth, as to them may seem necessary and convenient for the government of said corporation, and the prudent management of their property.

Persons incorporated.

Real and personal estate.

SEC. 2. *Be it further enacted,* That the said corporation may be lawfully seized and possessed of such real and personal estate, not exceeding thirty thousand dollars in value, as may enable them to erect and maintain, in the town of New Bedford, a public edifice, which may contain a convenient lecture room, hall or halls suitable for the accommodation of public assemblies of the citizens, apartments suitable for mechanics', libraries, reading rooms, and schools of instruction in mechanic science and arts, and for any other purpose not incompatible with the laws of the Commonwealth, and tending to promote morals and mental culture.

Shares.

SEC. 3. *Be it further enacted,* That the estate of said corporation may be divided into shares, and the same transferred by certificate, as personal property, agreeably to the by-laws of said corporation.

First meeting.

SEC. 4. *Be it further enacted,* That any two of the persons named in this act may convene the first meeting of said corporation, by publishing a notice of the time and place thereof in any of the newspapers established in the town of New Bedford, ten days at least previously thereto, at which meeting, and at adjournments of the same, said corporation shall complete their organization and make their by-laws.

[Approved by the Governor, February 4, 1833.]

CHAP. XIX.

An Act to annex a gore of Land to 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 the gore of land lying at the southeasterly part of the town of Hardwick, and adjoining said town, called Hardwick Gore, containing about two hundred acres, and described as follows: beginning at a monument in the pond above Anderson's mill, at a place where the westerly line of New Braintree leaves Ware river, thence on the said westerly line of New Braintree south fourteen degrees east, one hundred and twenty two rods to a stone monument, thence south thirty-seven degrees west, two hundred and eighty-nine rods, to another stone monument, at the southwest corner of New Braintree and northeast corner of Ware, thence north eighty-seven degrees west, thirty-six rods, to said Ware river, thence on the said river northerly four hundred and twenty-one rods, to the southeast corner of Hardwick, thence sixty-one rods to the place of beginning, together with the inhabitants thereof, be, and the same is hereby annexed to the town of Hardwick, in the county of Worcester; and said inhabitants shall be liable to the same duties and entitled to the same privileges as the other inhabitants of the same town.

Boundary line
established.

[Approved by the Governor, February 6, 1833.]

CHAP. XX.

An Act to incorporate the Union Fire and Marine Insurance Company, in the town of Lynn.

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 Henry A. Breed, William Chase, Caleb Wiley, Samuel T. Huse, and Jeremiah C. Stickney, their associates, successors and assigns, be, and they are hereby incorporated and made a body politic, by the name of the "Union Fire and Marine Insurance Company, in the town of Lynn," for the purpose of making loans and insurance against fire and maritime losses, in the usual and customary manner, with all the privileges, and subject to all the duties and obligations contained in a law 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 an act in addition thereto, passed March sixth, in the year of our Lord one thousand eight hundred and thirty-two, entitled "an act in addition to an act to define the powers, duties and restrictions of insurance companies," for and during the term of twenty years from and after the passing of this act, and by the name aforesaid, they may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution, and they may have a common seal, which they may alter at pleasure, and they may purchase, hold and convey any estate, real or personal, for the use of said Com-

pany, *provided*, that the real estate shall not exceed the value of five 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 Capital stock. stock of said company shall be fifty thousand dollars, and shall be divided into shares of one hundred dollars each, and shall all be collected and paid in, in such instalments, and under such provisions and penalties, as the president and directors of said company shall order and appoint.

SEC. 3. *Be it further enacted*, That said com- Risks.pany shall at no time take any one risk by way of a policy of insurance, maritime loan, or otherwise, to a greater amount than seven per cent. on their capital actually paid in. And at all elections, no one stockholder shall be allowed more than ten votes.

SEC. 4. *Be it further enacted*, That the Union Location. Fire and Marine Insurance Company, shall be located in the town of Lynn.

[Approved by the Governor, February 6, 1833.]

CHAP. XXI.

An Act to incorporate the Housatonic 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 Sprowell Dean, Persons incorporated. and Perley D. Whitmore, their associates, successors and assigns, be, and they are hereby made a

corporation, by the name of the Housatonic Manufacturing Company, for the purpose of manufacturing cotton yarn and cotton cloth, in the town of Great Barrington, in the county of Berkshire, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled "an act defining the general powers and duties of manufacturing corporations."

Real and personal estate.

SEC. 2. *Be it further enacted*, That said corporation may lawfully hold and possess such real estate, not exceeding fifty thousand dollars, and such personal estate, not exceeding one hundred thousand dollars, as may be necessary and convenient for the purposes aforesaid.

[Approved by the Governor, February 6, 1833.]

CHAP. XXII.

An Act in addition to "An Act defining the general powers and duties of Turnpike Corporations."

Directors may call meeting.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That whenever by accident, or other cause, any regular meeting of any turnpike corporation, heretofore established, or which may be hereafter established, may have been, or shall hereafter be omitted, so that no

meeting can be called according to the by-laws of such corporation, a major part of the persons last chosen directors of said corporation, may call a meeting thereof, by warrant under their hands, published in the manner provided for calling the first meetings of such corporations, and, at such meeting any business may be transacted which might be done at a meeting held according to the by-laws.

[Approved by the Governor, February 6, 1833.]

CHAP. XXIII.

An Act to incorporate the Roxbury India Rubber 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 Lemuel Blake, Luke Baldwin, Edwin M. Chaffee, and Charles Davis Jr., together with such other persons as may become associates with them, their successors and assigns, be, and they hereby are created a body corporate, by the name of the Roxbury India Rubber Factory, for the purpose of manufacturing, at Roxbury, in the county of Norfolk, india rubber cloth and leather, and other india rubber goods, and for this purpose shall have all the powers and privileges, and shall be subject to all the duties and requirements contained and provided in and by an act passed on the twenty third day of February, in the year of our Lord one thousand eight hundred and

Persons incorporated.

thirty, entitled “an act defining the general powers and duties of manufacturing corporations.”

Real and personal estate.

SEC. 2. *Be it further enacted*, That the said corporation may take and hold such real estate at said Roxbury, not exceeding in value the sum of five thousand dollars, and such personal estate not exceeding in value twenty five thousand dollars, as may be suitable for carrying on the manufacture aforesaid.

[Approved by the Governor, February 11, 1833.]

CHAP. XXIV.

An Act to incorporate the First Christian Baptist Society in Westport.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Howland Tripp, Benjamin Tripp, and Jonathan Booth, together with such other persons as may hereafter associate with them, and their successors, be, and they hereby are incorporated as a religious society, by the name of the First Christian Baptist Society in Westport, with all the privileges, powers and immunities, and subject to all the duties and liabilities to which parishes and other religious societies are entitled and subjected by the constitution and laws of this Commonwealth.

Persons incorporated.

SEC. 2. *Be it further enacted*, That said society may hold by grant, gift, devise, purchase, or other-

wise, real and personal estate to any amount, not exceeding ten thousand dollars, for the use of said society.

SEC. 3. *Be it further enacted*, That any three of the persons named in this act may call the first meeting of said society, by giving fourteen days public notice of the time and place of holding the same, by posting notification thereof on the door of the meeting house of said society.

[Approved by the Governor, February 11, 1833.]

CHAP. XXV.

An Act to incorporate the Lycoming Coal 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 Thomas H. Perkins, Edmund Dwight, Patrick T. Jackson, George W. Lyman, William Lyman, Elihu Chauncy, Thomas J. Biddle, William B. Farrand, and their associates, successors and assigns, be, and they hereby are made a corporation, by the name of the Lycoming Coal Company, for the purpose of digging and vending coals, and shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the twenty third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled "an act defining the general powers and duties of manufacturing corporations."

Persons incorporated.

Real and personal estate.

SEC. 2. *Be it further enacted*, That the said corporation may lawfully hold such real estate, not exceeding in value two hundred and fifty thousand dollars, and such personal estate not exceeding in value three hundred and fifty thousand dollars, as may be necessary for carrying into effect the purposes of this act.

Certificates.

SEC. 3. *Be it further enacted*, That the certificates respecting the capital stock required by the aforesaid act to be filed and recorded in the registry of deeds, shall be made by the officers of this corporation, and shall be filed and recorded in the registry of deeds for the county of Suffolk, and in the county where the major part of the real estate belonging to the corporation may be situated, and the first meeting of said corporation shall be held in Boston, at such time and place as shall be appointed by a majority of the persons named in this act, who shall give notice thereof by publication in some newspaper printed in Boston, fourteen days at least before the time of meeting.

[Approved by the Governor, February 11, 1833.]

CHAP. XXVI.

An Act to set off a part of Holliston, and annex the same to the town of Framingham.

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

Boundary line established.

the town of Holliston, in the county of Middlesex, which lies northerly of the line hereinafter mentioned, be annexed to, and become a part of the town of Framingham. Said line shall begin at a stone boundary on the central line of Sudbury river, so called, a little above the dam at Shepard's paper mill, and thence run south eighty-nine degrees east, about one hundred and fifty rods, to a stone boundary on land of Elias Grout, on the line between said towns.

[Approved by the Governor, February 11, 1833.]

CHAP. XXVII.

An Act to incorporate the "Dyer Pocket Book 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 Dyer, John Marsh, and Andrew J. Allen, together with such other persons as may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the "Dyer Pocket Book Manufacturing Company," for the purpose of manufacturing fancy articles of morocco, wood, shell, pearl, and similar materials, in the city of Boston, and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act entitled "an act defining the general powers and duties

Persons incorporated.

of manufacturing corporations," passed February twenty-third, in the year of our Lord one thousand eight hundred and thirty.

Real and personal estate.

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

[Approved by the Governor, February 11, 1833.]

CHAP. XXVIII.

An Act incorporating the Boston Mutual Fire 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 Henry J. Oliver, Benjamin Fisk, Caleb Eddy, and their associates, successors and assigns, are hereby constituted a body politic and corporate, by the name of the Boston Mutual Fire Insurance Company, with all the powers and privileges incident to such corporations, and subject to all the duties and obligations contained in a law entitled "an act to define the powers, duties and restrictions of insurance companies," passed on the sixteenth of February, in the year of our Lord one thousand eight hundred and eighteen,

and in an act in addition thereto, entitled “an act in addition to an act to define the powers, duties and restrictions of insurance companies,” passed March sixth, in the year of our Lord one thousand eight hundred and thirty-two, for the term of twenty-eight years.

SEC. 2. *Be it further enacted,* That when the sum subscribed to be insured shall amount to two hundred thousand dollars, said corporation may insure from the term of from one to seven years, any buildings, goods or moveables whatsoever in this Commonwealth, to any amount not exceeding three fourths of the value of the property insured.

When subscription amounts to two hundred thousand dollars.

SEC. 3. *Be it further enacted,* That the funds of said corporation shall be invested in stocks, or loaned on security, as the directors may order, and shall be appropriated first to pay the expenses of the corporation, and next to pay the damages which any member may be entitled to recover on his policy. In case any member shall have a just claim upon the corporation exceeding the amount of their then existing funds, the directors shall, within thirty days, assess such sum as may be necessary, on the members in proportion to the amount of their premiums and deposits for seven years, but not to exceed triple the amount of such premiums and deposits.

Funds.

SEC. 4. *Be it further enacted,* That when any member shall recover judgment against said corporation, he may levy his execution on their estate or funds, but if sufficient estate or funds cannot be found, he may levy the same on the private property of any of the directors. *Provided,* they first refuse or neglect, for the space of sixty days, to satisfy the execution after formal demand made upon them for

Execution, how levied.

that purpose ; and any director whose property may be thus taken, may sustain an action of the case against the corporation to recover full and adequate damages therefor : and *provided, also*, that the directors shall not be liable beyond the amount stated in the third section of this act.

Policies create a
lien on buildings
insured.

SEC. 5. *Be it further enacted*, That each policy of insurance shall of itself, without any other ceremony, create a lien on any building insured, and on the land under it, for the payment of the premium and deposit money stipulated in said policy, and of all assessments lawfully made by virtue thereof ; but this provision shall not prevent the taking of other collateral security ; and in case it should become necessary to resort to the lien on the property insured, the treasurer shall demand payment of the insured, or his legal representative, and likewise of the tenant in possession, and in case of non-payment the corporation may sustain an action for any sum due, either on the deposit note or by assessment, and their execution may be levied on the premises insured, and the officer making the levy may sell the whole or any part of the estate at auction, giving notice, and proceeding in the same manner as is required in the sales of equities of redemption on execution, and the owner shall have a right to redeem the estate by paying the costs of sale, the amount of the execution, and twelve per cent. interest thereon, within one year from the time of sale.

Real estate.

SEC. 6. *Be it further enacted*, That this corporation may purchase, hold and convey any real estate for the use of said company, not exceeding fifty thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due said corporation.

SEC. 7. *Be it further enacted,* That all persons, Members. insuring at the office of the said company, shall be deemed and taken to be members of said corporation, and at all meetings, not less than fifteen members of said corporation shall constitute a quorum for the transaction of business, and each member shall have as many votes as he has policies.

[Approved by the Governor, February 16, 1833.]

CHAP. XXIX.

An Act to incorporate the Proprietors of Saint James's Church in Roxbury.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Peter Wainwright, Persons incorporated. Jr., Otis Pierce, Charles W. Greene, all of Roxbury, and their associates and successors, are hereby incorporated, as a protestant episcopal society and body politic, by the name of "The Proprietors of St James's Church in Roxbury," with all the powers and privileges of other like religious societies, according to the constitution and laws of this Commonwealth, and the rite and usages of the protestant episcopal church in the United States. The persons named, and their associates, to be and continue members of said corporation until there shall be a sale of pews in such church as they may build, and from and after such sale owners of pews therein shall alone be members of said corporation.

Real and personal estate.

SEC. 2. *Be it further enacted*, That said corporation may take and hold estate, real and personal, by gift, purchase or otherwise, the income of which shall not exceed twelve hundred dollars per year, and the corporation shall have power, at any legal meeting held for the purpose, to authorize the wardens of said church to transfer and convey the whole or any part of the real or personal estate, which said corporation may hold or possess, and to execute good and sufficient deeds of the same, in fee simple or otherwise, as the corporation by vote duly recorded may determine.

May pass by-laws.

SEC. 3. *Be it further enacted*, That said corporation may pass such by laws as they may deem fit, not repugnant to the constitution and laws of this Commonwealth, and the first meeting may be called by either of the persons named in the first section of this act, by publishing a notice thereof, at least three times in any newspaper printed in the county of Norfolk or Suffolk, ten days at least before said meeting.

First meeting.

[Approved by the Governor, February 16, 1833.]

CHAP. XXX.

An Act in addition to the Acts empowering the Judges of Probate to appoint Guardians to Minors and others.

Judges to appoint guardians.

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 Judges of Probate in the several counties of this Common-

wealth shall have power and authority to appoint guardians to persons residing on lands within their respective counties, not included within the limits of any incorporated town, for the same causes, and in the same manner that they are now authorized to appoint guardians to persons in incorporated towns.

SEC. 2. *Be it further enacted*, That the duties now required to be performed by selectmen relative to the appointment of guardians, shall be performed by the assessors of the several districts and tracts of unincorporated land, if there are assessors thereof, and if there are no assessors, by the selectmen of the oldest adjoining town in the same county.

[Approved by the Governor, February 16, 1833.]

CHAP. XXXI.

An Act for the extension and erection of Wharves on the eastern shore of Apponegansett river in the town of Dartmouth.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That James Rider, Prince Sears, James T. Slocum, Abraham Aiken, Samuel Barker, Caleb Sanford, Matthews Thatcher, Abraham Tucker, be, and they hereby are authorized and allowed to repair, build and extend wharves, at all points on the eastern shore of said Apponegansett river from the Blue Rock, so called, up said river to Abraham Tucker's wharf, said wharves to extend a distance not exceeding fifteen rods from

Erection of wharves.

high water mark in said river; *provided*, that this grant shall in no wise interfere with the legal rights of any other person or persons whatsoever.

[Approved by the Governor, February 16, 1833.]

CHAP. XXXII.

An Act to incorporate the Taunton Britannia 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 Horatio Leonard, James W. Crossman, Haile Wood, Daniel S. Cobb, and Haile N. Wood, their associates, successors, and assigns, be, and they hereby are made a corporation, by the name of the Taunton Britannia Manufacturing Company, for the purpose of manufacturing brittania ware in the town of Taunton, in the county of Bristol, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the twenty third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled "an act defining the general powers and duties of manufacturing corporations."

Persons incor-
porated.

Real and person-
al estate.

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

[Approved by the Governor, February 16, 1833.]

CHAP. XXXIII.

An Act in addition to “ An Act to incorporate Joshua Thomas, Esquire, and others, for the purpose of conveying fresh water by pipes in the town of Plymouth.”

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Proprietors of the Plymouth Aqueduct be, and they are hereby authorized to convey water in said town of Plymouth, in the manner provided in the act to which this is in addition, from any spring or springs on the margin of the Town Brook, so called, in said town, and within twenty rods of either bank of said brook. *Provided*, that nothing in this act shall authorize the said proprietors to enter on and make use of private property without consent of the owner.

Proprietors to convey water.

SEC. 2. *Be it further enacted*, That so much of the sixth section of the act to which this is in addition as relates to the mode of transferring shares by the owner or owners thereof, be, and is hereby repealed, and that the shares in said corporation shall be deemed and considered to all intents and purposes as personal property, and the evidence of ownership therein, shall be a certificate signed by the president and countersigned by the clerk, and such shares shall be transferred by the owner personally, or by attorney, upon the books to be kept by the clerk for that purpose, and such owner, upon making such transfer, shall deliver up his certificate to be cancelled, and the clerk of the corporation shall issue a new certificate therefor.

Former act in part repealed.

[Approved by the Governor, February 16, 1833.]

CHAP. XXXIV.

An Act authorizing the Fishing Insurance Company in Provincetown, to increase their capital stock, and to take general marine risks.

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 Fishing Insurance Company in Provincetown, be, and it hereby is authorized and empowered to increase its capital stock, by adding thereto ten thousand dollars, and that the number of shares be, and the same hereby is increased to eight hundred shares, of fifty dollars each.

Increase of capital.

How paid in.

SEC. 2. *Be it further enacted,* That one half of the additional capital hereby allowed shall be paid in, in like manner as is provided for in the original act of incorporation, within sixty days from and after the acceptance of this act, and that the residue of such additional capital shall be paid in within one year from the passing of this act, at such times, and in such instalments, and under such penalties as the president and directors shall, in their discretion, direct and appoint; and said corporation shall proceed to do business on the additional capital, according to the amount of capital stock actually paid in, and with the like limitations as are provided in the act creating said corporation, and that when the additional capital is all paid in, the same shall be held, invested, and used in like manner as is provided in respect to the original capital stock.

SEC. 3. *Be it further enacted,* That said com- Risks.
 pany be, and the same hereby is authorized and
 empowered to take any marine risk whatsoever,
 under the same liabilities, restrictions and obliga-
 tions which said company is now under, in relation
 to such risks as they are now authorized to take.

SEC. 4. *Be it further enacted,* That the pro- Provisions.
 visions of this act shall not be binding on said com-
 pany, unless the same shall be accepted at a meeting
 to be held by them pursuant to public notice, to be
 given by the president and directors, fourteen days
 at least previous to the holding of said meeting.

[Approved by the Governor, February 16, 1833.]

CHAP. XXXV.

An Act in addition to "An Act to authorize the
 Proprietors of Sargent's Wharf to extend 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 Proprietors au-
 thorized and em-
 powered to ex-
 tend wharf.
 the wharf in the city of Boston, now called and
 known by the name of Sargent's Wharf, be, and
 they hereby are authorized and empowered to ex-
 tend and maintain their said wharf into the harbor
 channel, as far as to a line drawn straight from the
 present northeasterly corner of the Long Wharf, or
 Boston Pier, at the end thereof, to a point at the
 northerly end of the said line, intersected by the
 southeasterly line, or side of Union Wharf, extended
 straight, as far as the proprietors of said Union

Wharf are authorized to extend the same by "an act entitled an act to authorize the proprietors of Union Wharf to extend the same," passed on the twenty-seventh day of February, in the year of our Lord eighteen hundred and twenty-nine; and the proprietors of Sargent's Wharf shall have and enjoy the right and privilege of laying vessels at the sides and ends of the said wharf, and of receiving wharfage and dockage therefor, within the boundary lines described and specified in and by the act to which this act is in addition: *provided*, that so much of the said wharf as may be built in the channel, shall be constructed on piles, and shall be parallel with the lines of the dock and common highway, established northeasterly of the said Long Wharf, by the city of Boston, and others: and *provided also*, that nothing herein contained shall be construed to authorize the proprietors of Sargent's Wharf to lessen or injure the rights or property of the owners of any wharves adjoining Sargent's Wharf.

[Approved by the Governor, February 16, 1833.]

CHAP. XXXVI.

An Act to incorporate the Taunton Fire and Marine Insurance Company.

Persons incorp-
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 William Reed, Jacob Chapin, and Charles Godfrey, their associates,

successors and assigns, be, and they are hereby made a body politic, by the name of the Taunton Fire and Marine Insurance Company, for the purpose of making maritime loans and insurance against maritime losses, and losses by fire, in the usual and customary manner, with all the privileges, and subject to all the duties and obligations contained in a law 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 an act in addition thereto, passed March sixth, in the year of our Lord one thousand eight hundred and thirty-two, entitled "an act in addition to an act to define the powers, duties and restrictions of insurance companies," for and during the term of twenty years from and after the passing of this act, and by the name aforesaid, they may sue and be sued, plead and be impleaded, appear, prosecute, and defend to final judgment and execution, and they may have a common seal, which they may alter at pleasure, and they may purchase, hold and convey any estate, real or personal, for the use of said company : *provided*, that the 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 company. Real estate

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and shall all be collected and paid in, in such instalments, and under such provisions and penalties as the president and directors of said company shall order and appoint. Shares.

Location.

SEC. 3. *Be it further enacted*, That the "Taunton Fire and Marine Insurance Company," shall be located in Taunton, in the county of Bristol.

[Approved by the Governor, February 16, 1833.]

CHAP. XXXVII.

An Act authorizing Grafton Norton, and Benjamin Worth, to construct a Wharf in the harbor of Edgartown.

Authorized and
allowed to build
wharf.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Grafton Norton, and Benjamin Worth, be, and they hereby are authorized and allowed to build a wharf in the harbor of Edgartown, in Dukes county, below low water mark, adjoining the land of the said Grafton Norton, and the road leading from the new congregational meeting house to said harbor, into the channel of said harbor, until the said wharf shall be extended to where there may be a depth of water equal to that of the other wharves now erected in said harbor, and that they be allowed all the privileges heretofore granted, or that may hereafter be granted to proprietors of wharves in said harbor, for the use, occupation and accommodation of said wharf: *provided*, that this grant shall in no wise interfere with the legal rights of any other person or persons whatever.

[Approved by the Governor, February 16, 1833.]

CHAP. XXXVIII.

An Act to incorporate the Salem Street Congregational Society.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That John C. Proctor, Daniel Safford, Joseph Thayer, together with all those persons who now are, or may hereafter become proprietors of pews in the meeting house, situated on Salem street, at the corner of North Bennett street, in the city of Boston, be, and hereby are incorporated as a religious society, by the name of the "Salem Street Congregational Society," with all the powers, privileges and immunities to which other religious societies in this Commonwealth are entitled by the laws and constitution thereof, and subject to all the duties and liabilities to which other religious societies are subject.

Persons incorporated.

SEC. 2. *Be it further enacted,* That the said society shall have power to take, purchase and hold any estate, real, personal, or mixed, for the use of said society, and the same to sell, mortgage, or otherwise dispose of, as they may see fit: *provided,* the income thereof, exclusive of their meeting house and land under and adjoining it, shall not at any time exceed the sum of two thousand dollars per annum.

May hold real, personal, or mixed estate.

SEC. 3. *Be it further enacted,* That the said society be, and they are hereby authorized to assess upon the pews in their meeting house, any sum or sums of money which shall hereafter be voted to be

Assessments.

raised by the said society, for the support of public worship and other parochial charges, according to a valuation of said pews, which shall be agreed upon by said society ; and all assessments upon the pews as aforesaid may be collected in the manner provided by “an act authorizing the proprietors of churches, meeting houses, and other houses of public worship, to regulate and manage their property and interests therein,” passed the twenty-fourth day of February, in the year of our Lord one thousand eight hundred and eighteen.

Regulations.

SEC. 4. *Be it further enacted,* That the said society shall have power to establish such regulations, rules and by-laws, not repugnant to the constitution and laws of this Commonwealth, for the management of their affairs, as they may from time to time see fit.

When to take effect.

SEC. 5. *Be it further enacted,* That this act shall take effect and go into operation, whenever the proprietors of pews in said meeting house shall, at a meeting called for that purpose, accept and adopt the same, and not before.

[Approved by the Governor, February 16, 1833.]

CHAP. XXXIX.

An Act to incorporate the Weymouth and Braintree Institution for Savings.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Asa Webb, Whitcomb Porter, Warren Weston, their associates,

and such other persons as may be duly elected, and their successors, be, and they are hereby incorporated into a body politic by the name of the "Weymouth and Braintree Institution for Savings."

SEC. 2. *Be it further enacted,* That the said corporation shall be capable of receiving from any person or persons, disposed to obtain and enjoy the advantages of said institution, any deposit or deposits of money, and to use and improve the same for the purposes and according to the directions herein mentioned and provided. Deposits of money.

SEC. 3. *Be it further enacted,* That all deposits of money received by said institution, shall be by them improved to the best advantage, and be invested in such manner as best to promote the objects of the institution, and the income or profits thereof shall be by them divided among the persons making the deposits aforesaid, their executors, administrators and assigns, in just proportion, with reasonable deductions for expenses, and the principal of such deposits may be withdrawn at such time and in such manner as the said institution shall direct and appoint. Income of deposits.

SEC. 4. *Be it further enacted,* That the said corporation may have a common seal, which they may alter and renew at pleasure ; that all deeds, conveyances, grants, covenants, contracts and agreements made by their treasurer or any other person or persons, by their authority and direction, shall be good and valid, and the said corporation shall at all times have power to sue, and may be sued, and may defend, and shall be held to answer by the name aforesaid. Seal.

SEC. 5. *Be it further enacted,* That the said corporation shall at any legal meeting have power Election of members by ballot.

to elect by ballot any other person or persons as member or members of said institution, and any member, upon filing a written notice with the president thereof, three months prior, may, at any annual meeting of said corporation withdraw and forever dissolve his connexion with the same.

Meeting.

SEC. 6. *Be it further enacted,* That the said corporation shall hereafter meet at Weymouth, on the first Monday in January, annually, and at such other times as the corporation shall direct, and any seven members of the corporation, the president, treasurer or secretary, being one, shall be a quorum, and the said corporation, at their first meeting, and at their meetings in January, annually, shall have power to elect, by ballot, a president, secretary, directors, and treasurer, who shall give bond in the sum of five thousand dollars for the faithful discharge of his duty, and 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 all officers so chosen shall be under oath to the faithful performance of their respective duties.

Agents to make
a statement of
affairs.

SEC. 7. *Be it further enacted,* That the officers and agents of said institution shall lay a statement of the affairs thereof before any persons appointed by the legislature to examine the same, whenever required so to do, and shall exhibit to them all the books and papers relating thereto, and shall submit to be examined by them under oath concerning the same.

By-laws.

SEC. 8. *Be it further enacted,* That the said corporation shall have power to make by-laws for the more orderly managing of their concerns, *provided* the same are not repugnant to the constitution

and laws of this Commonwealth, and the legislature may at any time make such further regulations for the government of the institution as they may deem expedient.

SEC. 9. *Be it further enacted*, That any one First meeting. of the persons named in this act shall have power to call the first meeting of said corporation, at such time and place as he may judge proper, by giving notice in writing, to the members of said corporation, at least ten days before the day of said meeting.

[Approved by the Governor, February 16, 1833.]

CHAP. XL.

An Act in addition to "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 whenever any widow shall waive the provision made for her in the last will and testament of her deceased husband, the Judge of Probate, having jurisdiction thereof, is hereby authorized and empowered to make to such widow such allowance from the personal estate of said deceased testator as he is now by law authorized to make to widows of persons deceased intestate. Allowance to a widow when she waives the provision made in husband's will.

[Approved by the Governor, February 18, 1833.]

CHAP. XLI.

An Act in addition to "An Act to incorporate the Dana Manufacturing Company."

Manufacture of
paper.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Dana Manufacturing Company is hereby empowered to manufacture paper in the same manner as if said manufacture had been authorized by and specified in the provisions of "An Act to incorporate the Dana Manufacturing Company" passed on the thirteenth day of March, in the year of our Lord one thousand eight hundred and thirty two.

[Approved by the Governor, February 20, 1833.]

CHAP. XLII.

An Act to incorporate the First Methodist Episcopal Society in Randolph.

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 Samuel Newcomb, Calvin Wild, Edward Blanchard, together with such other persons as may hereafter associate with them and their successors, be, and they are hereby incorporated as a religious society, by the

name of the First Methodist Episcopal Society in Randolph, with all the privileges, powers, and immunities, and subject to all the duties and liabilities to which parishes and other religious societies are entitled and subjected, by the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That said society may hold by grant, gift, purchase, devise, or otherwise, real and personal estate, to any amount, not exceeding twelve thousand dollars, for the use of said society. Real and personal estate.

SEC. 3. *Be it further enacted*, That any one of the persons named in this act may call the first meeting of said society, by giving fourteen days public notice of the time and place of holding the same, by posting notification thereof on the door of the meeting house of said society. First meeting.

[Approved by the Governor, February 20, 1833.]

CHAP. XLIII.

An Act to incorporate the Central Wharf Company, in the town of Yarmouth.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Edward B. Hallet, Chandler Gray, Nathan Hallet, and John Eldridge, and others, their associates, successors and assigns, be, and they hereby are constituted a body politic and corporate, by the name of "Central Persons incorporated.

Wharf Company ;” 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 at pleasure to break, alter and renew, to make rules and by-laws for the regulation and management of the estate herein after described, and for the prudent management of their affairs, consistent with the laws of this Commonwealth, and generally to do and execute whatever, by law, does, or may appertain to bodies politic and corporate, within the meaning and intent of this act.

May hold real estate.

SEC. 2. *Be it further enacted*, That the said corporation be, and the same hereby is declared and made capable in law to have, hold and possess, by fee simple, leasehold, or otherwise, all, or any part of that certain real estate situate in Yarmouth aforesaid, commencing at the northerly part of the town road laid out through the land of Chandler Gray, Henry Thacher, and others, and extending northwesterly by Henry Thacher, Andrews Hallet, and others, to the channel of Mill Creek ; thence southwesterly three hundred feet by said creek ; thence southeasterly by Jonathan Hallet, Chandler Gray, and others, to said town road, and all rights, privileges and appurtenances thereto belonging : *provided*, the lawful owners of said property shall legally convey the same to said Central Wharf Company ; and the said Central Wharf Company shall have power to extend, build and maintain such wharf or wharves of said company as they may deem expedient, into said creek, and the said company shall have a right to lay vessels at the sides and end of said wharf, and receive dockage and wharfage therefor ; also to grant, sell and alien, in fee simple,

Power to extend, &c.

or otherwise convey their corporate property, or any part thereof, within said described limits, and to lease, manage and improve, build, rebuild, pull down, or alter the same; also to remove, construct, erect, repair, or alter any buildings, wharf, docks, or passage ways, within said limits, according to their will and pleasure, by such forms of conveyances and contracts as shall by their by-laws be provided: *provided*, that this act shall in no wise interfere with the legal rights of any person or persons whatsoever.

SEC. 3. *Be it further enacted*, That said Central Wharf Company, at any legal meeting, may agree upon the number of shares into which their corporate property and estate shall be divided, not exceeding one hundred shares, and agree upon the forms of certificates to be given to the proprietors, which shares shall be deemed and considered as personal estate, and shall be transferable by assignment on the back of the certificate, recorded by the clerk of the corporation, in a book to be kept for that purpose, and shall be liable to attachment on mesne process and sale on execution, in the same manner, and according to the form of the statutes making provision for the attachment and sale of shares of debtors in corporate companies.

Number of shares.

SEC. 4. *Be it further enacted*, That the real estate and other property of said corporation shall be liable to be attached on mesne process, and to be set off and sold on execution against the said corporation, in the same manner as the property or estate of individuals is by law subject to mesne or final process; and the said corporation shall have the right in equity of redeeming the same, appertaining by the laws of this Commonwealth to other real estate.

Real estate, &c. liable to attachment.

Assessments.

SEC. 5. *Be it further enacted*, That the said corporation shall have power, from time to time, to assess on the stockholders such sums of money, not exceeding in the whole one hundred and fifty dollars on each share, for the purchase, improvement and good management of their estate, and for removing, erecting, repairing or altering any buildings, wharf, docks or passage ways on the land within said described limits, or for the incidental expenses of the said corporation, agreeably to the true intent 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 proprietors as may be sufficient therefor, to be sold at public auction to the highest bidder, after thirty days notice, to be given by posting up notice in one or more public places in said Yarmouth; and after deducting the amount assessed and unpaid, together with the charges of sale, the surplus, if any, shall be paid over to such proprietor, and the purchaser of such share or shares so sold, shall be entitled to receive a certificate of the same.

Number of votes.

SEC. 6. *Be it further enacted*, That in all meetings of the members of said corporation, for the transacting of business, each member shall be entitled to one vote for every share by him held in said corporation; but no one proprietor shall ever be entitled to more than eight votes: *provided always*, that no assessment shall be made at any meeting, unless the same shall be agreed to by two thirds at least, in number, of votes present at said meeting, nor unless public notice shall have been given, at least five days previous to such meeting, by posting up notice thereof in one or more public places in said Yarmouth.

SEC. 7. *Be it further enacted*, That either of ^{First meeting.} the persons named in the first section of this act, may call the first meeting of said corporation, by posting up notice in one or more public places in said Yarmouth, not less than six days before the time appointed for such meeting; and the said Central Wharf Company, at their first meeting, and afterwards, annually, on such days as shall be established by their by-laws, may choose a president, clerk, and such other directors or officers as they may see fit, for conducting their corporate affairs and estate.

[Approved by the Governor, February 20, 1833.]

CHAP. XLIV.

An Act to incorporate the Charitable Association of the Salem Fire Department.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Charles A. Andrew, Daniel Hammond, Oliver Parsons, Jonathan Kenney, and Nathaniel Very, with their associates and successors, be, and they hereby are incorporated by the name of the Charitable Association of the Salem Fire Department, for the purpose of affording relief to such of their members as may at any time receive injury in the discharge of their duties as members of the Salem fire department, or to their families in the event of their decease, and by ^{Persons incorporated.}

that name may sue and be sued, and may have and use a common seal.

Real and personal estate.

SEC. 2. *Be it further enacted*, That the said corporation may receive and take by purchase, grant, devise, bequest or donation, any real or personal property, and hold the same for the purposes aforesaid, and may manage and dispose of the same according to their discretion. *Provided*, that the whole amount of the real and personal property held and possessed by the said corporation shall never exceed in value, at any one time, the sum of fifty thousand dollars.

By-laws.

SEC. 3. *Be it further enacted*, That the said corporation may make and establish such by-laws and regulations, for the government of said corporation, as they may think proper : *provided*, the same are not repugnant to the laws and constitution of this Commonwealth, and may choose and elect all necessary and convenient officers, who shall have such power and authority as the said corporation may think proper to prescribe and grant to them, and who shall be elected in such manner and for such periods of time as the by-laws of said corporation may direct.

May choose officers.

First meeting.

SEC. 4. *Be it further enacted*, That either of the persons named in the first section of this act is authorized to call the first meeting of the said corporation, by causing a notification thereof to be published in any newspaper printed in the town of Salem, seven days at least before said meeting.

[Approved by the Governor, February 20, 1833.]

CHAP. XLV.

AN Act to incorporate the Bristol Print Works.

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, Edmund Dwight, Harrison Gray Otis, Charles Richmond, Israel Thorndike, and James K. Mills, their associates, successors and assigns, be, and they hereby are made a corporation by the name of the "Bristol Print Works," for the purposes of printing and bleaching cotton goods in the town of Taunton, in the county of Bristol, and for those purposes shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act entitled "an act defining the general powers and duties of manufacturing corporations," passed the twenty third day of February, in the year of our Lord one thousand eight hundred and thirty.

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 one hundred thousand dollars, and such personal estate not exceeding the value of one hundred thousand dollars, as may be necessary and convenient for the purposes aforesaid.

Real and personal estate.

[Approved by the Governor, February 20, 1833.]

CHAP. XLVI.

An Act to incorporate the Curtisville Cotton 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 Samuel G. Wheeler, George A. Bicknell, and James J. A. Bruce, together with such others as now are, or may be hereafter associated with them, their successors or assigns, be, and they hereby are made a corporation by the name of the Curtisville Cotton Manufacturing Company, for the purpose of manufacturing cotton goods at Curtisville, in the town of Stockbridge, 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 twenty third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled "an act defining the general powers and duties of manufacturing corporations."

Real and personal estate.

SEC. 2. *Be it further enacted,* That the said Curtisville Cotton Manufacturing Company may lawfully hold and possess such real estate, not exceeding the value of thirty thousand dollars, and such personal estate not exceeding one hundred and twenty thousand dollars, as may be necessary and convenient for carrying on the manufactures aforesaid.

[Approved by the Governor, February 20, 1833.]

CHAP. XLVII.

An Act incorporating the Weymouth and Braintree 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 Jonathan Newcomb, Asa French, Christopher Webb, Hervey Reed, Benjamin King, and their associates, successors and assigns, are hereby constituted a body politic and corporate by the name of the Weymouth and Braintree Mutual Fire Insurance Company, with all the powers and privileges incident to such corporations, and subject to all the duties and obligations contained in a law entitled "an act to define the powers, duties and restrictions of Insurance Companies," passed on the sixteenth of February, in the year of our Lord, one thousand eight hundred and eighteen, and in an act in addition thereto, entitled "an act in addition to an act to define the powers, duties and restrictions of insurance companies," passed March sixth, in the year of our Lord, one thousand eight hundred and thirty two, for the term of twenty eight years.

Persons incorporated.

SEC. 2. *Be it further enacted,* That when the sum subscribed to be insured shall amount to one hundred thousand dollars, said corporation may insure, for the term of from one to seven years, any buildings, goods, or moveables whatsoever, in this Commonwealth, to any amount not exceeding three fourths of the value of the property insured.

Restrictions on Insurance.

Appropriation of funds.

SEC. 3. *Be it further enacted,* That the funds of said corporation shall be invested in stocks, or loaned on security, as the directors may order, and shall be appropriated, first to pay the expenses of the corporation, and next to pay the damages which any member may be entitled to recover on his policy. In case any member shall have a just claim upon the corporation exceeding the amount of their then existing funds, the directors shall, within thirty days, assess such sum as may be necessary on the members, in proportion to the amount of their premiums and deposits, for seven years, but not to exceed triple the amount of such premiums and deposits.

Execution, how levied.

SEC. 4. *Be it further enacted,* That when any member shall recover judgment against said corporation, he may levy his execution on their estate or funds, but if sufficient estate or funds cannot be found, he may levy the same on the private property of any of the directors. *Provided,* they first refuse or neglect, for the space of sixty days, to satisfy the execution, after formal demand made upon them for that purpose, and any director, whose property may be thus taken, may sustain an action of the case against the corporation, to recover full and adequate damages therefor; and *provided also,* that the directors shall not be liable beyond the amount stated in the third section of this act.

Policy creates a lien on buildings insured.

SEC. 5. *Be it further enacted,* That each policy of insurance shall of itself, without any other act, create a lien on any building insured, and on the land under it, for the payment of the premium and deposit money stipulated in said policy, and of all assessments lawfully made by virtue thereof; but this provision shall not prevent the taking of other collateral security, and in case it should become

necessary to resort to the lien on the property insured, the treasurer shall demand payment of the insured, or his legal representative, and likewise of the tenant in possession, and in case of non-payment, the corporation may sustain an action for any sum due, either on the deposit note, or by assessment, and their execution may be levied on the premises insured, and the officer making the levy may sell the whole or any part of the estate at auction, giving notice, and proceeding in the same manner as is required in the sales of equities of redemption on execution, and the owner shall have a right to redeem the estate, by paying the costs of sale, the amount of the execution, and twelve per cent. interest thereon within one year from the time of sale.

SEC. 6. *Be it further enacted*, That this corporation may purchase, hold and convey any real estate for the use of said company, not exceeding five thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due said corporation. Real and personal estate.

SEC. 7. *Be it further enacted*, That all persons insuring at the office of the said company shall be deemed and taken to be members of said corporation, and at all meetings, not less than seven members of said corporation shall constitute a quorum for the transaction of business, and each member shall have as many votes as he has policies. Members.

[Approved by the Governor, February 20, 1833.]

CHAP. XLVIII.

An Act to incorporate the Proprietors of the Crombie Street Church 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 Daniel Abbot, John Burley, Daniel Bancroft, Caleb Smith, Henry Cook, John Winn, Jr., Rufus Choate, with all others who are, or may become proprietors of pews in the church in Crombie street in Salem, be, and they are hereby incorporated as a religious society, by the name of "the Proprietors of Crombie Street Church in Salem," with all the powers, privileges and immunities to which other religious societies in this Commonwealth are entitled, by the laws and constitution thereof, and subject to all the duties and liabilities to which other religious societies are subject.

Persons incorpo-
rated.

SEC. 2. *Be it further enacted,* That the said society shall have power to take, purchase and hold, any estate, real, personal or mixed, for the use of the said society, and the same to sell, mortgage, or otherwise dispose of, as they may see fit: *provided,* the income thereof, exclusive of their church and land under and adjoining it, shall not, at any time, exceed the sum of three thousand dollars.

May hold real,
personal, or mix-
ed estate.

SEC. 3. *Be it further enacted,* That at all meetings of the said society, the proprietors of pews, and no other persons, shall be entitled to vote, allowing one vote for every pew.

Votes.

SEC. 4. *Be it further enacted,* That the said ^{Assessments.} society shall have full power and authority, at any meeting duly called for that purpose, to assess, on the pews in said church, all such taxes as may be necessary or proper for the maintenance of public worship, and the repairs and preservation of said church, and for all other parochial charges and expenses; and the taxes so assessed shall be a lien upon the pews respectively, and, in case of the non-payment of the tax or taxes so assessed, for the space of one year after the same shall be so assessed, the pew or pews respectively, on which the same shall be so 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 the sale, after deducting the amount of all taxes due thereon, and the charges of sale, shall be paid over to the proprietor of any pew so sold, or to his assigns, and the society shall have authority to convey to the purchaser of any pew so sold, a good and valid title as proprietor thereof.

SEC. 5. *Be it further enacted,* That the said ^{By-laws.} society shall have authority to make such by-laws and regulations for their government, and for the management of their affairs, as they may from time to time see fit.

SEC. 6. *Be it further enacted,* That any two or ^{First meeting.} more of the persons named in the first section of this act may call the first meeting of the said society, by a written notice, to be posted in the entries of the church, at least seven days before the time of holding such meeting.

[Approved by the Governor, February 20, 1833.]

CHAP. XLIX.

An Act respecting the mode of calling and organizing Meetings of Corporations.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That whenever, by reason of the death, absence, refusal to act, or other legal impediment of the officers of any corporation within this Commonwealth, there shall be no person or persons duly authorized to call or preside at a legal meeting thereof, any justice of the peace in the county where said corporation is situated, shall have authority, on written application of five or more of the proprietors, or other legal members thereof, to issue a warrant to either of said proprietors or members, directing him to call a meeting of said corporation, by such time and mode of notice as had been previously required by law, and also directing such person, if there be no officer present legally authorized to preside at such meeting, that he shall preside thereat, until a clerk shall be duly chosen and qualified; and it shall be lawful for said meeting, when duly organized, to elect officers to fill all vacancies in office which may then exist, and to proceed to act upon such other business as may now by law be transacted at regular meetings of a corporation.

Justices of peace may authorize proprietors to call meeting.

[Approved by the Governor, February 20, 1833.]

CHAP. L.

An Act to regulate the Indorsement of Writs and other 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 so much of the eleventh section of the statute of seventeen hundred and eighty-four, chapter twenty-eight, entitled "an act prescribing the forms of writs in civil causes, and directing the mode of proceeding therein," as relates to the indorsement of writs, be, and the same is hereby repealed.

Part of statute of 1784 repealed.

SEC. 2. *Be it further enacted,* That all original writs, writs of error, scire facias, or review, bills in equity, libels for divorce, petitions for partition, mandamus, certiorari, new trial, review, or for a sale by mechanics and others having by law a lien upon any buildings or land, if the plaintiff or petitioner is not an inhabitant of this Commonwealth, shall, before the same shall be entered in the court, or before the justice, where the same shall be by law returnable or commenced, be indorsed on the back thereof, by some responsible person, who is an inhabitant of this Commonwealth, either by himself, or his agent or attorney.

Writs &c. to be indorsed.

SEC. 3. *Be it further enacted,* That if, during the pendency of any of the processes aforesaid, the plaintiff or petitioner shall remove out of the Commonwealth, the court before which the same shall be pending, shall, on motion, order the plaintiff or petitioner, to procure such indorser; and in case

In case of removal, plaintiff or petitioner is required to give an indorser.

an indorser of any of the processes aforesaid shall, during the pendency thereof, remove out of the Commonwealth, or become insufficient to respond, as hereinafter provided, and the plaintiff or petitioner shall not then have become an inhabitant of the Commonwealth, the court shall, on motion, order such plaintiff or petitioner to procure a responsible new indorser. And if any plaintiff or petitioner shall fail to comply with such order of court when thereto directed, in either of the cases aforesaid, said process shall be dismissed.

Process to be dismissed in certain cases.

Court may permit a new indorser.

SEC. 4. *Be it further enacted*, That the court, at any time during the pendency of either of the processes aforesaid, may, at their discretion, on motion of the plaintiff or petitioner, permit the name of any indorser to be stricken out, and a responsible new indorser substituted therefor.

Liabilities of indorsers.

SEC. 5. *Be it further enacted*, That, in case of the avoidance or inability of the plaintiff or petitioner, any indorser of such process shall be liable to pay to the defendant or respondent therein, and to any trustee who may be summoned thereon, and to any assignee of such trustee, who shall become a party thereto, and to any subsequent attaching creditor of the defendant, who may be admitted to defend against the same, all such costs as he or they may severally recover therein.

When to take effect.

SEC. 6. *Be it further enacted*, That this act shall take effect, and be in force from and after the first day of May next, *provided* the same shall not affect any rights and liabilities which shall then exist under the provisions of law.

[Approved by the Governor, February 22, 1833.]

CHAP. LI.

AN Act to alter the times of holding the Court of Common Pleas in the several Counties of Barnstable, 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 Barnstable, within and for the county of Barnstable, on the Tuesday next after the third Monday of April, shall be holden on the Tuesday next after the first Monday of April, annually; that the Court of Common Pleas, now holden at Nantucket, within and for the county of Nantucket, on the fourth Monday of May, shall be holden on the first Monday of June, annually; and that the Court of Common Pleas, now holden at Edgartown, within and for the county of Dukes County, on the third Monday of May, shall be holden on the last Monday of May, annually.

Times of holding court altered.

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 the said Court of Common Pleas, in the several counties aforesaid, shall be returned to, and have day in said court, 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 heretofore holden as aforesaid, in the said several counties, shall appear and attend, and have like day in court, at the terms established by this act, pursuant to its true intent and meaning.

All writs &c. to have day in said court at the times for holding the same established by this act.

[Approved by the Governor, February 23, 1833.]

CHAP. LII.

An Act to incorporate the New Bedford 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 Cornelius Grinnell, Charles Russell, Joseph Ricketson, and their associates, successors and assigns, be, and they are hereby made a body politic, by the name of the "New Bedford Marine Insurance Company," for the purpose of making maritime loans and insurance against maritime losses, in the customary manner, with all the privileges, and subject to all the duties and obligations contained in "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 an act in addition thereto, passed March the sixth, in the year of our Lord one thousand eight hundred and thirty-two, for and during the term of twenty years from and after the passing of this act ; and by the name aforesaid, they may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution, and they may have a common seal, which they may alter at pleasure ; and they may purchase, hold and convey any estate, real or personal, for the use of said company : *provided*, that the real estate shall not exceed the value of twenty-five thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said company.

Persons incorporated.

Real and personal estate.

SEC. 2. *Be it further enacted,* That the capital ^{Shares.} stock of said company shall be one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and shall all be collected and paid in, in such instalments, and under such provisions and penalties as the president and directors of said company shall order and appoint.

SEC. 3. *Be it further enacted,* That the said ^{Location.} company shall be located in the town of New Bedford.

[Approved by the Governor, March 1, 1833.]

CHAP. LIII.

An Act to incorporate the Proprietors of the Central Village Academy in Dracut.

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 F. Varnum, Joseph Bradley, William T. Heydock, E. R. Olcott, Jonathan Morse, 2d, Joshua Bennett, Elisha Fuller, J. B. French, Thomas P. Goodhue, Humphry Webster, John P. Robinson, Darius Young, and Jonathan M. Dexter, their associates and successors, be, and they hereby are made a body corporate, by the name of the Proprietors of the Central Village Academy in the town of Dracut, and county of Middlesex, with power to hold real estate not exceeding fifteen thousand dollars, and may establish a fund for the use of said academy: *provided,* the income shall not exceed five thousand dollars annually, and shall be applied exclusively to the purposes of education. ^{Persons incorporated.}

By-laws.

SEC. 2. *Be it further enacted*, That said corporation may, from time to time, make such by-laws and regulations as they may deem necessary for the management of the interests and concerns of said academy: *provided*, the same be not repugnant to the constitution and laws of this Commonwealth.

First meeting.

SEC. 3. *Be it further enacted*, That any one of the persons named in this act may call the first meeting of said proprietors, by giving notice thereof to the persons named herein, ten days previous to the time of holding such meeting.

[Approved by the Governor, March 1, 1833.]

CHAP. LIV.

An Act to incorporate the Winthrop Society in Charlestown.

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 Chester Adams, Joseph F. Tufts, and Eliab P. Mackintire, with their associates, and such others as may associate with them for the purpose of building a meeting house, together with all those who may hereafter become proprietors of pews, and who shall usually worship in said house, be, and hereby are incorporated as a religious society in Charlestown, by the name of the Winthrop Society, with all the powers, privileges and immunities to which other religious societies in this Commonwealth are entitled by the

laws and constitution thereof, and subject to all the duties and liabilities to which other religious societies are subject.

SEC. 2. *Be it further enacted,* That said society shall have power to take, purchase and hold any estate, real, personal or mixed, for the use of said society, and the same to sell, mortgage, or otherwise dispose of, as they may see fit: *provided,* the income thereof, exclusive of their meeting house, and the land under the same, and such adjoining land as may be exclusively appropriated for the accommodation of said house, shall not exceed the sum of two thousand dollars per annum.

Real and personal estate.

SEC. 3. *Be it further enacted,* That said society be empowered to assess upon the pews in their meeting house, according to a valuation of said pews which shall be agreed upon by said society, all sums of money which shall hereafter be voted to be raised by said society, for the support of public worship and other parochial charges, and also for the repairs of said house.

Assessment upon pews.

SEC. 4. *Be it further enacted,* That said society shall have power to establish such regulations, rules and by-laws for their government, and for the management of their affairs, as they may from time to time see fit, not repugnant to the constitution and laws of this Commonwealth.

Rules and regulations.

SEC. 5. *Be it further enacted,* That any two of the persons above named are hereby authorized to call the first meeting of said society, by posting a notice on the door of their usual place of worship, at least seven days before the time of meeting.

First meeting.

[Approved by the Governor, March 1, 1833.]

CHAP. LV.

An Act relating to the Funds derived from the Lands
in the State of Maine.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That an act passed on the sixteenth day of March, in the year of our Lord one thousand eight hundred and thirty-one, entitled “an act to provide for investing the funds derived from the sale of Eastern Lands,” be, and the same is hereby repealed.

Act repealed.

Money to remain
in the treasury.

SEC. 2. *Be it further enacted,* That all money received by the treasurer of the Commonwealth since the first day of January, in the year of our Lord one thousand eight hundred and thirty-one, arising from the sale of lands in the state of Maine, or for timber cut thereon, whether such money has been invested in pursuance of the provisions of the act which is hereby repealed, or otherwise, be and remain in the treasury, to be appropriated in the same way and manner as if the said act had never been passed.

[Approved by the Governor, March 1, 1833.]

CHAP. LVI.

An Act in addition to "An Act to incorporate the Fishing 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 Fishing Insurance Company shall hereafter have the right and power to underwrite and insure against marine risks, upon all vessels coming within the classes or denominations of schooners or sloops, and the cargoes thereof, in whatsoever business or voyages they may be used or adventured; and that the said company shall also have the right to insure or loan upon bottomry or respondentia, upon any one risk or adventure, a sum not exceeding seven per centum upon the capital stock of said company. Power of underwriting.

SEC. 2. *Be it further enacted,* That all parts of the act to which this act is in addition, inconsistent with the provisions hereof, be, and the same are hereby repealed. Parts of act repealed.

[Approved by the Governor, March 1, 1833.]

CHAP. LVII.

An Act in addition to "An Act to incorporate the Provident Institution for Savings in the Town of Boston."

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Provident Institution for Savings in the town of Boston, be, and the said corporation is hereby authorized and empowered to purchase real estate in the city of Boston to the amount of thirty thousand dollars, and to hold the same subject to the uses, intents and purposes prescribed in the act of incorporation to which this is in addition.

Thirty thousand dollars to be invested in real estate.

[Approved by the Governor, March 1, 1833.]

CHAP. LVIII.

An Act to incorporate the Boston Steam 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 Willard Badger, James Mc Allaster, and John Lilley, with such other persons as already have associated, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation

Persons incorporated.

by the name of the Boston Steam Factory, for the purpose of supplying mechanics with rooms and steam power, and of erecting and managing a foundry in the city of Boston, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in “an act defining the general powers and duties of manufacturing corporations,” passed the twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty, and the shares into which said company’s stock shall be divided shall never be assessed beyond the sum of one hundred dollars on each share.

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

[Approved by the Governor, March 1, 1833.]

CHAP. LIX.

An Act to perpetuate evidence relating to the records of the Boston Lying-in Hospital.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That, from and after the passing of this act, any two justices of the peace for the county of Suffolk, quorum unus, are hereby authorized and empowered, upon the application of the trustees of the Boston Lying-in Hos-

Justices of peace authorized and empowered, upon application of trustees, to take depositions.

pital, any one or more of them, if made within one year from the passing of this act, to take the deposition and depositions of any member or members thereof, its clerk, and of any other person or persons whomsoever, relating to the acceptance of the said act of incorporation, by the members duly assembled, in pursuance of public notice given for that purpose, as is therein prescribed, the adoption of by-laws and the election of officers in conformity thereto, and also of their several acts, doings and proceedings at that, and also at the subsequent meetings of said corporation, and of the records made of the same : also relating to the meetings of the trustees of said corporation, their several acts, doings and proceedings, and of the record thereof, and also of all, or any other matters or things done and performed under, and by virtue of said act of incorporation, and conformably to the same, since its acceptance, which said deposition and depositions shall be reduced to writing, by one of said justices, or by the deponent, in their presence, and written in record books to be furnished by said corporation, and by said trustees respectively. The said justices shall administer the oath to the deponent, and certify the caption in the respective books furnished as aforesaid, in substance as is prescribed by the statute relating to taking depositions in perpetual remembrance of the thing : *provided, however*, that before the said justices shall proceed to take any of said depositions, they shall publish notice of the time and place of taking the same, two weeks successively, in the Boston Daily Advertiser and Patriot, a newspaper printed in Boston, that all persons interested therein may appear, if they see cause, and

Proviso.

propose such interrogatories and cross-interrogatories relating to the subject matter, as shall be by said justices deemed proper. Copies of said depositions, any or either of them, written in the record book of said corporation as aforesaid, made and duly certified by its clerk, and also copies of said depositions, any or either of them, written in the record book of said trustees as aforesaid, made and duly certified by their secretary, shall be respectively taken, and used, and be as effectual in law, and for all and the like purposes, as the first and original records might have been, if they had not been destroyed by fire.

SEC. 2. *Be it further enacted*, That the said depositions, any or either of them, and the caption, shall, within ninety days from the time of taking the same, be recorded in the office of the registry of deeds, in said county of Suffolk, if the said depositions, any or either of them, respect real estate, or the purchase thereof; and a certificate of such record shall be made on the said depositions by the register of deeds, and the depositions so certified, or a copy of said record, may be used as evidence, in any cause to which it may relate.

Depositions may
be used as evi-
dence.

[Approved by the Governor, March 1, 1833.]

CHAP. LX.

An Act to incorporate the First Universalist Society
in Taunton.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 William W. Crossman, Ichabod Bosworth, Jr., and Isaac Babbit, and all others who may associate with them, be, and they are hereby incorporated into a religious society, by the name of the First Universalist Society in Taunton, with all the privileges, powers and immunities to which other religious societies in this Commonwealth are entitled by law.

By-laws.

SEC. 2. *Be it further enacted,* That said society shall have power to ordain and establish such rules, regulations and by-laws, for the management of their concerns, as they may think proper, not repugnant to the constitution and laws of this Commonwealth.

First meeting.

SEC. 3. *Be it further enacted,* That any one of the persons named in this act may call the first meeting of said society, by giving fourteen days public notice of the time and place of holding the same, by posting notifications thereof on the door of the meeting house of said society.

[Approved by the Governor, March 1, 1833.]

CHAP. LXI.

An Act to incorporate the Trustees of the Charlestown Female Seminary.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Henry Jackson, Benjamin Badger, Jr., Oliver Holden, John W. Valentine, Daniel White, their associates and successors in office, be, and they hereby are incorporated as Trustees of the Charlestown Female Seminary, with power to hold real estate, not exceeding in value fifteen thousand dollars, and personal estate, not exceeding in value eight thousand dollars, to be devoted exclusively to the purposes of education; and the said corporation shall have all the powers usually incident to similar corporations, and make all necessary by-laws, not repugnant to the constitution and laws of this Commonwealth.

Persons incorporated.

SEC. 2. *Be it further enacted,* That the number of trustees of the said seminary shall not be more than nine, nor less than five, and that they may elect trustees, and remove from office any of the board who may become disqualified, by age or otherwise, to discharge the duties of their office.

Number of trustees.

SEC. 3. *Be it further enacted,* That any two of the persons named in this act may call the first meeting of said corporation, by giving notice of the time and place, seven days at least previously thereto, in the Bunker Hill Aurora.

First meeting.

[Approved by the Governor, March 1, 1833.]

CHAP. LXII.

An Act in addition to “ An Act to establish a Watch for preserving the safety and good order of the Town of Boston.”

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That whenever the mayor and aldermen of the city of Boston shall establish a Watch within said city, in pursuance of the act to which this is in addition, and also of an act passed on the tenth day of March, in the year of our Lord one thousand seven hundred and ninety-seven, entitled “an act for keeping watches and wards in towns, and for preventing disorders in streets and public places,” or in pursuance of either of said acts, the said mayor and aldermen may, and they are hereby authorized to set such watch, at such hour after sunset, as they shall judge expedient ; and from and after such hour, the said watch shall and may exercise all the powers given in and by the several acts aforesaid, any thing in the said acts to the contrary notwithstanding.

Mayor and aldermen authorized to set watch.

[Approved by the Governor, March 2, 1833.]

CHAP. LXIII.

An Act respecting Sureties of the Peace.

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 thirty first day of March next, whenever any person is brought before a justice of the peace on articles of the peace exhibited against him, the justice is hereby authorized to require him to find sureties of the peace for a fixed time, not exceeding six months, in every case where by law sureties of the peace can be required, and may commit such person to prison or to a house of correction, for such fixed time, unless the respondent shall find sureties of the peace, according to the order or sentence which said justice shall pass in the premises. *Provided,* that such person, upon giving sureties of the peace for the meantime, may enter an appeal from said order or sentence, to the next court of common pleas for the county.

Sureties of the peace.

SEC. 2. *Be it further enacted,* That after said thirty-first day of March, no justice of the peace shall order any person, against whom articles of the peace shall be exhibited, to appear at the next court of common pleas, unless such person shall also be guilty, or reasonably suspected to be guilty, of an offence demanding the cognizance of said court, in which case, the said justice shall be authorized as heretofore, in binding over such person for his ap-

Justices of the peace not to order a person to appear at court, unless suspected to be guilty of an offence demanding the cognizance of said court.

pearance at said court, to require of him sureties of the peace for his good behaviour in the meantime.

Provisions of this act not to extend to the county of Suffolk.

SEC. 3. *Be it further enacted,* That the provisions of this act shall not extend to the county of Suffolk.

[Approved by the Governor, March 2, 1833.]

CHAP. LXIV.

An Act to establish a Police Court in the town of Lowell.

One learned, able, and discreet person to be appointed and commissioned by the Governor.

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 hereby is established, within the town of Lowell, in the county of Middlesex, a Police Court, to consist of one learned, able and discreet person, to be appointed and commissioned by the Governor, pursuant to the constitution, to take cognizance of all crimes, offences and misdemeanors committed within the town of Lowell, whereof justices of the peace now have or may hereafter have jurisdiction. And the court hereby established shall hear and determine all suits, complaints and prosecutions, in like manner as is by law provided for the exercise of the powers and authority which are or may be vested in justices of the peace, and do all acts necessary to, and consistent with such powers and authority. And the said Police Court shall also have original jurisdiction and cognizance of all suits and actions which may now, or at any time hereafter, be heard, tried and determined before

any justice of the peace in the county of Middlesex, and exclusive jurisdiction, whenever the plaintiff resides in Lowell, and service of the writ is had on the defendant in said county, and no writ in any such suit or action shall be made returnable before any justice within said town of Lowell, but to said police court only. And an appeal shall be allowed from all judgments of said police court, in like manner, and to the same extent, that appeals are now allowed by law from judgments of justices of the peace. And the justice of said police court shall not be of counsel or attorney to any party in any matter or thing whatsoever, which may be pending in said court.

SEC. 2. *Be it further enacted,* That all warrants Warrants. issued by said court, or by any justice of the peace within said town, shall be made returnable and be returned before said court, and if any warrant shall be issued by any justice of the peace returnable before said court, the lawful fees payable therefor shall not be paid or allowed, unless, on the examination in hearing before said court, it shall appear to said court that there was just and reasonable cause for issuing said warrant, in which case such fees, costs and charges shall be allowed and taxed in like manner as though said warrant had been issued by a justice of the peace, according to the law now in force.

SEC. 3. *Be it further enacted,* That all fines Fines and forfeitures. and forfeitures, and all costs in criminal prosecutions, which shall be received by, or paid into the hands of the justice of said court, shall be by him accounted for, and paid over to the same persons, in the same manner, and under the same penalties for neglect, as are by law prescribed in the case of justices of the peace, and all costs in such prosecutions not thus received shall be made up, taxed, cer-

tified and allowed, and shall be paid and satisfied in like manner as provided by law in cases of justices of the peace.

Justice to hold court at some suitable place.

SEC. 4. *Be it further enacted,* That a court shall be held by said justice, at some suitable and convenient place, to be provided at the expense of said town of Lowell, on two several days of each week at nine of the clock in the forenoon, and as much oftener as may be necessary, to take cognizance of crimes, offences and misdemeanors, and on one day in each fortnight, at ten of the clock in the forenoon, and may be adjourned from day to day by the justice thereof, and at such other times as may be necessary, for the trial of civil suits and actions. And the justice of said court shall, from time to time, establish all necessary rules for the orderly and uniform conducting of the business thereof.

Fees.

SEC. 5. *Be it further enacted,* That the justice of said court shall retain to his own use all fees by him received, or which now accrue to justices of the peace in civil actions and criminal prosecutions, in full compensation for all services assigned to him by the provisions of this act.

Record of proceedings.

SEC. 6. *Be it further enacted,* That the justice of said court shall keep a fair record of all proceedings in said court, and shall make return to the several courts of all legal processes, and of his doings therein, in the same manner as justices of the peace are now by law required to do, and he shall also annually, in the month of January, exhibit to the selectmen of said town of Lowell, a true and correct account of monies by him received as fees.

Determination of suits.

SEC. 7. *Be it further enacted,* That all suits, actions and prosecutions, which shall be instituted and pending before any justice of the peace within

the town of Lowell, when this act shall take effect, shall be heard and determined as though this act had not been passed.

SEC. 8. *Be it further enacted,* That there shall be appointed by the Governor, by and with the advice and consent of the Council, two special justices of said court, and whenever it shall happen that the standing justice of said court shall be interested in any suit or prosecution cognizable in said court, or shall from any cause be unable to hear and determine any matter or thing pending therein, the cause shall be assigned on the record by the standing or special justice, and the court shall be held, and its jurisdiction exercised by one of said special justices. And the said special justice shall be paid for the services by him performed, out of the fees received in said court, such sum as the standing justice would be entitled to receive for the same services.

His Excellency the Governor to appoint two special justices.

SEC. 9. *Be it further enacted,* That this act shall go into operation from and after the thirty-first day of March next, and the Governor shall have power, by and with the advice and consent of the Council, to appoint said justice and special justices, at any time after the passing of this act.

Act, when to go into operation.

[Approved by the Governor, March 2, 1833.]

CHAP. LXV.

An Act to incorporate the Natick Paper Company.

Persons incorp-
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 Lemuel Blake, Josiah N. Bird, and David Francis, together with such other persons as may become associates with them, their successors and assigns, be, and they hereby are created a body corporate, by the name of the Natick Paper Company, for the purpose of manufacturing paper at Natick, in the county of Middlesex, and for this purpose shall have all the powers and privileges, and shall be subject to all the duties and requirements provided, respecting such corporations, in an act passed on the twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled "an act defining the general powers and duties of manufacturing companies."

Real and person-
al estate.

SEC. 2. *Be it further enacted,* That the said corporation may take and hold such real estate at said Natick, not exceeding in value the sum of forty thousand dollars, and such personal estate, not exceeding in value sixty thousand dollars, as may be suitable and necessary for carrying on the manufacture aforesaid.

[Approved by the Governor, March 2, 1833.]

CHAP. LXVI.

An Act to incorporate the Barnstable County 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 Zenas D. Basset, Ebenezer Bacon, Amos Otis, Jr., and their associates, successors and assigns, are hereby constituted a body politic and corporate, by the name of the Barnstable County Mutual Fire Insurance Company, with all the powers and privileges incident to such corporations, and subject to all the duties and obligations contained in a law entitled "an act to define the powers, duties and restrictions of insurance companies," passed on the sixteenth of February, in the year of our Lord one thousand eight hundred and eighteen, and in an act in addition thereto, entitled "an act in addition to an act to define the powers, duties and restrictions of insurance companies," passed March sixth, in the year of our Lord one thousand eight hundred and thirty-two, for the term of twenty-eight years.

Persons incorporated.

SEC. 2. *Be it further enacted,* That when the sum subscribed by the associates to be insured, shall amount to fifty thousand dollars, said corporation may insure for the term of from one to seven years, any buildings, goods or moveables whatsoever, in the county of Barnstable, to any amount not exceeding three fourths of the value of the property insured.

When subscription amounts to fifty thousand dollars.

Funds.

SEC. 3. *Be it further enacted,* That the funds of the corporation shall be vested in stocks, or loaned on such security as the directors may order, and shall be appropriated first to pay the expenses of the corporation, and next to pay the damages 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 sum as may be necessary, on the members, which assessment shall be in proportion to the amount of their premiums and deposits, but shall not, in any case, exceed double the amount of said premiums and deposits.

Execution, how
levied.

SEC. 4. *Be it further enacted,* That whenever any member shall recover judgment against said corporation, and the directors shall neglect to satisfy and pay the same within sixty days after demand made for that purpose upon the treasurer, clerk, or any director of said corporation, then the execution issuing upon such judgment may be levied upon the private property of any of said directors, to the amount of the excess of the funds of the corporation, together with the amount of all the assessments they are authorized to make, over and above the amount due on judgments previously demanded; and any directors who may have their property taken, may sustain an action on the case to recover compensation therefor, of the corporation, or a proportional part thereof, and contribution therefor of the other directors.

Policies.

SEC. 5. *Be it further enacted,* That each policy of insurance shall of itself, without any other act, create a lien on any building insured, and on the land under it, for the payment of the premium and

deposit money stipulated in said policy, and of all assessments lawfully made by virtue thereof; but this provision shall not prevent the taking of other collateral security, and in case it shall become necessary to resort to the lien on the property insured, the treasurer shall demand payment of the insured, or his legal representative, and likewise of the tenant in possession, and in case of non-payment, the corporation may sustain an action for any sum due, either on the deposit note or by assessment, and their execution may be levied on the premises insured; and the officer making the levy may sell the whole or any part of the estate at auction, giving notice, and proceeding in the same manner as is required in the sales of equities of redemption on execution, and the owner shall have a right to redeem the estate by paying the cost of sale, the amount of the execution, and twelve per cent interest thereon, within one year from the time of sale.

SEC. 6. *Be it further enacted,* That all persons ^{Members.} insuring at the office of said company, shall be deemed and taken to be members of said corporation; and at all meetings, not less than ten members of said corporation shall constitute a quorum for the transaction of business, and each member shall have as many votes as he has policies, and may vote by proxy.

[Approved by the Governor, March 2, 1833.]

CHAP. LXVII.

An Act in addition to "An Act providing for the government and regulation of the State Prison."

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the first day of April next, one hundred dollars a year shall be allowed to each watchman of the State Prison, in addition to their present salary.

Salaries of watchmen increased.

SEC. 2. *Be it further enacted,* That the inspectors and warden of the State Prison may allow to the overseer in the stone department an addition to his present salary, of a sum not exceeding one hundred dollars a year, when, in their opinion, the interest of the institution may require it.

Inspectors and warden may increase salary of overseer of the stone department.

SEC. 3. *Be it further enacted,* That the warden of the State Prison may, at his discretion, make an addition to the rations as now provided by law, in favor of those convicts for whom, in his opinion, the present rations are insufficient, not exceeding two ounces of beef or pork, or the value thereof in meal, rice, or vegetables, to each convict.

Warden may make an addition to the rations.

SEC. 4. *Be it further enacted,* That the second section of an act passed the thirteenth day of March, in the year of our Lord one thousand eight hundred and thirty-two, entitled an act providing for the government and regulation of the State Prison, be, and the same is hereby repealed.

Part of former act repealed.

[Approved by the Governor, March 2, 1833.]

CHAP. LXVIII.

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 twelve 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, 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.

Division of the Commonwealth into districts.

SEC. 2. *Be it further enacted,* That the said twelve districts shall be formed and limited in the manner following, viz.

Limitation, &c.

The city of Boston shall constitute one district, and be called district number one.

The towns of Gloucester, Manchester, Essex, Wenham, Beverly, Salem, Danvers, Lynnfield, Lynn, Saugus, Marblehead, Chelsea, Ipswich, and Hamilton, shall constitute one district, and be called district number two.

The towns in the county of Essex, not before enumerated, with the towns of Dracut, Lowell, Tewksbury, Billerica, Wilmington, Reading, and South Reading, shall constitute one district, and be called district number three.

Division of the
Commonwealth
into districts.

The towns and district in the county of Middlesex, excepting the towns herein before enumerated, and excepting also the towns of Brighton, Newton, Natick, Sherburne, Hopkinton and Holliston, shall form one district, and be called district number four.

The towns of Winchendon, Ashburnham, Lunenburg, Fitchburg, Westminster, Gardner, Hubbards-ton, Princeton, Leominster, No Town, Lancaster, Harvard, Bolton, Berlin, Sterling, Holden, Rutland, Oakham, Paxton, Boylston, West Boylston, Shrewsbury, Worcester, Leicester, Spencer, Ward, Oxford, Dudley, Webster, Charlton, Millbury, Southbridge, Northborough, Grafton and Sutton, shall form one district, and be called district number five.

The towns of Ashfield, Buckland, Bernardston, Coleraine, Conway, Deerfield, Gill, Greenfield, Heath, Leyden, Shelburne, Whately, Orange, Wendell, Warwick, Leverett, New Salem, Northfield, Montague, Sunderland, Shutesbury, Erving's Grant, Pelham, Prescott, Amherst, Hadley, Hatfield, Williamsburg, Goshen, Greenwich, Chesterfield, Enfield, Royalston, Athol, Phillipston, Templeton, Petersham, Dana, Barre and Hardwick, shall form one district, and be called district number six.

The county of Berkshire, together with the towns of Monroe, Rowe, Charlemont, Hawley, Plainfield, Cummington, Worthington, Middlefield, Norwich, Chester, Blandford and Tolland, shall form one district, and be called district number seven.

The towns of West Springfield, Westfield, Granville, Russell, Montgomery, Southwick, Holland, Wales, Brimfield, Monson, Palmer, Ludlow, Springfield, Longmeadow, Wilbraham, Belchertown, Easthampton, Granby, Northampton, South Hadley, Southampton, Ware, Westhampton, Sturbridge,

Western, Brookfield, North Brookfield and New Braintree, shall form one district, and be called district number eight. Division of the Commonwealth into districts.

The towns of Brighton, Newton, Natick, Sherburne, Hopkinton, Holliston, Roxbury, Brookline, Dedham, Needham, Dover, Canton, Sharon, Walpole, Medfield, Medway, Wrentham, Foxborough, Franklin, Bellingham, Mendon, Milford, Upton, Westborough, Southborough, Douglas, Uxbridge and Northbridge, shall form one district, and be called district number nine.

The towns in the county of Bristol (excepting the towns of New Bedford and Fairhaven,) together with the towns of Bridgewater, North Bridgewater, West Bridgewater, East Bridgewater, and Middleborough in the county of Plymouth, shall form one district, and be called district number ten.

The counties of Barnstable, Nantucket and Dukes, and the towns of New Bedford and Fairhaven, in Bristol County, shall form one district, and be called district number eleven.

The towns in the county of Plymouth, not herein before enumerated, with the towns of Cohasset, Weymouth, Randolph, Stoughton, Braintree, Quincy, Milton, and Dorchester, shall form one district, and be called district number twelve.

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 the manner the law directs for holding elections therein, cause the inhabitants of said city, towns and districts, duly qualified to vote for representatives in the General Court of this Commonwealth, to assemble on the first Monday of April next, and thereafterward bi- Mode of election.

ennially on the second Monday in November, beginning on the second Monday in November, in the year of our Lord eighteen hundred and thirty four, to give in their votes for their representatives respectively, and at such town or 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, on the outside of the said list, the district in which the said votes were given, and shall transmit the same, within three days after the day of such election, to the sheriff of the county in which such town or district lies; and the said sheriff shall transmit the same to the secretary of the Commonwealth within seven days thereafter, or the said mayor and aldermen or selectmen may themselves transmit the same to the secretary of the Commonwealth within ten days after the day of said election. 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 said district, the Governor shall forthwith transmit to the person so chosen, a certificate of such choice,

Time within which returns are to be made.

In case of an election, the Governor shall certify the same.

signed by the Governor and countersigned 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 congressional district, directing and requiring said 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, which precept shall be accompanied with a list of such persons voted for in such district, as shall have received as many as fifty votes, showing the number of votes for each person, according to such 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.

In case no person shall be chosen, Governor shall cause precepts to issue, &c.

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 the 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, or of said city,

When vacancy shall happen in the representation of this Commonwealth in congress.

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.

Duties of sheriffs.

SEC. 6. *Be it further enacted,* That it shall be the duty of the several sheriffs of the respective counties of this 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 said service, be entitled to receive, out of the treasury of this Commonwealth, fifty cents for each of the said copies, and of the precepts so by them seasonably distributed to the selectmen of the several 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 seventeen cents a 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 treasurer of the Commonwealth for examination and allowance.

Penalty for neglect of duty.

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; and if any selectman, 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 ; said forfeitures 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 for the same, and the other half to the use of the Commonwealth.

SEC. 8. *Be it further enacted*, That all acts and parts of acts, inconsistent with the provisions of this act, be, and the same hereby are repealed. Former acts repealed.

[Approved by the Governor, March 5, 1833.]

CHAP. LXIX.

An Act to incorporate the Proprietors of Edgartown 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 Abraham Osborn, Allen Coffin, Timothy Coffin, Daniel Fellows, and Valentine Pease, with their associates and successors, be, and they hereby are incorporated as the Proprietors of the Edgartown Academy, in the county of Dukes County, with power to hold real estate, not exceeding in value ten thousand dollars, and personal estate not exceeding ten thousand dollars, to be devoted exclusively to the purposes of education. And said corporation shall have all the powers usually granted to similar corporations, Persons incorporated.

and may make all necessary by-laws, not repugnant to the laws of this Commonwealth.

First meeting.

SEC. 2. *Be it further enacted*, That Daniel Fellows be authorized to call the first meeting of said proprietors, by posting up his written notification thereof in some public place in said Edgartown, at least three days before the time of said meeting.

[Approved by the Governor, March 5, 1833.]

CHAP. LXX.

An Act to incorporate the Tremont 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 John Binney, and his associates, and their successors and assigns, be, and they hereby are made a body politic, by the name of the Tremont Insurance Company, for the purpose of making maritime loans and insurance against maritime losses, also to make insurance against fire, in the customary manner, with all the privileges, and subject to all the duties and obligations contained in a law entitled "an act to define the powers, duties and restrictions of insurance companies," passed the sixteenth day of February, one thousand eight hundred and eighteen, and in an act in addition thereto, passed the sixth day of March, one thousand eight hundred and thirty-two, entitled an act in addition to an act to

define the powers, duties and restrictions of insurance companies, and also 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, one thousand eight hundred and twenty, for and during the term of twenty years from and after the passing of this act; and by the name aforesaid, they may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution, and they may have a common seal, which they may alter at pleasure, and they may purchase, hold and convey any estate, real or personal, for the use of said company. *Provided*, that the real estate shall not exceed the value of fifty thousand dollars, excepting such as shall be taken for debt, or held as collateral security for money due to said company.

SEC. 2. *Be it further enacted*, That the capital ^{Shares} stock of said company shall be two hundred thousand dollars, and shall be divided into shares of one hundred dollars, and shall be collected and paid in, in such instalments, and under such provisions and penalties as the president and directors of said company may order and appoint.

SEC. 3. *Be it further enacted*, That said Tre- ^{Location.} mont Insurance Company shall be located in Boston.

[Approved by the Governor, March 7, 1833.]

CHAP. LXXI.

An Act to remove the Records of the Lands in Hopkinton and Upton, lately belonging to the Hopkins donation or trust, 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, after the first day of June next, the books of records of deeds and other conveyances of lands, lying in the towns of Hopkinton, in the county of Middlesex, and of Upton, in the county of Worcester, lately belonging to the Hopkins donation or trust, shall be deposited and kept in the registry of deeds for the county of Middlesex, and it shall be the duty of the register of deeds for said Hopkinton and Upton lands, to cause the said records, together with any original deeds left with him for registry, and remaining on his files, to be removed to the said registry of deeds for Middlesex, on or before the first day of June next, and it shall be the duty of the register of deeds for the county of Middlesex, to receive and keep said records, together with said original deeds, till called for by the owners thereof, and to record all deeds, conveyances and executions made of, and extended upon any of the lands in said town of Hopkinton, as well those lately belonging to said Hopkins trust, as any others, in the same manner as if they were in any other part of said county of Middlesex, and any copies from said records so left with him, or any future records cer-

Books, &c. to be deposited in the registry of deeds for the county of Middlesex.

tified by him, shall be as valid in law as copies of any other of his records.

SEC. 2. *Be it further enacted,* That it shall be the duty of the register of deeds for the county of Worcester, to record all deeds, conveyances and executions made of, and extended upon any of the lands in the town of Upton, as well those lately belonging to said Hopkins trust, as any other, in the same manner as if they were in any other part of said county of Worcester; and for making said records, or copies thereof, he, as well as said register of deeds for the county of Middlesex, shall be entitled to the same fees as for similar records or copies of other deeds, conveyances and execution.

Duty of register of deeds for the county of Worcester.

SEC. 3. *Be it further enacted,* That all acts and parts of acts requiring the trustees of the charity of Edward Hopkins, or of the Hopkins donation or trust, to appoint a register for said lands, or to provide books of record therefor, or making any other provisions inconsistent with the provisions of this act, be, and the same hereby are repealed.

All acts and parts of acts inconsistent with the provisions of this act, repealed.

SEC. 4. *Be it further enacted,* That the records of deeds, and other conveyances of lands lately belonging to said Hopkins donation or trust, which have heretofore been duly made in the registry of deeds for the respective counties wherein such lands may be situated, be, and the same are hereby confirmed and made valid in law: *provided,* that nothing in this section contained, shall be construed to affect any rights to said lands now vested and accrued.

Records confirmed.

[Approved by the Governor, March 7, 1833.]

CHAP. LXXII.

An Act in addition to "An Act to incorporate the Middlesex 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 if any member of the "Middlesex Mutual Fire Insurance Company," who has obtained, or shall obtain insurance of his buildings, subject to such lien as is provided in the sixth section of the act to which this is in addition, or in case of his death, his legal representatives, shall neglect, for the space of thirty days after notice, given agreeably to the by-laws of the corporation, to pay his deposit note, 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 a 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 note, assessment or assessments, may, at their election, cause said execution to be levied upon the buildings insured, with the land under the same; and the officer having said execution shall proceed to satisfy the same, with costs, by a sale and conveyance of said buildings, with the land under the same, or by a sale and conveyance of any part thereof, giving the same notice, and proceeding in the same manner as is required in the sale of equities of redemption on execution. And

Liabilities of
members.

the insured shall have a right to redeem the estate thus sold, within one year, by first paying to the purchaser, or his assigns, the amount for which the estate shall be thus sold, and interest on such amount at the rate of twelve per cent. per annum.

SEC. 2. *Be it further enacted,* That no officer shall be disqualified to act in any case arising under this act, by reason of his being a member of said corporation, and if otherwise qualified, he may serve any civil process in which said corporation may be a party.

No officer to be disqualified by reason of his being a member.

[Approved by the Governor, March 7, 1833.]

CHAP. LXXIII.

An Act to incorporate the Savings Bank for Seamen 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 Pliny Cutler, George Hallet, William Lawrence, Benjamin Seaver, Thomas Motley, George W. Crockett, William Worthington, Newton Willey, William B. Reynolds, William W. Stone, James Means, Benjamin Rich, Lot Wheelwright, Joseph Cotton, Jr., Lot Wheelwright, Jr., Josiah W. Blake, Thomas Vose, Nathaniel Dana, Charles Scudder, Samuel H. Walley, Jr., Enoch Train, Edward D. Peters, Joseph Ballister, Thomas K. Davis, William W. Motley, Peleg Churchill, Daniel C. Bacon, and Alfred Richardson, be, and they hereby are created a corporation,

Persons incorporated.

by the name and title of "the Savings Bank for Seamen in Boston," and that they, and such others as shall be duly elected members of the said corporation, shall be a body politic and corporate, by the same name and title.

Deposits.

SEC. 2. *Be it further enacted,* That the said corporation shall be capable of receiving from any persons who are seamen, and from others connected with a seafaring life, on deposit, all sums of money that may be offered for that purpose, and to use and improve the same for the purposes, and according to the directions herein mentioned and provided; and each depositor shall receive a book of deposit, in which shall be entered all sums deposited.

Investments.

SEC. 3. *Be it further enacted,* That all deposits of money received by the said corporation, may be invested in any public stocks created under, and by virtue of any law of the United States, or of this Commonwealth, or of the city of Boston, or in the capital stock of any bank within this Commonwealth, or loaned on promissory notes secured by pledge of such stocks, at not more than ninety per centum of their par value; and no part of the deposits shall be invested in any other manner, or loaned upon any other securities than those herein mentioned; and the income and profit thereof shall be applied and divided among the persons making the said deposits, or their legal representatives, in just proportion, with reasonable deductions for expenses; and such deposits shall be repaid to each depositor, at such times, and under such regulations as the corporation shall prescribe, the substance of which regulations shall be printed in the book of deposit received by each depositor

and no officer or member of said corporation shall borrow any portion of such deposits, or use the same, except to pay the expenses of the corporation.

SEC. 4. *Be it further enacted,* That the said New members. corporation shall have power to elect new members, by ballot, at their annual meeting in each year, and any member, upon filing a written notice with the president thereof, three months prior, may, at any such meeting of said corporation, withdraw, and forever dissolve his connection with the same.

SEC. 5. *Be it further enacted,* That the officers Officers. of said corporation shall be a president, vice president, secretary, treasurer, and twenty-four managers, seven of whom, the president, vice president, secretary or treasurer being one, shall constitute a quorum; all officers shall be sworn to the faithful performance of their duties, and shall hold their offices until others are chosen in their stead.

SEC. 6. *Be it further enacted,* That the said May have a common seal. corporation may have a common seal, which they may change and renew at pleasure; and that all deeds, conveyances and grants, covenants and agreements made by their treasurer, or by any other person by their authority and direction, according to their instruction, shall be good and valid; and the said corporation shall at all times have power to sue, and they may be sued, and may defend, and shall be held to answer by the name and title aforesaid.

SEC. 7. *Be it further enacted,* That the said By-laws. corporation hereby are vested with the power of making by-laws for the more orderly managing the business of the corporation: *provided,* the same are not repugnant to the constitution or laws of this Commonwealth.

First meeting.

SEC. 8. *Be it further enacted,* That any two persons herein named may call the first meeting of the corporation, by advertising it in any two of the daily papers published in the city of Boston.

Statement of affairs.

SEC. 9. *Be it further enacted,* That the officers and agents of said corporation shall lay a statement of the affairs thereof before any persons appointed by the Legislature to examine the same, whenever required so to do, and shall exhibit to them all the books and papers relating thereto, and shall submit to be examined by them, under oath, concerning the same.

Treasurer to give bonds.

SEC. 10. *Be it further enacted,* That the treasurer of said corporation shall give bonds for the faithful performance of his duties, in a sum not less than five thousand dollars.

[Approved by the Governor, March 7, 1833.]

CHAP. LXXIV.

An Act concerning School Districts.

Moderator authorized, &c.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That whenever, at any meeting of a school district, a clerk of said district shall be chosen, and no justice of the peace shall be present to administer the oath required by law, to be taken by the person so chosen into office, the moderator of said meeting is hereby authorized to administer the same.

[Approved by the Governor, March 7, 1833.]

CHAP. LXXV.

An Act in addition to the Act of 1810, chapter 49, relative to Parsonage Lands in the south parish in Andover.

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 trustees of the fund provided for in the act to which this act is additional, and their successors, are hereby authorized and required to pay over the whole of the interest or net annual income of said fund, in like manner, and for the like purpose, as is expressed concerning five sixths of the annual interest or income of said fund, in and by the act to which this is in addition, any thing in the said act to the contrary notwithstanding.

Trustees required to pay interest.

[Approved by the Governor, March 7, 1833.]

CHAP. LXXVI.

An Act to incorporate the Pacific 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 Goddard, John L. Gardner, and William B. Swett, and

Persons incorporated.

their associates, and their successors and assigns, be, and they are hereby incorporated and made a body politic, by the name of the "Pacific Insurance Company," for the purpose of making maritime loans, and insurance against maritime losses, also to make insurance against fire in the customary manner, with all the privileges, and subject to all the duties and obligations contained in a law 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 an act in addition thereto, passed March sixth, in the year of our Lord one thousand eight hundred and thirty-two, entitled "an act in addition to an act to define the powers, duties and restrictions of insurance companies," and also 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 and after the passing of this act; and by the name aforesaid, they may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution, and they may have a common seal, which they may alter at pleasure, and they may purchase, hold and convey any estate, real or personal, for the use of said company. *Provided*, that the real estate shall not exceed the value of fifty thousand dollars, excepting such as shall be taken for debt, or held as collateral security for money due to said company.

Real and personal estate.

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, and shall all be collected and paid in, in such instalments, and under such provisions and penalties as the president and directors of said company shall order and appoint.

SEC. 3. *Be it further enacted*, That the "Pacific Insurance Company" shall be located in the city of Boston. Location.

[Approved by the Governor, March 7, 1833.]

CHAP. LXXVII.

An Act confirming the location of a Wharf in Rochester, and authorizing the extension of the same.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That David Hathaway, and Zephaniah Eddy, of Rochester, in the county of Plymouth, and Charlton H. Wing, of Fairhaven, in the county of Bristol, be, and they are hereby authorized and allowed to maintain and continue their wharf at the "Old Landing," so called, in said Rochester, and to extend the same, without altering the direction thereof, to the edge of the channel, but not exceeding the distance of thirty feet beyond its present limits. *Provided*, that nothing in this act shall in anywise impair or interfere with the legal rights of any other person or persons whatsoever. Persons authorized. May extend wharf.

[Approved by the Governor, March 7, 1833.]

CHAP. LXXVIII.

An Act to authorize certain persons to call a meeting of the Dartmouth Bridge Company.

Either of the persons named in the original act may call a meeting.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That either of the persons named in the first section of an act passed on the eighth day of February, in the year of our Lord one thousand eight hundred and twenty-eight, entitled "an act to incorporate the Dartmouth Bridge Company," be, and they, and each of them hereby are authorized and empowered to call a meeting of the proprietors named in the act aforesaid, in the manner pointed out, in and by the second section of the act aforesaid.

[Approved by the Governor, March 7, 1833.]

CHAP. LXXIX.

An Act to incorporate the Dukes County Academy.

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 David Look, Bernard Luce, Harrison P. Mayhew, David Nickerson, and Charles P. Athearn, their associates and successors, be, and they are hereby incorporated as the

Trustees of Dukes County Academy, in the town of Tisbury, with power to hold real and personal estate, not exceeding in value twenty thousand dollars, to be devoted exclusively to the purposes of education. And said corporation shall have all the powers usually incident to similar corporations, and may make all necessary by-laws, not repugnant to the laws of this Commonwealth.

Power to hold real and personal estate.

SEC. 2. *Be it further enacted*, That David Look may call the first meeting of said corporation, by giving personal notice of the time and place thereof to each of the persons named in this act, seven days at least previous to the time of said meeting.

First meeting.

[Approved by the Governor, March 7, 1833.]

CHAP. LXXX.

An Act to incorporate the First Methodist Episcopal Society in 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 William Daggett, Jr., Freeman Norton, Thomas West, their associates and successors, be, and they hereby are incorporated into a society by the name of the First Methodist Episcopal Society in Tisbury, with all the powers, privileges and immunities to which religious societies are entitled by the constitution and laws of this Commonwealth, and with power to make all neces-

Persons incorporated.

sary by-laws and regulations not repugnant to the constitution and laws of this Commonwealth.

First meeting.

SEC. 2. *Be it further enacted*, That William Daggett, Jr., is hereby authorized to call the first meeting of said society, by posting up his notice at the door of the meeting house, in Holmes' Hole, seven days at least before such meeting, specifying the time, place, and purposes of the same.

[Approved by the Governor, March 7, 1833.]

CHAP. LXXXI.

An Act in addition to An Act to regulate the Administration of Justice in the town of Salem.

Administration of
justice in Salem.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the Justice of the Police Court, within and for the town of Salem, shall have original jurisdiction of all civil suits and actions, of which justices of the peace in the county of Essex may or shall have cognizance in concurrence with said justice, and exclusive jurisdiction of all such suits and actions where the plaintiff and defendant reside in said town of Salem, and service of the writ is had on the defendant in said county; and no justice of the peace shall have cognizance of such suits and actions within said town; and so much of the first section of the act to which this is in addition, as provides that said police court shall have original exclusive jurisdiction and cognizance

of all civil suits and actions, which might previously have been heard, tried and determined before any justice of the peace, within said town of Salem, be, and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That said justice be, and he is hereby authorized, when he shall deem it advisable, to commit all persons convicted by said court of the offences described in the second section of the statute of one thousand seven hundred and eighty-seven, chapter fifty-four, to the work-house in Salem, instead of the house of correction as is now required, and for the same time they may now be committed to the house of correction, to be kept and governed in said work-house according to the rules and regulations which are or may be established for the government of said house, and at the expense of said town of Salem.

Justice may commit offenders to work-house.

SEC. 3. *Be it further enacted*, That it shall be lawful for the justice of said court at his discretion, to discharge any person from imprisonment, who shall have been confined under sentence of any court for three months or more, in default of payment of fine and costs only, when it shall be made to appear to him that such person is unable to pay said fine and costs.

Justice may at his discretion discharge any person from imprisonment.

SEC. 4. *Be it further enacted*, That in all cases arising in the town of Salem under the statute of one thousand eight hundred and thirty-two, chapter one hundred and sixty-six, said police court shall be held to be a court of competent jurisdiction, except when the fine, forfeiture or penalty exceeds twenty dollars. *Provided*, that said court shall not have power to sentence to imprisonment under said act, and an appeal shall lie therefrom to the next court of common pleas in the county of Essex.

Court to be of competent jurisdiction.

Time of holding
court.

SEC. 5. *Be it further enacted,* That from and after the first day of April next, said police court shall be held on the second and fourth Mondays of each month, at ten of the clock in the forenoon, to take cognizance of civil suits and actions, and that all writs and processes returnable to said court shall be made returnable on the days and at the hour above mentioned.

[Approved by the Governor, March 7, 1833.]

CHAP. LXXXII.

An Act to incorporate the Union Wharf Company in the town of Provincetown.

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 Jonathan Nickerson, Thomas Nickerson, Stephen Nickerson and Samuel Soper, with their associates, successors or assigns, be, and they hereby are incorporated and made a body politic, by the name of "The Union Wharf Company in Provincetown," and by that name may sue and be sued, plead and be impleaded, may have a common seal, and the same may alter at pleasure, and shall have power to appoint such officers and make such by-laws as may be necessary, not inconsistent with the laws of this Commonwealth. And the property of said company shall be held in shares, of such number and value as said company at their first meeting shall determine, and may be increased in value or number at such times,

Shares.

and in such manner, as shall be established by the by-laws of said company, and each shall be entitled to one vote, *provided* that no member shall be allowed more than ten votes, and each member may vote by proxy : *and provided*, that the amount of real and personal estate held by said company shall not exceed the sum of thirty thousand dollars.

Real and personal estate.

SEC. 2. *Be it further enacted*, That the said company be, and the same hereby is declared and made capable in law, to have, hold and possess, by fee simple, leasehold or otherwise, all or any part of that certain real estate, situate in said Provincetown, bounded and described as follows, to wit : westerly by land of Jonathan Nickerson, northerly by a road or highway, easterly by land of Thomas Nickerson, and extending into the harbour of said town, with a wharf and store upon the same ; and said company shall have power to continue and extend the said wharf into the harbour of said Provincetown, to the distance of seventy-five rods from high water mark, and shall be also empowered to build and erect such wharf, or continue the said wharf, which is already erected upon the said premises, to a width not exceeding four rods, and shall be entitled to all the rights, easements, privileges and appurtenances to the said premises belonging : *provided*, the lawful owners of said property shall legally convey the same to said Union Wharf Company. And said company shall have and enjoy the right to lay vessels at the sides and ends of their said wharf, and receive dockage and wharfage therefor ; also to grant, sell and alien their corporate property, or any part thereof, and to lease, manage and improve, build, rebuild, pull down or alter the same : *provided*, that the rates of wharfage and dockage,

May hold and possess certain real and personal estate, &c.

Privileges.

established by said company, shall not exceed the usual rates of wharfage and dockage in the city of Boston.

Forms of certificates.

SEC. 3. *Be it further enacted,* That the said company shall agree upon the forms of certificates to be given to the proprietors or members of said company, and the shares in said company shall be deemed and considered personal estate, and shall be transferable by assignment on the back of the certificate, recorded by the clerk of the corporation in a book to be kept for that purpose, and shall be liable to attachment on mesne process, and sale on execution, in the same manner, and according to the form of the statutes, making provision for the attachment and sale of shares of debtors in corporate companies.

Assessments.

SEC. 4. *Be it further enacted,* That the said company shall have power, from time to time, to assess on the stockholders such sums of money, not exceeding in the whole three hundred dollars on each share, for the purchase, improvement, and good management of their estate, and for removing, constructing, erecting, repairing, or altering any buildings, wharf, docks, streets or passageways on the said premises, or for the improvement and management of the corporate property and estate agreeably to the true intent of this act. And in case any proprietor shall refuse or neglect to pay any assessment, the said company may cause such of the shares of such proprietors as may be sufficient therefor to be sold at public auction, to the highest bidder, after thirty days notice, to be given by posting up notices in two public places at least, in said town, and after deducting the amount assessed and unpaid, together with charges of sale, the surplus, if any, shall be paid over to such proprietor; and the purchaser of

Neglect or refusal to pay assessments.

such share or shares, so sold, shall be entitled to receive a certificate of the same.

SEC. 5. *Be it further enacted*, That either of the persons named in the first section of this act may call the first meeting of said company, by giving ten days notice to each member, either in person, or by leaving at his last and usual place of abode a written or printed notice. First meeting.

SEC. 6. *Be it further enacted*, That nothing in this act contained shall be construed to authorize said corporation to interfere with the rights of any person or persons whatsoever. Nothing in this act to be taken to interfere with any person's rights.

[Approved by the Governor, March 7, 1833.]

CHAP. LXXXIII.

An Act concerning 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 hereafter, all corporations, created by act of the legislature, shall, unless other provision be specially made, be capable, in their corporate name, to sue and be sued, appear, prosecute and defend to final judgment and execution, in any courts of record, or in any other place whatever; to have a common seal, which they may alter at pleasure; to elect, in such manner as they shall determine to be proper, all needful officers, to fix their compensation, and to define their duties and obligations; and to make by-laws and regulations, consistent with the consti- May sue and be sued, &c.

tution and laws of the Commonwealth, for their own government, and for the due and orderly conducting of their affairs, and the management of their property.

First meeting.

SEC. 2. *Be it further enacted*, That the mode of calling the first meeting of all corporations, unless otherwise specially provided for, shall be by a notice, setting forth the time, place and purposes of the meeting, signed by any one or more of the persons named in the act of incorporation, and seven days at least previously to the meeting, delivered to each member, or published in some newspaper or newspapers in the county where the corporation may be established, or if there be no newspaper in the county, then, in some adjacent county, in a newspaper or newspapers convenient and adequate for the purpose : *provided*, that the notice of the first meeting of religious societies, may be affixed to the door, or some other conspicuous part of their meeting house.

SEC. 3. *Be it further enacted*, That nothing contained in this act shall affect any existing provisions of law, touching the subject matter thereof.

[Approved by the Governor, March 8, 1833.]

CHAP. LXXXIV.

An Act to incorporate the Second Baptist 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 Etheridge Clark, Jr., Calvin Woodward, 2d, Thomas C. Brown, and their associates, successors and assigns, be, and they hereby are incorporated as a religious society, by the name of the Second Baptist Society in Taunton, with all the privileges, powers and immunities to which other religious societies in this Commonwealth are, by law, entitled, and may hold, purchase and receive, by gift or otherwise, real estate, not exceeding ten thousand dollars in value, and personal estate, not exceeding eight thousand dollars in value. And Etheridge Clark, Jr., is hereby authorized to call the first meeting of said society, for the choice of officers, and for the organization thereof, by giving public notice in one of the newspapers printed in Taunton, of the time and place of said meeting.

Persons incorpo-
rated.

First meeting.

[Approved by the Governor, March 9, 1833.]

CHAP. LXXXV.

An Act in addition to "An Act for the government and regulation of the State Prison."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That whenever any person shall, upon conviction of any crime, before any court of competent jurisdiction, be duly sentenced to punishment therefor, by confinement to hard labor in the State Prison of this State, for one year or more, and shall have been before sentenced to a like punishment by any court of this State, or any other of the United States, for a period of not less than one year, and shall have been discharged from such former sentence, in due course of law, whether any such convict shall have been pardoned or not, he shall be sentenced to solitary imprisonment not exceeding thirty days, and to confinement to hard labor not exceeding seven years, in addition to the punishment prescribed by law for the offence for which he shall be tried. And, in case such convict shall have been twice before convicted and sentenced to the State Prison of this State, or of any other of the United States, in manner aforesaid, and twice discharged therefrom, and the same shall be alleged and proved to the court having jurisdiction of the case, the party may be sentenced to, and punished by confinement to hard labor for life, or for a period not less than seven years, at the discretion of the court, which may, or shall decree the additional sentence, by

Punishment for second offence.

Punishment for third offence.

virtue of the twentieth section of the act to which this is in addition, and by solitary imprisonment as is herein before provided.

SEC. 2. *Be it further enacted*, That the act of 1832, chapter 73, be, and the same is hereby repealed. Act of 1832 repealed. But no judgment which has already been duly rendered, under, and pursuant to the same, shall be thereby vacated, but the same shall be and remain in full force.

[Approved by the Governor, March 9, 1833.]

CHAP. LXXXVI.

An Act to incorporate the Boston Copper Mining 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 Reynolds, John Heard, Jr., Isaac Tyson, Jr., William B. Reynolds, and Amos Binney, and their associates, successors and assigns, be, and they hereby are made a corporation by the name of the Boston Copper Mining Company, for the purpose of mining, making and vending copper, and they shall have all the powers and privileges, and be subject to all the duties and requirements contained in the act passed the twenty third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled "an act defining the general powers and duties of manufacturing corporations." Persons incorporated.

Real estate.

SEC. 2. *Be it further enacted,* That the said corporation may lawfully hold and manage such real estate not exceeding in value one hundred thousand dollars, and such personal estate, not exceeding two hundred thousand dollars, as may be necessary for carrying into effect the purposes of this act.

Certificates.

SEC. 3. *Be it further enacted,* That the certificates respecting the capital stock, required by the aforesaid act to be filed, and recorded in the Registry of deeds, shall be made by the officers of this corporation, and shall be filed and recorded in the registry of deeds for the county of Suffolk, and in the county where the major part of the real estate belonging to the corporation may be situated, and the first meeting of said corporation shall be holden at Boston, at such time and place as shall be appointed by a majority of the persons named in this act, and, at such meeting, the said corporation may be duly organized upon a notice thereof being given in some newspaper printed in Boston three days at least before the time of meeting.

[Approved by the Governor, March 9, 1833.]

CHAP. LXXXVII.

An Act to incorporate the Hopewell 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 A. Eliot, Edmund Dwight, James K. Mills, Charles Rich-

Persons incorpo-
rated.

mond, Samuel Crocker, and Harrison G. Otis, their associates, successors and assigns, be, and they hereby are made a corporation by the name of the Hope-well Company, for the purpose of manufacturing cotton and machinery therefor, in the town of Taunton in the county of Bristol, and for those purposes shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act entitled "an act defining the general powers and duties of manufacturing corporations," passed the twenty third day of February, in the year of our Lord one thousand eight hundred and thirty.

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 two hundred thousand dollars, and such personal estate not exceeding the value of two hundred thousand dollars, as may be necessary and convenient for the purposes aforesaid.

Real and personal estate.

[Approved by the Governor, March 11, 1833.]

CHAP. LXXXVIII.

An Act relating to the surviving of petitions to the County Commissioners for Juries.

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 petition for a jury to alter or discontinue any highway, or to estimate damages, or for a committee, if the same is or

Abatement of petitions.

shall be agreed upon, which is, or may hereafter be pending, shall abate by the death of the petitioner or petitioners, but the executor or administrator of such deceased petitioners, or the heirs or devisees, (if they shall be the persons in interest) shall be permitted, on motion, to appear and prosecute such petition, in the same manner, and to the same extent, as said petitioners might have done if living.

Persons who are joined in petitions, and are deceased, executors may prosecute petition, &c.

SEC. 2. *Be it further enacted,* That, where any two or more persons have been, or shall hereafter be joined, in such petition, and any one or more of them is, or may hereafter be deceased, and the executors, administrators, heirs or devisees of such petitioners shall neglect to appear, after due notice being given as aforesaid, the surviving petitioner or petitioners may prosecute said petition to effect, and none of their rights or interests shall in any way be affected or impaired by such decease or neglect; and all petitions which are now, or shall hereafter be pending, shall be so far continued, as to give to the parties interested therein the full benefit of this act.

[Approved by the Governor, March 11, 1833.]

CHAP. LXXXIX.

An Act in addition to “the several Acts imposing a duty on sales at auction.”

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, in lieu of all duties heretofore imposed by law on sales at auction or public vendue, of stock or shares in the corporate property of turnpike, bridge, canal, rail road and rail way companies, and in incorporated athenæums and libraries, there shall be paid one tenth of one per centum on the amount of such sales, any thing in the act or acts to which this is in addition to the contrary notwithstanding.

Duty of one tenth of one per centum on the amount of sales to be paid.

[Approved by the Governor, March 11, 1833.]

CHAP. XC.

An Act in addition to “An Act to incorporate certain persons Trustees to manage a fund for the permanent support of a school in district No. 3, in the town of Blandford, 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 all the persons

All persons residing within district shall constitute the board of trustees.

who now are, or may hereafter become resident freeholders within the limits of school district No. 3, in the town of Blandford, as said district was established at the time of the passage of the act to which this is in addition, shall constitute the board of trustees for all the purposes mentioned in said act, and shall be members thereof as long as they shall continue to be resident freeholders of the said district, and no longer, any thing in the act to which this is in addition to the contrary notwithstanding.

Committee.

SEC. 2. *Be it further enacted,* That said trustees may, at their annual meeting in the month of April, choose a committee of three persons, who shall have power to call meetings of said trustees, and to perform any of the duties devolving upon said corporation by the act aforesaid, which the said trustees, at any regular meeting, may authorize and empower them to perform, the persons so chosen giving bond, if required, at the discretion of the trustees, for the faithful performance of their duty, any thing in the act to which this is in addition to the contrary notwithstanding.

[Approved by the Governor, March 11, 1833.]

CHAP. XCI.

An Act in addition to an Act to establish the Boston and Worcester Rail Road Corporation.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the further term of two years be granted to the Boston and Worcester Rail Road Corporation to file the location of the route of their rail road, as provided for in the twelfth section of the act establishing said corporation.

Further term of two years granted to file location of the route.

SEC. 2. *Be it further enacted,* That in case the said corporation shall not be able to obtain the land or other property which they may take for said road, or for the proper construction and security thereof, by voluntary agreement with the owner or owners of said land or other property, the said corporation, as well as the said owner or owners, may apply to the county commissioners of the county where the said property is situate, to estimate the damages occasioned by taking the same. And, in case either party is dissatisfied with the estimate thus made by the commissioners, he or they may apply for a jury upon this subject at the next regular meeting of said commissioners. And no application to said commissioners to estimate said damages, shall be sustained, unless made within one year from the time of taking said property.

May apply to county commissioners to estimate damage occasioned by taking land.

Every thing in original act inconsistent with this act repealed.

SEC. 3. *Be it further enacted*, That every thing contained in the original act of incorporation inconsistent with the provisions of this act, be, and the same is hereby repealed.

[Approved by the Governor, March 11, 1833.]

CHAP. XCII.

An Act in addition to "An Act to incorporate the President, Directors and Company of the Mercantile Bank, in the city of Boston."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and* Change of name. *by the authority of the same*, That the corporation, created by the act to which this is in addition, by the name of the "President, Directors and Company of the Mercantile Bank in the city of Boston," shall hereafter be known by the name and title of the President, Directors and Company of the Granite Bank.

Part of former act repealed.

SEC. 2. *Be it further enacted*, That so much of the act to which this is in addition as requires that the whole capital stock of said corporation shall be paid in within one year from the passing of the said act, be, and the same hereby is repealed; and that the payment of the whole of said capital stock may be made at any time on or before the first Monday of October, in the year of our Lord one thousand eight hundred and thirty-three.

[Approved by the Governor, March 11, 1833.]

CHAP. XCIII.

An Act to incorporate the Proprietors of the Washington street Christian Meeting House in Fairhaven.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Noah Stoddard, ^{Persons incorporated.} Jabez Delano, Jr., and Joseph Bates, their associates and successors, be, and they are hereby incorporated as a religious society, by the name of the Proprietors of the Washington street Christian Meeting House in Fairhaven, with all the privileges, powers and immunities to which other religious societies in this Commonwealth are, by law, entitled; and with liberty to hold and possess, in their corporate capacity, real estate in Fairhaven, to the value of twelve thousand dollars, and personal estate to the value of ten thousand dollars.

SEC. 2. *Be it further enacted,* That said corporation ^{Assessments.} may assess upon the pews in their meeting house, according to a valuation of said pews, which shall be agreed upon by said corporation previous to such assessment, such sums of money, not exceeding one thousand dollars per annum, as shall hereafter be voted to be raised by said society, for the support of public worship, and for other purposes incident to the authority given by this act; and all assessments upon the pews as aforesaid, may be collected by the treasurer of said corporation, in the manner provided by "an act author-

izing the proprietors of churches, meeting houses, and other houses of public worship, to regulate and manage their property and interests therein," passed the twenty-fourth day of February, in the year of our Lord one thousand eight hundred and eighteen.

First meeting.

SEC. 3. *Be it further enacted,* That any one of the persons named in this act, may call the first meeting of said proprietors, by giving personal notice ten days previous thereto, of the time and place of said meeting.

[Approved by the Governor, March 11, 1833.]

CHAP. XCIV.

An Act to incorporate the South Reading Mechanic and Agricultural Institution.

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 Burrage Yale, John Clapp, Suel Winn, Jeremiah Green, Thomas Emerson, Jr., and Robert Rantoul, Jr., and their associates, with such as may hereafter associate with them, be, and they hereby are incorporated by the name of the South Reading Mechanic and Agricultural Institution, for the purpose of encouragement to agriculture and the mechanic arts, and for relieving the distresses of unfortunate mechanics and their families; and to have all the privileges usually given by acts of incorporation to charitable societies; and the said corporation may

hold and possess real estate, not exceeding the value of ten thousand dollars, and the annual income of its personal estate, shall not exceed the sum of five thousand dollars.

Real and personal estate.

SEC. 2. *Be it further enacted,* That Burrage Yale, and John Clapp, are hereby authorized to call the first meeting of said corporation, at such time and place as they shall appoint, by giving personal notice to each of their associates; at which meeting by-laws may be made, and the mode of calling future meetings regulated.

First meeting.

[Approved by the Governor, March 12, 1833.]

CHAP. XCV.

An Act concerning commitments to the State Lunatic Hospital.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the judges of probate in the several counties in the Commonwealth, excepting Suffolk, and, in the county of Suffolk, the judge of the municipal court, shall be, and they hereby are authorized to commit to the State Lunatic Hospital, any lunatic, who, in their opinion, is so furiously mad as to render it manifestly dangerous to the peace and safety of the community, that such lunatic should continue at large; and no tribunal other than the judicial officers herein before mentioned, and the supreme judicial court, and court of common pleas, shall

Judges of probate authorized to commit lunatics to hospital.

hereafter have power to order the commitment of any lunatic to said hospital; and all provisions of law inconsistent with this act are hereby repealed.

[Approved by the Governor, March 13, 1833.]

CHAP. XCVI.

An Act to incorporate the North American Steam Coach 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 Henry A. Breed, John Rayner, Robert Ralston, Jr., Richard M. Bouton, their associates, successors and assigns, be, and they hereby are made a body politic, by the name of the North American Steam Coach Company, for the purpose of purchasing and constructing carriages to be propelled by steam, using and improving the same upon common roads, or any other, with permission of the proprietors thereof, and providing all accommodations for their convenient use, in the transportation of passengers and merchandize, and shall have all the powers and privileges, and be subject to all the duties and requirements prescribed and contained in an act passed the twenty-third day of February, in the year of our Lord eighteen hundred and thirty, entitled an act defining the general powers and duties of manufacturing corporations, with authority to sue and be sued, to choose such officers, make such by-laws, and transact such other busi-

By-laws.

ness as the proper management of the affairs of said company may require : *provided*, the same are not repugnant to the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That said company may lawfully purchase, hold and convey real estate not exceeding the value of fifty thousand dollars, and personal estate not exceeding the value of fifty thousand dollars, as may be necessary and convenient to carry into effect the objects of this act.

Power to hold real and personal estate.

SEC. 3. *Be it further enacted*, That the name of said company shall be conspicuously affixed on all coaches or cars which may be used by them ; and if said company shall neglect to comply with this requirement, they shall be liable to forfeit and pay the sum of ten dollars for each and every day during which any of their said cars and carriages may be employed in the transportation of passengers or property, without having their said names so affixed thereto, which forfeiture may be sued for and recovered in any court of competent jurisdiction, by the person who shall sue for the same, to his own use, and said company shall be responsible for all baggage or other property committed to their agents, to be conveyed on any of their routes, or any part thereof.

Name of company to be affixed on all coaches or cars which may be used by them.

SEC. 4. *Be it further enacted*, That all the real estate which said corporation is authorized by this act to hold and possess, shall be situated in the counties of Suffolk or Essex.

Real estate to be situated in the counties of Suffolk or Essex.

SEC. 5. *Be it further enacted*, That nothing contained in this act shall authorize the company hereby incorporated to construct any new road, to use any road belonging to any incorporated company, without the consent of such company, or to

Company not to construct any new road, &c.

impede, obstruct or hinder any other persons having occasion to travel or do business on the roads where the engines of the company may be used, but the company shall be liable to an action or indictment for any injury they may occasion, in the same manner as if this act had not been passed.

Conditions of this act.

SEC. 6. *Be it further enacted*, That if the company hereby created be not organized, and have not steam coaches in actual operation within two years from the passing of this act, then this act shall be void and of no effect.

First meeting.

SEC. 7. *Be it further enacted*, That Henry A. Breed, or any other person named in this act, is hereby authorized to call the first meeting of said company, by written notice thereof, delivered to each member of said company, four days at least before the time of holding the same.

[Approved by the Governor, March 14, 1833.]

CHAP. XCVII.

An Act to incorporate the Packet 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 William B. Reynolds, John A. McGaw, Charles O. Whitmore, Josiah Stickney, and Henry Lincoln, and their associates and successors, be, and they are hereby made a body politic, by the name of the Packet Insurance Company, for the purpose of making maritime loans, and insurance against maritime

losses, and insurance against losses by fire, in the customary manner, with all the privileges, and subject to all the duties and obligations contained in a law 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 an act in addition thereto, passed March sixth, in the year of our Lord one thousand eight hundred and thirty-two, entitled an act in addition to an act to define the powers, duties and restrictions of insurance companies, 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 after the passing of this act.

SEC. 2. *Be it further enacted,* That said corporation may purchase, hold and convey any estate, real or personal, for the use of said company: *provided,* that the 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 money due to said company.

Real and personal estate.

SEC. 3. *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, and shall all be collected and paid in, in such instalments, and under such provisions and penalties as the president and directors of said company shall order and appoint.

Capital stock.

SEC. 4. *Be it further enacted,* That the Packet Insurance Company shall be located in the city of Boston.

Location.

[Approved by the Governor, March 14, 1833.]

CHAP. XCVIII.

An Act to dissolve the Second Massachusetts Turnpike Corporation.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Second Massachusetts Turnpike Corporation, be, and the same is hereby dissolved ; and said corporation are hereby forever discharged from all liability to maintain and keep in repair said turnpike road, any thing in the act of incorporation, passed on the eighth day of March, in the year of our Lord one thousand seven hundred and ninety-seven, and the several acts in addition thereto, to the contrary notwithstanding.

Corporation dissolved.

[Approved by the Governor, March 14, 1833.]

CHAP. XCIX.

An Act in addition to An Act to incorporate the Franklin Laboratory.

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 Franklin Laboratory be, and they are hereby authorized to hold real estate necessary for the purpose of prosecuting the business of said cor-

Stockholders

poration to an amount not exceeding fifteen thousand dollars, and personal estate for the same purpose, not exceeding thirty thousand dollars in value, and the capital stock of said corporation is hereby increased to the amount of the before named sums.

[Approved by the Governor, March 14, 1833.]

CHAP. C.

An Act in addition to the several acts 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 after the decease of any alien intestate, in this Commonwealth, leaving no widow or next of kin in said Commonwealth, administration of such intestate's goods and estate, shall, within thirty days be granted unto the consul or vice consul, who shall have been duly appointed for said Commonwealth by the government in which said deceased alien shall have been born, and who shall have been recognized as such by the President of the United States. And after thirty days from the death of such alien, in case the said consul and vice consul shall refuse or neglect to take out letters of administration, the said judge of probate may commit administration of such estate to some one or more of the principal creditors, and in case of their refusal or neglect to take such administration, to

Decease of an
alien intestate
leaving no
widow.

such other person or persons as the said judge shall think fit. And the like proceedings shall be had in such cases as are provided in and by the said several acts to which this is an addition.

[Approved by the Governor, March 14, 1833.]

CHAP. CI.

An Act concerning Clerks of the Supreme Judicial 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 respective Clerks of the Supreme Judicial Court of this Commonwealth shall account for and pay over all fees received by them, which are now by law to be paid to the justices of said court, in the same manner, and under the same penalties for neglect that they are now by law required to account for and pay over fees by them received as clerks of the court of common pleas, and that the respective county treasurers shall be held to account with the treasurer of the Commonwealth for all sums received by them, by virtue of this act.

Clerks to account
for fees.

SEC. 2. *Be it further enacted,* That so much of the statute of seventeen hundred and ninety-five, chapter forty-one, and so much of all other acts, as are inconsistent herewith, be, and the same hereby are repealed.

Former acts re-
pealed.

[Approved by the Governor, March 14, 1833.]

CHAP. CII.

An Act in addition to “ 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 it shall hereafter be the duty of the several collectors of state and county taxes in the several towns and districts in this Commonwealth, whether the time for which they were respectively chosen shall have expired or not, twice in each year, viz. once in the month of February, not more than twenty days, nor less than fifteen days before the first Monday in March, and once in the month of October, not more than twenty days, nor less than fifteen days before the second Monday of November, to return to the selectmen of the town or district in which they reside, a true and accurate list of all persons from whom they shall have received payment of any state or county tax subsequent to the time of making the next preceding return ; and the penalties for the neglect of the duties aforesaid, and the process of recovering such penalties shall be the same as those provided by the sixth section of the act to which this is in addition.

Duty of collectors,

SEC. 2. *Be it further enacted,* That it shall hereafter be the duty of the selectmen of the several towns and districts to make out and post up alphabetical lists of voters, ten days at least before the second Monday of November annually, in the same manner they are now required by law to make out and post up the same ten days at least before the first Monday of March.

Duty of selectmen.

[Approved by the Governor, March 14, 1833.]

CHAP. CIII.

An Act authorizing Pain G. Atwood to build a
Bridge in Wellfleet.

Persons author-
ized.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Pain G. Atwood be, and he is hereby authorized to build a bridge over the north west arm of Duck Creek in the town of Wellfleet, from Atwood's Wharf on Mayo's Beach, to the landing at Milton's Hill, provided a suitable draw be constructed, not less than eighteen feet in width, the under part of which shall be three feet above the ordinary high water level.

[Approved by the Governor, March 14, 1833.]

CHAP. CIV.

An Act to incorporate the Tenean Free Bridge
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 Israel Lombard, Josiah Stickney, and Elisha Preston, together with their associates, successors and assigns, be, and they hereby are made a corporation by the name of "The Tenean Free Bridge Company," with the authority,

and for the purpose of building a bridge over Mill Creek, from Leeds' Neck, to Bark Warwick Street, so called, in Dorchester.

SEC. 2. *Be it further enacted,* That said corporation shall have three years from the passage of this act to erect and complete said bridge, that the same shall be built and maintained at their expense, and shall be kept at all times passable, safe and convenient for passengers free of toll; that the same shall be constructed not less than thirty feet in width, with sufficient railings on each side, and with a draw not less than twenty feet wide in the clear, in the most suitable place for the passage of vessels, which draw shall be raised at all times, on reasonable request, by an agent of the corporation.

Corporation to have three years to complete bridge.

SEC. 3. *Be it further enacted,* That said corporation shall be liable for all damages to travellers over said bridge, happening through any defect of the same, in the same way and manner as towns are liable for defects in public highways and bridges.

Damages.

SEC. 4. *Be it further enacted,* That either of the persons named in the first section of this act, may call the first meeting of said corporation, by publishing notice thereof in one of the newspapers printed in the city of Boston, or posting the same in two or more public places in said town of Dorchester seven days before said meeting.

First meeting.

[Approved by the Governor, March 14, 1833.]

CHAP. CV.

An Act to incorporate the Cambridge Mutual Fire Insurance 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 Childs, Phinchas B. Hovey, and William Fiske, their associates, successors and assigns, be, and they hereby are made a corporation, by the name of the Cambridge Mutual Fire Insurance Company, with all the powers and requirements contained in "an act concerning corporations," passed March eighth, one thousand eight hundred and thirty-three, for the term of twenty-eight years.*

When subscrip-
tion amounts to
one hundred
thousand dollars.

SEC. 2. *Be it further enacted, That whenever a sum amounting to one hundred thousand dollars shall be subscribed to be insured, the said corporation may insure any buildings, goods or chattels whatsoever, to any amount not exceeding three fourths of the value thereof, and for any term not less than one year, nor greater than seven years.*

Officers.

SEC. 3. *Be it further enacted, That said corporation may choose such officers as may be deemed necessary; may establish such by-laws and regulations for the government and management of their affairs, as shall not be repugnant to the constitution and laws of this Commonwealth, and that each member of said corporation may vote by proxy, and be entitled to as many votes as he has policies.*

SEC. 4. *Be it further enacted,* That the funds Funds. of said corporation shall first be appropriated to pay the expenses thereof, and then to the payment of damages which any member may be entitled to recover on his policy ; and when the just demand of any member against the corporation shall exceed the amount of its funds, such sum as may be necessary to pay the same, shall, without delay, be assessed on the members, in proportion to, but not to exceed three times the amount of their premiums and deposits for seven years.

SEC. 5. *Be it further enacted,* That any person Execution, how levied. who may recover judgment against the said corporation, may levy his execution on his estate or funds ; but if sufficient estate or funds cannot be found, and the corporation neglect or refuse to satisfy the same for the space of sixty days after demand made upon the presiding or recording officer, or the treasurer thereof, then such judgment creditor may levy his execution upon the private property of any one or more of the members ; and any person whose property may be so taken, shall be entitled, by an action on the case, to recover full and adequate compensation therefor.

SEC. 6. *Be it further enacted,* That the property Policies subject to a lien. insured in any policy issued by the said corporation, and the land under the same, if a building, shall be thereby subjected to a lien for the payment of the premium stipulated in and of all assessments lawfully made by virtue of such policy ; and the said corporation, in addition to such lien, may take such other collateral security as it may deem proper.

SEC. 7. *Be it further enacted,* That whenever Member neglecting to pay premium, &c. any member of the said corporation shall neglect

or refuse to pay any sum which may be due from him by way of premium, assessment or otherwise, and the said corporation shall commence an action therefor, the lien above mentioned shall be the same, and the property subject thereto shall be taken and appropriated to satisfy any execution recovered in such action, in the same manner, and not otherwise, as if it were attached upon the original writ therein.

[Approved by the Governor, March 14, 1833.]

CHAP. CVI.

An Act authorizing Elisha Luce, and Theophilus Pitcher, Jr., to build a Wharf in Rochester.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Elisha Luce, and Theophilus Pitcher, Jr., be, and they are hereby authorized and allowed to build a wharf on and from their land adjoining Sippican Harbor, at a place called the "old landing," at the head of said harbor, in Rochester, and to extend the same to the edge of the channel: provided, that said wharf shall not approach nearer than fifty feet to the wharf of David Hathaway and others, when the same shall be extended, and that said wharf herein authorized to be built, shall not, with a vessel lying at the end thereof, prevent the access of vessels to the wharf of said Hathaway and others: and fur-

Persons incorporated.

ther provided, that this grant shall in no wise interfere with the legal rights of any other person or persons whatsoever.

[Approved by the Governor, March 14, 1833.]

CHAP. CVII.

An Act to incorporate the First Unitarian Religious Society of Braintree and Weymouth.

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 Whittemore, Amos W. Stetson, and Whitcomb Porter, 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 First Unitarian Religious Society of Braintree and Weymouth, with all the powers and requirements incident to religious societies, and those contained in "an act concerning corporations," passed March eighth, one thousand eight hundred and thirty three.

Persons incorporated.

SEC. 2. *Be it further enacted*, That the said society may take, hold, and dispose of estate, real, personal and mixed, the annual income of which, exclusive of their meeting-house, shall not, at any time, exceed two thousand dollars.

Real and personal estate.

[Approved by the Governor, March 14, 1833.]

CHAP. CVIII.

An Act to incorporate the First Universalist Society
in the town of Quincy.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 Ebenezer Bent, George M. Briesler, and Silas Leonard, 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 First Universalist Society in the town of Quincy, with all the powers and requirements incident to religious societies, and those contained in "an act concerning corporations," passed March eighth, one thousand eight hundred and thirty three.

Real and person-
al estate.

SEC. 2. *Be it further enacted,* That said society may receive, hold and possess real estate to the amount of twenty thousand dollars, and personal estate to the amount of two thousand dollars. *Provided* the income arising from the same shall be appropriated exclusively to parochial purposes.

[Approved by the Governor, March 14, 1833.]

CHAP. CIX.

An Act to establish the Andover and Wilmington
Rail Road Corporation.

SEC. 1. **B**E *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Mark Newman, Paschal Abbot, Francis Kidder, Amos Abbott, Hobart Clark, James Locke, John Flint, Amos Blanchard, Samuel Farrar, John Smith, 2d, Merrill Pettengill, Aaron Green, their associates, successors and assigns, be, and they hereby are made a body politic and corporate, under the name of the Andover and Wilmington Rail Road Corporation, with the powers and requirements contained in "an act concerning corporations," passed March eighth, in the year of our Lord one thousand eight hundred and thirty-three. And the said corporation are hereby empowered to locate, construct, and finally complete a rail road, commencing at or near the south parish meeting house, in Andover, and thence to the Boston and Lowell rail road, in Wilmington, in the county of Middlesex, so as to form a branch thereof, in such manner and form as they shall deem most expedient; and for this purpose the said corporation are authorized to lay out their road at least four rods wide through the whole length; and for the purpose of cuttings, embankments, stone and gravel, may take as much more land as may be necessary for the proper construction and security of said road. *Provided,*

Persons incorporated.

Road, where located.

Proviso. See
section sixth.

however, that all damages that may be occasioned to any person or corporation, by the taking of such land or materials for the purpose aforesaid, shall be paid for by said corporation in the manner hereinafter provided.

Shares.

SEC. 2. *Be it further enacted*, That the capital stock of said corporation shall consist of one thousand shares; and the immediate government and direction of the affairs of said corporation shall be vested in five directors, who shall be chosen by the members of the corporation in the manner prescribed in their by-laws, and shall hold their offices until others shall be duly elected and qualified to take their place as directors; and the said directors, a majority of whom shall form a quorum for the transaction of business, shall elect one of their own number to be president of the board, (who shall also be president of the corporation,) and shall have authority to choose a clerk, who shall be sworn to the faithful discharge of his duty, and a treasurer, who shall give bonds to the corporation, with sureties to the satisfaction of the directors, in a sum not less than five thousand dollars, for the faithful discharge of his trust.

President and directors empowered, &c.

SEC. 3. *Be it further enacted*, That the president and directors for the time being, are hereby empowered, by themselves or their agents, to exercise all the powers herein granted to the corporation, for the purpose of locating, constructing and completing said rail road; and all such other powers and authority for the management of the affairs of the corporation, not heretofore granted, as may be necessary and proper to carry into effect the objects of this grant; to purchase and hold land, materials, and other necessary things in the

name of the corporation, for the use of said road ; to make such equal assessments, from time to time, Assessments. on all the shares in said corporation, as they may deem expedient and necessary in the execution and progress of the work, and direct the same to be paid to the treasurer of the corporation. And the treasurer shall give notice of all such assessments ; and in case any subscriber or stockholder shall neglect to pay his assessment for the space of thirty days, after due notice by the treasurer of said corporation, the directors may order the treasurer to sell such share or shares at public auction, after giving due notice thereof, to the highest bidder, and the same shall be transferred to the purchaser ; and such delinquent subscriber or stockholder shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the assessments due thereon, with the interest and costs of sale ; and shall be entitled to the overplus, if his share or shares shall sell for more than the assessments due, with interest and costs of sale. *Provided however,* that no assessments shall be laid upon any shares in said corporation, of a greater amount in the whole, than one hundred dollars on each share.

SEC. 4. *Be it further enacted,* That a toll be, Tolls. and hereby is granted and established for the sole benefit of said corporation, upon all passengers, and property of all descriptions which may be conveyed or transported upon said road, at such rates per mile as may be agreed upon and established from time to time by the directors of said corporation. The transportation of persons and property, the construction of the wheels, the form of cars and carriages, the weight of loads, and all other

Proviso reducing
the rates of toll.

matters and things in relation to the use of said road, shall be in conformity to such rules, regulations and provisions as the directors from time to time shall prescribe and direct, and said road may be used by any persons who shall comply with such rules and regulations : *provided however*, that if, at the expiration of ten years from and after the completion of said road, the net income or receipts from the tolls and other profits, taking the ten years aforesaid as the basis of calculation, shall have amounted to more than ten per cent. per annum upon the costs of the road, the legislature may take measures to alter and reduce the rate of tolls and other profits, in such manner as to take off the overplus for the next ten years, calculating the amount of transportation upon the road to be the same as in the ten preceding years ; and at the expiration of every ten years thereafter, the same proceedings may be had.

Toll-houses,
gates, &c.

SEC. 5. *Be it further enacted*, That the directors of said corporation for the time being, are hereby authorized to erect toll houses, establish gates, appoint toll gatherers, and demand toll upon the road when completed.

Damages.

SEC. 6. *Be it further enacted*, That the said corporation shall be holden to pay all damages that may arise to any person or persons, corporation or corporations, by taking their land or other property for said rail road, when it cannot be obtained by voluntary agreement, to be estimated and recovered in the manner provided by law for the recovery of damages happening by the laying out of highways.

Land of any
married woman,
infant, &c.

SEC. 7. *Be it further enacted*, That when the lands or other property of any married woman, infant, or person under guardianship, shall be neces-

sary for the construction of said rail road, the husband of such married woman, and the guardian of such infant or other person may release all damages for any lands or estates, taken and appropriated as aforesaid, as they might do if the same were holden by them, in their own right respectively.

SEC. 8. *Be it further enacted,* That if any person shall wilfully, maliciously or wantonly, and contrary to law, obstruct the passage of any carriage on said rail road, or in any way spoil, injure or destroy said rail road or any part thereof, or any thing belonging thereto, or any material or implement to be employed in the construction or for the use of said road, he, she or they, or any person or persons assisting, aiding or abetting 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 any court proper to try the same, by the treasurer of the corporation, or other officer whom they may direct, to the use of said corporation; and such offender or offenders shall be liable to indictment by the grand inquest for the county within which such trespass shall have been committed, for any offence or offences contrary to the above provisions, and on conviction thereof, before any court of Common Pleas, to be holden in said county, shall pay a fine, not exceeding one hundred dollars, and not less than thirty dollars, to the use of the Commonwealth, or may be imprisoned for a term not exceeding one year, at the discretion of the court before whom the conviction may be had.

Forfeiture for injury or obstruction of rail road.

SEC. 9. *Be it further enacted,* That at all meetings of said corporation, each proprietor shall be

Notes.

entitled to as many votes as he holds shares: *provided*, that no vote shall be given by any proprietor by virtue of any shares held by him, exceeding one tenth part of the whole number of shares.

If rail road cross
any private way,

or highway,
how to be con-
structed.

SEC. 10. *Be it further enacted*, That if the said rail road, in the course thereof, shall cross any private way, the said corporation shall so construct said rail road as not to obstruct the safe and convenient use of such private way; and if said rail road shall not be so constructed, the party aggrieved shall be entitled to his action on the case in any court proper to try the same, and shall recover his reasonable damages for such injury: and if said rail road shall, in the course thereof, cross any highway, the said rail road shall be so constructed as not to impede or obstruct the safe and convenient use of such highway. And the said corporation shall have the power to raise or lower such highway or private way, so that the said rail road, if necessary, may conveniently pass over or under the same; and if the said corporation shall raise or lower any such highway or private way, and shall not so raise or lower the same as to be satisfactory to the selectmen of the town in which said highway or private way may be situated, said selectmen may require in writing of said corporation such alteration or amendment as they may think necessary. And if the required amendment or alteration be reasonable and proper, and the said corporation shall unnecessarily and unreasonably neglect to make the same, such selectmen may proceed to make such alteration or amendment, and may institute and prosecute to final judgment and execution, in any court proper to try the same, any action of the case against said corporation, and shall therein recover a reasonable

indemnity in damage for all charges, disbursements, labor and services, occasioned by making such alteration or amendments, with costs of suit.

SEC. 11. *Be it further enacted,* That it shall be in the power of the government of the Commonwealth, at any time during the continuance of the charter hereby granted, after the expiration of twenty years from the opening of the said rail road for use, to purchase of the said corporation the said rail road, and all the franchise, property, rights and privileges of the said corporation, by paying them therefor the amount expended in making said rail road; and in case, at the time of making such purchase, the said corporation shall not have received a net income equal to ten per cent. per annum on the said expenditures, from the time of the payment thereof by the stockholders, by paying the said corporation such additional sum as, together with the tolls and profits of every kind which they shall have received from the said rail road, will be equal to a net profit of ten per cent. per annum on the cost of said rail road, from the date of the payment thereof by the stockholders of the said corporation to the time of such purchase. And it shall be the duty of said corporation, from year to year, to make a report to the legislature under oath, of their acts and doings, receipts and expenditures under the provisions of this act; and their books shall at all times be open to the inspection of any committee of the legislature appointed for that purpose, and if said corporation shall unreasonably neglect or refuse to make such report, at the expiration of every year after the opening of said rail road, for every such neglect or refusal they shall forfeit and pay to the use of the Commonwealth, a sum not exceeding ten

Government may
purchase rail
road, &c.

thousand dollars, to be recovered by action or indictment in any court of competent jurisdiction.

Conditions, &c.

SEC. 12. *Be it further enacted,* That if the amount of stock of said rail road shall not have been subscribed, the company organized, and the location of the route filed with the County Commissioners of the county in which the land proposed to be taken for said rail road is situate, previous to the first day of June, in the year of our Lord one thousand eight hundred and thirty-four, or if the said corporation shall fail to complete the said rail road on or before the first day of January, in the year of our Lord one thousand eight hundred and thirty-six, in either of the above mentioned cases this act shall be null and void.

Another rail road.

SEC. 13. *Be it further enacted,* That the said corporation are hereby authorized to enter with their rail road on such part of the Boston and Lowell rail road as shall be deemed most expedient, paying for the right to use the same or any part thereof such a rate of toll as the legislature may from time to time prescribe, complying with such rules and regulations as may be established by said Boston and Lowell Rail Road Corporation, by virtue of the fifth section of their act of incorporation.

Bridges.

SEC. 14. *Be it further enacted,* That said rail road company shall constantly maintain in good repair, all bridges, with their abutments and embankments, which they may construct, for the purpose of conducting their rail road over any canal, turnpike, or other highway, or any private way, or for conducting such private way, turnpike, or other highway over said rail road.

[Approved by the Governor, March 15, 1833.]

CHAP. CX.

An Act in addition to the several acts respecting
Highways.

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 act of eighteen hundred and eighteen, chapter one hundred and twenty-one, entitled “an act in addition to the several acts now in force, respecting highways,” be, and the same are hereby extended to all the towns and districts in this Commonwealth.

Provisions of act of 1818, to extend to all towns in Commonwealth.

[Approved by the Governor, March 15, 1833.]

CHAP. CXI.

An Act in addition to An Act to establish a Police Court in the town of Lowell.

BE *it enacted by the Senate and House fo Representatives in General Court assembled, and by the authority of the same,* That the act passed the second day of March, in the year of our Lord one thousand eight hundred and thirty-three, to establish a police court in the town of Lowell, shall take effect from and after the thirty-first day of said March, any thing in said act to the contrary notwithstanding.

Original act, when to take effect.

[Approved by the Governor, March 15, 1833.]

CHAP. CXII.

An Act to incorporate the North Christian Society
in New Bedford.

Persons incorp-
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 Perkins, James H. Collins, Mark B. Palmer, and their associates, together with such persons as may hereafter associate with them, and their successors, be, and they are hereby incorporated as a religious society, by the name of the North Christian Society in New Bedford.

May hold real,
personal or mixed
estate.

SEC. 2. *Be it further enacted,* That the said society shall have power to purchase, receive by gift, or otherwise, and hold any estate, real, personal or mixed, for the use of said society, and the same to sell, mortgage, or otherwise dispose of, as they may see fit: *provided,* said estate so held, shall, at no time, exceed in value the sum of fifty thousand dollars, and may sue and be sued by their corporate name, may have and use a common seal, elect such officers, and make and establish such by-laws, rules and regulations as to them may seem necessary and convenient for the government of said society, and the management of their affairs: *provided,* the same are not repugnant to the constitution and laws of this Commonwealth.

Assessments.

SEC. 3. *Be it further enacted,* That the said society shall have power to assess upon the pews, in any meeting house which they may erect, pur-

chase, or otherwise hold, according to a valuation of said pews, which shall be agreed upon by said society at any time previous to such assessment, such sums of money as shall hereafter be voted to be raised by said society, for the purpose of altering or repairing said meeting house, or other buildings of said society ; and all assessments upon the pews aforesaid, may be collected by the treasurer of said society, in the manner provided by " an act authorizing the proprietors of churches, meeting houses, and other houses of public worship to regulate and manage their property and interest therein," passed the twenty-fourth day of February, in the year of our Lord one thousand eight hundred and eighteen.

SEC. 4. *Be it further enacted,* That in all meetings of said society, held for the purpose of raising money, by assessment upon the pews in the meeting house of said society, the owner of a pew or pews in said meeting house shall be entitled to one vote for each pew so owned. Votes.

SEC. 5. *Be it further enacted,* That either of the three persons named in this act, may call the first meeting of said society for the choice of officers, and for the organization thereof, by giving public notice in one of the newspapers printed in New Bedford, of the time and place of said meeting. First meeting.

[Approved by the Governor, March 15, 1833.]

CHAP. CXIII.

An Act to incorporate the Herring River Company in the town of Harwich.

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 Job Chase, Jr., Elijah Chase, Anthony Kelley, Joseph Kelley, Joshua Wixon, Jr., and Richard Baker, their associates, successors and assigns, be, and they hereby are made a body politic, by the name of the "Herring River Company," with the powers and requirements contained in "an act concerning corporations," passed March eighth, one thousand eight hundred and thirty-three, for the purpose of deepening the channel, and improving the navigation and the alewife fishery of said river.

Assessments.

SEC. 2. *Be it further enacted,* That the property of said company shall be divided into one hundred shares, and all assessments made by said company for expenses, or for the erection or construction of works in conformity with the provisions of this act, or for the payment of damages recovered of this company, shall be equally apportioned upon all the shares of said company, and the private property of each member of said company shall be holden for the payment of all such assessments; and such assessments shall never exceed the sum of twenty dollars upon each share, except for the payment of damages which may have been recovered of said company; and the private property of each mem-

ber of said company, shall be holden for the payment of any debt or damage for which said company shall be liable.

SEC. 3. *Be it further enacted,* That the said company shall have power to construct and erect dams, locks, and other works across and upon said river, at suitable places, and also to erect piers, wharves, and dykes, at the mouth, and upon the banks of said river, for the purpose of deepening and preserving the channel, and facilitating the navigation and benefitting the alewife fishery on said river: *provided,* the said company shall not appropriate to its use any individual property, or infringe or trespass upon any private or corporate rights or privileges, or do any act to the prejudice of such rights or privileges, without paying a full and ample indemnity therefor to the individual or corporation sustaining the same: *and provided also,* that said dams shall be provided with locks of sufficient dimensions to allow the safe and convenient passage of vessels of sixty-five tons.

Power to construct and erect dams, &c.

SEC. 4. *Be it further enacted,* That said company may hold real estate, not exceeding in value one thousand dollars, and personal estate, not exceeding one thousand dollars, so far as may be necessary for carrying into effect the purposes of this act.

Real and personal estate.

[Approved by the Governor, March 15, 1833.]

CHAP. CXIV.

An Act to incorporate the Plymouth Marine 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 Barnabas Hedge, Jacob Covington, and their associates, successors and assigns, be, and they are hereby made a body politic, by the name of the Plymouth Marine Insurance Company, for the purpose of making maritime loans, and insurance against maritime losses, in the customary manner, with all the privileges, and subject to all the duties and obligations contained in a law 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 an act in addition thereto, passed March sixth, in the year of our Lord one thousand eight hundred and thirty-two, entitled “an act in addition to an act to define the powers, duties and restrictions of insurance companies,” for and during the term of twenty years from and after the passing of this act, and may purchase, hold and convey any estate, real or personal, for the use of said company: *provided,* that the real estate shall not exceed the value of ten thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said company.

Real and personal estate.

SEC. 2. *Be it further enacted,* That the capital Capital stock. stock of said company shall be one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and shall all be collected and paid in such instalments, and under such provisions and penalties as the president and directors of said company shall order and appoint.

SEC. 3. *Be it further enacted,* That the Ply- Location. mouth Marine Insurance Company shall be located in the town of Plymouth.

[Approved by the Governor, March 15, 1833.]

CHAP. CXV.

An Act to authorize the sale of Ministerial Land by the first parish in the town of Hopkinton.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the first parish in the town of Hopkinton is hereby authorized to empower the treasurer of said parish, for the time being, to sell any part, or the whole of their ministerial lands lying within the town of Hopkinton, and to make and execute a deed or deeds thereof, and invest the proceeds of the sale or sales of said lands in such manner as the said parish, by their vote, or by the direction of a committee thereto duly authorized by said parish, shall order and direct : *provided,* that the minister or ministers of said parish, for the time being, shall concur with said

Parish authorized to empower treasurer to sell lands.

parish in the sale of said lands, and join in the execution of any deed or deeds made for the conveyance thereof: *and provided also*, that the proceeds aforesaid shall be so invested that the income thereof only shall be applied for the support of the ministry in said parish.

[Approved by the Governor, March 15, 1833.]

CHAP. CXVI.

An Act to establish the Western Rail Road Corporation.

Persons incor-
porated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Nathan Hale, David Henshaw, George Bond, Henry Williams, Daniel Denny, Joshua Clapp, and Eliphalet Williams, their associates, successors and assigns, be, and they hereby are made a body politic and corporate, under the name of the Western Rail Road Corporation, with the powers and requirements contained in "an act concerning corporations," passed March eighth, A. D. eighteen hundred and thirty three. And the said corporation are hereby authorized to lay out and construct a rail road, from the western termination of the Boston and Worcester Rail Road, to the Connecticut river, in the town of Springfield, and across the said river to the western boundary of the State, in a direction towards the Hudson river, or to any other rail road which may

be constructed, leading from any part of the county of Berkshire to the said river, in such direction, and in such manner and form as they shall deem to be most expedient. And for this purpose, the said corporation are authorized to lay out their road, not exceeding five rods wide, through the whole length, and for the purpose of cuttings, embankments, and procuring stone and gravel, may take as much more land as may be necessary for the proper construction and security of said road. *Provided, however,* Damages. that all damages that may be occasioned to any person or corporation, by the taking of such land or materials for the purposes aforesaid, shall be paid for by said corporation in the manner herein after provided.

SEC. 2. *Be it further enacted,* That the capital Capital stock. stock of said corporation shall consist of not less than ten thousand, nor more than twenty thousand shares; and for the purpose of receiving subscriptions to the said stock, books shall be opened, under the direction of the persons named in the first section of this act, and of the directors, for the time being, of the Boston and Worcester Rail Road Corporation, at such time, and in such places in the city of Boston and elsewhere, as they shall appoint, to remain open for ten successive days, of which time and places of subscription, public notice shall be given in one or more newspapers published in the counties of Suffolk, Worcester, Hampden, and Berkshire, ten days at least previous to the opening of such subscription; and in case the amount subscribed shall exceed twenty thousand shares, the stockholders for the time being, in the Boston and Worcester Rail Road Corporation, shall be entitled, in preference to other subscribers, to hold any number of

First meeting.

shares subscribed for by them, not exceeding the number they may hold in the stock of the said Boston and Worcester Rail Road Corporation, and the remainder shall be distributed among all the subscribers, according to such regulations as the persons having charge of the opening of the subscription books shall prescribe. And any three of the persons named in the first section of this act are hereby authorized to call the first meeting of the said corporation, by giving notice in one or more newspapers published in each of the counties above named, of the time, place and purpose of such meeting, at least ten days before the time mentioned in such notice. And the immediate government of said corporation shall be vested in a board of not less than seven directors, who shall be chosen by the members of the corporation, in the manner hereinafter provided, and shall hold their offices until others shall be duly elected and qualified to take their places as directors, a majority of whom shall form a quorum for the transaction of business, and they shall elect one of their number to be the president of the board, who shall also be the president of the corporation, and shall have authority to choose a clerk, who shall be sworn to the faithful discharge of his duty, and a treasurer, who shall give bonds to the corporation with sureties to the satisfaction of the directors, in a sum of not less than twenty thousand dollars, for the faithful discharge of his trust.

President and directors empowered, &c.

SEC. 3. *Be it further enacted,* That the president and directors for the time being are hereby authorized and empowered, by themselves or their agents, to exercise all the powers herein granted to the corporation, for the purpose of locating, constructing and completing said rail road, and for the

transportation of persons, goods, and merchandize, and all such power and authority for the management of the affairs of the corporation as may be necessary and proper to carry into effect the objects of this grant ; to purchase and hold land, materials, engines, cars, and other necessary things in the name of the corporation, for the use of said road, and for the transportation of persons, goods and merchandize ; to make such equal assessments from Assessments. time to time, on all the shares in the said corporation, as they may deem expedient and necessary in the execution and progress of the work, and direct the same to be paid to the treasurer of the corporation. And the treasurer shall give notice of all such assessments ; and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares for the space of thirty days after due notice by the treasurer of said corporation, the directors may order the treasurer to sell such share or shares at public auction, after giving due notice thereof, to the highest bidder, and the same shall be transferred to the purchaser, and such delinquent subscriber or stockholder shall be held accountable to the corporation for the balance, if his share or shares sell for less than the assessments due thereon, with the interest and costs of sale ; and shall be entitled to the overplus, if his share or shares shall sell for more than the assessments due, with the interest and costs of sale : *provided however*, that no assessments shall be laid upon any shares in said corporation, of a greater amount in the whole, than one hundred dollars on a share.

SEC. 4. *Be it further enacted*, That a toll be, Tolls. and hereby is granted and established, for the sole benefit of said corporation, upon all passengers, and property of all descriptions, which may be conveyed

or transported upon said road, at such rates per mile as may be agreed upon and established from time to time by the directors of said corporation. The transportation of persons and property, the construction of wheels, the form of cars and carriages, the weight of loads, and all other matters and things in relation to the use of said road, shall be in conformity with such rules, regulations and provisions, as the directors shall from time to time prescribe and direct; and said road may be used by any persons who shall comply with such rules and regulations: *provided however*, that if, at the expiration of ten years from and after the completion of said road, the net income or receipts from tolls and other profits, taking the ten years aforesaid as the basis of calculation, shall have amounted to more than ten per cent. per annum upon the cost of the road, the Legislature may take measures to alter and reduce the rate of tolls and other profits in such manner as to take off the overplus for the next ten years, calculating the amount of transportation upon the road to be the same as in the ten preceding years; and at the expiration of every ten years thereafter, the same proceedings may be had. *Provided further*, that the Legislature shall not at any time so reduce the tolls and other profits as to produce less than ten per centum upon the cost of the said rail road, without the consent of said corporation; and no other rail road than the one hereby granted, shall, within thirty years from the passing of this act, be authorized to be made, leading from Worcester or Millbury to the county of Hampden, or from Springfield to the county of Berkshire.

Proviso, reducing the rates of toll.

Directors authorized to erect toll houses, &c.

SEC. 5. *Be it further enacted*, That the directors of said corporation for the time being are

hereby authorized to erect toll houses, establish gates, appoint toll gatherers, and demand toll upon the road when completed, and upon such parts thereof as shall from time to time be completed.

SEC. 6. *Be it further enacted,* That the said corporation be, and they hereby are authorized to make branches of the said rail road, leading from their main road to such convenient places in either of the towns through which the said main road shall pass, or the towns adjoining the same, as they may deem suited to promote the convenience of the inhabitants thereof, and the interests of the said corporation; and also to construct a branch of the said rail road, within the valley of the Connecticut river to the southern boundary of the State, in a direction towards the city of Hartford, for the purpose of uniting with such rail road as may be constructed, to meet the same within the State of Connecticut.

Corporation authorized to make branches of said rail road.

SEC. 7. *Be it further enacted,* That the said corporation shall be holden to pay all damages that may arise to any person or persons, corporation or corporations, by taking their lands or other property for said rail road, when it cannot be obtained by voluntary agreement, to be estimated and recovered in the manner provided by law for the recovery of damages happening from the laying out of highways.

Corporation holden to pay all damages.

SEC. 8. *Be it further enacted,* That when the lands, or other property of any married woman, infant, or person under guardianship, shall be necessary for the construction of said rail road, the husband of such married woman, and the guardian of such infant or other person, may release all damages for any lands or estates taken and appropriated as aforesaid, as they might do if the same were holden by them in their own right respectively.

Land of any married woman, infant, &c.

Forfeiture for injury or obstruction of rail road.

SEC. 9. *Be it further enacted,* That if any person shall wilfully and maliciously, or wantonly, and contrary to law, obstruct the passage of any carriage on said rail road, or in any way spoil, injure or destroy said rail road, or any part thereof, or any thing belonging thereto, or any material or implements to be employed in the construction, or for the use of said road, 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 the corporation, or other officer whom they may direct, to the use of said corporation; and such offender or offenders shall be liable to indictment by the grand inquest for the county within which such trespass shall have been committed, for any offence or offences contrary to the above provisions, and on conviction thereof, before any court competent to try the same, shall pay a fine, not exceeding one hundred dollars, nor less than thirty dollars, to the use of the Commonwealth, or may be imprisoned for a term not exceeding one year, at the discretion of the court before whom such conviction may be had.

Annual meeting.

SEC. 10. *Be it further enacted,* That the annual meeting of the members of said corporation shall be holden on the second Monday of June, at such time and place as the directors for the time being shall appoint, at which meeting the directors shall be chosen by ballot, each proprietor being entitled to as many votes as he holds shares: *provided,* that

no vote shall be given by any proprietor by reason of any shares held by him, exceeding one tenth part of the whole number of shares. And the directors are hereby authorized to call special meetings of the stockholders, whenever they shall deem it expedient and proper, giving such notice as the corporation by their by-laws shall direct.

SEC. 11. *Be it further enacted,* That if the said rail road, in the course thereof, shall cross any private way, the said corporation shall so construct said rail road as not to obstruct the safe and convenient use of such private way ; and if said rail road shall not be so constructed, the party aggrieved shall be entitled to his action on the case in any court proper to try the same, and shall recover his reasonable damages for such injury : and if the said rail road shall, in the course thereof, cross any canal, turnpike, or other highway, the said rail road shall be so constructed as not to impede or obstruct the safe and convenient use of such canal, turnpike, or other highway. And the said corporation shall have the power to raise or lower such turnpike, highway, or private way, so that the said rail road, if necessary, may conveniently pass under or over the same ; and if said corporation shall raise or lower any such turnpike, highway or private way, and shall not so raise or lower the same as to be satisfactory to the proprietors of such turnpike, or to the selectmen of the town in which said highway or private way may be situate, as the case may be, said proprietors or selectmen may require in writing of said corporation, such alteration or amendment as they may think necessary. And if the required amendment or alteration be reasonable and proper, in the written opinion of

If rail road cross
any private way,

or highway, how
to be constructed.

the County Commissioners for the county in which such alteration or amendment is proposed, and the said corporation shall unnecessarily and unreasonably neglect to make the same, such proprietors or selectmen, as the case may be, may proceed to make such alteration or amendment, and may institute and prosecute to final judgment and execution, in any court proper to try the same, any action of the case against said corporation, and shall therein recover reasonable damages for all charges, disbursements, labor and services, occasioned by making such alterations or amendments, with costs of suit.

Conditions, &c.

SEC. 12. *Be it further enacted,* That if the said corporation shall not have been organized, and the location of the route filed with the county commissioners of the counties through which the same shall pass, on or before the first day of December, in the year of our Lord one thousand eight hundred and thirty-eight, or if the said corporation shall fail to complete the part of said rail road leading from Worcester to the Connecticut river on or before the first day of December, in the year of our Lord one thousand eight hundred and thirty-nine, in either of the above mentioned cases this act shall be null and void.

Bridges.

SEC. 13. *Be it further enacted,* That said rail road corporation shall constantly maintain in good repair all bridges, with their abutments and embankments, which they may construct for the purpose of conducting their rail road over any canal, turnpike, or other highway, or any private way, or for conducting such private way, turnpike, or other highway, over said rail road.

SEC. 14. *Be it further enacted*, That the government of the Commonwealth, may, at any time during the continuance of the charter hereby granted, after the expiration of twenty years from the opening of the said western rail road for use, purchase of the said corporation the said rail road, and all the franchise, property, rights and privileges of the said corporation, by paying them therefor the amount expended in making said rail road ; and, in case at the time of making such purchase the said corporation shall not have received a net income equal to ten per cent. per annum on the said expenditures, from the time of the payment thereof by the stockholders, by paying the said corporation such additional sum as, together with the tolls and profits of every kind which they shall have received from the said rail road, will be equal to a net profit of ten per cent. per annum on the cost of said rail road, from the date of the payment thereof by the stockholders of the said corporation to the time of such purchase. And it shall be the duty of said corporation, from year to year, to make a report to the legislature, under oath, of their acts and doings, receipts and expenditures, under the provisions of this act. And their books shall at all times be open to the inspection of any committee of the legislature, appointed for that purpose. And if said corporation shall unreasonably neglect or refuse to make such report, at the expiration of every year after the opening of said rail road, for every such neglect or refusal they shall forfeit and pay to the use of the Commonwealth a sum not exceeding ten thousand dollars, to be recovered by action or indictment in any court of competent jurisdiction.

Government may purchase rail road, &c.

Books to be open to the inspection of committee.

Forfeiture for neglect to report.

Bridge.

SEC. 15. *Be it further enacted,* That the said corporation be, and they hereby are authorized and empowered to erect, for the sole and exclusive accommodation of the travel on their said rail road, a bridge across the waters of Connecticut river, from Springfield to West Springfield, in such place as they may think proper: *provided,* said bridge shall be so constructed as not to obstruct nor unnecessarily to impede the navigation of said river; and the said corporation shall be authorized to receive no other or greater rates of toll for passing said bridge than for passing a like distance on any other portion of the said rail road; and it shall not be lawful for the said corporation to permit the passing of said bridge by carriages of any description other than those which are adapted to traveling on the said rail road, nor by horses or other animals not attached to such rail road carriages, nor by persons on foot, except such persons, carriages, horses, or other animals, as may be employed in the immediate service of the said corporation.

[Approved by the Governor, March 15, 1833.]

CHAP. CXVII.

An Act to continue in force an Act to incorporate the Merchants Insurance Company in Boston, 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 the act to incorporate the Merchants Insurance Company in Boston, passed on the fifth day of December, one thousand eight hundred and sixteen, and also an act in addition to an act to incorporate the Merchants Insurance Company in Boston, passed on the tenth day of February, one thousand eight hundred and eighteen, and also an act in further addition to an act to incorporate the Merchants Insurance Company in Boston, passed on the twelfth day of June, one thousand eight hundred and nineteen, and also an act in further addition to an act to incorporate the Merchants Insurance Company in Boston, passed on the fourth day of March, one thousand eight hundred and twenty-six, shall be, and remain in full force for the space of twenty years from the fifth day of December, one thousand eight hundred and thirty-six: *provided*, the same shall not be sooner repealed, any thing in either of the acts to the contrary notwithstanding.

Act to remain in full force twenty years.

Proviso.

SEC. 2. *Be it further enacted,* That the said Merchants Insurance Company be, and hereby are authorized to augment their capital stock to any amount not exceeding five hundred thousand dollars,

May augment capital stock.

the additional stock to be divided into shares of one hundred dollars each, and to be subscribed under the direction of the president and directors for the time being, when, and on such terms and conditions as they, and the subscribers for the stock, may agree : *provided*, that no person who is a director, shall, while in the exercise of that office, subscribe any part of said new stock.

Additional stock,
how subscribed.

SEC. 3. *Be it further enacted*, That the additional stock which may be subscribed as aforesaid, shall be paid in and invested in the same manner as the other part of the capital is required to be invested, within sixty days after the same shall be subscribed, and shall be subject to all the provisions of the laws as the other part of the capital, and entitled to all the privileges to which it is entitled.

[Approved by the Governor, March 15, 1833.]

CHAP. CXVIII.

An Act to incorporate the Worcester and Norwich Rail Road 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 Slater, Stephen Salisbury, and Jonathan Davis, their associates, successors and assigns, be, and they hereby are made a body politic and corporate, under the name of the "Worcester and Norwich Rail Road Company," with the powers and requirements con-

Persons incorpo-
rated.

tained in "an act concerning corporations," passed March eighth, one thousand eight hundred and thirty-three. And the said company are hereby authorized and empowered to locate, construct, Location. and finally complete a rail road, commencing in or near the town of Worcester, and thence in the direction of the city of Norwich, in the State of Connecticut, to any point in the southern boundary of this Commonwealth, within the towns of Webster or Dudley, in the county of Worcester, in such manner and form as they shall deem to be most expedient; and for this purpose the said company are authorized to lay out their road, not exceeding five rods wide, through the whole length; and for the purpose of cuttings, embankments, and procuring stone and gravel, may take as much more land as may be necessary for the proper construction and security of said road. *Provided however,* Damages. that all damages that may be occasioned to any person or corporation, by the taking of such land or materials for the purposes aforesaid, shall be paid by said company in the manner hereinafter provided.

SEC. 2. *Be it further enacted,* Shares. That the capital stock of said company shall consist of four thousand shares; and the immediate government and direction of the affairs of said company shall be vested Government. in a board of not less than five directors, who shall be chosen by the members of the company in the manner prescribed in their by-laws, and shall hold their offices until others shall be duly elected and qualified to take their places as directors; and the said directors, a majority of whom shall form a quorum for the transaction of business, shall elect one of their own number to be president of the board, and who shall also be president of the com-

pany ; and shall have authority to choose a clerk, who shall be sworn to the faithful discharge of his duty, and a treasurer, who shall give bonds to the company, with sureties to the satisfaction of the directors, in a sum not less than twenty thousand dollars, for the faithful discharge of his trust.

Powers of officers.

SEC. 3. *Be it further enacted,* That the president and directors for the time being are hereby authorized and empowered, by themselves or their agents, to exercise all the powers herein granted to the company, for the purpose of locating, constructing and completing said rail road, and for the transportation of persons, goods and merchandize ; and all such other powers and authority for the management of the affairs of the company, not heretofore granted, as may be necessary and proper to carry into effect the objects of this grant ; to purchase and hold land, materials, engines, cars, and other necessary things in the name of the company, for the use of said road, and for the transportation of persons, goods and merchandize ; to make such equal assessments from time to time on all the shares in said company, as they may deem expedient and necessary in the execution and progress of the work, and direct the same to be paid to the treasurer of the company. And the treasurer shall give notice of all such assessments ; and in case any subscriber or stockholder shall neglect to pay his assessment for the space of thirty days after due notice by the treasurer of said company, the directors may order the treasurer to sell such share or shares at public auction, after giving due notice thereof, to the highest bidder, and the same shall be transferred to the purchaser ; and such delinquent subscriber or stockholder shall be

Assessments.

held accountable to the company for the balance, if his share or shares shall sell for less than the assessments due, with interest, and the costs of sale; and after paying the same, shall be entitled to the overplus, if any remaining. *Provided however*, that no assessments shall be laid upon any shares in said company, of a greater amount in the whole than one hundred dollars on a share.

SEC. 4. *Be it further enacted*, That a toll be, ^{Toll.} and hereby is granted and established, for the sole benefit of said company, upon all passengers, and property of all descriptions, which may be conveyed or transported upon said road, at such rates per mile as may be agreed upon and established from time to time by the directors of said company. And the transportation of persons and property, the construction of wheels, the form of cars and carriages, the weight of loads, and all other matters and things in relation to the use of said road, shall be in conformity to such rules, regulations and provisions as the directors shall from time to time prescribe and direct; and said road may be used by any persons who shall comply with such rules and regulations: *provided however*, that if, at the expiration of ten years, from and after the time of the completion of said road, the net income or receipts from tolls and other profits, taking the ten years aforesaid for the basis of calculation, shall have amounted to more than ten per cent. per annum upon the cost of the road, the legislature may take measures to alter and reduce the rate of tolls and other profits, in such manner as to take off the overplus for the next ten years, calculating the

Proviso, reducing the rates of toll.

amount of transportation upon the road to be the same as in the ten next preceding years; and at the expiration of every ten years thereafter, the same proceedings may be had. *Provided further*, that the legislature shall not, at any time, so reduce the tolls and other profits as to produce less than ten per cent. per annum upon the cost of said road, without the consent of said company.

Toll-houses,
gates, &c.

SEC. 5. *Be it further enacted*, That the directors of said company for the time being, are hereby authorized to erect toll-houses, establish gates, appoint toll gatherers, and demand toll upon the road when completed, and upon such parts thereof as shall from time to time be completed.

Damages.

SEC. 6. *Be it further enacted*, That said company shall be holden to pay all damages that may arise to any person or corporation by taking their land or other property for said road, when it cannot be obtained by voluntary agreement, to be estimated and recovered in the manner provided by law for the recovery of damages happening by the laying out of highways.

Land of any
married woman,
infant, &c.

SEC. 7. *Be it further enacted*, That when the lands or other property or estate of any married woman, infant, or other person under guardianship, shall be necessary for the construction of said road, the husband of such married woman, and the guardian of such infant or other person, may release all damages for any lands or estates taken and appropriated as aforesaid, as they might do if the same were holden by them in their own right respectively.

Forfeiture for
injury or obstruction
of rail road.

SEC. 8. *Be it further enacted*, That if any person shall wilfully, maliciously, or wantonly, and

contrary to law, obstruct the passage of any carriage on said rail road, or in any way injure or destroy the same, or any part thereof, or any thing belonging thereto, or any material or implements to be employed in the construction, or for the use of said road, he, she or they, or any person or persons, assisting, aiding or abetting in such trespass, shall forfeit and pay to said company, for every such offence, treble the amount of 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 any court proper to try the same, by the treasurer of the company, or other officer whom they may direct, to the use of said company; and such offender or offenders shall be further liable to indictment by the grand inquest for the county within which such trespass shall have been committed, for any offence or offences contrary to the above provisions, and, on conviction thereof, before any court competent to try the same, shall pay a fine, not exceeding one hundred dollars, nor less than thirty dollars, to the use of the Commonwealth, or may be imprisoned for a term not exceeding one year, at the discretion of the court before whom the conviction may be had.

SEC. 9. *Be it further enacted,* That, at all meetings of said corporation, each proprietor shall be entitled to as many votes as he holds shares: *provided,* that no vote shall be given by any proprietor by virtue of any share held by him, exceeding one tenth part of the whole number of shares. Votes.

SEC. 10. *Be it further enacted,* That if the said rail road, in the course thereof, shall cross any private way, the said company shall so construct their If rail road cross
any private way,

how to be constructed.

road as not to obstruct the safe and convenient use of such private way ; and if said rail road shall not be so constructed, the party aggrieved shall be entitled to his action in the case in any court proper to try the same, and shall recover his reasonable damages for such injury ; and if the said rail road shall, in the course thereof, cross any canal, turnpike, or highway, the said rail road shall be so constructed as not to impede or obstruct the safe and convenient use of such canal, turnpike or highway. And the said company shall have the power to raise or lower such turnpike, highway, or private way, so that the said rail road, if necessary, may conveniently pass under or over the same, and if said company shall raise or lower any such turnpike, highway or private way, and shall not so raise or lower the same as to be satisfactory to the proprietors of such turnpike, or to the selectmen of the town in which such highway or private way be situated, said proprietors or selectmen may require in writing of said company such alteration or amendment therein as they may think necessary. And if the required amendment or alteration be reasonable and proper, in the written opinion of the county commissioners for the county in which such alteration or amendment is proposed to be made, and the said company shall unreasonably and unnecessarily neglect to make the same, such proprietors or selectmen, as the case may be, may proceed to make such alteration or amendment, and may institute and prosecute to final judgment and execution, in any court proper to try the same, an action of the case therefor against said company, and shall therein recover reasonable damages

for all charges, disbursements, labor and services, occasioned by making such alteration or amendment together with costs of suit.

SEC. 11. *Be it further enacted,* That, if the said company shall not have been organized, and the location of their rail road filed with the county commissioners of the county wherein the same is located, previous to the first day of July, in the year of our Lord one thousand eight hundred and thirty-six, or if the said company shall fail to complete said rail road previous to the first day of July, in the year of our Lord eighteen hundred and thirty-eight, in either of the above mentioned cases this act shall be null and void.

Conditions of this act.

SEC. 12. *Be it further enacted,* That said company shall constantly maintain in good repair all bridges with their abutments and embankments, which they may construct, for the purpose of conducting their rail road over any canal, turnpike, highway or private way, or for conducting such turnpike, highway or private way over said rail road.

Company to maintain in good repair all bridges, &c.

SEC. 13. *Be it further enacted,* That the legislature may authorize any company to enter with another rail road at any point in said Worcester and Norwich rail road, paying for the right of using the same, or any part thereof, such a rate of toll as the legislature may from time to time prescribe, and complying with such rules and regulations as may be established by said Worcester and Norwich rail road company, by virtue of the fourth section of this act. And it shall be the duty of said company, from year to year, to make report to the legislature under oath, of their acts and doings, receipts and expenditures, under the provisions of

Legislature may authorize any company to enter with another rail road, &c.

this act ; and their books shall at all times be open to the inspection of any committee of the legislature appointed for that purpose, and if said company shall unreasonably neglect or refuse to make such report, at the expiration of every year after the opening of said rail road, for every such neglect or refusal, they shall forfeit and pay to the use of the Commonwealth a sum not exceeding ten thousand dollars, to be recovered by action or indictment in any court of competent jurisdiction.

May unite rail road with Boston and Worcester rail road.

SEC. 14. *Be it further enacted,* That the said Worcester and Norwich rail road company be, and they hereby are authorized to enter and unite their rail road with the Boston and Worcester rail road, at any point therein, within the towns of Worcester or Millbury, upon the terms, and agreeably to the provisions contained in "an act to establish the Boston and Worcester Rail Road Corporation," passed on the twenty-third day of June, in the year of our Lord eighteen hundred and thirty-one.

Government may purchase rail road.

SEC. 15. *Be it further enacted,* That the government of the Commonwealth, at any time during the continuance of the charter of the Worcester and Norwich rail road company, after the expiration of twenty years from the time of the completion of said road, may purchase the same of said company, and all the franchise, rights and privileges of said company, by paying them therefor the amount expended in making said road ; and in case, at the time of such purchase, the said company shall not have received a net income equal to ten per cent. per annum on the amount of such expenditure, from the time of the payment thereof by the stockholders, by paying said company such

additional sum, as, together with the tolls and profits of every kind which they shall have received from said rail road, will be equal to a net profit of ten per cent. per annum on the cost of said road, from the time of payment thereof by the stockholders, to the time of said purchase.

[Approved by the Governor, March 15, 1833.]

CHAP. CXIX.

An Act incorporating the City 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 David Greenough, John P. Thorndike, William Sawyer, and their associates and successors, shall be a corporation in the city of Boston, by the name of the City Mutual Fire Insurance Company, and possess all the powers and privileges incident to such corporations, for thirty years. Persons incorporated.

SEC. 2. *Be it further enacted,* That the capital stock of said company, exclusively of the funds which shall accrue for premiums and deposits received in the transactions of its ordinary business, shall consist of the sum of one hundred thousand dollars, and be divided into shares of one hundred dollars each; and that one quarter part thereof shall be paid in money, within six months after the first meeting of the corporation, and the residue in Capital stock.

three equal instalments, at such times as the directors shall appoint, within sixty days after said meeting.

Officers.

SEC. 3. *Be it further enacted,* That the said corporation, at their annual meeting, shall choose any number of directors not less than seven, five of whom, at least, shall be inhabitants of the city of Boston, who shall have power to appoint a secretary, and such other officers of the company as they shall think necessary ; and in the event of the death or resignation of any director, or of the secretary, or other officer, or his inability to discharge the duties of his office, by reason of sickness, absence, or otherwise, the board of directors may elect a successor ; and the said board shall, immediately after its annual organization, proceed to elect the president of the company, who shall also be president of said board.

By-laws.

SEC. 4. *Be it further enacted,* That the said company may establish such by-laws as they may deem necessary, not inconsistent with the constitution and laws of this Commonwealth, for the management of its concerns, and regulating the mode of transferring shares of stock : *provided however,* that no transfer shall be valid, unless seasonably recorded by the secretary of the corporation in a book to be kept for that purpose.

Real estate.

SEC. 5. *Be it further enacted,* That the said corporation are hereby made capable in law to hold, in fee simple, real estate, not exceeding in value thirty thousand dollars at any one time, with full powers to sell and alien the same at pleasure.

When subscrip-
tion amounts to
two hundred
thousand dollars.

SEC. 6. *Be it further enacted,* That the said company may insure, for the term of one to seven years, any dwelling house or other building in the

city of Boston, to any amount not exceeding three quarters of the value of the property insured, whenever and as soon as the sums subscribed to be insured shall amount to two hundred thousand dollars.

SEC. 7. *Be it further enacted,* That all sums of ^{Funds.} money which shall be received for premiums and deposits for insurance, made by said company, shall be holden and invested as a distinct fund, separate from the capital stock of said company, to be called the available fund, and that all the expenses of conducting the business of said company, and all losses under policies underwritten by said company, shall be paid out of the income and principal of said fund, so long as they shall suffice for that purpose; and in the event of any deficiency thereof, the directors shall have power to assess upon the persons insured by said company, such sums as they shall judge necessary for the exigencies of the company: *provided however,* that such assess- ^{Proviso.}ments shall be in proportion to the several premiums and deposits paid in by such persons, and shall never exceed in the aggregate, twice the amount of their respective premiums and deposits so paid in. And in case the available fund and such assessments shall not suffice to discharge the expenses and losses aforesaid, then, and not otherwise, the capital stock and the income thereof shall be appropriated for that purpose.

SEC. 8. *Be it further enacted,* That each stock- ^{Votes.}holder shall have a right to vote at the meetings of said company, and shall be entitled to one vote for each share held by him: *provided,* that the whole number of votes of any one member shall not

exceed ten, and absent members may vote by proxy in writing.

Real estate, &c.
liable to attach-
ment.

SEC. 9. *Be it further enacted,* That the real estate and capital stock of said company shall be liable to attachment upon mesne process and execution, in the same manner as are the estates and stocks of other insurance companies, established within this Commonwealth.

Policy to create
a lien on build-
ings &c. insured.

SEC. 10. *Be it further enacted,* That, as each of the assured is liable to pay such assessments as the directors shall order, to secure the payment of the same, it is hereby provided, that a policy of insurance shall, of itself, without any other act 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 company relying on such lien. This provision shall not prevent the company from taking any other kind of collateral security, and in case it should become necessary to resort to such lien, as is hereby provided, it shall be the duty of the president and directors, before they attempt to compel payment by selling the insured premises, first, to demand payment of the assured, and in case of his decease, of his legal representative, and likewise of the tenants of the insured estate; and in case payment is refused, said company may then sustain an action on the case against the assured, or his legal representative, for any sums due 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 a 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. And the

Proviso.

Provision not to
prevent the tak-
ing any other
kind of collateral
security.

owner of the estate shall have a right to redeem the estate thus sold, within one year: *provided*, he shall first pay the costs of sale, the execution, and six per cent. interest thereon.

SEC. 11. *Be it further enacted*, That at the expiration of the term of each policy, the company shall pay the assured, each, his amount of premium and deposit money, and further, shall pay to the assured, each, according to his proportion of premium and deposit money, all the net profits accruing to said company from the investment of the available fund, and from the investment of the capital stock, after deducting, for the use of said stockholders, six per cent. interest, payable quarter yearly, on the amount of capital actually paid in by them, and invested in pursuance of the provisions of this act.

Company to pay the assured, at the expiration of policy, his amount of premium and deposit money.

SEC. 12. *Be it further enacted*, That this corporation shall be liable to be taxed by any general law of the Commonwealth. Any two stockholders named in this act may call the first meeting, by publishing notice thereof in any two of the newspapers published in the city of Boston.

Corporation liable to be taxed.

First meeting.

[Approved by the Governor, March 15, 1833.]

CHAP. CXX.

An Act in addition to "An Act to establish the Boston and Roxbury Mill Corporation."

Dam from Boston to South Boston.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That unless the Boston and Roxbury Mill Corporation shall, on or before the first day of February, one thousand eight hundred and thirty four, determine by legal vote, duly certified and filed in the office of the secretary of state, to build, and actually commence building a dam from Boston to South Boston, not northerly or easterly of Boston South Bridge, with gates, sluice ways, and other things necessary to admit and detain the tide waters between said dam and Boston neck, at the height of common tides, with a good and sufficient lock, and in all respects as in the act establishing said corporation is provided ; and also, unless said corporation shall fully complete the same within two years from the said first day of February, one thousand eight hundred and thirty four, in either case the right conferred on said corporation to build said dam shall cease and determine, and thereafter become forfeited and void : *provided however,* that any of the owners (other than the city of Boston) of land and flats above or southerly of said bridge may, at pleasure, fill up and improve any of their lands or flats without hindrance or molestation, until said corporation shall actually commence building said dam. *And provided also,* that nothing

herein contained shall be deemed or taken to extend or confirm any rights or supposed rights of said corporation, nor in any way to impair the rights of those who have sustained or may sustain any damages in consequence of the exercise of any of the powers granted to said corporation.

[Approved by the Governor, March 16, 1833.]

CHAP. CXXI.

An Act to incorporate the Boston and Norwegian Coal 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 Edmund Munroe, Amos Binney, and their associates, be, and they hereby are made a corporation by the name of the Boston and Norwegian Coal Company, for the purpose of mining and vending coal; and shall have all the powers and privileges, and be subjected to all the duties and requirements contained in the act passed the twenty third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled "an act defining the general powers and duties of manufacturing corporations." Persons incorpo-
rated.

SEC. 2. *Be it further enacted,* That the said corporation may lawfully hold and manage such real estate, not exceeding one hundred thousand dollars in value, and such personal estate not exceeding one hundred and fifty thousand dollars in value, as they Real and person-
al estate.

may find expedient for carrying into effect the purposes of this act.

Certificates of stock.

SEC. 3. *Be it further enacted*, That the certificates respecting the capital stock, required by the aforesaid act to be filed and recorded in the registry of deeds, shall be made by the officers of this corporation, and shall be filed and recorded in the registry of deeds for the county of Suffolk, and in the county where the major part of the real estate belonging to the corporation may be situated. And the first meeting of said corporation shall be held in Boston at such time and place as shall be appointed by the persons named in this act, who shall give notice thereof by publication in some newspaper printed in Boston, fourteen days at least before the time of meeting.

[Approved by the Governor, March 16, 1833.]

CHAP. CXXII.

An Act in addition to "An Act for the due regulation of Licensed Houses."

Mayor and aldermen empowered to grant license.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the mayor and aldermen of the city of Boston be, and they hereby are authorized and empowered to grant licenses for the town of Chelsea, in the county of Suffolk, in the same manner as the county commissioners may, by the act to which this act is in addition, now grant

licenses for the towns and districts in their respective counties.

[Approved by the Governor, March 16, 1833.]

CHAP. CXXIII.

An Act to incorporate the United States Naval Benevolent 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 Smith, Thomas L. C. Watkins, Thomas W. Freelon, T. W. Wyman, Peter Turner, Robert Knox, Thomas Mull, J. Evans, Samuel C. Hixon, H. B. Sawyer, Thomas O. Selfridge, B. V. Tinslar, G. J. Van Brunt, J. Crowninshield, F. Ellery, John A. Bates, Henry Bruce, William S. Rogers, and B. V. Prentiss, and such others as now are or may become their associates and their successors, be, and they are hereby incorporated by the name of the United States Naval Benevolent Association, for the purpose of affording relief to the widows, orphans, parents or maiden sisters of the members of said association, and such other persons as said association may from time to time deem entitled to its assistance, with the powers and requirements contained in "an act concerning corporations," passed March eighth, one thousand eight hundred and thirty-three.

Persons incorporated.

SEC. 2. *Be it further enacted,* That the said corporation may receive and take, by purchase, grant, devise, bequest or donation, any funds or estate,

Real and personal estate.

and may hold the same for the purposes aforesaid; *provided*, that the amount of annual income of the whole of said funds and estate shall never exceed the sum of twelve thousand dollars.

Treasurer to give bonds.

SEC. 3. *Be it further enacted*, That the treasurer of said corporation shall be held to give such bonds as the corporation may direct, and he shall always be a resident of this Commonwealth, but any other officers may be resident in other of these United States.

[Approved by the Governor, March 16, 1833.]

CHAP. CXXIV.

An Act to regulate the Service of Writs and other Process upon certain Corporations.

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 process shall be commenced, which shall by law be required to be served upon any manufacturing corporation, bank, or insurance company, the service thereof shall be legal, if made upon the clerk of such manufacturing corporation, or upon their agent or other officer having charge of their business at their manufactory, or upon the cashier of such bank, or the secretary of such insurance company, respectively, not less than fourteen days before the sitting of the court to which the same shall be returnable.

When to take effect.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after the

first day of May next. *Provided*, that any process which shall then have been commenced, may be proceeded in, in the same manner as if this act had not been passed.

[Approved by the Governor, March 16, 1833.]

CHAP. CXXV.

An Act in addition to "An Act respecting Sureties of the Peace."

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the powers and restrictions contained in an act respecting sureties of the peace, passed on the second day of March, in the year of our Lord one thousand eight hundred and thirty-three, shall take effect, and be in force, from and after the thirty-first day of said March, any thing in said act to the contrary notwithstanding.

Original act,
when to take ef-
fect.

[Approved by the Governor, March 16, 1833.]

CHAP. CXXVI.

An Act in addition to the several Acts "concerning a House of Industry in the city of Boston."

City council empowered to appoint directors.

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 are hereby empowered, whenever they deem it expedient, to appoint, by concurrent ballot in each board, a sufficient number of persons, not exceeding twelve, a majority of whom shall constitute a quorum for the transaction of business, to be directors of the house of industry in the said city, who shall hold their office for the term of one year, and until others are appointed in their place; and said city council are further empowered, in like manner, to fill all vacancies which may occur in said board of directors, during the year for which it is appointed. And said directors may appoint a superintendent, and any other officers necessary for the government of said house, and shall have all the powers, and be subject to all the duties prescribed to said board by virtue of the several acts to which this is in addition.

Provisions of any previous act inconsistent with this repealed.

SEC. 2. *Be it further enacted,* That the provisions of any previous act which are inconsistent with this, be, and the same hereby are repealed.

[Approved by the Governor, March 16, 1833.]

CHAP. CXXVII.

An Act to authorize payments to Married Women 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 when any married man has heretofore absented, or may hereafter absent himself, from the Commonwealth, abandoning his wife, without sufficient provision for her support, the supreme judicial court, at any term thereof, may, upon the application of such wife, authorize any person or persons holding money, or other personal estate, to which her husband is entitled in her right, to pay or deliver the same, or any part thereof, to such wife, and to authorize her to release or discharge the same; and such release or discharge shall be as valid as if made by the said husband.

S. J. Court may authorize any person holding money, &c. of an absented husband, to pay the same to his wife.

[Approved by the Governor, March 16, 1833.]

CHAP. CXXVIII.

An Act in addition to the several Acts respecting the Streets 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 city council of the city of Boston, may, from time to time, by any ordinance or ordinances, empower the surveyors of highways of said city so to regulate the width and height of the sidewalks of any public squares, places, streets, lanes or alleys, in said city, as shall, in the judgment of said surveyors, be most conducive to the convenience and interest of said city, any law of the Commonwealth to the contrary notwithstanding; and may also empower said surveyors to accept such sidewalks, after the same shall be put in good and perfect repair by the abutters on said squares, places, streets, lanes and alleys, and after the same shall have been relinquished in writing to the said city by such abutters; and may also order, that, after such relinquishment, such sidewalks may be maintained at the expense of said city.

City council may empower surveyors of highways to regulate the width of streets.

[Approved by the Governor, March 16, 1833.]

CHAP. CXXIX.

An Act regulating the Storage, Safe Keeping and Selling of Gunpowder in the town of Lowell.

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, except on military duty in the public service of the United States, or of this Commonwealth, shall keep, have or possess in any building, or in any place within two hundred yards of any dwelling house, in the town of Lowell, gunpowder in any quantity exceeding one pound, in any way or manner, other than by this act, and by the rules and regulations hereinafter mentioned, may be allowed.

No person to keep gunpowder exceeding one pound, &c.

SEC. 2. *Be it further enacted,* That it shall not be lawful for any person or persons to sell any gunpowder, in any quantity, within the town of Lowell, without first having obtained from the engineers of said town a license signed by the chief engineer, or by the secretary of the board of engineers, on which shall be written or printed, a copy of the rules and regulations by them established relative to keeping and selling gunpowder within said town, and every such license shall be in force for one year from the date thereof, unless annulled by the board of engineers, but such license may, prior to the expiration of said term, be renewed by said secretary from year to year, by endorsement thereon: *provided always,* that the board of engineers may rescind any such license, if in their opinion the per-

License, &c.

son or persons have disobeyed the law, or infringed any rules and regulations established by said board of engineers. And every person who shall receive a license to sell gunpowder as aforesaid, shall pay for the same the sum of five dollars; and for the renewal thereof, the sum of one dollar, which sums shall be paid to the board of engineers, for their use, for the purpose of defraying the expenses of carrying this act into execution.

Rules and regulations.

SEC. 3. *Be it further enacted,* That the board of engineers of the town of Lowell may, from time to time, establish rules and regulations, directing the places, quantity and manner, in which gunpowder may be kept by licensed dealers, and other persons in said town.

Forfeiture, &c.

SEC. 4. *Be it further enacted,* That any person or persons, who shall keep, have or possess any gunpowder within the town of Lowell, contrary to the provisions of this act, and to the rules and regulations made as aforesaid, or who shall sell any gunpowder therein, without having a license therefor, or contrary to said license, or the rules and regulations made as aforesaid, shall forfeit and pay a fine of not less than fifty dollars, and not exceeding two hundred and fifty dollars, for each and every offence; and if any gunpowder, kept contrary to the provisions of this act, shall explode in any building, or in any place in said town, the occupant, tenant, or owner of which has not then a license to keep and sell gunpowder therein, or which gunpowder shall have been kept in any manner contrary to such license, or the rules and regulations established as aforesaid, such occupant, tenant, or owner shall forfeit and pay a fine of not less than two hundred and fifty dollars, and not exceeding five hundred dol-

lars, one moiety of the sums to the use of the poor of the town of Lowell, and the other moiety to the use of any person or persons who shall prosecute for the same, which forfeiture may be recovered by action of the case, in any court proper to try the same.

SEC. 5. *Be it further enacted*, That the said engineers, or any of them, may enter the store or place of any person or persons licensed to sell gunpowder, to examine and ascertain, if the laws, rules and regulations relating thereto are strictly observed; and, on an alarm of fire, may cause the gunpowder there deposited, to be removed or destroyed as the case may require; and it shall be lawful for any one or more of the engineers of said town, to enter any dwelling house or other place in the town of Lowell, to search for gunpowder, first having obtained from some justice of the peace for the county of Middlesex a search warrant therefor, which warrant the justices of the peace for said county are hereby respectively authorized to issue, upon the complaint of such engineer or engineers, supported by his or their oath.

Engineers may enter stores.

SEC. 6. *Be it further enacted*, That it shall be the duty of the engineers of the town of Lowell to cause all such rules and regulations as they may make and establish, by virtue of the authority given by this act, to be published in two or more newspapers printed in the town of Lowell, and to cause such publication to be continued three weeks successively, for the information and government of all persons concerned.

Rules and regulations to be published.

SEC. 7. *Be it further enacted*, That the provisions of this act shall not extend to any establishment which now is, or may hereafter be erected for the

Provisions of this act, how far to extend.

manufacturing of gunpowder within said town of Lowell, nor in any case to prevent the transportation of gunpowder through said town, or from one part to another part thereof.

[Approved by the Governor, March 16, 1833.]

CHAP. CXXX.

An Act for the appointment of Constables in the town of Salem.

Selectmen to appoint constables.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the selectmen of the town of Salem for the time being, be, and they hereby are empowered to appoint, from time to time, for a period not exceeding one year, such number of constables for said town as in their judgment may be needful, said constables, in regard to their qualifications, duties and otherwise to be subject to all the general provisions of law appertaining to their office: *provided* this act shall be adopted by said town at any legal meeting of the inhabitants.

[Approved by the Governor, March 16, 1833.]

CHAP. CXXXI.

An Act to incorporate the Ixion Black Lead 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 Frederick Tudor, Amos Atkinson, William Rollins, William Savage, and James W. Fenno, and their associates, successors and assigns, be, and they hereby are made a corporation, by the name of the "Ixion Black Lead Factory," for the purpose of procuring black lead from a mine in Sturbridge, in the county of Worcester, and of manufacturing the same into black lead melting pots, and other articles whereof black lead is an ingredient, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requisitions specified and set forth in an act passed on the twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled "an act defining the general powers and duties of manufacturing corporations." Persons incorporated.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation shall not exceed the sum of two hundred thousand dollars, and that the said corporation may be lawfully seized and possessed of such real estate as may be necessary and convenient for the purposes aforesaid, not exceeding Capital stock.

the value of seventy-five thousand dollars, exclusive of the buildings and improvements that may be made thereon by the said corporation.

[Approved by the Governor, March 19, 1833.]

CHAP. CXXXII.

An Act to authorize the South Congregational Society in Lowell to Tax the Pews in their Meeting house.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the South Congregational Society in Lowell may assess upon the pews in the meeting house now occupied by them, according to the valuation of said pews, which has been established by the proprietors of said house, such sums of money as shall hereafter be voted to be raised by said society for the support of public worship, and expenses incidental thereto; and all assessments upon the pews as aforesaid may be collected by the treasurer of said society, in the manner provided by "an act authorizing the proprietors of churches, meeting-houses, and other houses of public worship to regulate and manage their property and interests therein," passed the twenty-fourth day of February, in the year of our Lord one thousand eight hundred and eighteen.

May make assessments upon pews.

SEC. 2. *Be it further enacted,* That any owner of a pew or pews in said meeting house shall be entitled, at all meetings of said society, for the purpose of raising money by assessment upon pews as aforesaid, to one vote for each pew he shall hold in the meeting house. Votes.

SEC. 3. *Be it further enacted,* That whenever any pewholder shall neglect or refuse to pay to the treasurer of said society, any assessments legally made upon his pew or pews, within sixty days after the same shall be made payable, the treasurer may sell at public auction the pew or pews of such delinquent pewholder, after publishing notice of the time, place, and cause of sale, in a newspaper printed in said Lowell, two successive weeks previous to such sale, and upon such sale may execute and deliver a deed or deeds thereof to the purchaser, or the said treasurer may, in his own name, sue and prosecute to final judgment and execution any such delinquent pewholder, and in case of any such sale of a pew or pews as aforesaid, the treasurer shall, after deducting the assessment due thereon, and the expenses of sale and collection, pay over the balance, if any, to the delinquent pewholder on demand. Treasurer authorized to sell at public auction the pew or pews of any pewholder who shall neglect to pay any assessment.

[Approved by the Governor, March 19, 1833.]

CHAP. CXXXIII.

An Act in addition to “An Act to provide for the Instruction of Youth.”

School committees required to perform certain duties which the prudential committee was authorized to do and perform.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the school committee appointed in pursuance of the fifth section of “an act to provide for the instruction of youth,” passed March tenth, one thousand eight hundred and twenty-seven, shall perform all the duties in relation to the school which by said act is provided to be kept in every city, town or district containing five hundred families or householders, for the benefit of all the inhabitants of said town, and in relation to the house in which such school shall be kept, which the prudential committee is authorized by said act to do and perform in each school district.

[Approved by the Governor, March 19, 1833.]

CHAP. CXXXIV.

An Act to abolish the Action of Debt for an Escape.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That no sheriff, dep-

uty sheriff, coroner, constable, or deputy jailor, shall be liable to be sued in an action of debt, for any escape, voluntary or negligent, permitted or suffered, after the passing of this act.

[Approved by the Governor, March 19, 1833.]

CHAP. CXXXV.

An Act to incorporate the Proprietors of the Boston Farm 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 Samuel T. Armstrong, James Bowdoin, Moses Grant, Charles Jackson, Jonathan Phillips, John Tappan, George Ticknor, Joseph Tuckerman, and John D. Williams, with their associates, successors and assigns, be, and they hereby are made a corporation, by the name of the Proprietors of the Boston Farm School, with the powers, and subject to the requirements contained in an "act concerning corporations," passed March 3, A. D. 1833, for the education and reformation of boys, who, from the loss of their parents or other causes, are exposed to extraordinary temptations, and are in danger of becoming vicious and dangerous or useless members of society.

Persons incorpo-
rated.

SEC. 2. *Be it further enacted,* That the said corporation may take and hold real and personal estate, not exceeding in the whole the value of one hundred thousand dollars.

Real and person-
al estate.

Members.

SEC. 3. *Be it further enacted,* That every person who shall pay to the funds of the corporation the sum of fifty dollars in annual contributions within five years, may be admitted to be a member of the corporation; and every member shall be entitled to one vote for every fifty dollars so paid, or agreed to be paid: *provided,* that no member shall be entitled to more than ten votes.

May purchase a farm.

SEC. 4. *Be it further enacted,* That said corporation shall be authorized to purchase a farm, at any place within ten miles of the city of Boston, on which their school shall be established.

Boys, how admitted.

SEC. 5. *Be it further enacted,* That any boy above the age of seven years, who shall be deemed by the directors or other officers, appointed under the authority of this act, to be a fit subject for the said school, may be admitted thereto, by them, on the application of his father, or in case of his death or absence, of the mother or guardian of the boy; and the said officers are authorized to accept from such father, mother, or guardian, a surrender in writing of any such boy to the care and direction of the said corporation; and they may also take any other indigent boys residing in the city of Boston, who shall appear to them to be suitable objects of this charity, and who have no parents or guardians within this Commonwealth. All boys so taken and admitted into the school, shall be maintained, employed and educated therein, and shall be instructed in their moral and religious duties, and in the knowledge usually communicated in the common town schools. They shall also be employed in a regular course of labor, suited to their age and their strength, in which they shall be instructed in agriculture, gardening, or such useful occupations as will con-

Boys admitted, to be maintained, &c.

tribute to their present maintenance, and tend to form in them habits of industry and order, and to prepare them to earn their own livelihood.

SEC. 6. *Be it further enacted,* That the pupils of the said school, when of a suitable age, and sufficiently qualified, may be bound out as apprentices, until they shall respectively arrive at the age of twenty-one years, to farmers, or to other persons within this Commonwealth, to learn such arts, trades and employments, as, in the judgment of the said officers, may be best adapted to the capacity and disposition of each pupil, and may tend most to his future benefit and advantage; and the said officers shall have authority to bind out all the said pupils, in like manner, and with the same effect, as is now by law authorized to be done by overseers of the poor, with regard to the children of poor persons settled in their respective towns: *provided however,* that any boy received into the school, or bound out as aforesaid, who shall not have been surrendered, in the manner above provided, to the care and direction of the corporation, may be withdrawn by his parent, upon payment to the treasurer of the corporation, of the expense incurred in the maintenance and care of the child: *and provided further,* that nothing in this act contained shall prevent the said officers from dismissing any pupil, whenever they shall think that the welfare of the pupil, or of the school, will be promoted thereby.

Pupils when of a suitable age, to be bound out as apprentices.

Proviso.

[Approved by the Governor, March 19, 1833.]

CHAP. CXXXVI.

An Act to establish the Ocean 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 William Davis, Richard Stone, Henry Titcomb, Jr., Stephen Thurston, Joseph J. Knapp, their associates, successors and assigns, are hereby created a corporation, by the name of the President, Directors and Company of the Ocean Bank, to be established in Newburyport, and shall so continue until the first day of October, A. D. one thousand eight hundred and fifty-one; and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements contained in the ninety-sixth chapter of the statutes of one thousand eight hundred and twenty-eight, the fifty-eighth chapter of the statutes of one thousand eight hundred and thirty, and in the second section of "an act concerning corporations," passed March eighth, one thousand eight hundred and thirty-three.

Transfer of stock.

SEC. 2. *Be it further enacted,* That the stock in said bank shall be transferable only at its banking house, or in its books, and no part thereof shall be transferred by way of security for the performance of any obligation whatsoever, until two years from the payment of the first instalment into said bank.

Shares.

SEC. 3. *Be it further enacted,* That the capital stock of said corporation shall consist of two hun-

dred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times as the stockholders may direct: *provided*, that the whole be paid in, within one year from the passing of this act.

[Approved by the Governor, March 20, 1833.]

CHAP. CXXXVII.

An Act in addition to the several Acts concerning the Fishery in Nemasket River.

SEC. 1. **B**E *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Peter H. Pierce, and Horatio G. Wood, their heirs and assigns, be, and they hereby are authorized to keep up and maintain their dam across the Nemasket River, in the town of Middleborough, near the old stone weir, so called, upon the condition that the aforesaid Peter H. Pierce, and Horatio G. Wood, their heirs and assigns make, or cause to be made, a good and sufficient passage way for the fish called alewives, passing up said river, and keep the said passage way open during the time required by laws regulating the fisheries on said Nemasket River, and upon the further condition that the said Peter H. Pierce, and Horatio G. Wood, and their heirs and assigns, at their own expense, and free from any expense to said town, and to their acceptance, provide a suitable place at or near their said dam, where said fish

Dam to be kept up and maintained across Nemasket river.

may be conveniently taken, and the said fish way and the privilege of passing to and from the same to the highway shall be secured to the inhabitants of the town of Middleborough.

Inhabitants may take fish, from and after location of said fishing place.

SEC. 2. *Be it further enacted,* That from and after the location of such new fishing place as aforesaid, it shall be lawful for the inhabitants of said town to take said fish, at such new fishing place, and to dispose of the same in the manner provided by law for taking and selling the same at the old stone weir as aforesaid.

[Approved by the Governor, March 20, 1833.]

CHAP. CXXXVIII.

An Act to authorize the sale of Real Estate by the First Baptist Church and Society in Stoughton.

Trustees may sell parsonage house, &c.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the First Baptist Church and Society in Stoughton be, and they hereby are authorized to empower the trustees of said church and society, for the time being, to sell their parsonage house and lands, together with the pews in the meeting house, belonging to said church and society, and execute a deed or deeds thereof, and to apply the proceeds of the sale or sales to the purposes intended by the grants and donations made for the use and benefit of said church and society.

[Approved by the Governor, March 20, 1833.]

CHAP. CXXXIX.

An Act to incorporate the First Baptist 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 Jonathan Bacheller, Hezekiah Chase, Isaac Story, Samuel J. Huse, and Caleb Wiley, their associates and successors, are hereby made a corporation by the name of the First Baptist Society in Lynn, with all the powers, privileges and immunities to which religious societies are usually entitled, and with the powers, and subject to the requirements contained in an "act concerning corporations," passed on the eighth day of March, in the year one thousand eight hundred and thirty three, and with power to hold and manage any estate, the annual income of which, exclusive of their meeting house, shall not exceed three thousand dollars.

Persons incorpo-
rated.

SEC. 2. *Be it further enacted,* That the said society may, at a legal meeting called for that purpose, assess upon the pews in the meeting house of said society any sums which may be necessary for the support of public worship, and other necessary expenses, and such assessments shall be made and collected in the manner provided in the statute of the year one thousand eight hundred and seventeen, chapter one hundred and eighty nine, and in all meetings of said society, each member shall be entitled to one vote for each pew he may own, *provided*

Assessment upon
pews.

that no person shall be entitled to more than ten votes, and absent members may vote by proxy.

SEC. 3. *Be it further enacted,* That all deeds of conveyance of pews or other property of said society shall be executed and recorded in such manner as its by-laws shall direct.

[Approved by the Governor, March 20, 1833.]

CHAP. CXL.

An Act to incorporate the Franklin Academy.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Benjamin F. Remington, Dimeck Ellis, and William Long, Jr., their associates and successors, are hereby incorporated as the proprietors of Franklin Academy, to be established in Shelburne, in the county of Franklin, with the powers and requirements contained in "an act concerning corporations," passed March eighth, one thousand eight hundred and thirty three, and with power to hold real and personal estate, not exceeding in value the sum of twenty-five thousand dollars, to be devoted exclusively to the purposes of education.

Persons incorp-
rated.

[Approved by the Governor, March 20, 1833.]

CHAP. CXLI.

An Act concerning Elections.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That it shall hereafter be the duty of the selectmen, and of the clerks of the several towns and districts in this Commonwealth, and of the mayor and aldermen of the city of Boston, to make and seal up a separate list of the persons voted for as governor, lieutenant governor, counsellors and senators, and representatives in the congress of the United States, and transmit the same to the secretary of the Commonwealth, or to the sheriffs of their respective counties. And when the said lists shall be received at the office of said secretary, the seals thereof shall not be broken, but the same shall be kept as they are received, until delivered by him to the two branches of the general court, or to the executive authority, according to the constitution and laws of said Commonwealth.

Selectmen &c. required to make and seal up a list of the persons voted for as governor, &c., and transmit the same to the secretary of the Commonwealth.

SEC. 2. *Be it further enacted,* That the selectmen of the several towns and districts shall, hereafter, before they enter upon the execution of their official duties, take an oath or affirmation before a justice of the peace, or the clerk of the town or district of which they are selectmen, faithfully and impartially to discharge those duties respecting all elections, and the returns thereof, and that a certificate of such oath or affirmation shall be recorded in the town or district records.

Selectmen required to take an oath.

Statute of 1806
repealed.

SEC. 3. *Be it further enacted*, That the statute of one thousand eight hundred and six, chapter twenty-six, be, and the same is hereby repealed.

[Approved by the Governor, March 19, 1833.]

CHAP. CXLII.

An Act to incorporate the Boston and Walpole
Woollen 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 James Richardson, Truman Clark, and Hall J. How, with such others as may hereafter associate with them, their successors and assigns, are hereby made a corporation by the name of the Boston and Walpole Woollen Manufacturing Company, for the purpose of manufacturing woollen and cotton, and woollen goods, in the town of Walpole, 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 contained in an act passed the twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled, "an act defining the general powers and duties of manufacturing corporations."

Real and personal
estate.

SEC. 2. *Be it further enacted*, That said company may 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 thirty thousand dollars, and the value of such personal estate shall not exceed fifty thousand dollars.

[Approved by the Governor, March 21, 1833.]

CHAP. CXLIII.

An Act to prevent the Destruction of Beach Grass,
in the towns of Provincetown and Truro.

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 neat cattle, horses or sheep shall be permitted to go at large in the town of Provincetown, nor on that tract of land situate in the town of Truro, between the line which divides the towns of Provincetown and Truro, and a line drawn parallel with the aforesaid line from the foot of eastern harbor meadow in Truro, to the northern side of Cape Cod, in Barnstable county. And if any person shall voluntarily suffer any of the creatures aforesaid to go at large on the aforementioned lands, he shall forfeit and pay to the use of the person prosecuting therefor, for every one of said creatures, excepting sheep, not less than five, nor more than ten dollars, and for every sheep one dollar.

Neat cattle, &c.
not permitted to
go at large.

SEC. 2. *Be it further enacted,* That if any person shall wilfully pull up or destroy any beach grass planted, or which hereafter may be planted within the limits aforesaid, to prevent the destruc-

Penalty for pulling up or destroying beach grass.

tion of Provincetown harbor, he shall forfeit and pay the sum of ten dollars for the first, and twenty five dollars for every subsequent offence, to the use of the person prosecuting therefor.

Town may appoint a committee.

SEC. 3. *Be it further enacted,* That the town of Provincetown may, at their annual meeting, or at any other legal town meeting, appoint a committee of one or more persons, whose duty it shall be to cause the provisions of this act to be carried into full effect, and who shall be sworn to the faithful discharge of that duty, and who are hereby authorized to sue for and recover in the name of the treasurer of said town, the penalties herein before mentioned.

Penalties, how recovered.

SEC. 4. *Be it further enacted,* That the penalties aforesaid may be sued for and recovered by action of debt, in any court proper to try the same.

Committee, or any other person may take up and impound cattle.

SEC. 5. *Be it further enacted,* That it shall be lawful for the aforesaid committee, or any other person, to take up and impound in the town pound in Provincetown, any neat cattle, horses or sheep, at any time found going at large within the limits aforesaid, he or they relieving such creatures with suitable meat and water during the time of their confinement; and when any of the creatures aforesaid shall be so impounded, it shall be the duty of the person or persons impounding them, within twenty-four hours to inform the owner thereof, if known, by leaving a written notification at his usual place of abode; or if unknown, by posting up a written notification in three public places in the towns of Provincetown and Truro, which notification shall describe said creatures, and shall specify the time, place, and cause of impounding them, and if said owner shall not, within three days from the

time of leaving or posting up such notifications, pay or offer to pay to the pound keeper, the penalty or penalties incurred as aforesaid, and also the reasonable expenses of the relief and sustenance of such creatures, together with the pound keeper's legal fees, such pound keeper may proceed to sell such creatures at public auction, first giving notice of the time and place of sale, by posting up a written notification thereof in three public places in said town of Provincetown, at least forty eight hours before said sale, and, after deducting from the proceeds of any such sale the said penalties, expenses and fees, together with the costs of such sale, the surplus, if any, shall be paid to such owner, if he shall demand the same within one year after such sale, otherwise it shall be paid into the treasury of the town of Provincetown, for the use of said town.

SEC. 6. *Be it further enacted,* That when any person has a legal title in or to any part of the land aforesaid, he shall have a right to compensation in damages, to be paid by said town of Provincetown, for any injury he may sustain under the provisions of this act, which damages shall be estimated by a jury to be awarded by the court of common pleas within and for the county of Barnstable, and recovered with costs, in the same manner in which damages are estimated and recovered by persons injured by the laying out of highways. *Provided,* application therefor be made by petition to said court, within twelve months from and after the passing of this act, saving to said town of Provincetown the right to contest the title of any such applicant in and to the land claimed by him, by pleading to issue to any such petition; and said issue, whether in law or fact, shall be tried in said court, and either party

Compensation in
damages.

shall have a right to appeal, subject to the limitations by law in other cases provided, from the judgment of said court thereon, to the supreme judicial court in and for said county, and in case such issue be finally determined in favor of such applicant, said court of common pleas shall proceed to award a jury to estimate damages as aforesaid; but if the issue be finally determined against such applicant, said town of Provincetown shall recover against them their costs.

[Approved by the Governor, March 21, 1833.]

CHAP. CXLIV.

An Act to establish the Nahant 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 Hezekiah Chase, Henry A. Breed, William Chase, their associates, successors and assigns, are hereby created a corporation by the name of the President, Directors and Company of the Nahant Bank, to be established in the town of Lynn, and shall so continue until the first day of October, in the year of our Lord one thousand eight hundred and fifty one, and shall be entitled to all the privileges, and subject to all the duties, liabilities and requirements contained in the ninety sixth chapter of the statutes of one thousand eight hundred and twenty-eight, the fifty-eighth chapter of the statutes of one thousand eight hundred and thirty, and in the second section of "an act

Persons incorpo-
rated.

concerning corporations," passed March eighth, one thousand eight hundred and thirty three.

SEC. 2. *Be it further enacted,* That the stock in said bank shall be transferable only at its banking house, and in its books, and no part thereof shall be transferred by way of security for the performance of any obligation whatsoever, until two years from the payment of the first instalment into said bank.

SEC. 3. *Be it further enacted,* That the capital stock of said corporation shall consist of one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided,* that the whole be paid in within one year from the passing of this act.

[Approved by the Governor, March 22, 1833.]

CHAP. CXLV.

An Act to provide for the appointment of Trustees of certain Insurance Companies.

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 an insurance company, heretofore incorporated by the Legislature, has expired by the limitation of its charter, any stockholder thereof, or the legal representative of any stockholder, may apply to the supreme judicial court, at any term thereof, for the appointment of two or more persons to be trustees of such company, to collect the outstanding claims

Sup. Judicial Court may appoint trustees to collect outstanding claims.

thereof, with full power to appear, prosecute and defend, to appoint an agent or agents under them ; and to do all other acts needful and convenient for the full and final settlement of the unfinished business of such company, to the same extent that said corporation might if now in being. And the said trustees shall distribute and apportion among the stockholders of such company, or their legal representatives, all sums of money due and belonging to them, which said trustees shall receive by virtue of the provision of this act. And the supreme judicial court shall have jurisdiction in chancery of such application, and of all questions arising under said trust, and may make such orders, injunctions and decrees appertaining thereto, as justice and equity shall require.

[Approved by the Governor, March 22, 1833.]

CHAP. CXLVI.

An Act to establish the Wareham 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 David Nye, Benjamin Ellis, Joshua B. Tobey, Ezra Thompson, Warren Murdock, their associates, successors and assigns, are hereby created a corporation by the name of the President, Directors and Company of the Wareham Bank, to be established in the town of Wareham ; and shall so continue until the first*

Persons incorpo-
rated.

day of October, in the year of our Lord one thousand eight hundred and fifty-one, and shall be entitled to all the privileges, and subject to all the duties, liabilities and requirements contained in the ninety-sixth chapter of the statutes of one thousand eight hundred and twenty-eight, the fifty-eighth chapter of the statutes of one thousand eight hundred and thirty, and in the second section of "an act concerning corporations," passed March eighth, one thousand eight hundred and thirty-three.

SEC. 2. *Be it further enacted*, That the stock in said Bank shall be transferable only at its banking house, and in its books, and no part thereof shall be transferred by way of security for the performance of any obligation whatsoever, until two years from the payment of the first instalment into said Bank. Transfer of stock.

SEC. 3. *Be it further enacted*, That the capital stock of said corporation shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times as the stockholders may direct: *provided*, the whole be paid in within one year from the passing of this act. Shares.

[Approved by the Governor, March 22, 1833.]

CHAP. CXLVII.

An Act to authorize the laying out of Turnpike Roads as Common Highways.

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 county commissioners of any county, be, and hereby are empowered, on application to them made, to lay out and establish the whole or any part of any turnpike road lying within such county, as a common highway, whenever in their judgment the common convenience and necessity shall require the same, and may vary or alter the same in such parts as they shall judge expedient: *provided*, that the assent of the turnpike corporation owning the same, and of the several towns within whose limits the same may be situated, shall, at legal meetings thereof, called for the purpose, be given thereto on the terms which are hereinafter provided.

County Commissioners empowered to lay out turnpike roads as common highways.

Damages.

SEC. 2. *Be it further enacted*, That the said county commissioners shall have power to allow to said corporation such damages as they shall think reasonable and just, to be paid out of the treasury of the county, and to order a part of said damages, not exceeding one half thereof, to be paid into the county treasury, by the town or towns, district or districts, through which the said road may pass, at such times as they may direct, having regard, in the proportion thereof to be paid by said towns or districts, to the length of way in any town or district, and the advantages to be derived to such town or

district therefrom. And in default of payment thereof, by any such town or district, the same proceedings may be had to enforce the same, as are now provided by law for the expenses of making highways by the county commissioners, where towns or districts neglect to make the same.

SEC. 3. *Be it further enacted*, That whenever a turnpike road, or any part thereof, shall be so established as a common highway, all the rights, privileges, duties and obligations of the turnpike corporation, so far as they relate to that part of the road, so laid out or altered, shall be of no force or effect.

When turnpike road shall be established as a common highway.

SEC. 4. *Be it further enacted*, That all proceedings in the laying out of any road in pursuance hereof shall be in conformity with the provisions of law for laying out common highways.

Proceeding.

[Approved by the Governor, March 22, 1833.]

CHAP. CXLVIII.

An Act for the Suppression of Lotteries.

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 make, sell, or offer for sale;—or shall have in his possession with intent to sell, offer for sale, or negotiate;—or be in any wise aiding or abetting in the sale of any lottery ticket, or part of any lottery ticket, or of

Penalty for making, selling, &c. lottery tickets.

Penalty for aiding, abetting, or having any interest in lotteries.

any certificate, bill, token, or security, purporting to entitle the owner, bearer, holder, or any other person, to any share or interest in any prize to be drawn in any lottery not authorized by the laws of this Commonwealth;—or shall draw, or aid or assist in drawing any such lottery;—or shall aid or be concerned in the managing or conducting of any such lottery;—or shall knowingly suffer or permit the selling of any lottery ticket, or the drawing or managing of any such lottery, in any house, store, or other building, owned, rented, or occupied by him, within this Commonwealth; or shall knowingly suffer or permit any lottery ticket or part of a lottery ticket to be raffled for or won by throwing dice in any house, shop, or other building owned, rented, or occupied by him within this Commonwealth, every such person shall forfeit and pay a sum not less than *one hundred dollars*, nor more than *two thousand dollars*, to be recovered by indictment or information, before any court of competent jurisdiction; one half of said fine or forfeiture for the use of the Commonwealth, and the other half to the person or persons who shall prosecute therefor: and if any person, who shall have been arrested for an offence under this section, and been convicted thereof, shall, after such arrest, commit either of the offences aforesaid, he shall, in addition to the fines and forfeitures aforesaid, be sentenced, for every subsequent offence, to labor in the house of correction, or to the common gaol, if tried in any county where no house of correction shall have been established, for a term of time not less than *three months*, nor more than *twelve months*.

SEC. 2. *Be it further enacted*, That from and

after the passing of this act, if any person shall advertise or cause to be advertised, for sale, any lottery ticket, or part of any lottery ticket, or any certificate, bill, token, or security, purporting to entitle the owner, bearer or holder, or any other person, to any share or interest in any prize, to be drawn in any lottery not authorized by the laws of this Commonwealth;—or shall exhibit any sign, symbol, or other emblematic representation of a lottery, or of the drawing of a lottery, or in any way indicating where any such lottery ticket or part of a lottery ticket, certificate, bill, token, or security, may be purchased or received, or shall in any manner invite or entice others to purchase or receive any such lottery ticket, part of a lottery ticket, certificate, bill, token or security;—such person shall forfeit and pay, for each and every such offence, a sum not less than *thirty dollars*, nor more than *one hundred dollars*, to be recovered by information or indictment before any court of competent jurisdiction; one half of said fine or forfeiture for the use of the Commonwealth, and the other half to the person or persons who shall prosecute therefor.

Penalty for advertising lottery tickets, or exhibiting any emblematic representation of a lottery.

SEC. 3. *Be it further enacted*, That, from and after the passing of this act, if any person shall make, sell, or offer for sale, in this Commonwealth, any fictitious lottery ticket, or part of such ticket, or any ticket or part of any ticket in any fictitious or pretended lottery, knowing such ticket or lottery to be fictitious, or in any lottery not authorized by the Legislature of one of the United States, knowing the same not to be so authorized;—or shall make, sell, or offer for sale, any fictitious certificate, bill, token or security, or shall

Penalty for selling fictitious lottery tickets, knowing them to be such.

receive any money or other valuable consideration for any such ticket or part of a ticket, certificate, bill, token or security, knowing the same to be fictitious, purporting that the owner, bearer, or holder thereof, or any other person, is or shall be entitled to receive any prize or part of a prize that may be drawn in any such lottery;—or shall make or have in his possession, with intent to sell or negotiate, any such fictitious ticket or part of a ticket, bill, token or security, knowing the same to be fictitious—every person so offending, and being thereof convicted, before any court of competent jurisdiction, shall be punished by imprisonment and confinement to labor in the State Prison, for a term of time not less than one year, nor more than three years. And, upon the trial of any prosecution for either of the offences described in this section, whether by indictment or information, any ticket or part of a ticket, certificate, bill, token, or security purporting to entitle any person to any prize, or part of any prize that may be drawn in any lottery, and which the defendant shall have been proved to have sold, or offered for sale, or for which he shall have received any valuable consideration, shall be deemed to be false, spurious, fictitious, and pretended, unless the defendant shall prove that the same when it was sold, or offered for sale by him, was an original and genuine ticket, or part of a ticket, in a lottery authorized by the Legislature of one of the United States, existing and undrawn at the time of sale, or offered for sale, and binding upon the managers of such lottery or other person or persons authorized by the Legislature of such State, to issue such ticket, or part of a ticket. And any person or persons

who shall prosecute to conviction any one who may have committed either of the offences described in this section, shall be entitled to receive from the treasury of the Commonwealth the sum of fifty dollars for every such conviction, and a warrant shall be granted therefor, upon the certificate of the judge of the court before which the conviction shall have been had, that such person or persons are entitled to such reward, as such prosecutor or prosecutors.

Compensation to persons prosecuting.

SEC. 4. *Be it further enacted,* That, on complaint of the violation of any of the provisions of this act, made under oath or affirmation to any justice of the peace, or of any justice of any police court, such justice shall issue a warrant for the apprehension of the offender or offenders, and if he see cause, shall bind over said offender or offenders, to the next court of common pleas, to be held within the county where the offence shall be alleged to have been committed, or to the municipal court of the city of Boston, if within the county of Suffolk, to be tried for such offence.

Justices may issue a warrant for the apprehension of offenders.

SEC. 5. *Be it further enacted,* That all money received by any inhabitant of this Commonwealth, or by any person residing therein, for or on account of any prize or part of a prize, that may have been drawn or pretended to be drawn by or upon any real or fictitious ticket or part of a ticket, certificate, bill, token, or security, in any real or pretended lottery, purchased or received within this Commonwealth, shall be forfeited to the Commonwealth, and may be recovered for the Commonwealth, from the person who shall have received it, by information filed in any court of competent jurisdiction, or it may be recovered in any such

All money drawn in lotteries to be forfeited to this Commonwealth.

court, by an action for money had and received, in the name of the Commonwealth by any attorney thereof.

Former acts, inconsistent with the provisions of this act, repealed.

SEC. 6. *Be it further enacted*, That all acts heretofore passed for the regulation and suppression of lotteries, be, and they hereby are repealed, except in so much as they may affect any actions, suits, informations or indictments that may have been commenced under the sanction of such acts respectively.

[Approved by the Governor, March 23, 1833.]

CHAP. CXLIX.

An Act to increase the Capital Stock of the Barnstable 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 Barnstable Bank are hereby empowered to increase their present capital stock, by an addition of 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: *provided however*, that the whole amount shall be paid in, within one year from the time of the passage of this act.

May increase capital stock.

Additional stock.

SEC. 2. *Be it further enacted*, That the additional stock aforesaid, shall be subject to the like

tax, regulations, restrictions and provisions, to which the present capital stock of said corporation is now subject.

SEC. 3. *Be it further enacted,* That the institution for savings in the town of Barnstable, is hereby empowered to subscribe, by its treasurer, for any portion of the additional stock aforesaid, not exceeding one tenth part of the same, at the pleasure of said institution, on any day before the time when the first instalment of said additional stock may be called for by the said bank, and shall, and may pay for said portion of said additional stock so subscribed for, at the par value, in the same manner as any other stockholder.

Institution for savings may subscribe for additional stock.

SEC. 4. *Be it further enacted,* That before said corporation shall proceed to do business upon the said additional capital, a certificate, signed by the president and a majority of the directors, and attested by the cashier, that the same has been actually paid into said bank, shall be returned into the office of the secretary of this Commonwealth.

Certificate.

[Approved by the Governor, March 23, 1833.]

CHAP. CL.

An Act to increase the Capital Stock of the Andover 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 Andover Bank, are

May increase capital stock.

hereby empowered to increase their capital stock, by an addition of seventy-five 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 January next.

Additional stock. SEC. 2. *Be it further enacted*, That the additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock of said corporation is now subject.

Certificate. SEC. 3. *Be it further enacted*, That before said corporation shall proceed to do business upon the said additional capital stock, a certificate, signed by the president and a majority of the directors, and attested by the cashier, that the same has been actually paid into said bank, shall be returned into the office of the secretary of this Commonwealth.

[Approved by the Governor, March 23, 1833.]

CHAP. CLI.

An Act further regulating the storage, safe keeping, and transportation of Gunpowder 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 no person, ex-

cept on military duty in the public service of the United States, or of this Commonwealth, shall keep, have or possess, in any building, or in any place, or in any carriage, or on any wharf, or on board of any ship, or other vessel, within two hundred yards of any wharf, or of the main land, in the city of Boston, gunpowder in any quantity exceeding one pound, in any way or manner, other than by this act, and by the rules and regulations hereinafter mentioned, may be permitted and allowed. And all gunpowder, had, kept or possessed, contrary to the provisions of this act, and of such rules and regulations, shall be forfeited, and liable to be seized and proceeded against in the manner hereinafter provided.

SEC. 2. *Be it further enacted,* That it shall not be lawful for any person or persons to sell any gunpowder, which may, at the time, be within the city of Boston, in any quantity, without first having obtained from the engineers of said city, a license, signed by the chief engineer, or by the secretary of the board of engineers, on which shall be written, or printed, a copy of the rules and regulations by them established, relative to keeping, selling and transporting gunpowder within said city, and every such license shall be in force for one year from the date thereof, unless annulled by the board of engineers, and no longer; but such license may, prior to the expiration of that term, be renewed by the chief engineer or the said secretary, from year to year, by endorsement thereon,—*provided always,* that the board of engineers may rescind any such license, if in their opinion the person or persons have disobeyed the law, or infringed any rules and regulations established by said board of engineers. License, &c.

And every person who shall receive a license to sell gunpowder as aforesaid, shall pay for the same the sum of *five dollars*—and for the renewal thereof, the sum of *one dollar*—which sums shall be paid to the board of engineers, for their use, for the purpose of defraying the expenses of carrying this act into execution.

Rules and regulations.

SEC. 3. *Be it further enacted*, That the board of engineers of the city of Boston may establish rules and regulations, from time to time, relative to the times and places at which gunpowder may be brought to or carried from said city by land or water, the times when and the manner in which the same may be transported through said city, to direct and regulate the kind of carriages and boats, in which the same may be so brought to, carried from and through said city, and to direct the manner in which gunpowder may be kept by licensed dealers, and other persons, and to direct and require all such precautions as may appear to them needful and salutary to guard against danger in the keeping and transportation of gunpowder.

Penalty for selling without license.

SEC. 4. *Be it further enacted*, That any person or persons, who shall keep, have, or possess any gunpowder within the city of Boston, contrary to the provisions of this act, and to the rules and regulations made as aforesaid, or who shall sell any gunpowder therein without having a license therefor, or contrary to said license, or the rules and regulations made as aforesaid, shall forfeit and pay a fine of not less than *one hundred dollars*, and not exceeding *five hundred dollars*, for each and every offence; and if any gunpowder, kept contrary to the provisions of this act shall explode in any building, or on board any ship or other vessel, or in any place in

said city, the occupant, tenant or owner of which has not then a license to keep and sell gunpowder therein, or which gunpowder shall have been kept in any manner contrary to such license, or to the rules and regulations established as aforesaid, such occupant, tenant or owner shall forfeit and pay a fine of not less than *five hundred dollars*, and not exceeding *one thousand dollars*;—one moiety of the sums which may be so forfeited shall accrue to the use of the poor of the city of Boston, and the other moiety to the use of any person or persons who shall prosecute for the same, which forfeitures may be recovered by action of the case in any court proper to try the same.

SEC. 5. *Be it further enacted*, That all gunpowder, which shall be kept, had or possessed within the city of Boston, or brought into or transported through the same, contrary to the provisions of this act, and to the rules and regulations made as aforesaid, may be seized and taken into custody by any one or more of the engineers of said city, and the same shall, within twenty days next after the seizure thereof, be libelled, by filing in the office of the clerk of the municipal court of the city of Boston, a libel, stating the time, place and cause of such seizure, a copy of which libel, or the substance thereof, together with a summons or notice, which such clerk is hereby authorized to issue, shall be served on the person or persons, in whose custody or possession such gunpowder shall have been seized, if such person be an inhabitant of this Commonwealth, by delivering a copy thereof to such person or persons, or leaving such a copy at his, her, or their usual place of abode, fourteen days at least before the sitting of the court at which the same is to be

Gunpowder may
be seized, &c.

heard, that such person or persons may appear and shew cause why the gunpowder so seized and taken should not be adjudged forfeit. And if the gunpowder so seized shall be adjudged forfeit, the person or persons, in whose custody or possession the same was seized, or the occupant or tenant of the place wherein the same was so seized, shall pay all costs of prosecution, and execution shall be issued therefor, *provided* that it appear to the court that such person or persons had notice of such prosecution by service as aforesaid, and in case the person or persons in whose custody or possession such gunpowder may be seized, shall be unknown to the engineer or engineers making such seizure, or in case such gunpowder, at the time of seizure, may not be in the custody or possession of any person, or if it shall appear by the return of the officer that such person cannot be found, or has no place of abode in this Commonwealth, then said court shall and may proceed to adjudication thereon. And such libel or summons, and also such writ of execution for costs, shall and may be served and executed in any county in this Commonwealth, and by any officer competent to execute civil process in like cases.

Proviso.

Fine for rescuing
gunpowder, or
attempting to res-
cue it.

SEC. 6. *Be it further enacted,* That any person or persons, who shall rescue, or attempt to rescue, any gunpowder seized as aforesaid, or shall aid or assist therein, or who shall counsel and advise, or procure the same to be done, or who shall molest, hinder or obstruct any engineer in such seizure, or in conveying gunpowder so seized to a place of safety, shall forfeit and pay a fine for each offence of not less than *one hundred dollars*, and not exceeding *five hundred dollars*, to be sued for and recovered by action of the case, by any person or persons

who shall sue for the same, in any court proper to try the same ; and it is hereby made the duty of all persons to aid and assist such engineer or engineers in executing the duties hereby required.

SEC. 7. *Be it further enacted,* That the said engineers, or any of them, may enter the store or place of any person or persons licensed to sell gunpowder, to examine and ascertain if the laws, rules and regulations relating thereto are strictly observed ; and on an alarm of fire, may cause the powder there deposited to be removed, or destroyed, as the case may require ; and it shall be lawful for any one or more of the engineers of said city to enter any dwelling house or other place in the city of Boston, to search for gunpowder, first having obtained from a justice of the police court in said city a search warrant therefor, which warrant the justices of said court are hereby authorized to issue, upon the complaint of such engineer or engineers, supported by his or their oath.

Engineers may enter stores, &c.

SEC. 8. *Be it further enacted,* That any person who shall suffer injury by the explosion of any gunpowder, had, kept, or transported within the city of Boston, contrary to the provisions of this act, and of the rules and regulations established as aforesaid, may have an action of the case in any court proper to try the same, against the owner or owners of such gunpowder, or against any other person or persons who may have had the possession or custody of such gunpowder, at the time of the explosion thereof, to recover reasonable damages for the injury thus sustained.

Person suffering by explosion, may have an action of the case, &c.

SEC. 9. *Be it further enacted,* That it shall be the duty of the engineers of the city of Boston, to cause all such rules and regulations as they may

Rules and regulations.

make and establish, by virtue of the authority given by this act, to be published in two or more newspapers printed in the city of Boston, and to cause such publication to be continued three weeks successively, for the information and government of all persons concerned.

Fines, how recovered.

SEC. 10. *Be it further enacted*, That all fines, penalties and forfeitures, which may arise and accrue under this act, shall and may be prosecuted for and recovered, either in the manner herein before specially provided, or by indictment, complaint, or information in any court proper to try the same. And this act shall be taken and deemed to be a public act, of which all courts, magistrates and citizens are bound to take notice as such ; and in any libel, action, indictment, information, or complaint upon this act, it shall not be necessary to set forth any more of the same than so much thereof as relates to, and may be necessary truly and substantially to describe the offence alleged to have been committed.

Fines, how appropriated.

SEC. 11. *Be it further enacted*, That all fines, penalties and forfeitures, which shall be recovered by force of this act, and which are not otherwise appropriated, shall accrue and enure, one half to the poor of the city of Boston, to be paid over to the overseers of the poor thereof, and one half to the engineers of said city: *provided, however*, that whenever, on the trial of any prosecution under this act, any one or more of said engineers shall be sworn and examined as a witness or witnesses therein, record thereof shall be made in court, and in that case, the whole of such fine, penalty, and forfeiture shall accrue and enure

to the poor of said city, and to be paid over as aforesaid.

SEC. 12. *Be it further enacted*, That this act shall take effect and be in force from and after the passing thereof, and that all acts and parts of acts, heretofore passed, which are inconsistent with, or repugnant to the provisions of this act, be, and the same are hereby repealed ; *provided, however*, that the same shall continue in force, for the purpose of prosecuting all offences which may have been committed prior to the passing of this act, in the same manner, to all intents and purposes, as if the same had not been repealed. *And provided further*, that all rules and regulations, made and established by the engineers of said city, under and by virtue of the provisions of such former acts, shall continue to have the same force and effect, until altered or annulled by said engineers, as if this act had not been passed.

Act, when to
take effect.

[Approved by the Governor, March 25, 1833.]

CHAP. CLII.

An Act to incorporate the East Boston Company,
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 Francis J. Oliver, Stephen White, William H. Sumner, and their

Persons incorpo-
rated.

associates, successors and assigns, be, and they are hereby made a body corporate, by the name of the East Boston Company, for the purpose of improving Noddle's Island, with the powers and requirements contained in "an act concerning corporations," passed March eighth, A. D. one thousand eight hundred and thirty-three.

May hold and possess Noddle's Island.

SEC. 2. *Be it further enacted*, That said corporation may purchase, hold and possess, in fee simple or otherwise, all or any part of that island situate in the city of Boston, known by the name of Noddle's Island, with all the flats around the same, and the privileges and appurtenances there-to appertaining, and all rights, easements and water courses therewith used and enjoyed, and to the proprietors of said island belonging; with such personal property as may be necessary for the proper conducting of the affairs of said corporation: *provided*, that the whole real and personal estate of said corporation shall not exceed in value the sum of five hundred thousand dollars: *and provided*, that the lawful owners or proprietors of such estates shall convey the same to said corporation. And said corporation shall also have power to sell and convey, lease, mortgage, or otherwise dispose of said corporate property, or any part thereof, and to manage and improve the same at its will and pleasure, with authority to construct dams, docks, wharves and buildings, and to lay out streets and passage ways within the limits of said island, as it shall deem expedient.

Proviso.

Number of shares.

SEC. 3. *Be it further enacted*, That said corporation may, at any legal meeting, agree upon the number of shares into which the corporate estate

and property shall be divided, and upon the form of certificates of shares to be issued to the proprietors, and upon the manner and conditions of transferring the same; which shares shall be deemed and held as personal property. And said corporation shall have power to assess, upon each share, such sums of money as may be considered as necessary for constructing, repairing and maintaining dams, docks, wharves and buildings, and for the improvement and good management of the property of said corporation, and for the incidental expenses thereof; and to sell and dispose of the shares of any delinquent proprietor, for the payment of assessments, in such manner as said corporation may, by its by-laws, determine: *provided*, that no assessment shall be made at any meeting, unless agreed to by two thirds, at least, both in number and value, of those proprietors present and represented, nor unless notice of the purpose of such meeting shall have been given ten days, at least, previous thereto, in the manner prescribed by the by-laws.

Assessments.

SEC. 4. *Be it further enacted*, That said corporation shall set apart on said island, in such place or places thereon as the mayor and aldermen of the city of Boston may designate, a portion of land, not exceeding in the whole four acres, free of expense to the city, for the purpose of providing proper sites for engine houses, school houses, burial grounds, and for other public purposes: *provided*, that no lot, except the lots for burial grounds, shall contain more than ten thousand feet, without the consent of this corporation: *and provided further*, that said mayor and aldermen shall designate the

Corporation to set apart land for engine houses, &c.

land so to be taken within six weeks from the passing of this act.

SEC. 5. *Be it further enacted*, That nothing herein contained shall be construed to confirm, interrupt or impair the existing rights belonging to the proprietors, or others, or of any ferry already established, or to authorize the building of any bridge, or dam, over the channel of any public navigable waters, or otherwise permanently to obstruct the same, or to restrain the power of setting up any ferry which the wants or convenience of the public may hereafter require.

Votes.

SEC. 6. *Be it further enacted*, That, at all meetings, the proprietors present shall be respectively entitled to as many votes as they shall hold shares in said corporation : *provided*, that no one proprietor shall ever be entitled to more than one quarter part of the whole number of the votes of said corporation ; and absent proprietors may vote by proxy, authorized in writing.

[Approved by the Governor, March 25, 1833.]

CHAP. CLIII.

An Act to establish the Northampton 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 Hinckley, John Hopkins, Thomas Napier, George Bancroft,

Persons incorpo-
rated.

and Charles A. Dewey, their associates, successors and assigns, are hereby created a corporation, by the name of the President, Directors and Company of the Northampton Bank, to be established in Northampton, and shall so continue until the first day of October, in the year of our Lord one thousand eight hundred and fifty-one, and said corporation shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities and requirements contained in the ninety-sixth chapter of the statutes of one thousand eight hundred and twenty-eight, the fifty-eighth chapter of the statutes of one thousand eight hundred and thirty, and in the second section of "an act concerning corporations," passed March eighth, one thousand eight hundred and thirty-three.

SEC. 2. *Be it further enacted*, That the stock in said bank shall be transferable only at its banking house and in its books, and no part thereof shall be transferred by way of security for the performance of any obligation whatsoever, until two years from the payment of the first instalment into said bank.

Stock, where transferable.

SEC. 3. *Be it further enacted*, That the capital stock of said corporation shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times as the stockholders may direct: *provided*, the whole be paid within one year from the passing of this act.

Shares.

SEC. 4. *Be it further enacted*, That said bank shall be established in the town of Northampton; and any two of the persons herein named shall be authorized to call the first meeting of said corpo-

Where established.

ration, by advertising the same in any newspaper published in Northampton, ten days at least before said meeting.

[Approved by the Governor, March 25, 1833.]

CHAP. CLIV.

An Act to increase the capital stock of the Mechanics Bank in Newburyport.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the president, directors and company of the Mechanics Bank in Newburyport are hereby 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 such instalments, and at such times, as the president and directors of said bank may direct: *provided however,* that the whole amount shall be paid in, on or before the first day of October next.

May increase capital stock.

SEC. 2. *Be it further enacted,* That the additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said corporation is now subject.

Additional stock subject to tax &c.

SEC. 3. *Be it further enacted,* That before said corporation shall proceed to do business upon said additional capital, a certificate, signed by the president and a majority of the directors, and attested

Secretary of State to receive certificate, &c.

by the cashier, that the same has been actually paid into said bank, shall be returned into the office of the secretary of this Commonwealth.

[Approved by the Governor, March 25, 1833.]

CHAP. CLV.

An Act to establish the Hingham 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 David Whiton, Leavitt Souther, Luther J. Barnes, Nathaniel Whittemore and Moses L. Humphrey, their associates, successors and assigns, are hereby created a corporation, by the name of "the President Directors and Company of the Hingham Bank," to be established in Hingham, and shall so continue until the first day of October, in the year of our Lord one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements contained in the ninety-sixth chapter of the statutes of one thousand eight hundred and twenty-eight, in the fifty-eighth chapter of the statutes of one thousand eight hundred and thirty, and in the second section of "an act concerning corporations," passed March eighth, one thousand eight hundred and thirty-three.

Persons incorporated.

SEC. 2. *Be it further enacted,* That the stock in said bank shall be transferable only at its bank-

When and where stock is transferable.

ing house and in its books, and no part thereof shall be transferred by way of security for the performance of any obligation whatsoever, until two years from the payment of the first instalment into said bank.

Capital stock.¶

SEC. 3. *Be it further enacted*, That the capital stock of said corporation shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, the whole be paid in within one year from the passing of this act.

[Approved by the Governor, March 25, 1833.]

CHAP. CLVI.

An Act to establish the Framingham 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 Micah Stone, Dexter Fay, Sullivan Fay, Elijah Perry, and Rufus Brewer, their associates, successors and assigns, are hereby created a corporation by the name of the President, Directors and Company of the Framingham Bank, to be established at Framingham, and shall so continue until the first day of October, in the year of our Lord one thousand eight hundred and fifty-one, and shall be entitled to all the privileges, and subject to all the liabilities and requirements, contained in the statutes of one thou-

sand eight hundred and twenty-eight, chapter ninety-six, and the statutes of one thousand eight hundred and thirty, chapter fifty-eight, and in the second section of "an act concerning corporations," passed March eighth, one thousand eight hundred and thirty-three.

SEC. 2. *Be it further enacted,* That the stock Transfer of stock. of said bank shall be transferable only at its banking house, and in its books, and no part thereof shall be transferred by way of security for the performance of any obligation whatsoever, until two years from the payment of the first instalment into said bank.

SEC. 3. *Be it further enacted,* That the capital stock of said corporation shall consist of one Shares. hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times as the stockholders may direct: *provided,* the whole be paid in within one year from the passing of this act.

[Approved by the Governor, March 25, 1833.]

CHAP. CLVII.

An Act to establish the Duxbury 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 Ezra Weston, Levi Sampson, and George Loring, their associates, successors and assigns, are hereby created a Persons incorporated.

corporation, by the name of the President, Directors and Company of the Duxbury Bank, to be established in Duxbury, and shall so continue until the first day of October, in the year of our Lord one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements, contained in the ninety-sixth chapter of the statutes of one thousand eight hundred and twenty-eight, and in the fifty-eighth chapter of the statutes of one thousand eight hundred and thirty, and in the second section of "an act concerning corporations," passed March eighth, one thousand eight hundred and thirty-three.

Transfer of stock.

SEC. 2. *Be it further enacted,* That the stock in said bank shall be transferable only at its banking house and in its books, and no part thereof shall be transferable by way of security for the performance of any obligation whatsoever, until two years from the payment of the first instalment into said bank.

Shares.

SEC. 3. *Be it further enacted,* That the capital stock of said corporation shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct : *provided,* the whole be paid in within one year from the passing of this act.

[Approved by the Governor, March 25, 1833.]

CHAP. CLVIII.

An Act to increase the Capital Stock of the Merchants' Bank in Newburyport.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the president, directors and company of the Merchants' Bank in Newburyport are hereby empowered to increase their present capital stock, by an addition of seventy-five thousand dollars thereto, in shares of fifty dollars each, which shall be paid in such instalments, and at such times, as the president and directors of said bank may direct: *provided however,* that the whole amount shall be paid in on or before the first day of October next.

SEC. 2. *Be it further enacted,* That the additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock of said corporation is now subject.

Additional stock
subject to tax,
&c.

SEC. 3. *Be it further enacted,* That before said corporation shall proceed to do business upon said additional capital, a certificate signed by the president, and a majority of the directors, and attested by the cashier, that the same has been actually paid into said bank, shall be returned into the office of the secretary of this Commonwealth.

Secretary of
State to receive
a certificate.

[Approved by the Governor, March 25, 1833.]

CHAP. CLIX.

An Act to increase the Capital Stock of the Greenfield Bank.

Increase of capital stock.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the president, directors and company of the Greenfield Bank are hereby empowered to increase their present capital stock, by an addition of 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 determine: *provided however*, that the whole amount shall be paid in within one year from the passing of this act.

Additional stock subject to tax, &c.

SEC. 2. *Be it further enacted*, That the additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock of said corporation is now subject.

Secretary of State to receive a certificate.

SEC. 3. *Be it further enacted*, That, before the said corporation shall proceed to do business upon said additional capital, a certificate, signed by the president, and a majority of the directors, and attested by the cashier, that the same has been actually paid into said bank, shall be returned into the office of the secretary of this Commonwealth.

[Approved by the Governor, March 25, 1833.]

CHAP. CLX.

An Act to increase the Capital Stock of the Marine Bank 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 president, directors and company of the Marine Bank in New Bedford are hereby empowered to increase their present capital stock, by an addition thereto of one hundred thousand dollars, 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: *provided however,* that the whole amount shall be paid in, on or before the first day of October next.

May increase capital stock.

SEC. 2. *Be it further enacted,* That the additional stock aforesaid shall be subject to the like tax, regulations and restrictions, to which the present capital stock of said corporation is now subject.

Additional stock.

SEC. 3. *Be it further enacted,* That, before the said corporation shall proceed to do business upon said additional capital, a certificate, signed by the president and a majority of the directors, and attested by the cashier, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

Certificate.

[Approved by the Governor, March 25, 1833.]

CHAP. CLXI.

An Act to establish the Ipswich Bank.

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 Manning, Michael Brown, Ephraim F. Miller, Charles Kimball, Samuel N. Baker, and Samuel S. Farrington, their associates, successors and assigns, are hereby created a corporation, by the name of the President, Directors and Company of the Ipswich Bank, to be established in Ipswich, and shall so continue until the first day of October, in the year of our Lord one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements contained in the statute of one thousand eight hundred and twenty-eight, chapter ninety-six, the statutes of one thousand eight hundred and thirty, chapter fifty-eight, and in the second section of "an act concerning corporations," passed March eighth, one thousand eight hundred and thirty-three.

When and where
stock is transfer-
able.

SEC. 2. *Be it further enacted*, That the stock in said bank shall be transferable only at its banking house and in its books, and no part thereof shall be transferred by way of security for the performance of any obligation whatsoever, until two years from the payment of the first instalment into said bank.

Shares.

SEC. 3. *Be it further enacted*, That the capital

stock shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, that the whole be paid in within one year from the passing of this act.

[Approved by the Governor, March 25, 1833.]

CHAP. CLXII.

An Act to incorporate the Randolph Academy.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Jonathan Wales, James Littlefield, Royal Turner, Ebenezer Alden, and Seth Mann, their associates and successors, are hereby incorporated as the Proprietors of Randolph Academy, to be established in the town of Randolph, in the county of Norfolk, with the powers and requirements contained in “an act concerning corporations,” passed March eighth, one thousand eight hundred and thirty-three; and with power to hold real and personal estate not exceeding in value the sum of twenty thousand dollars, to be devoted exclusively to the purposes of education.

Persons incorporated.

Real and personal estate.

[Approved by the Governor, March 25, 1833.]

CHAP. CLXIII.

An Act to establish the South Bank.

Persons incor-
porated.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That John H. Bird, John Preston, George C. Thatcher, Noah Brooks, their associates, successors and assigns, are hereby created a corporation, by the name of the President, Directors and Company of the South Bank, to be established in Boston, and shall so continue until the first day of October, one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements contained in the ninety-sixth chapter of the statutes of one thousand eight hundred and twenty-eight, the fifty-eighth chapter of the statutes of one thousand eight hundred and thirty, and in the second section of "an act concerning corporations," passed March eighth, one thousand eight hundred and thirty-three.

When and where
stock is transfer-
able.

SEC. 2. *Be it further enacted,* That the stock in said bank shall be transferable only at its banking house and in its books, and no part thereof shall be transferred by way of security for the performance of any obligation whatsoever, until two years from the payment of the first instalment into said bank.

Shares.

SEC. 3. *Be it further enacted,* That the capital stock of said corporation shall consist of five hun-

dred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, that the whole be paid in within one year from the passage of this act.

[Approved by the Governor, March 25, 1833.]

CHAP. CLXIV.

An Act to establish the Quinsigamond 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 Paine, Samuel M. Burnside, John Coe, Otis Corbett, Ichabod Washburn, Stephen Salisbury, Frederick W. Paine, Thomas Kinnicut, George T. Rice and Levi A. Dowley, their associates, successors and assigns, are hereby created a corporation, by the name of the President, Directors and Company of the Quinsigamond Bank, to be established in Worcester, and shall so continue until the first day of October, in the year of our Lord one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements contained in the statutes of one thousand eight hundred and twenty-eight, chapter ninety-six, in the statutes of one thousand eight hundred and thirty, chapter fifty-eight, and in the second section of "an act concerning corporations," passed March eighth, one thousand eight hundred and thirty-three.

Persons incorporated.

When and where
stock is transfer-
able.

SEC. 2. *Be it further enacted,* That the stock in said bank shall be transferable only at its banking house and in its books, and no part thereof shall be transferred by way of security for the performance of any obligation whatsoever, until two years from the payment of the first instalment into said bank.

Shares.

SEC. 3. *Be it further enacted,* That the capital stock of said corporation shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct : *provided,* the whole be paid in within one year from the passing of this act.

[Approved by the Governor, March 25, 1833.]

CHAP. CLXV.

An Act to establish the People's Bank.

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 Samuel Guild, Samuel J. Gardner, and Elijah Lewis, their associates, successors and assigns, are hereby created a corporation, by the name of the President, Directors and Company of the People's Bank, to be established in Roxbury, and shall so continue until the first day of October, in the year of our Lord, one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and subject to all the liabilities and requirements con-

tained in the statutes of one thousand eight hundred and twenty-eight, chapter ninety-six, the statutes of one thousand eight hundred and thirty, chapter fifty-eight, and in the second section of "an act concerning corporations," passed March eighth, one thousand eight hundred and thirty-three.

SEC. 2. *Be it further enacted*, That the stock of said Bank, shall be transferable only at its banking house and in its books, and no part thereof shall be transferred, by way of security, for the performance of any obligation whatsoever, until two years from the payment of the first instalment into said Bank.

When and where stock is transferable.

SEC. 3. *Be it further enacted*, That the capital stock of said corporation shall consist of two hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, the whole be paid in within one year from the passing of this act.

Shares.

[Approved by the Governor, March 25, 1833.]

CHAP. CLXVI.

An Act in addition to "An Act for the Choice and Appointment of Assessors, and for assigning their Powers and Authority."

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

Assessors not
responsible for
school tax.

towns and districts shall not hereafter be made responsible for the assessment of any tax upon the inhabitants of a school district, when the clerk of such school district shall have certified to said assessors, that such tax was voted to be raised, at a legal meeting of the inhabitants of such school district, but the liability, if any, shall rest solely with said school district, and the assessors shall be responsible only for their own integrity and fidelity.

[Approved by the Governor, March 25, 1833.]

CHAP. CLXVII.

An Act to establish the Hancock Bank.

Persons incorpo-
rated.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That John Brown, Amos Binney, and Daniel D. Brodhead, their associates, successors and assigns, are hereby created a corporation, by the name of the President, Directors and Company of the Hancock Bank, to be established in Boston, and shall so continue until the first day of October, in the year of our Lord, one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements, contained in the statutes of one thousand eight hundred and twenty-eight, chapter ninety-six, the statutes of one thousand eight hundred and thirty, chapter fifty-eight, and in the second section of

“ an act concerning corporations,” passed March eighth, one thousand eight hundred and thirty-three.

SEC. 2. *Be it further enacted,* That the stock of said Bank shall be transferable only at its banking house and in its books, and no part thereof shall be transferred, by way of security, for the performance of any obligation whatsoever, until two years from the payment of the first instalment into said Bank. Transfer of stock.

SEC. 3. *Be it further enacted,* That the capital stock of said corporation shall consist of five hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct : *provided,* the whole be paid in within one year from the passing of this act. Shares.

[Approved by the Governor, March 25, 1833.]

CHAP. CLXVIII.

An Act to incorporate the Naumkeag Wharf and Whale Fishery 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 David Pingree, Joel Bowker, Elisha Mack, Larkin Thorndike, and John Read, their associates, successors and assigns, are hereby constituted a corporation, by the name of the Naumkeag Wharf, and Whale Fishery Company, to be established in the town of Salem, with all the Persons incorporated.

powers and requirements contained in "an act concerning corporations," passed March eighth, in the year of our Lord one thousand eight hundred and thirty three.

Real estate.

SEC. 2. *Be it further enacted,* That said corporation may hold and possess all, or any part of that real estate in said Salem, bounded northerly on Bridge Street, easterly on the flats at low water, southerly on Collins' Cove, and westerly on land of William B. Parker and others, and all rights, easements, privileges and appurtenances thereto belonging, including a wharf and warehouse thereon: *provided,* that the lawful owners of said property shall legally convey the same to said corporation, and said corporation may extend, build and maintain a wharf or wharves from said estate, across the flats, to a point or points below low water, suitable for the approach of whale ships, and other vessels fully laden, and may receive dockage and wharfage for all vessels laid at their wharves, and said corporation may, conformably to the provisions of their by-laws, make conveyances of their corporate property, and may lease, manage and improve the same: *provided,* that no wharf, or other structure, shall be built into the channel, excepting on piles, nor shall the rights or property of the owner or owners of any adjoining wharf or wharves be hereby lessened or injured.

Number of shares.

SEC. 3. *Be it further enacted* That the number of shares in the property of said corporation shall not exceed one thousand, and the assessments shall not exceed one hundred dollars upon each share, for the purposes contemplated by this act, and in case any proprietor shall not pay any assessment, said corporation may cause such shares of such proprie-

tors, as may be sufficient to be sold at public auction, after thirty days notice in one or more newspapers in said Salem, and the surplus over assessments and charges of sale shall be paid over to such proprietor, and the purchaser shall be entitled to a certificate of the share or shares so sold.

SEC. 4. *Be it further enacted,* That each share Votes. in said corporation shall entitle the proprietor to one vote, but no proprietor shall have more votes than one fourth of the whole number, and all assessments upon the shares shall be agreed to by two thirds at least in number of votes of proprietors present, or represented in writing, at any meeting, public notice thereof in one or more newspapers, printed in Salem, being given at least ten days previously.

SEC. 5. *Be it further enacted,* That said corporation may engage in the manufacture of sperm May manufacture sperm candles, &c. candles, and in any other manufacture connected with a whale fishery establishment, and for such For such purpose may increase number of shares. purposes may increase the number of their shares to not more than five thousand in all, and shall act under the provisions of the fifty-third chapter of the statutes of one thousand eight hundred and twenty-nine ; but said corporation shall not have power to build, own, purchase, charter or hire any ship or other vessel ; and the capital stock of said corporation, Capital stock. for all purposes, shall consist of real estate not exceeding one hundred thousand dollars in value, and of personal estate not exceeding four hundred thousand dollars.

[Approved by the Governor, March 25, 1833.]

CHAP. CLXIX.

An Act to incorporate the Boston Phrenological Society.

Persons incor-
porated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That John Pierpont, William Ingalls, Jonathan Barker, and their associates, are hereby made a corporation, by the name of the Boston Phrenological Society, with all the powers and requirements contained in "an act concerning corporations," passed March 8th, 1833, for the purpose of investigating the science of Phrenology, and its bearing on the physical, intellectual, and moral character and condition of man, and of rendering it available, if it may be, to the improvement of individuals and society.

Real estate.

SEC. 2. *Be it further enacted,* That said society shall have power to hold and manage for the purposes set forth in the first section of this act, real estate to the amount of ten thousand dollars, and personal estate to the amount of ten thousand dollars.

[Approved by the Governor, March 25, 1833.]

CHAP. CLXX.

An Act concerning the Salaries of Clerks of the
Judicial Courts.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That, whenever the fees received by the clerk of the judicial courts for any county in this Commonwealth by virtue of his office, shall exceed the amount which he is now by law authorized to retain, such clerk is hereby authorized to retain to his own use one half of such excess in addition to his annual salary.

Clerks to retain one half of the excess of fees, &c.

[Approved by the Governor, March 25, 1833.]

CHAP. CLXXI.

An Act in addition to the several Acts concerning
the Trustee Process.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That any party who may by law be authorized to sue out an original writ, returnable to the supreme judicial court, for the recovery of any sum of money, shall be entitled to the benefit of the provisions contained in an act,

Relating to the Trustee Process.

entitled, "an act to enable creditors to receive their just demands out of the goods, effects and credits of their debtors, when the same cannot be attached by the ordinary process of law," and in the several acts in addition thereto; and in every such case an original writ in the form prescribed by the act aforesaid, may be issued under the seal, and signed by the clerk of the supreme judicial court.

[Approved by the Governor, March 25, 1833.]

CHAP. CLXXII.

An Act to incorporate the Boston Musical Professional Society.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Charles Zeuner, Isaac K. Wise, George Kingsley, William Denton, and George Jones, their associates, successors and assigns, are hereby created a corporation, by the name of the Boston Musical Professional Society, for the purpose of promoting education in the science and practice of music, and of holding a fund to be applied to the assistance of disabled and aged members of the society. And said corporation may hold personal estate not exceeding in value twenty thousand dollars, to be appropriated exclusively to the purposes aforesaid, and may have the powers, and shall be subject to the re-

Persons incorpo-
rated.

May hold person-
al estate.

quirements contained in “an act concerning corporations,” passed March eighth, A. D. 1833.

[Approved by the Governor, March 25, 1833.]

CHAP. CLXXIII.

An Act in addition to An Act establishing Salaries for Judges and Registers of Probate.

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 thirty-first day of May next, the judge and register of probate for the county of Worcester, shall receive for their respective services, the following annual salaries, to wit: the judge of probate for said county, the sum of seven hundred dollars; the register of probate for said county, the sum of fourteen hundred dollars; instead of the sums mentioned in the act to which this is in addition, passed on the twentieth day of February, in the year of our Lord one thousand eight hundred and twenty-four.

Salaries of judges and registers of probate.

[Approved by the Governor, March 25, 1833.]

CHAP. CLXXIV.

An Act to extend the time for liquidating the concerns of the Brighton Bank.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That in addition to the time allowed by the statute of the year one thousand eight hundred nineteen, chapter forty-three, the president, directors and company of the Brighton Bank be allowed the further term of one year to settle and close their concerns, in the manner prescribed by said statute.

Further term of one year allowed.

[Approved by the Governor, March 25, 1833.]

CHAP. CLXXV.

An Act in addition to 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 the Boston Insurance Company are hereby authorized to augment their capital stock to any amount not exceeding five hundred thousand dollars, the additional stock to be divided into shares of one hundred dollars each, and to be subscribed under the direction

May augment capital stock.

of the president and directors for the time being, when, and on such terms and conditions as they and the subscribers may agree: *provided*, that no person who is a director, shall, while in the exercise of that office, subscribe any part of said new stock.

SEC 2. *Be it further enacted*, That the additional stock which may be subscribed as aforesaid, shall be paid in and invested in the same manner as the other part of the capital is required to be invested, within sixty days after the same shall be subscribed, and shall be subject to all the provisions of the laws as the other part of the capital, and entitled to all the privileges to which it is entitled.

[Approved by the Governor, March 25, 1833.]

CHAP. CLXXVI.

An Act in relation to petitions for acts of incorporation for Canal, Rail Road, and Turnpike Companies.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That all petitions for acts of incorporation of any canal, rail road, or turnpike company, shall be accompanied with a plan or a series of plans of the proposed route, made by a skilful engineer, on which shall be delineated a profile of the land proposed to be taken, and of the line of such canal, rail road, or turnpike, together with all the embankments and cuttings.

Petitions for acts of incorporation of canals, &c., to be accompanied with a plan of the proposed route.

And said plan or plans shall be drafted on a horizontal scale of eighty rods to an inch, and on a perpendicular scale of fifty feet to an inch, and shall also exhibit the true and magnetic meridian. And the petitioners shall also present with their petitions, a detailed report, made by the same engineer, of the character of the soil, of the manner in which it is proposed to construct such canal, rail road, or turnpike, with a particular statement of the estimated expense of such contemplated work. And all such plans and reports, after the petition to which they refer shall have received legislative action, shall be deposited and retained in the library of the general court.

Plans to be deposited in the General Court Library.

[Approved by the Governor, March 25, 1833.]

CHAP. CLXXVII.

An Act authorizing Charles Smith to construct a Wharf in the Harbor of Holmes Hole.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Charles Smith is hereby authorized and allowed to build a wharf in the harbor of Holmes's Hole, in Dukes County, commencing at the foot of the street leading to the water, between the land of Jonathan Luce, Jr., and that of the heirs of Silas West, in a parallel line with the street, extending across the flats to where there may be two fathoms of water, not to exceed

Charles Smith authorized to build a wharf.

twenty-five rods from high water mark, and that he be allowed all the privileges heretofore granted, or that may hereafter be granted to proprietors of wharves in said harbor, for the use, occupation and accommodation of said wharf: *provided*, that this grant shall in no wise interfere with the legal rights of any other person or persons. Proviso.

[Approved by the Governor, March 26, 1833.]

CHAP. CLXXVIII.

An Act to prevent Trespasses on the State House, and other public buildings.

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 wilfully deface, mar or injure the walls, wainscoting, or any other part of the State House, or any other building belonging to the Commonwealth, by cutting, writing, or in any other way, said person so offending shall forfeit and pay, for each offence, a fine of not less than four dollars, to be recovered on complaint made before any court competent to try the same, the one half of the penalty so recovered to enure for the benefit of the prosecutor, and the other half to the use of the Commonwealth.

Fine for injuring State House, &c.

[Approved by the Governor, March 26, 1833.]

CHAP. CLXXIX.

An Act confirming the location of a Wharf in the Harbor of Edgartown.

Charles Smith
and John Holmes
authorized to
maintain and
continue wharf,
&c.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Charles Smith, and John Holmes, are hereby authorized to continue and maintain a wharf situated in the harbor of said Edgartown, in Dukes' County, and adjoining the land of the said Charles Smith and John Holmes, and extending into the channel of said harbor, and that they be allowed all the privileges heretofore granted, or that may hereafter be granted to proprietors of wharves in said harbor, for the use, occupation and accommodation of said wharf: *provided,* that this grant shall in no wise interfere with the legal rights of any other person or persons.

[Approved by the Governor, March 26, 1833.]

CHAP. CLXXX.

An Act to incorporate the "South Boston Wharf and Dock 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 William Ingalls,

Charles Ewer, and Nahum Capen, their associates, successors and assigns, are hereby constituted a corporation, by the name of the "South Boston Wharf and Dock Company," to be established in the city of Boston, with all the powers and requirements contained in an act concerning corporations, passed March eighth, in the year of our Lord eighteen hundred and thirty-three.

SEC. 2. *Be it further enacted,* That said corporation may hold and possess all, or any part of that real estate, with the buildings and other improvements thereon standing, lying easterly of the street which is a continuation of Dorchester Turnpike, and extending the same to low water mark, not exceeding in any case one hundred rods from the shore, or high water mark, in the natural state of the shore of South Boston, to, and including land formerly belonging to the South Boston Crown Glass Manufactory, lying on the north side of Second Street, in South Boston, or to any intermediate point between the easterly line of the street which is a continuation of Dorchester Turnpike, and said land, and may receive dockage and wharfage for all vessels laid at their wharves; and said corporation may, conformably to the provisions of their by-laws, make conveyances of their corporate property, and may lease, manage and improve the same. *Provided,* that said corporation shall legally acquire the same from the lawful proprietors thereof, and the rights, privileges, and the property of the owner or owners of any adjoining wharf or wharves, be not lessened or injured thereby.

May hold and possess certain real estate.

SEC. 3. *Be it further enacted,* That the number of shares in the property of said corporation shall not exceed one thousand, and the assessments shall

Shares.

not exceed two hundred dollars upon each share, for the purposes contemplated by this act ; and in case any proprietor shall not pay any assessment, said corporation may cause the share or shares of such proprietor to be sold at public auction, after thirty days notice in one or more newspapers in said Boston, and the surplus, if any, over assessments and charges of sale, shall be paid over to such proprietor, and the purchaser shall be entitled to a certificate of the share or shares so sold.

Each share entitles the proprietor to one vote.

SEC. 4. *Be it further enacted,* That each share in said corporation shall entitle the proprietor to one vote, but no proprietor shall have more votes than one fourth of the whole number of shares. And all assessments upon the shares shall be agreed to by two thirds, at least, in number of votes of proprietors present or represented in writing at any meeting,—public notice thereof in one or more newspapers printed in said Boston, being first given at least ten days previously : *provided,* that nothing in this act shall interfere with the legal rights of any other person or persons.

[Approved by the Governor, March 26, 1833.]

CHAP. CLXXXI.

An Act to authorize the Proprietors of Bass River Bridge to remove the same.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, the proprietors of the Bass River Bridge, in the county of Barnstable, are hereby authorized to discontinue said bridge as a passway, and the said proprietors are hereby empowered to take up the materials of said bridge, and also to sell and dispose of, at public or private sale, all the materials of said bridge, and every other kind of property whatever belonging to said proprietors in their corporate capacity, and to divide the net proceeds of such sale among the respective stockholders according to their respective shares: *provided however,* that said bridge shall not be removed until the towns of Yarmouth and Dennis shall, at town meetings, legally warned and held for that purpose, by their vote consent to such removal.

Proprietors of Bass River Bridge authorized to discontinue bridge.

SEC. 2. *Be it further enacted,* That all acts, incompatible with this act, are hereby repealed.

Acts inconsistent with this repealed.

[Approved by the Governor, March 26, 1833.]

CHAP. CLXXXII.

An Act to incorporate the proprietors of Bass River
Upper Bridge.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 Samuel Nickerson, Eleazer Nickerson, Nehemiah Baker, Samuel Rogers, and Miller W. Nickerson, and their associates, successors and assigns, are hereby constituted a corporation, by the name of the Proprietors of the Bass River Upper Bridge.

May construct a
bridge across
Bass river.

SEC. 2. *Be it further enacted,* That said corporation are hereby authorized to construct and erect a bridge across Bass river, from the town landing, so called, in Dennis, to land of Cornelius Baker, in Yarmouth, which bridge shall be built within twenty rods of high bank, so called; and said corporation shall conform to the provisions and restrictions following, to wit: that said bridge shall be built on piles, excepting suitable abutments at the ends thereof, and that said corporation shall, at their own expense, purchase, fence, make and keep in repair an open road from the end of said bridge, in Yarmouth, to a road or public highway in Yarmouth, near the house of Peregrine White, and the said town of Yarmouth shall be free from all expenses arising from said bridge, and from that part of said road.

Bridge to be well
built, &c.

SEC. 3. *Be it further enacted,* That the said bridge shall be well built, of good and sufficient

materials, shall be twenty feet wide, shall have sufficient rails on each side for the protection of travellers, and shall be at all times kept in good repair ; and said 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 thereon ; and all persons, with their carriages and horses, passing to or from their usual places of public worship, and all persons going to or returning from military duty, and all persons passing to or from funerals, are hereby exempted from paying any toll required by this act.

SEC. 4. *Be it further enacted,* That for reim- Tolls.
bursing said proprietors for the money 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, to wit : for each foot passenger, two cents ; for each horse and rider, six cents ; for each horse and chaise, chair, or sulky, twelve cents ; for each horse and wagon, or sleigh, eight cents ; for each coach, chariot, or phaeton, or other carriage with four wheels, twenty cents ; for each cart, sled, or other carriage of burden, drawn by one beast, six cents, if drawn by two beasts, eight cents, and if drawn by more than two beasts, twelve cents ; for each horse without a rider, and neat cattle, two cents each ; for sheep or swine, six cents by the dozen, and in proportion for a less number ; and for each handcart or wheelbarrow, three cents ; and only one person shall be allowed for each team, to pass free of toll. And at all times when the toll gatherer is not attending to his duty, the gate or gates shall be left open ; and the taking of toll shall com-

Proviso.

mence on the day of opening said bridge for passengers, and shall continue for the benefit of said corporation, during the term of seventy years thereafter: *provided*, that at all times hereafter, the rate of toll shall be subject to the regulations of the Legislature; and also, that if the proprietors of the said bridge shall neglect to build and complete the said bridge within five years from the passing of this act, then the same shall be void.

[Approved by the Governor, March 26, 1833.]

CHAP. CLXXXIII.

An Act to incorporate the Belvidere Female Seminary.

Persons incorporated.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That John Nesmith, Alpheus Smith, Aaron Mansur, their associates and successors, are hereby incorporated by the name of the "Belvidere Female Seminary," to be established in Tewksbury, in the county of Middlesex, with the powers, and subject to the requirements contained in "an act concerning corporations," passed March eighth, one thousand eight hundred and thirty-three; and also with power to hold real and personal estate, not exceeding in value the sum of ten thousand dollars, to be devoted exclusively to the purposes of education.

Real and personal estate.

[Approved by the Governor, March 26, 1833.]

CHAP. CLXXXIV.

An Act to incorporate the Edwards Church Society in Northampton.

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 Napier, William Clark, and Josiah D. Whitney, their associates and successors, are hereby incorporated as a religious society, in the town of Northampton, by the name of the Edwards Church Society in Northampton, with all the powers, privileges and immunities to which religious societies in this Commonwealth are usually entitled, and with the powers, and subject to the requirements contained in "an act concerning corporations," passed March eighth, one thousand eight hundred and thirty-three.

Persons incorporated.

SEC. 2. *Be it further enacted,* That said society shall have power to acquire, hold and manage any estate, real or personal, the annual income of which shall not exceed in value the sum of three thousand dollars, to be appropriated exclusively to parochial purposes.

Real and personal estate.

SEC. 3. *Be it further enacted,* That said society shall have power to assess upon the pews in their meeting house, such sums as may be necessary for the support of public worship, and other necessary expenses, and the mode of assessment, and of enforcing the collection thereof, shall be the same as provided in the statute of one thousand eight hundred and eighteen, chapter one hundred and eighty-nine.

Assessments.

[Approved by the Governor, March 26, 1833.]

CHAP. CLXXXV.

An Act authorizing the Mayor and Aldermen of the city of Boston to lay out certain Streets.

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 mayor and aldermen of the city of Boston, are hereby authorized to lay out a new street, in continuation of Broad street, beginning at or near the present easterly end of said Broad street, and thence running partly over the margin of Fort Hill, and over other land near the harbor of Boston, to a point, at or near the place where Summer street meets Sea street; and also to lay out a new street extending from the present termination of Commercial street, near Lewis's wharf, so called, to the marine railway on Ann street. And the said streets shall be laid out respectively, of such widths, in such directions, and through and over such docks, now used for the purposes of navigation, as the public safety or convenience of the inhabitants of said city, shall, in the opinion of said mayor and aldermen, require.

Mayor and aldermen authorized to lay out new streets.

Compensation for damages.

SEC. 2. *Be it further enacted,* That the owner or owners of any building, wharf, or other erection, which may be removed, and of any land which may be taken for the said streets, when the same cannot be obtained by voluntary agreement, shall be entitled to receive compensation for the damages, if any, which he or they may sustain by such removal or taking; which damages shall be ascer-

tained, determined and recovered, in the way and manner now provided in the act entitled "an act directing the method of laying out highways."

[Approved by the Governor, March 26, 1833.]

CHAP. CLXXXVI.

An Act to incorporate the East Boston Wharf 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 Ammi C. Lombard, Samuel S. Lewis, Robert G. Shaw, Daniel D. Brodhead, their associates, successors and assigns, are hereby created a corporation by the name of the East Boston Wharf Company, with all the powers and requirements contained in "an act concerning corporations," passed March eighth, one thousand eight hundred and thirty three.*

Persons incorporated.

SEC. 2. *Be it further enacted, That said corporation may hold and possess all or any part of that real estate on Noddle's Island in the city of Boston, called Smith's hill, bounded easterly by the westerly side of a proposed highway near high water mark, measuring eight hundred and fifty feet on said highway; southerly by a line running westerly through the southerly corner of the old wharf, so called, at right angles with said highway to the harbor channel, northerly by a line parallel with the last described line, distant eight hundred and fifty feet, nor-*

May hold and possess certain real estate.

therly therefrom, and running to said channel, and westerly by said channel, and all rights, easements, privileges and appurtenances thereto belonging: *provided*, that the lawful owners of said property shall legally convey the same to said corporation, and said corporation may build and maintain a wharf or wharves, and lay vessels thereat, and conformably to their by-laws, may make conveyances of their corporate property, and may lease, manage and improve the same.

Number of shares.

SEC. 3. *Be it further enacted*, That said corporation may agree upon the number of shares of their corporate property, not exceeding in all five thousand, and the assessments shall not exceed one hundred dollars upon each share for the purposes contemplated in this act. And in case any proprietor shall not pay any assessment, said corporation may cause such of his shares as may be sufficient, to be sold at public auction, after thirty days notice in one or more newspapers printed in Boston, and the surplus over assessments and charges of sale shall be paid over to such proprietor, and the purchaser shall be entitled to a certificate of the share or shares so sold.

Each share entitles the proprietor to one vote.

SEC. 4. *Be it further enacted*, That each share in said corporation shall entitle the proprietor to one vote; but no proprietor shall have more votes than one fourth of the whole number. And all assessments upon the shares shall be agreed upon by two thirds at least in number of votes of proprietors present or represented in writing at any meeting, public notice thereof in one or more newspapers printed in Boston, being first given at least ten days previously.

[Approved by the Governor, March 26, 1833.]

CHAP. CLXXXVII.

An Act for defining the rights and duties of Rail Road Corporations, 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 in case any rail road corporation which has been or may be established, shall not be able to obtain the land or other property which they have taken or may take for their road, or for the proper construction and security thereof, by voluntary agreement with the owner or owners of said land or other property, the said corporation, as well as the said owner or owners, may apply to the county commissioners of the county where the said land or other property is situate, to estimate the damages occasioned by taking the same; upon the making of which application, it shall be the duty of said corporation, if required by the owner or owners of such land or other property, to give security for the payment of said damages with costs, in the manner hereinafter provided. And in case either party is dissatisfied with the estimate made by said commissioners, he or they may apply for a jury upon this subject at the next regular meeting of the said commissioners, after the completion and return of such estimate. And no application to said commissioners to estimate said damages shall be sustained, unless made within three years from the time of taking said land or

In case of disagreement with owners of land, county commissioners to estimate damages.

May apply for a jury, in case of dissatisfaction.

other property, or where it has been already taken, within one year from the time of passing this act.

Owners of land may demand description, &c.

SEC. 2. *Be it further enacted,* That after any rail road corporation has taken any lands or other property for their rail road, or for the proper construction and security thereof, as allowed by their charter, the owner or owners of any such lands or other property may at any time within three years from the time of taking the same, or where it has been already taken, within one year from the time of passing this act, demand in writing of the treasurer or principal agent of said rail road corporation, a description or plan of the land or other property so taken. And it shall be the duty of said corporation, within thirty days from the time of such demand, to deliver to said owner or owners such description or plan in writing; in default of which, all the right of said corporation to enter upon or use said land or other property, except for making surveys, shall be suspended and stayed, until they have delivered to said owner or owners, such description or plan.

Rail road corporation to give security in certain cases.

SEC. 3. *Be it further enacted,* That in case the owner or owners of any land or other property taken as aforesaid, shall, upon the application being made to said commissioners by said owner or owners, or by said rail road corporation, for an estimate of damages as aforesaid, request that the said corporation may be required to give security for the payment of said damages, the said commissioners shall thereupon require said rail road corporation to give security to the satisfaction of said commissioners, in such sum, and in such manner as they may think proper, for the payment of all such damages and costs as shall be awarded by said

commissioners for the land or other property so taken. And on the refusal or failure of said corporation to give such security, all their right or authority to enter upon or use said land or other property, except for making surveys, shall be suspended and stayed until they shall give such security. But after the said security is given, they may proceed to use said land or other property for the purpose for which it was taken.

SEC. 4. *Be it further enacted,* That after the said commissioners shall have made their estimate as aforesaid, the said rail road corporation may tender to said owner or owners of land or other property the amount of damages thus estimated in full satisfaction thereof. And if the said owner or owners shall refuse to receive the same with costs to be taxed to that period, and shall apply for a jury as aforesaid, he or they shall, in case they fail to recover a greater amount upon a final hearing, pay all his or their own costs arising after such tender.—And in case the said corporation shall apply for a jury, and shall by the verdict thereof, fail to diminish the damages, as estimated by said commissioners, said corporation shall pay all costs made by such applications, and shall also pay to the owner or owners of the land so estimated his or their costs, to be taxed as aforesaid.

Rail road corporation may tender amount of damages.

SEC. 5. *Be it further enacted,* That in case any rail road corporation which has been or may be established shall raise or lower any turnpike, highway, or private way for the purpose of having their rail road pass over or under the same, it shall be the duty of the proprietors of such turnpike, or the selectmen of the town where the portion of said

Proprietors to state in writing what alterations or amendments they require to have made.

In case the parties shall not agree that such alterations or amendments are necessary, corporation may apply to county commissioners.

highway or private way so crossed by said rail road is situate, to state in writing to said rail road corporation, or their agent, within thirty days from the time of their being notified by said corporation that the work of lowering or raising the premises is completed, what alterations or amendments, if any, they require to have made. And in case the parties shall not agree that such alterations or amendments are necessary, the said corporation, as well as the said proprietors of said turnpike or said selectmen may apply to the county commissioners of the county where the said portion of turnpike, highway or private way is situate, at their next regular meeting after the expiration of said thirty days, to determine whether any and what alteration shall be made. And in case said corporation shall unnecessarily and unreasonably neglect to make such alteration or amendment as the said commissioners shall determine to be reasonable and proper, the said proprietors or selectmen shall have the same remedies as are prescribed in the act establishing said rail road corporation. And no action shall be sustained against said corporation for damages by the owner or owners of any private way, by reason of any obstruction thereto occasioned by said rail road's crossing the same, unless brought within one year from the time said injury is occasioned.

Alteration of the course of any highway, &c.

SEC. 6. *Be it further enacted,* That if any rail road corporation, which has been or may be established, shall be desirous of altering the course of any highway where it is crossed by their rail road, for the purpose of facilitating the crossing of the same, they may alter the same accordingly, in such manner as the county commissioners of the county

where such way is situate may direct: *provided*, the said commissioners, after due notice to the selectmen of the town where such highway is situate, shall be of opinion that such alteration will not essentially injure said highway. And in case any rail road corporation shall, before commencing the work of raising or lowering any turnpike, highway or private way as aforesaid, or at any time previous to completing the same, be desirous of obtaining the approbation of said commissioners in respect to the mode of raising or lowering the same, the said corporation may apply to said commissioners upon this subject, whose duty it shall be, after due notice to the parties interested, to direct the mode of performing said work; and their decision shall be final.

Rail road corporation may apply to commissioners, upon the subject of raising or lowering highway, &c.

SEC. 7. *Be it further enacted*, That in case any rail road corporation shall find it expedient, after taking the land for any portion of their rail road, to vary the direction of the road in the place where such land is situate, they are hereby authorized so to do: *provided*, they shall, prior to the time required by law for completing their road, file the location of the different parts of the road where such variations are made, with the respective county commissioners of the counties where said parts of the road are situate: *and provided also*, that the time allowed by law for completing the whole road shall not be extended in consequence of such variations. And any such corporation shall be liable, as well to the owners of the lands first taken, as to the owners of those taken for making such variations, for all damages occasioned by taking the same. And the said owners shall have the same remedies for securing and recovering payment of

Authorized to vary the direction of road.

said damages, as are provided in other cases under this act.

Transfer of shares.

SEC. 8. *Be it further enacted,* That the shares in the capital stock in any rail road corporation may be transferred by conveyance in writing, recorded either by the treasurer in books to be kept in his office, or by an officer duly authorized for that purpose by the directors, in books to be kept at such other place as they may appoint. And no conveyance of any such shares shall be valid to hold the same against the legal claims of any other person or persons than the grantor or grantors, or his or their executors or administrators, unless so recorded. And on the making of such transfer, the certificate of the shares transferred shall be delivered up and cancelled. And it shall be the duty of every rail road corporation to cause a transcript of the record of all transfers, not originally recorded on the books kept by the treasurer, to be entered on the books of the said treasurer, within ten days from the date of the original record. And in case such transcript is not thus entered, the transfer shall not operate to the prejudice of any intervening claims.

Acts inconsistent with the foregoing provisions repealed.

SEC. 9. *Be it further enacted,* That all acts or parts of acts inconsistent with the foregoing provisions be, and the same hereby are repealed.

[Approved by the Governor, March 26, 1833.]

CHAP. CLXXXVIII.

An Act to incorporate the Malden Agricultural and
Mechanics Association.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Charles Lewis, Timothy Bailey, Edward Wade, their associates, and those who may become associated with them, are hereby made a corporation by the name of the Malden Agricultural and Mechanic Association, for the purpose of encouraging agriculture and the mechanic arts, by granting premiums or loans of money, and of relieving the distresses of unfortunate mechanics and their families, with the powers and requirements contained in “an act concerning corporations,” passed March eighth, one thousand eight hundred and thirty-three; and said corporation may hold real estate not exceeding five thousand dollars in value, and the annual income of its personal estate shall not exceed five thousand dollars.

Persons incorporated.

Real and personal estate.

[Approved by the Governor, March 26, 1833.]

CHAP. CLXXXIX.

An Act to authorize the Courts of Probate to grant leave to claimants upon insolvent estates to institute suits 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, in all cases in which, through mistake, accident, or unforeseen cause, a person has been, or hereafter shall be prevented from prosecuting his or her claim to the commissioners of insolvency on any estate duly represented insolvent, within the time limited by law for the presentation of claims against such estate, it shall be lawful for the judge of probate of the county wherein such estate is under administration, upon the petition of such person, and due notice to the executor or administrator on said estate, to authorize and empower the said executor or administrator to pay the said claim ; and in case of the neglect or refusal of said executor or administrator to make such payment, to authorize and empower such claimant to institute a suit at common law for the recovery of the same, which suit shall be prosecuted to final judgment, in the same way and manner as if the said estate had not been represented insolvent, subject however to the restrictions and limitations hereinafter imposed.

SEC. 2. *Be it further enacted,* That in any suit brought by virtue of the provisions of this act, such executor or administrator shall be permitted to

prove, under the general issue, that he has fully administered on said estate, or that there is only sufficient remaining to pay the said claim in part, in which case, such judgment shall be rendered as is according to the rules and usages of the common law in such cases, except that all debts shall be taken and deemed to be of the same nature and degree ; and if it shall be necessary, in order to ascertain the amount of the property so remaining, that the same should be sold, it shall be the duty of the court, before whom the suit is pending, to continue the same until such sale can be made.

SEC. 3. *Be it further enacted,* That the provisions of this act shall not extend to any case where such estate shall prove to be insolvent, or where the petition is not presented, and notice thereof, given as aforesaid, within four years from the granting of administration on said estate ; and such petition and notice shall be taken and deemed to be the commencement of a suit, within the meaning of the second section of the act for the limitation of suits against executors and administrators, passed the fourteenth day of February, in the year of our Lord one thousand seven hundred and ninety-two.

Provisions of this act, how far to extend.

[Approved by the Governor, March 26, 1833.]

CHAP. CXC.

An Act to authorize the Proprietors of Tapley's Wharf to extend the same.

May extend
wharf:

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 wharf in the town of Charlestown, known by the name of Tapley's Wharf, are hereby empowered to extend said wharf into the channel, to a line drawn straight from the present south westerly corner of the navy yard wharf, to the south easterly corner of Gray's wharf: *provided*, that said extended wharf be built upon piles, and that the proprietors of said Tapley's wharf shall have the right and privilege of laying vessels at the sides and end of their said wharf, and receiving dockage and wharfage therefor.

SEC. 2. *Be it further enacted,* That nothing herein contained shall be construed to authorize the proprietors of said Tapley's wharf to lessen or injure the rights or property of the owner or owners of any wharf or wharves adjoining the said Tapley's wharf.

[Approved by the Governor, March 26, 1833.]

CHAP. CXCI.

An Act to incorporate the Proprietors of the First
Universalist Meeting House in Lowell.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Eliphalet Case, Amos Carleton, Samuel Willard, and others, are hereby incorporated by the name of the Proprietors of the First Universalist Meeting House in Lowell, with all the powers, privileges and immunities to which religious societies are usually entitled, and with all the powers, privileges and requirements contained in “an act concerning corporations,” passed March eighth, one thousand eight hundred and thirty-three; and also, with power to purchase and hold real and personal estate, not exceeding ten thousand dollars, exclusive of said meeting house, to be devoted exclusively to religious purposes.

Persons incorpo-
rated.Real and person-
al estate.

SEC. 2. *Be it further enacted,* That said proprietors shall have full power, at any meeting duly called for that purpose, to make assessments upon the pews in said meeting house, for the maintenance of public worship, and all other necessary charges and expenses attendant upon religious instruction; and the process of enforcing the payment of such assessments shall be the same as provided by the statute of one thousand eight hundred and seventeen, chapter one hundred eighty-nine.

Assessments.

Act of 1828 re-
pealed.

SEC. 3. *Be it further enacted,* That an act to incorporate the proprietors of the First Universalist Meeting house in Lowell, passed the twelfth day of June, one thousand eight hundred and twenty-eight, is hereby repealed: *provided however,* that this act shall not take effect unless adopted unanimously by all persons legally interested in said meeting house.

[Approved by the Governor, March 26, 1833.]

CHAP. CXCH.

An Act to establish a Police Court in the town of Newburyport.

Police court es-
tablished within
and for the town
of Newburyport.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That there hereby is established, within and for the town of Newburyport, a Police Court, to consist of one able, learned, and discreet person, to be appointed and commissioned pursuant to the provisions of the constitution, to take cognizance of all crimes, offences and misdemeanors committed within the town of Newburyport, whereof justices of the peace may take cognizance by law; the said justice to hold his office for the same time, and by like tenure as justices of the peace. The court hereby established shall hear and determine all suits, complaints, and prosecutions cognizable by it, in like manner as is provided by law for the exercise of the powers and authority which now are, or may hereafter be, vested in jus-

tices of the peace, and do all acts necessary to, and consistent with such powers and authority. And said court shall also have original jurisdiction of all civil suits and actions of which justices of the peace in said county may or shall have cognizance, in concurrence with said justices, and original and exclusive jurisdiction of all such suits and actions where the plaintiff and defendant reside in said town of Newburyport, and service of the writ is had on the defendant in said county; and no justice of the peace shall have cognizance of such suits and actions, within said town. And an appeal shall be allowed from all orders, decrees and judgments in said court, in like manner, and to the same extent, that appeals are now allowed by law from orders, decrees and judgments of justices of the peace. And the justice of said court shall not be of counsel or attorney to any party in any matter or thing whatsoever, which may be pending in said court.

SEC. 2. *Be it further enacted,* That all writs and warrants issued by said court, or by any justice of the peace within said town of Newburyport, shall be made returnable and be returned before said court; and if any writ or warrant shall be issued by any justice of the peace, returnable before said court, the lawful fees payable therefor shall not be paid or allowed to said justice, unless it shall appear, on the examination or hearing before said court, that there was reasonable cause for his issuing said writ or warrant; in which case, such fees, costs and charges shall be allowed and taxed in like manner as if the said writ or warrant had been issued by said justice of the peace, according to the laws now in force.

Writs &c. issued by said court, or justice of peace, shall be made returnable before said court.

Justice authorized to commit persons to workhouse.

SEC. 3. *Be it further enacted,* That said justice be, and he is hereby authorized, when he shall deem it advisable, to commit all persons being inhabitants of said town of Newburyport, and convicted by said court of the offences described in the second section of the statute of one thousand seven hundred and eighty-seven, chapter fifty-four, to the workhouse in Newburyport, instead of the house of correction as is now required, and for the same time that they may now be committed to the house of correction; to be kept and governed in said workhouse, according to the rules and regulations which are, or may be established for the government of said house, and at the expense of the said town of Newburyport. And if this act shall be adopted by the town of Newbury, in the manner hereinafter provided, the said court shall have like authority, in respect of persons convicted as aforesaid, who are inhabitants of Newbury, for their commitment to the workhouse of said town of Newbury.

Relating to the town of Newbury, see sec. 12.

Justice may discharge any person from imprisonment, &c.

SEC. 4. *Be it further enacted,* That it shall be lawful for the justice of said court, at his discretion, to discharge any person from imprisonment who shall have been confined under sentence of any court for three months or more, in default of payment of fine and costs only, when it shall be made to appear to him that such person is unable to pay said fine and costs.

Justice's fees.

SEC. 5. *Be it further enacted,* That the justice of said police court shall be entitled to demand and retain for his own use, out of all monies received by him, such fees as by law might be demanded and retained in the like case by a justice of the peace: *provided,* that the legislature shall have power, at any time hereafter, to make other and different provision in reference to the compensation of said justice.

SEC. 6. *Be it further enacted,* That all costs in criminal prosecutions before said court, which shall be received by, or paid into the hands of the justice thereof, shall, on demand, be paid over to the persons to whom such costs are due. And all costs in such prosecutions, not thus received, shall be made up, taxed, certified and allowed, and shall be paid and satisfied in like manner as is now, or may hereafter be provided by law in the case of justices of the peace; and all fines and forfeitures received by said court shall be paid over in the same manner, and under the same penalties for neglect, as are prescribed in the case of justices of the peace.

Costs in criminal prosecutions to be paid over to the persons to whom they are due, &c.

SEC. 7. *Be it further enacted,* That a court shall be holden by said justice, on Monday of each week, at ten of the clock in the forenoon, and as much oftener as may be necessary, to take cognizance of crimes, offences, and misdemeanors, and for the trial of civil suits and actions. And the justice of said court shall, from time to time, establish all necessary rules for the orderly and uniform conducting of the business of said court.

Court, when to be holden.

SEC. 8. *Be it further enacted,* That all suits, actions and prosecutions, which shall be instituted and pending before any justice of the peace within the town of Newburyport, when this act shall take effect, shall be heard and determined as if this act had not been passed.

SEC. 9. *Be it further enacted,* That the justice of said court shall keep a full and fair record of all proceedings in said court, and shall make return to the several courts of all legal processes, and of his doings therein, in the same manner as justices of the peace are now by law required to do.

Justice to keep a record of all proceedings in said court.

The Governor to appoint two special justices.

SEC. 10. *Be it further enacted*, That there shall be appointed by the Governor, by and with the advice and consent of council, two special justices of said court ; and whenever it shall happen that the justice of said court shall be a party, or interested in any suit or prosecution cognizable in said court, or be kin to either party therein, or shall from any cause be unable to attend said court, or hear and determine any matter or thing pending therein, the cause shall be assigned upon the record, and the court may and shall be holden, and its jurisdiction exercised by one or both of said special justices ; and the said special justices shall be paid for the services herein required of them, out of the monies received in said court, such sum as the justice of said court would be entitled to receive for the same services.

Act, when to go into operation.

SEC. 11. *Be it further enacted*, That this act shall go into operation from and after the first day of June next, unless the said town of Newburyport shall, at a legal meeting called for that purpose, refuse to accept the same, and shall signify said refusal to the Governor, on or before the first day of May next. And the Governor shall have power, by and with the advice and consent of Council, to appoint said justice and special justices, at any time after the said first day of May next.

Whenever inhabitants of the town of Newbury shall express their desire to be annexed to Newburyport, both towns shall be considered as forming one judicial district.

SEC. 12. *Be it further enacted*, That whenever the inhabitants of the town of Newbury shall, at a legal town meeting holden for that purpose, express their desire to be annexed to the town of Newburyport, for the purposes aforesaid, and shall signify said desire to the Governor, then the said towns of Newburyport and Newbury shall be considered as forming one judicial district of Newburyport, and all the provisions of this act shall be

applied to the town of Newbury equally with the town of Newburyport.

SEC. 13. *Be it further enacted*, That all acts and parts of acts, so far as they are inconsistent with the provisions of this act, be, and the same are hereby repealed.

Acts inconsistent with the provisions of this act repealed.

[Approved by the Governor, March 26, 1833.]

CHAP. CXCIH.

An Act regulating the Admeasurement of Charcoal.

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, in the sale of charcoal, it shall be lawful to measure the same in boxes of the following capacities, namely, two bushels, five bushels, ten bushels, and twenty bushels, said boxes being first duly sealed; and five thousand one hundred and twenty-eight cubic inches shall be taken and deemed equal to two bushels, or the heaped basket described in the fifth section of an act to prevent fraud in fire-wood, bark and charcoal, exposed for sale, passed March seventh, one thousand seven hundred and ninety-seven.

Charcoal to be measured in boxes, &c.

SEC. 2. *Be it further enacted*, That every person who shall measure charcoal offered for sale in any box of other capacity, or not sealed as aforesaid, shall forfeit and pay for each offence one dollar to the use of him who shall sue for the

Forfeiture in case of offence.

same : and all laws inconsistent with this act are hereby repealed.

[Approved by the Governor, March 27, 1833.]

CHAP. CXCIV.

An Act concerning Parties in Actions at Law.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That, at any time before issue joined, on a plea of non-joinder of a party as defendant in any action founded on debt or contract, the plaintiff may, on motion, on such terms as the court shall prescribe, be allowed to amend his writ and declaration, by inserting therein the name of any other person or persons as defendant or defendants, and a new writ in the form prescribed by law, containing the amended declaration, or such part thereof as the court shall direct, shall be issued against the defendants named therein, returnable at such time as the court before which the action shall be pending shall direct, not less than the time required by law for similar process. And the clerk of the court or justice of the peace, issuing the same, shall certify thereon the names of the defendants upon whom service has not been made, and service shall be made upon such defendants only, and within the time required by law for similar process. And when such amended writ shall be returned the additional parties named therein, upon

Plaintiff may
amend writ, &c.

whom service has been made, shall be made defendants in the action, and all the defendants may then plead, and the same proceedings shall be had on said amended writ as if the same had been the original writ issued in the action, saving, however, to the plaintiff the benefit of any attachment, indorsement or security had upon the service of the first writ.

[Approved by the Governor, March 27, 1833.]

CHAP. CXCIV.

An Act to establish the Winnisimmet 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 Henry J. Oliver, John M. Fiske, Simon Wilkinson, Isaac Harris, Samuel Aspinwall, Benjamin Abrams, Guy C. Haynes, Ephraim Milton, Eleazer Pratt, Ebenezer H. Little, Benjamin Leavitt, Moses Miller, and Stephen Locke, their associates, successors and assigns, are hereby created a corporation, by the name of the President, Directors and Company of the Winnisimmet Bank, to be established near the Winnisimmet Ferry in the city of Boston, and shall so continue until the first day of October, in the year of our Lord one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities

Persons incorporated.

and requirements contained in the ninety-sixth chapter of the statutes of the year one thousand eight hundred and twenty-eight, the fifty-eighth chapter of the statutes of the year one thousand eight hundred and thirty, and in the second section of "an act concerning corporations," passed March eighth, one thousand eight hundred and thirty-three.

Transfer of
stock.

SEC. 2. *Be it further enacted*, That the stock in said bank shall be transferable only at its banking house, and in its books, and no part thereof shall be transferred by way of security, for the performance of any obligation whatsoever, until two years from the payment of the first instalment into said bank.

Shares.

SEC. 3. *Be it further enacted*, That the capital stock of said corporation shall consist of five hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, the whole be paid in within one year from the passage of this act.

[Approved by the Governor, March 27, 1833.]

CHAP. CXCVI.

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 John Winslow ^{Suffolk County.} Whitman, Jr., of Boston, may take the name of George Henry Whitman; that Patrick Powers, of Boston, may take the name of John Patrick Powers; ^{Names changed.} that Mary B. Murphy, of Boston, may take the name of Sarah Hunt; that Ebenezer W. Perry, of Boston, minor son of John B. Perry, may take the name of Ebenezer W. Townsend; that Joseph Buntin, of Boston, may take the name of Joseph Buntin Cornelius; that John Maky, of Boston, may take the name of John Wirt May; that Mary Ann Maky, wife of the said John Maky, that his minor sons, (viz.) John James, Henry Rogers, William Thomas, Samuel Pearce, and also his minor daughter Lucy Ann, may severally take the surname of May; that Ephraim Kendall Rogers, of Boston, may take the name of Edward Kendall Rogers; that Martha B. Waite, of Boston, may take the name of Martha B. Lawrence; that Hannah Sumner Cox, of Boston, may take the name of Hannah Sumner; that Nabby Phillips, of Boston, may take the name of Abigail Wales Phillips; that William Davis, of Boston, may take the name of William Guisby Davis; that Ralph Haskins, of Boston, may take the name of Ralph Thurston Haskins; that James

Names changed. Stackpole, of Boston, may take the name of James Wallace ; that Delia Atwood, of Boston, minor daughter of Barnabas Atwood, and Abigail Atwood of Brewster, in the county of Barnstable, may take the name of Delia Atwood Thurston ; that Penelope Green, of Boston, may take the name of Harriet Green ; that James Boies Johnson, of Boston, may take the name of James Jeremiah Smith Boies ; that Ann Dearing Johnson, wife of the said James, may take the name of Ann Dearing Boies ; that James Theodore Johnson, may take the name of James Theodore Boies ; that Ann Cordelia Johnson, may take the name of Cordelia Ann Boies ; that William Rogers Johnson, may take the name of Ferdinand Augustus Boies ; that William Octavius Johnson, may take the name of William Octavius Boies ; that Charles Frederick Johnson, may take the name of Charles Frederick Boies ; that Edward Alonzo Johnson, may take the name of Edward Alonzo Boies ; all minor children of the said James Boies Johnson first named ; that John Bigelow, second, of Boston, may take the name of John Bradford Bigelow ; that Bayard Rice, of Boston, may take the name of James Bayard Rice ; that Smith Hills, of Boston, may take the name of Henry Smith Hills ; that Ebenezer Leman, of Boston, cork cutter, may take the name of Ebenezer C. Leman ; that Elbridge Whitney, of Boston, may take the name of Elbridge Gerry Whitney ; that Sarah Monk, of Boston, may take the name of Sarah M. Brown ; that Benjamin Bates, of Boston, may take the name of Benjamin Edward Bates ; that Benjamin Willard, of Boston, may take the name of Benjamin Franklin Willard ; all of the county of Suffolk.

Essex County. That Edward Orne, of Salem,

may take the name of Edward Osgood ; that Charlotte Woodberry, minor daughter of David Woodbury, of Wenham, may take the name of Charlotte Woodberry Symons ; that Charles William Pierce Crockett, of Newbury, may take the name of Charles Pierce Crocket ; that Joseph James Galley Cuishing, a minor son of Joseph Cuishing, of Marblehead, may take the name of James Galley Cuishing ; that John Hoyt Bean, of Lynn, may take the name of John Hoyt Henry ; that Susan Lakeman, third, of Ipswich, may take the name of Susan Sarah Lakeman ; that Sarah Stickney Hunt, of Newbury, may take the name of Sarah Jane Stickney ; that Melancthon Elliot, of Newburyport, may take the name of Henry Melancthon Elliot ; that Marcy Gidings Putnam, of Salem, may take the name of Maria Gidings Putnam ; that Emily Bailey, of West Newbury, may take the name of Emily Mariketer Bailey ; that Abraham Edwards, minor son of Abraham Edwards, of Beverly, may take the name of Abraham Franklin Edwards ; that Daniel Bailey, third, of West Newbury, may take the name of Daniel Winslow Bailey ; that Dudley Cross, Jr., of Ipswich, may take the name of John Dudley Cross ; that Lydia Little Dodge, of Salem, may take the name of Ellen Lydia Little Dodge ; that Samuel Safford, a minor, of Salem, may take the name of Samuel Appleton Safford ; that Samuel Whitefoot, of Danvers, may take the name of Samuel White ; that Elizabeth, wife of the said Samuel Whitefoot, and that his minor son, Samuel Quince Whitefoot, may severally take the name of White ; that John Hooper, Jr., of Marblehead, may take the name of John Lee Hooper ; that Ruth Moody Bradley, of Bradford, may take the name of Ruth Ann

Names changed.

Moody Bradley ; that Ruth Ingersoll Ladd, of Bradford, may take the name of Ellen Bradstreet Ladd ; all of the county of Essex.

Middlesex county.

Middlesex County. That Lot Wiswall of Cambridge, may take the name of William Daniels Wiswall ; that Hiram Brown of Lowell, may take the name of Hiram Alonzo Brown ; that Polly Richardson of Framingham, may take the name of Maria Antoinette Richardson ; that William Paige first, of Shirley, may take the name of William Weston Paige ; that James Paul Crooks of South Reading, may take the name of Paul Kruz ; that Mary Crooks, his wife, may take the name of Mary Kruz ; that Caleb Horace Pool Wakefield of Reading, may take the name of Horace Pool Wakefield ; that Ambrose Augustus Cole of Charlestown, may take the name of Augustus Howard Cole ; that Aira Kenny of Reading, may take the name of Ellen Maria Kenny ; that Loammi Kendall, Junior, of Charlestown, may take the name of Arthur Kendall ; that Samuel King, Jr., of Cambridge, may take the name of Samuel Wilson King ; that Fanny Tufts of Medford, may take the name of Frances Emily Tufts ; that William Searles of Lowell, may take the name of William Coleman ; that Alice Ann Fullerton of Lowell, a minor, may take the name of Alice Ann Shattuck ; that Edward Eels, Junior, of Medford, may take the name of Edward Eels Nash ; all of the county of Middlesex.

Norfolk county.

Norfolk County. That Benjamin Frost Cutter of Brookline, may take the name of Benjamin Franklin Cutter ; that Henry Peirce and Edward Peirce, minor sons of Jesse Peirce of Stoughton, may severally take the names of Henry Lillie

Peirce, and Edward Lillie Peirce; that Joseph Kendall of Dorchester, may take the name of Edward Joseph Kendall; all of the county of Norfolk.

Worcester County. That Jonadab Baker of Ashburnham, may take the name of George Baker; that Boaz Moore Merrick of West Brookfield, may take the name of Charles Augustus Merrick; that Anna Fitts, second, of Charlton, may take the name of Ann Maria Fitts; that Sally Bullen of Charlton, may take the name of Sally Boyden; that Polly Bullen of Charlton, may take the name of Mary Boyden; that Samuel Chandler Blake of Worcester, may take the name of Francis Blake; that James Madison Cutter of Fitchburg, may take the name of James Marshall Cutter; that Adam Hawks of Ashburnham, may take the name of Henry Putnam Hawks; that Sumner Smith of Worcester may take the name of Joseph Sumner Smith; that Mary G. Fisk of Spencer, may take the name of Adelaide Mary Fisk; that Ebenezer Wilder, Jr., of Lancaster, may take the name of Frederick William Wilder; that Emilia Dudley, minor daughter of Samuel Dudley of Harvard, deceased, may take the name of Abba Willard Dudley; that John Davis of Worcester, son of Joseph Davis of Northboro', in said county, may take the name of John B. Davis; that William Sawyer of Berlin, may take the name of William Adison Sawyer; that William Henry Tower, a minor son of Asahel Tower, Jr., of Lancaster, may take the name of Henry Ambrose Tower; that Emily Osgood of Leominster, may take the name of Emily Rebecca Osgood; that Adeline Wheeler Stearns of Oakham, minor daughter of Isaac Stearns of

Spencer, may take the name of Adeline Wheeler Ayres ; that Asa Waters, Junr. of Millbury, may take the name of Asa Holman Waters ; all of the county of Worcester.

Plymouth county.

Plymouth County. That Nathaniel Fowle Bowdoin of Hanson, may take the name of Nathaniel Towle Bowdoin ; that his wife, Eunice, may take the name of Eunice Towle Bowdoin ; that Harriet Newel Barker, of Halifax, may take the name of Harriet Jane Watterman ; that Phœbe Thompson of Halifax, may take the name of Phœbe Watterman Thompson, all of the county of Plymouth.

Hampshire county.

Hampshire County. That Emily Olds of Cummington, may take the name of Emily Read ; that Experience Amanda Cooley of Prescott, may take the name of Mary Jane Amanda Cooley ; that Betsey Brewster of Worthington, may take the name of Elizabeth M. Brewster ; that James Dickson Benjamin of Worthington, minor son of Alvah Benjamin, deceased, may take the name of Alvah Dickson Benjamin ; that Calvin Mitchell of Enfield, may take the name of Marcus Milton Mitchell ; that George Mitchell of Enfield, may take the name of George W. Mitchell ; that Ashley Washington of Amherst, may take the name of George Washington ; all of the county of Hampshire.

Franklin county.

Franklin County. That John Smith of Sunderland, may take the name of John Rowe Smith ; that Olive Cary of Montague, may take the name of Olive Holton ; both in the county of Franklin.

Hampden County. That George Francis Norcross, minor son of Erasmus Norcross of Monson, may take the name of George Henry Norcross ; of the county of Hampden.

Barnstable county.

Barnstable County. That Luke Baker of Chat-

ham, may take the name of Luke Clark Baker ; of the county of Barnstable : And the several persons herein mentioned, are hereby allowed to take and hereafter be known by the respective names, which by this act they severally are authorized to assume.

[Approved by the Governor, March 27, 1833.]

CHAP. CXCVII.

An Act to incorporate the Winnisimmet 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 B. Fay, Thomas H. Perkins, William H. Gardiner, Washington P. Gragg, their associates, successors and assigns, are hereby made a corporation, by the name of the Winnisimmet Company, with the powers and requirements contained in "an act concerning corporations," passed March eighth, one thousand eight hundred and thirty-three ; and said corporation is empowered to purchase and hold any ferry or ferry rights, between Boston and Chelsea, and to construct and maintain wharves, landing places, and other works suitable and convenient for the steam boats and other vessels which may be used on any such ferry, and for the accommodation of foot passengers, horses, carriages, and merchandize : *provided*, that nothing herein shall authorize said corporation to take private property for any of said purposes, otherwise than by legal authority from

Persons incorporated.

Corporation empowered to purchase and hold any ferry or ferry rights between Boston and Chelsea.

May purchase
and dispose of
certain real es-
tate.

the owners thereof, nor to build any bridge or dam over the channel of any public navigable waters, or otherwise permanently to obstruct the same. And said corporation may purchase and dispose of the whole, or any part of the real estate described in the deed of Thomas Williams to Francis B. Fay and others, trustees, dated March eighth, one thousand eight hundred and thirty-one, and recorded with Suffolk deeds, and such other real estate at or near the landing places of any such ferry, not exceeding in value seventy-five thousand dollars, as may be necessary or convenient for the purposes aforesaid, together with vessels and steam boats, and such other personal property, not exceeding in value one hundred thousand dollars, as may be necessary and convenient for the better management of any such ferry, and of the affairs of said corporation.

Capital stock.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation shall not exceed five hundred thousand dollars; and at all meetings of the corporation each share shall have one vote, but no proprietor shall have more than one fourth part of the whole number of votes, and absent proprietors may vote by proxy, authorized in writing.

Penalty for wilfully obstructing, or injuring ferry boats, &c.

SEC. 3. *Be it further enacted,* That if any person shall wilfully obstruct or interrupt the passage of any ferry boats, or shall wilfully injure the boats, wharves, landing places, or toll houses of said corporation, the person so offending shall be liable to a penalty of not less than twenty dollars, and not more than one hundred, to be sued for and recovered to the use of the Commonwealth, by said corporation, or any agent thereof, in any court of competent jurisdiction, and shall be further liable to the corporation in damages by an action therefor.

SEC. 4. *Be it further enacted*, That nothing herein shall be construed to enlarge or diminish, confirm, impair, revive, recognize or deny any rights which the persons herein named, or their associates may have acquired by purchase or otherwise, in the ferry, or the lands now held in trust by the said Fay and others, nor in any way to affect the power of the legislature to grant such other ferries as they lawfully might, if this act had not been passed, nor to limit or affect, in any way, the right of the legislature to fix, regulate, and at their pleasure to change the rates of toll at any ferry owned or conducted by said corporation, or to authorize any other tribunal to do the same.

[Approved by the Governor, March 27, 1833.]

CHAP. CXCVIII.

An Act to set off a part of the Town of Foxborough and to annex the same to Walpole.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That so much of the town of Foxborough, with the inhabitants thereon, as lies northerly of the following described line, be set off from said town of Foxborough and annexed to said town of Walpole, to wit: beginning at a point at the south-westerly corner of a lot of wood land belonging to Silas Smith, at a corner in the line between the said two towns, and running due

Boundary line described.

Proviso.

west, until it intersects the line between the town of Walpole and Foxborough, of the road running from the Norfolk and Bristol turnpike, near the house of Stephen Fuller, to Wrentham, containing by measure, sixty-five acres and twelve rods, be the same more or less: *provided however*, that the inhabitants and land thus set off, shall be holden to pay all taxes heretofore assessed, in the same manner as if this act had not been passed. *Provided also*, that if any persons who have gained a legal settlement in said town of Foxborough by a residence on said territory, or by having been proprietors of any part thereof, or who may derive such settlement from any such resident or proprietor, shall come to want, and stand in need of relief and support, they shall be relieved and supported by the said town of Walpole, in the same manner as if they had gained a legal settlement in that town: *provided also*, that in case the inhabitants of the town of Foxborough request it, the inhabitants of the territory set off, shall be at the whole expense of removing the school house in Foxborough, in the school district from which the said territory is taken, to any other place within the said district which the said inhabitants of Foxborough may, within two years, designate.

Committee to be appointed.

SEC. 2. *Be it further enacted*, That a committee or committees shall be appointed by said towns to determine what proportion of the State and county taxes, for which the town of Foxborough is or may be liable, shall be paid by the town of Walpole until the next State valuation; and in case said committee or committees shall not agree, then three disinterested persons shall be appointed for this purpose, by the court of common pleas next to

be holden at Dedham, within and for the county of Norfolk, upon application therefor duly made.

[Approved by the Governor, March 27, 1833.]

CHAP. CXCIX.

An Act to incorporate the Second Baptist Society
in Lowell.

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 Chase, Samuel C. Oliver, and Moses M. Tuxbury, their associates, and successors, are hereby made a corporation by the name of the "Second Baptist Society in Lowell," for the purpose of maintaining public worship and religious instruction in Lowell, with all the powers, privileges and immunities to which religious societies are entitled, and also, all the powers and requirements contained in "an act concerning corporations," passed March the eighth, one thousand eight hundred and thirty-three.

Persons incorporated.

SEC. 2. *Be it further enacted,* That said corporation may acquire and hold real and personal estate, the annual income of which shall not exceed two thousand dollars, to be appropriated exclusively to parochial purposes. And said proprietors may divide their estate into shares, the number of which shall not be less than one hundred, nor more than two hundred, and may make on said shares assess-

Real and personal estate.

ments not exceeding one hundred dollars on each share.

Each proprietor entitled to one vote for each share.

SEC. 3. *Be it further enacted*, That at all meetings of said corporation, each proprietor shall be entitled to one vote for each share owned by him : *provided*, that no proprietor shall be entitled to more than fifteen votes, and absent proprietors may vote by proxy in writing.

[Approved by the Governor, March 27, 1833.]

CHAP. CC.

An Act to regulate the Slaughtering and Weighing of Beef Cattle.

Regulating the slaughtering and weighing of beef cattle.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That from and after the first day of May next, all beef cattle, except bulls, sold in market by weight, shall, when slaughtered, be prepared for weighing in the following manner. The legs shall be taken off at the knee and gambrel joint, the head at the second joint of the neck, the skin taken from all other parts of the animal, the entrails taken out, and all the fat of the same be taken off and weighed as rough tallow ; and every other part of the animal including the hide, (the udder of cows excepted) shall be weighed. And all beef shall be weighed upon the first week day succeeding that on which it may be slaughtered. And every person who shall slaughter beef, so sold in market by weight, or prepare it for being weigh-

ed in any other manner than as herein prescribed, shall forfeit and pay the sum of thirty dollars for each offence, one half to the use of the Commonwealth, and the other half to the use of the person who shall prosecute therefor, to be recovered by an action of debt, in any court proper to try the same : *provided*, that nothing herein contained shall prevent Proviso. the buying and selling of beef cattle on the foot, or the slaughtering or weighing of cattle in any mode or at any time which shall be agreed upon between the buyer and seller.

[Approved by the Governor, March 27, 1833.]

CHAP. CCI.

An Act in addition to "An Act making further provision for the Redemption of Mortgages."

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 proviso contained in the first section of the statute of the year one thousand eight hundred and twenty-one, chapter eighty-five, be and the same is hereby repealed. Proviso repealed.

SEC. 2. *Be it further enacted,* That whenever a bill in equity shall be brought for the redemption of a mortgage as provided in said statute, the plaintiff or complainant shall pay to the defendant his costs, unless it shall appear to the court that the mortgagee or other defendant has refused or Plaintiff to pay costs, &c.

unreasonably neglected, when thereto requested, to render a just and true account of the money due on the mortgage, and of the rents and profits of the mortgaged premises, and of the money expended in the repairs and improvements thereof, if any, or has otherwise by his default prevented the plaintiff or complainant from performing the condition of the mortgage before the commencement of the suit.

[Approved by the Governor, March 27, 1833.]

CHAP. CCII.

An Act to incorporate the Lowell Gas Light Company.

Persons incor-
porated,

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That William Davidson, Edward R. Olcott, William T. Heydock, and their associates, successors and assigns, are hereby created a corporation, by the name of the Lowell Gas Light Company, for the purpose of manufacturing and selling gas in the town of Lowell, with all the powers, and subject to the requirements in the fifty-third chapter of the statutes of one thousand eight hundred and twenty-nine.

Real and person-
al estate.

SEC. 2. *Be it further enacted,* That the capital stock shall not exceed two hundred thousand dollars, and said corporation may possess real estate for the purpose aforesaid, not exceeding in value fifty thousand dollars.

SEC. 3. *Be it further enacted,* That if said Conditions, &c. company shall not, within two years from the passage of this act, have erected their works, and shall not within that time be prepared to manufacture gas for the use of the inhabitants of Lowell, then this act shall be null and void.

[Approved by the Governor, March 27, 1833.]

CHAP. CCIII.

An Act to incorporate the Boston Book and Paper 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 Timothy Harrington Carter, Melvin Lord, Nathaniel Greene, and Ferdinand Andrews, their associates, successors and assigns, are hereby made a corporation by the name of the Boston Book and Paper Manufacturing Company, for the purpose of manufacturing books in the city of Boston, and paper in the town of Pepperell, 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 prescribed in an act passed on the twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty, entitled "an act defining the general powers and duties of manufacturing corporations :"Persons incorporated. *provided however,* that said company Proviso. shall not print or publish any book of less size than

duodecimo, nor any work in duodecimo, unless the same shall contain at least two thousand printed pages.

May hold real
and personal es-
tate.

SEC. 2. *Be it further enacted,* That said corporation may lawfully hold and possess such real estate, not exceeding in value fifty thousand dollars, and such personal estate not exceeding the sum of fifty thousand dollars, as may be necessary and convenient for the purpose aforesaid.

[Approved by the Governor, March 27, 1833.]

CHAP. CCIV.

An Act to incorporate the Boston Academy of
Music.

Persons incorpo-
rated.

May hold person-
al estate.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That William C. Woodbridge, George E. Head, Henry Edwards, and William W. Stone, their associates, successors and assigns, are hereby created a corporation by the name of the Boston Academy of Music, for the purpose of promoting education in the science and practice of music ; with power to acquire and hold personal estate, not exceeding in value twenty thousand dollars, to be appropriated exclusively to the purpose aforesaid, with the powers and requirements contained in "an act concerning corporations," passed March eighth, one thousand eight hundred and thirty-three.

[March 27, 1833.]

CHAP. CCV.

An Act to incorporate the Second Baptist 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 Enos Reed, Baxter Hall, and Thomas H. Bailey, their associates and successors, are hereby made a corporation by the name of the Second Baptist Society in Cambridge, with all the powers and privileges to which religious societies are entitled, and with the powers, and subject to the requirements contained in “an act concerning corporations,” passed on the eighth day of March, one thousand eight hundred and thirty-three. Persons incorporated.

SEC. 2. *Be it further enacted,* That said corporation may hold and manage any estate necessary for the purposes aforesaid, not exceeding in value the sum of twenty thousand dollars. Estate.

[Approved by the Governor, March 27, 1833.]

CHAP. CCVI.

An Act to prevent Private Banking.

Penalty for issuing or passing any note, bill, &c., other than foreign bills of exchange, or bills of incorporated banks.

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, after the tenth day of April next, shall issue or pass any note, bill, order, or check, other than foreign bills of exchange, the notes or bills of some bank incorporated by the laws of this Commonwealth, or by the laws of the United States, or of some one of the United States, or by the laws of either of the British Provinces in North America, with the intent that the same shall be circulated as currency, he shall forfeit and pay for every such offence the sum of fifty dollars, to be recovered by indictment to the use of the Commonwealth, or by an action of debt to the use of any person who shall first sue therefor, in any court of competent jurisdiction.

[Approved by the Governor, March 28, 1833.]

CHAP. CCVII.

An Act in addition to “ An Act to incorporate the Union Marine Insurance Company,” 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 time within

which the capital stock of the Union Marine Insurance Company is required to be collected and paid in, agreeably to the requisitions of the statutes of the year one thousand eight hundred and thirty-two, chapter ninety-five, be, and is hereby extended one year from the passing of this act.

Time for paying
in capital stock
extended one
year.

[Approved by the Governor, March 28, 1833.]

CHAP. CCVIII.

An Act to change the name of Charles Twining
Tyler.

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, Charles Twining Tyler, of Boston, in the county of Suffolk, is hereby authorized to take the name of Royall Tyler.

Name changed.

[Approved by the Governor, March 28, 1833.]

CHAP. CCIX.

An Act in addition to "An Act for apprehending
Offenders in any County."

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

Sheriffs empowered to appoint special deputies.

several counties within this Commonwealth shall have power to appoint special deputies in any of the counties of the Commonwealth, to execute those duties only which deputy sheriffs are empowered to perform by the fifty-second chapter of the statutes of one thousand eight hundred and twenty.

[Approved by the Governor, March 28, 1833.]

CHAP. CCX.

An Act to incorporate the South Baptist Church 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 Jacob Flinn, Samuel Hill, Nehemiah P. Mann, and Solon Jenkins, with their associates and successors, are hereby incorporated as a religious society, in the city of Boston, by the name of the South Baptist Church, with all the powers and privileges, duties and liabilities of other religious societies, and those contained in “an act concerning corporations,” passed March eighth, A. D. 1833.

Present trustees authorized to release and convey to corporation all the real estate now held by them in their capacity of trustees.

SEC. 2. *Be it further enacted,* That the present trustees of the South Baptist Church in said Boston, are hereby authorized to release and convey to said corporation all the real estate now held by them in their capacity of trustees, by virtue of a deed recorded in the registry of the county of Suffolk, in book 361, leaf 83. And the same estate shall vest upon such conveyance as an absolute

estate and property in said corporation, and thereupon said corporation shall be held to fulfil all contracts entered into by said trustees on behalf of said church, and are hereby empowered to manage, use, and dispose of the same estate, according to the votes of the said body corporate, passed at any legal meeting: *provided*, that all the interest and income of said funds shall be appropriated to religious purposes only.

[Approved by the Governor, March 28, 1833.]

CHAP. CCXI.

An Act to preserve the Eel Fishery at Muskeeket Island, within the town 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 the first day of September next, it shall not be lawful for any person to take from the creeks, coves or harbors, on the island of Muskeeket, within the town of Nantucket, a greater number of eels, at one time, than three dozen, without a permit from the major part of the selectmen of said town. Every person offending as aforesaid shall forfeit and pay for each and every additional dozen, so taken, the sum of fifty cents.

No person to take more than three dozen eels at one time.

SEC. 2. *Be it further enacted*, That if any boat or craft shall be found within the limits aforesaid, with any more eels on board than this act allows to

Penalty for offence.

be taken, by permit from the selectmen aforesaid, it shall be the duty of such person or persons as shall be chosen by the said town of Nantucket to see to the execution of this law, to seize on such boat or craft, and detain the same, not exceeding forty-eight hours, in order that the same be attached or arrested, by due process of law, and made answerable for said fines and forfeitures, with cost of suit: *provided however*, that as soon as the master or owner of such boat or craft shall pay such fines and forfeitures to the Treasurer, if he shall pay the same before being sued, such boat or craft shall be discharged with the effects therein.

Fishwardens.

SEC. 3. *Be it further enacted*, That the said town of Nantucket are hereby authorized to choose annually such number of fishwardens as they may judge necessary, who shall be sworn to the faithful discharge of their duty, whose duty it shall be to prosecute for all offences against this act; and all fines and forfeitures, that shall be incurred by virtue thereof, shall be one half to him or them who shall sue for the same, and the other half to the use of said town of Nantucket; and the same shall be recovered with legal costs of suit by an action of debt, in any court proper to try the same.

[Approved by the Governor, March 28, 1833.]

CHAP. CCXII.

An Act to incorporate the Mattapoisett Wharf 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 Meigs, Gideon Barstow, Elijah Willis, and Ebenezer Cannon, with their associates, successors and assigns, are hereby made a corporation by the name of the Mattapoisett Wharf Company, with the powers and requirements contained in "an act concerning corporations," passed March eighth, one thousand eight hundred and thirty-three; and with power to hold real and personal estate in the manner and for the purpose hereinafter mentioned, not exceeding in value fifty thousand dollars, to be divided into shares of five hundred dollars each.

Persons incorporated.

SEC. 2. *Be it further enacted,* That said corporation may receive conveyances of certain wharves situated in that part of Rochester, in the county of Plymouth, known by the name of Mattapoisett, and bounded as follows, namely: beginning at a stake in the line of Josiah Holmes, south three degrees east, one hundred and sixty-four feet from the north-west corner of said Holmes Store by the street; thence extending from said stake west, two hundred and fifty-three feet, thence extending south to the channel of the harbor, thence extending easterly, by said channel to the line of said Josiah Holmes; and thence extending north three degrees west, to the

Conveyances of wharves.

first mentioned bound ; and may hold, use, improve and extend the same, and may erect a marine railway thereon : *provided*, that nothing in this act shall interfere with the legal rights of any person or persons.

Votes.

SEC. 3. *Be it further enacted*, That each member of said corporation shall be entitled to as many votes as he has shares, and may vote by proxy in writing : *provided*, that no member shall be entitled to more than one quarter part of the whole number of votes.

[Approved by the Governor, March 23, 1833.]

CHAP. CCXIII.

An Act to incorporate the Mount Washington 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 David Henshaw, Hall J. How, John H. Bird, George Brinley, their associates, successors and assigns, are hereby made a corporation by the name of the Mount Washington Association, to be established in the city of Boston, for the purpose of improving Mount Washington, with all the powers and requirements contained in "an act concerning corporations," passed the eighth of March, one thousand eight hundred and thirty-three.

May hold and possess certain land.

SEC. 2. *Be it further enacted*, That said corporation may hold and possess all or any part of a

tract of land situated in South Boston, called Mount Washington, bounded as follows: commencing in Boundaries. Dorchester, on the land owned by John H. Bird, and there running on a creek to Dorchester street, thence on Dorchester street to Broadway, thence from Broadway to H street, thence to low water mark, with all the privileges and appurtenances, rights and easements therewith enjoyed: *provided*, Real and personal estate. that the lawful owners of such estate shall convey the same to said corporation: *and provided*, that the whole real estate of said corporation shall not exceed in value five hundred thousand dollars, and that the personal estate shall not exceed one hundred thousand dollars; and said corporation may construct dams, docks and wharves, and manage and improve their corporate property, and may sell, convey, or otherwise dispose of the same, conformably to the provisions of their by-laws.

SEC. 3. *Be it further enacted*, That said corporation may, at any legal meeting, agree upon the Number of shares. number of shares of their corporate property, and may assess upon each share such sums of money as may be necessary for the purposes contemplated in this act, and may sell the share or shares of any delinquent proprietor for the payment of assessments as the by-laws may direct: *provided*, that all assessments shall be agreed upon by two thirds at least in number and value of the proprietors present or represented at any meeting, notice thereof, and of the purpose, being first given ten days at least previously, in the manner prescribed in the by-laws, and nothing in this act shall interfere with the legal rights of any other person or persons.

[Approved by the Governor, March 28, 1833.]

CHAP. CCXIV.

An Act in addition to "An Act to incorporate the Commercial 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 Commercial Insurance Company is hereby authorized to hold real estate of any value, not exceeding in all sixty thousand dollars, besides that conveyed in mortgage as collateral security.

May hold real estate, &c.

[Approved by the Governor, March 28, 1833.]

CHAP. CCXV.

An Act for the prevention of Fraud in the Sale of Oils.

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 oils sold under the names of sperm, spermaceti, lamp, summer, fall, winter and second winter oils, shall be deemed and taken to be pure spermaceti oil.

Oils specified shall be deemed and taken to be pure spermaceti oil.

SEC. 2. *Be it further enacted,* That all oils sold under the names aforesaid, which shall be adulterated from pure spermaceti oil, shall be deemed

Venders liable to purchaser for the difference in value of oils.

whale oil, and the vender or venders shall be liable to the purchaser or purchasers for double the amount of the difference in value between pure spermaceti oil and whale oil, when the quantity sold exceeds five gallons, and four times the difference when said quantity is less than five gallons, unless the proportions of the respective oils of which the mixture consists is disclosed to the purchaser at the time of sale, and in writing if the quantity exceeds one gallon, to be recovered in any court proper to try the same.

SEC. 3. *Be it further enacted,* That any person or persons who shall sell any oil or oils, commonly known under the names specified in the first section of this act, which have been adulterated from pure spermaceti oil by a mixture of whale or any other inferior oil, and not disclosing the proportion of the oils of which it consists at the time of sale, in writing, if the quantity exceed one gallon, to the purchaser, shall forfeit for every such offence fifty dollars, to be recovered with costs of suit, in an action of debt, to the use of the person suing for the same, and the written disclosures aforesaid may be given in evidence in such action.

Penalty for selling adulterated spermaceti oil by a mixture of whale, &c.

SEC. 4. *Be it further enacted,* That all oil sold under any of the names contained in the first section of this act, which shall have been mixed with "taught pressed oil," shall be deemed "taught pressed oil," and the vender thereof shall be liable to the purchaser, for double the value of the difference between the first quality of spermaceti oil and "taught pressed oil," unless, at the time of sale, the vender shall disclose in writing the mixture aforesaid, and said difference in value may be recovered in any court of competent jurisdiction. And said

Oils mixed with "taught pressed oil," shall be deemed the same.

venders, if said disclosures shall not be made as aforesaid, shall be liable to the penalties provided in the third section of this act, to be recovered in the manner provided in said section.

[Approved by the Governor, March 28, 1833.]

CHAP. CCXVI.

An Act concerning Recognizances.

Concerning re-
cognizances.

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 city, town, parish, or precinct, shall be required by law to enter into a recognizance, the mayor and aldermen of such city, the selectmen of such town, and the assessors of such parish or precinct respectively, may, by an order or vote, authorize any person or persons to enter into such recognizance in the name and behalf of such city, town, parish or precinct; and such recognizance shall be binding upon such city, town, parish and precinct respectively, and upon the lands, tenements, goods and chattels of the inhabitants of such city, town, parish and precinct, to all intents and purposes, and no surety shall, in any such case as aforesaid, be required in such recognizance.

[Approved by the Governor, March 28, 1833.]

CHAP. CCXVII.

An Act to establish the Boston Seminary for Young Ladies.

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 L. Blake, Noah Brooks, and Edward H. Robbins, their associates and successors, are hereby created a corporation by the name of the Boston Seminary for Young Ladies, to be established in the city of Boston, with all the powers and requirements contained in "an act concerning corporations," passed March eighth, one thousand eight hundred and thirty-three; and said corporation may hold real estate, not exceeding seventy-five thousand dollars in value, and personal property not exceeding forty thousand dollars, to be devoted exclusively to the purposes of education.

Persons incorporated.

SEC. 2. *Be it further enacted,* That no assessment shall be made upon the shares of said corporation beyond the amount of one hundred dollars upon each share, and the shares of delinquent proprietors may be sold for assessments, in such manner as may be provided in the by-laws of the corporation.

Assessment.

[Approved by the Governor, March 23, 1833.]

CHAP. CCXVIII.

An Act to repeal An Act authorizing the Central Bridge Corporation to reduce and compound their tolls.

Act passed
March 10, 1832,
repealed.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That “an act to authorize Central Bridge Corporation to reduce and compound their tolls,” passed March 10th, 1832, be, and the same is hereby repealed: *provided however,* that the proprietors of the Central Bridge shall be authorized to reduce the tolls for passing said bridge to the same rates that may be taken at Patucket bridge.

[Approved by the Governor, March 28, 1833.]

CHAP. CCXIX.

An Act concerning Warren Bridge.

Toll continued,
&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 the toll now established by law for passing Warren Bridge across Charles River, be and hereby is continued and established until the last day of the first session of the next general court; and the governor, with the advice and consent of the council, is hereby au-

thorized to place toll gatherers to collect and receive said toll, and also to employ such other agents, and do such other acts, relative to said bridge, and the collection and receipt of the toll, as may be deemed advisable. *Provided however,* that all monies which may be received according to the provisions of this act, shall be held by the treasurer of the Commonwealth, subject to the order of the legislature, except such sum as is provided by law to be paid by the proprietors of Warren bridge to Harvard University, which sum shall be paid by said treasurer to said university upon warrant to be drawn by the governor, after possession of said bridge shall be taken, as is hereinafter provided.

All monies shall be held by the Treasurer of the Commonwealth, &c.

SEC. 2. *Be it further enacted,* That the by-laws, rules and regulations, heretofore established by the proprietors of Warren bridge, and now in force, shall continue to be in force, subject to such modifications as the governor with the advice and consent of the council, shall see fit to make therein.

Present by-laws &c. shall continue in force.

SEC. 3. *Be it further enacted,* That the sheriff of the county of Suffolk, upon being thereto required by a warrant from the governor, shall deliver to any agent or agents of the Commonwealth peaceable possession of said bridge.

SEC. 4. *Be it further enacted,* That the governor be, and he hereby is authorized to assume in behalf of the Commonwealth, the defence of the suit at law, now pending against the proprietors of Warren bridge, and others in the supreme court of the United States, to employ counsel therein, and from time to time, to draw his warrant upon the treasurer of the Commonwealth for such sums of money as

Governor may assume the defence of suit in the Supreme Court, &c.

may be necessary for that purpose, or to pay for the services of toll gatherers and agents to be employed as is herein provided, for necessary repairs, and for such contingent expenses as may accrue in the care of said bridge ; payment thereof to be made from the receipts of the toll of said bridge actually in the treasury.

Governor and Council authorized to settle with Proprietors.

SEC. 5. *Be it further enacted*, That the governor and council be, and they hereby are, authorized to settle with the proprietors of the Warren bridge for the tolls heretofore received by the said proprietors, upon just and equitable principles, allowing to the said proprietors the expences necessarily incurred by them in defending the suit now pending against them and others, in favor of the proprietors of Charles river bridge, and such other expenses as the proprietors of Warren bridge have been by law authorized to incur.

Supreme Judicial Court authorized to decide.

SEC. 6. *Be it further enacted*, That if the proprietors of Warren bridge, upon being thereto required by the governor, shall fail to present and settle their accounts according to the provisions of the next preceding section of this act, the supreme judicial court, upon the application of the attorney general, (who is hereby required to appear before the said court in behalf of the Commonwealth,) be, and they hereby are authorized, after giving due notice to said proprietors, that they may be heard thereon, to examine their accounts, and hear any evidence, which may be adduced before them, concerning the same, or to appoint auditors, if they shall see fit, for the examination of said accounts, who shall make report to said court, and finally to determine what sum, if any, the said proprietors shall have received above the sum necessary to

reimburse the money by them expended in and about the building of said bridge, and other necessary expenses, authorized by law, to be by them incurred, with five per cent. interest thereon; and what sum, if any, the Commonwealth is entitled to receive from said proprietors; to decree payment thereof, and to pass all necessary orders and decrees, to enable the Commonwealth to obtain payment of the same. *Provided nevertheless, that,* Proprietors to give security. if the said proprietors within thirty days from the passage of this act, shall give to the treasurer of the Commonwealth good and sufficient security, to be first approved by the governor, for the collection by them, until the time fixed for the expiration of this act, of the tolls by law established for passing Warren bridge, and for the payment, when thereto required by the governor, of all sums of money which shall have been received by them, beyond the amount authorized to be received and retained by the said proprietors, by the statute of eighteen hundred and twenty seven, chapter one hundred and twenty seven, for suitable care of said bridge, and for the subsequent delivery on demand, to any officer authorized by the general court to receive the same, peaceable possession of the said bridge, the third and fourth sections of this act, and so much of the first section thereof as relates to the collection of toll, and so much of the sixth section thereof as relates to the settlement of the accounts of said proprietors, by the supreme judicial court, shall not take effect.

SEC. 7. *Be it further enacted,* That in case the said proprietors of Warren bridge shall retain possession of the said bridge, pursuant to the provision made therefor in the sixth section of this act, the Expenses shall not exceed &c.

expences to be incurred by them shall not exceed the sum of three thousand dollars, unless the governor, with the consent of the council, shall authorize such excess.

Outstanding
claims.

SEC. 8. *Be it further enacted*, That if, after a settlement shall be had of the accounts of the said proprietors of Warren bridge with the Commonwealth, either in the supreme judicial court, or otherwise, any outstanding claims shall be presented against the said proprietors, the governor with the consent of the council, is hereby authorized, upon ascertaining the same to be justly due, to draw his warrant upon the treasurer of the Commonwealth for the payment thereof.

[Approved by the Governor, March 28, 1833.]

CHAP. CCXX.

An Act relating to Highways in the Plantation of Marshpee.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That it shall be the duty of the overseers of the plantation of Marshpee, in the county of Barnstable, to keep in repair, at the expense of said plantation, the following highways therein, to wit: the highway leading from the village of Cotuit to Sandwich, by the dwelling-house of Thomas Goodspeed, and the highway leading from said Cotuit to Falmouth, by the dwell-

Overseers to
keep highways in
repair.

ling-house of Ansel Crocker, and the highway branching from the one, last aforesaid, at Marsh-pee river, and leading thence to the village of Waquoit, except such parts of the highways aforesaid as pass over the lands of white persons ; and for neglect thereof, they shall be liable to be prosecuted by indictment: *provided*, that no such indictment shall be sustained unless the person making complaint to the grand jury, shall, after the court then next preceding, and one month at least before the sitting of the court at which the complaint is made, have given to said overseers, or some one of them, notice in writing of the place and nature of the defect complained of.

Proviso.

SEC. 2. *Be it further enacted*, That all fines imposed by the court for any neglect of the duty required by this act, shall be appropriated for the repair of the highways complained of, and shall be collected of said overseers, and laid out by an agent appointed by the court, as in case of fines imposed on towns for like neglect, and all fines and costs paid by said overseers may be charged in their accounts with said plantation.

Fines, how appropriated.

[Approved by the Governor, March 28, 1833.]

CHAP. CCXXI.

AN ACT to establish the Atlas 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 Robert Edes, James Harris, Benjamin A. Gould, Richard Fletcher, and Bradford Lincoln, Junr., their associates, successors and assigns, are hereby created a corporation by the name of the President, Directors and Company of the Atlas Bank, to be established in Boston, and shall so continue until the first day of October, in the year of our Lord one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and subject to all the liabilities and requirements contained in the act of one thousand eight hundred and twenty-eight, chapter ninety-six, the act of one thousand eight hundred and thirty, chapter fifty-eight, and the second section of "an act concerning corporations," passed March eighth, one thousand eight hundred and thirty-three.

Transfer of stock.

SEC. 2. *Be it further enacted*, That the stock of said bank shall be transferable only at its banking house, and in its books, and no part thereof shall be transferred by way of security for the performance of any obligation whatsoever, until two years from the payment of the first instalment into said bank.

Shares.

SEC. 3. *Be it further enacted*, That the capital stock of said corporation shall consist of five

hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times as the stockholders may direct: *provided*, the whole be paid in within one year from the passing of this act.

[Approved by the Governor, March 28, 1833.]

CHAP. CCXXII.

An Act in addition to "An Act against Forgery and Counterfeiting."

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 bring into, or shall have in his possession, within this state, any false, forged, and counterfeit bill or bills, note or notes, in the similitude of the bills or notes payable to the bearer thereof, issued by, or for any bank or banking company, which shall purport to be established in any of the British Provinces in North America, or within any other foreign state or government, for the purpose of rendering the same current as true, or with intent to pass the same, knowing the same to be false, forged and counterfeit, every such offender, upon the conviction thereof, shall be punished by solitary imprisonment, for such term, not exceeding three months, and by confinement afterwards to hard labor for such term, not exceeding three years, or

Penalty for forging or counterfeiting.

by a fine, not exceeding one thousand dollars, and imprisonment in the common gaol, not exceeding one year, as the court, before whom the conviction may be, shall sentence and order, according to the aggravation of the offence.

Punishment in case of offence.

SEC. 2. *Be it further enacted*, That, if any person shall engrave, form, make or mend, or shall begin to engrave, form, make or mend any plate or plates, paper, rolling press, or other tool, instrument or material, devised, adapted and designed for the stamping, forging, and making any false and counterfeit bills or notes, which have been, or which shall be issued by or for any bank or banking company, which is or shall be established in any of the British Provinces in North America, or within any other foreign state or government, or shall have in his possession any such plate or plates, engraven in any part, or any paper, rolling press, or other tool, instrument or material, devised, adapted and designed, as aforesaid, with the intent to use and employ the same, or to cause or permit the same to be used and employed, in forging and making any such false and counterfeit bills or notes, every person so offending, who shall be thereof duly convicted, shall be punished by solitary imprisonment for such term, not exceeding three months, and by confinement afterwards to hard labor for such term, not exceeding three years, or by fine, not exceeding five hundred dollars, and by imprisonment in the common gaol, for such term, not exceeding one year, as the court, before whom the conviction may be, shall sentence and order, according to the aggravation of the offence.

Form of punishment.

Testimony of president may be dispensed with.

SEC. 3. *Be it further enacted*, That in all prosecu-

tions for offences described in the first section of this act, the testimony of the president or cashier of any of the banks in said British Provinces, or in such other foreign state or government, may be dispensed with ; but in all such cases it shall be lawful to admit the testimony of any witness acquainted with the signature of the officers of said banks, or who may have knowledge of the difference between the true and the counterfeit bills or notes of said banks, to prove that such bills or notes are counterfeit ; any law or practice to the contrary notwithstanding.

SEC. 4. *Be it further enacted,* That the several courts having cognizance of offences under the act to which this is in addition, shall have cognizance in like manner of all offences under this act. Courts having cognizance, &c.

[Approved by the Governor, March 28, 1833.]

Erratum.—Page 724, 5th line from bottom, for *offered*, read *offer*.

Commonwealth of Massachusetts.

SECRETARY'S OFFICE, MAY 17, 1833.

I HEREBY CERTIFY, that I have compared the printed copy of Acts contained in this Pamphlet with the Original Acts, as engrossed on parchment, and remaining in this Office, and, with the exception of the above Erratum, find the same to be correct.

EDWARD D. BANGS,

Secretary of the Commonwealth.

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