



State Lib. MASSACHUSETTS
State House, Boston

COMMITTEE

MASSACHUSETTS

Office of the Secretary of the Executive Council

THE LAST WEDNESDAY IN MAY, A. D. 1862

AN APPENDIX

AND STATUTES OF THE ABOVE MENTIONED COMMONWEALTH
AS PASSED IN THE YEAR 1790 AND REFERRED TO IN THE PREAMBLE
OF THE CONSTITUTION OF THE COMMONWEALTH

BY JAMES WATSON

VOL. II.

Printed by the State Printer, Boston

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Private and Special
STATUTES
OF
MASSACHUSETTS.

An ACT for incorporating certain Land in *Dedham* and *Sharon*, in the County of *Norfolk*, into a Common Field.

WHEREAS the Proprietors of a certain tract of meadow land, lying partly in *Dedham*, and partly in *Sharon*, in the county of *Norfolk*, are desirous to have the same incorporated into a Common Field : Preamble.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all that tract of land, known by the name of Pigeonswamp Meadow, lying partly in Dedham, and partly in Sharon, in the county of Norfolk, and included in the bounds following, viz. Beginning at Trap-hole Brook, so called, in the land of Nathaniel Sumner, Esq. where the fence now stands which divides said Sumner's upland from his meadow, and running southerly on said fence, till it comes to the land improved by George Sumner; then through said land nearly the same course, till it comes to the south-west corner of said George Sumner's home meadow, so called; then turning and running easterly in said meadow, as the ditch which forms the fence is made, till it comes to the fourth end of Benjamin Hawes's meadow; then in the line between said Hawes's meadow, and the land of William Richards; then in the line between said Richards's home lot, and the meadow lots, till it comes to Cummings's brook, so called; thence on said brook, till it comes to the line between Stoughton and Sharon; thence on said line till it comes Boundaries.

comes to *Neponset River*; thence westerly on said river, till it comes to *Traphole Brook*; thence on said brook, till it comes to the bounds first mentioned—shall be considered as *one Common and General Field*; and that the Proprietors of said lands, their heirs and successors, be, and they hereby are incorporated and invested with all the powers and privileges which the Proprietors of Common and General Fields by law are invested with.

[This Act passed *January 22, 1795.*]

An ACT to set off *William Goodspeed*, with his Estate, from the Town of *Washington*, in the County of *Berkshire*, and annex him and his Estate to the Town of *Lenox*, in the same County.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *William Goodspeed*, with his estate, be, and he hereby is set off from the town of *Washington*, in the county of *Berkshire*, and annexed to the town of *Lenox*, in the same county.

[This Act passed *January 31, 1795.*]

An ACT to incorporate *Valentine Rathburn*, and others, Inhabitants of the Town of *Pittsfield*, into a Religious Society, by the Name of *The Baptist Religious Society in the Town of Pittsfield*.

SECT. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Valentine Rathburn, Daniel Rathburn, John Baker, John Remington, Jonathan Kingsley, John Bryant*, and others, inhabitants of said town of *Pittsfield*, members of the said religious Society, together with their polls and estates, be, and they hereby are incorporated by the name of *The Baptist Religious Society in Pittsfield*; with all the privileges, powers and immunities to which other religious Societies in this Commonwealth are by law entitled.

Persons incor-
porated.

Mode of be-
coming mem-
bers.

SECT. 2. And be it further enacted, That any and every person in the said town of *Pittsfield*, who may hereafter at any time actually become a member of, and unite with said Society, in religious worship, and give in his or her name to the Clerk of the said town of *Pittsfield*, with a certificate, signed by the Minister or Clerk of said Society, that he or she hath actually become a member of, and united in religious worship with said Society, fourteen days previous to the town-meeting therein, to be holden in the month of *March* or *April* annually, shall, from and after giving such certificate, with his or her polls and estates, be considered as a member of said Society.

SECT.

SECT. 3. *And be it further enacted,* That when any member of said Society shall see cause to leave the same, and unite in religious worship with the other religious Society in the said town of *Pittsfield*, and shall give in his or her name to the Clerk of the said *Baptist Religious Society*, with a certificate, signed by the Minister or Clerk of the other religious Society, fourteen days previous to their annual meeting, in *March* or *April*, such person shall, from and after giving such certificate, with his or her polls and estates, be no longer considered as a member of the said *Baptist Society*.

Mode of leaving the Society.

SECT. 4. *And be it further enacted,* That *Eli Root*, Esq. be, and he hereby is authorized to issue his warrant, directed to some principal member of the said *Baptist Society*, requiring him to warn the members of the said Society, qualified to vote in parish affairs, to assemble at some suitable time and place, to choose such parish officers as are by law required to be chosen in the month of *March* or *April*, annually, and to transact all matters and things necessary to be done in said Society.

Eli Root, Esq. to issue warrant.

[This Act passed *February 10, 1795.*]

An ACT for incorporating certain Persons therein named, by the name of *The Trustees of the Church and Congregation in the Second Precinct in Pembroke.*

WHEREAS the Church of Christ in the second precinct in *Pembroke* have by their vote agreed to appropriate a certain sum of money, the property of said Church, to the purpose of supporting the preached gospel in said precinct, under certain provisions and conditions; and not being able fully to accomplish their intentions, by means of any existing legal provisions, have petitioned this Court to incorporate a competent number of persons for that purpose:

Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Jeremiah Stetson*, *William Delano*, *Elijah Cushing*, *Gad Hitchcock*, jun. and *Josiah Cushing*, all members of said Church; and the said *Stetson* and *Delano* being Deacons of the same, be, and they hereby are nominated and appointed Trustees of the Church and Congregation in the second precinct in *Pembroke*, and they are hereby incorporated into a Body Politic and Corporate by that name; and the said Trustees and their successors, to be chosen and appointed in the manner hereinafter prescribed, shall be and continue a Body Politic and Corporate by the same name forever.

Trustees incorporated.

SECT. 2. *And be it further enacted by the authority aforesaid,* That agreeably to the vote of said Church, all the money, securities and credits, the property of said Church, shall be received

Property of the Church to be held and improved by the Trustees.

ceived and held by, and they are hereby confirmed to the said *Jeremiah Stetson, William Delano, Elijah Cushing, Gad Hitchcock, jun. and Josiah Cushing*, and to their successors, as Trustees of said Church and Congregation forever; to be by them managed to the best advantage, to the sole purpose of supporting the preached Gospel in said precinct; to be applied to said purpose when, and not before said sum, by the addition of accruing interest, or otherwise, shall produce the annual sum of *one hundred and twenty pounds*. And the Trustees aforesaid, their successors, and the agents or officers that may be appointed in pursuance of this Act, are hereby required, in conducting the concerns of said trust, to regulate themselves conformably to the true design and intention of the Vote or Act of said Church, on which the application for the passing of this Act was grounded.

Common seal.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said Trustees and their successors shall have one common seal, which they may make use of in any transaction that may relate to their said office of Trustees; and they shall have power and authority to change, alter or renew the same at pleasure; and they may sue and be sued in all actions, real, personal or mixed, and prosecute or defend the same to final judgment and execution, by the name of *The Trustees of the Church and Congregation in the second Precinct in Pembroke*, as aforesaid.

Power of the Trustees.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the said Trustees and their successors shall have full power and authority to elect such officers or agents, and to make and establish such rules and orders, not repugnant to the Constitution and laws of this Commonwealth, as they shall judge to be necessary and convenient for the orderly and beneficial management of the affairs of said trust, according to the various occasions and circumstances thereof.

Number.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the number of said Trustees shall be five; a major part of whom, present at any stated meeting, shall decide all questions that may properly come before them.

And to perpetuate the succession of the said Trustees:

Successors of Trustees perpetuated.

SECT. 6. *Be it further enacted by the authority aforesaid,* That as often as one or more of the said Trustees shall die, resign or remove, or in the judgment of the major part of said Trustees for the time being, be rendered by age, infirmity or otherwise, incapable of discharging the duties of his office, then, and so often, the remaining part of the Trustees, or the major part of them, at some stated meeting, shall elect by ballot one or more persons, being reputable freeholders, belonging to said church or congregation, to supply such vacancy or vacancies: *Provided,* That any vacancy occasioned by the death, resignation, removal

Proviso.

or incapacity of a deacon shall be supplied by the election of a deacon in said church, if there be any deacon belonging to the same.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the Trustees aforesaid and their successors, be, and they are rendered capable in law to take, receive and convey any lands or tenements, for the security of any monies loaned, belonging to said trust, or which may be purchased with any part of the funds belonging to the same; and that they be, and they are hereby also rendered capable in law to take and receive by gift, grant, devise, bequest, or otherwise, any lands, tenements or other estate, real or personal; *Provided,* That the annual income of such real estate shall not exceed the sum of *one hundred pounds*; and the annual income of such personal estate shall not exceed the sum of *one hundred pounds*; (both sums to be estimated in silver, at *six shillings and eight pence* by the ounce) to have and to hold the same to the said Trustees, and to their successors in that office, on such terms and under such provisions and limitations as may be expressed in any deed or instrument of conveyance to them made, and which may be consistent with the original design of this incorporation.

Trustees capable of holding property to a certain amount.

SECT. 8. *And be it further enacted by the authority aforesaid,* That there shall be held a meeting of said Trustees as soon as conveniently may be, after passing this Act, and afterwards once every year, at least, on some day to be fixed by said Trustees, annually, forever. And there shall be such other meetings, to be held at such times and places, and to be notified and called in such way and manner as the said Trustees at any annual meeting may determine.

Meeting of the Trustees.

And that the state and circumstances of said trust may be known from time to time:

SECT. 9. *Be it further enacted by the authority aforesaid,* That it shall and may be lawful for the inhabitants of said precinct, at any legal meeting thereof, not exceeding once in any one year, to call upon the said Trustees for an accurate statement of their accounts; and it shall be the duty of the Trustees aforesaid, or some one of their officers, for the time being, to exhibit an attested copy of such statement accordingly.

Trustees to exhibit a statement of accounts.

SECT. 10. *Be it further enacted by the authority aforesaid,* That *Josiah Smith, Esq.* be, and hereby is authorized and directed to determine the time and place for holding the first meeting of said Trustees, and to certify them respectively thereof, ten days at the least previous to holding the same.

Josiah Smith to call a meeting.

[This Act passed February 10, 1795.]

An

An ACT for erecting and maintaining a Bridge over *Westfield River*, in the Town of *Norwich*, in the County of *Hampshire*.

Preamble.

WHEREAS a bridge over *Westfield River*, in the town of *Norwich*, and county of *Hampshire*, is very necessary for the accommodation of travellers, and the place where said bridge is proposed to be built will not greatly accommodate the inhabitants of the town of *Norwich*, who are obliged by law to maintain a bridge over the same :

Bridge to be erected.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That a sufficient bridge, for the accommodation of travellers shall be erected over said *Westfield River*, at the place where the bridge formerly stood, which was built by the Commonwealth, in said town of *Norwich*; one half of which to be at the expense of said county, and the other half to be borne by the said town of *Norwich*. And the Justices of the Court of General Sessions of the Peace for said county of *Hampshire* are hereby authorized and directed to order such bridge to be erected, and the one half of the expense thereof shall be borne by and assessed upon the inhabitants of said county of *Hampshire*, and the same shall be assessed, collected, paid into, and ordered out of the treasury of said county, in the same way and manner as other county charges are.

—, how maintained.

SECT. 2. *And be it further enacted*, That a bridge over said river, at the place above mentioned, shall hereafter be maintained, repaired and supported, in manner as is herein before directed, until the Legislature of this Commonwealth shall otherwise order.

[This Act passed February 10, 1795.]

An ACT authorizing *David Morley*, of *West-Springfield*, in the County of *Hampshire*, to build a Toll-Bridge over *Westfield River*, in said County, and to enable him to support the same.

David Morley authorized.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the said *David Morley* be, and he is hereby authorized and empowered to build a bridge over *Westfield River*, near the late dwelling-house of *Stephen Noble*, deceased.

Toll established.

—, rates of.

SECT. 2. *Be it enacted*, That to reimburse the said *David Morley*, for his expense in building and supporting said bridge, a toll be, and hereby is granted and established for the use and benefit of the said *David Morley*, his heirs and assigns, according to the rules and rates following, viz. For each foot passenger, *one cent*; for one person and a horse, *four cents*; for each horse and

and chaise, riding chair or fulkey, *ten cents*; for each sleigh, sled or cart, drawn by one horse or other beast, *eight cents*; for each sleigh drawn by more than one horse, *twelve and an half cents*; for each coach and other four-wheel carriage for conveying persons, *twenty cents*; for each waggon, cart, sled, or other carriage, drawn by more than one beast, with one driver, *twelve and half cents*; for neat cattle, in a drove, each *one cent*; for horse kind, in a drove, or led, each *one cent*; for each sheep or swine, *half a cent*. And at all times when the toll-gatherer shall not attend to receive the toll, the gate or gates, if any, shall be left open and free for passengers; and the toll shall commence whenever the bridge shall be fit and safe for carriage to pass over it, and shall continue to the said *David Morley*, his heirs and assigns forever: *Provided nevertheless*, That the General Court shall have a right to alter the rate of toll after the term of twenty years. And said bridge shall be kept in good, safe and passable repair; and at the place where the toll shall be received, there shall be erected and constantly exposed to open view, a sign-board, with the rates of toll of all the tollable articles, fairly and legibly written thereon. Sign-board.

SECT. 3. *Be it enacted*, That the said bridge shall be built of suitable materials, sixteen feet wide at least, and railed on each side three feet high; and if the said *David Morley* shall neglect, for the term of three years after passing this Act, to build said bridge, then this Act shall be void.

[This Act passed *February 10, 1795.*]

An ACT to incorporate a certain Tract of Land, in the County of *Cumberland*, into a Town by the Name of *Poland*.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the following described tract of land, viz. Beginning at a great rock, in *Amariscoggin Falls*, called the *Twenty Mile Falls*; then running south-west to *New-Gloucester* side-line; then by said line to the north-east corner of the said *New-Gloucester*; then south-west, on the head-line of *New-Gloucester*, four miles; then running north-west, about seven miles and one quarter of a mile, to *Hebron*; then running north-east by *Hebron* line, to *Turner*; then by *Turner* line, to *Amariscoggin River*; then down said river to the bounds first mentioned, together with all the inhabitants thereon, be, and they hereby are incorporated into a town by the name of *Poland*. And the said town is hereby invested with all the powers, privileges and immunities which other towns in this Commonwealth do or may enjoy by law. Boundaries incorporated.

SECT.

Wm. Wedgery empowered. SECT. 2. *And be it further enacted by the authority aforesaid,* That *William Wedgery, Esq. be,* and he hereby is empowered to issue his warrant, directed to some suitable inhabitant of said town, requiring him to warn the inhabitants thereof, qualified as the law directs to vote in town-meeting, to meet at some convenient time and place, to choose all such officers as towns are by law required to choose in the month of *March* or *April* annually.

[This Act passed *February 17, 1795.*]

An ACT to incorporate the Plantation of *Smithfield*, in the County of *Lincoln*, into a Town by the Name of *Litchfield*.

Boundaries incorporated. SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That a certain tract of land, bounded as followeth, viz. Beginning at the north-east corner of the town of *Bowdoin*, thence running west-north-west, on said *Bowdoin* north line, seven miles; thence running north-north-east about four miles, to the south line of the town of *Monmouth*; thence running east-south-east, in the south line of said *Monmouth*, to the south-easterly corner thereof; thence running north-north-east, in the east line of said *Monmouth*, six miles to the town of *Winthrop*; thence running east-south-east, in the south line of *Winthrop*, to *Cobbisee Contee Pond*; from thence east-south-east, to the westerly line of *Hallowell*; thence running southerly on said *Hallowell* to the town of *Pittston*, and continuing southerly on said *Pittston*, in the westerly line thereof, to the north-west corner of *Bowdoinham*; thence southerly by said *Bowdoinham*, to the bound first-mentioned, together with the inhabitants thereon, be, and they hereby are incorporated into a town by the name of *Litchfield*: And the said town is hereby vested with all the powers, privileges and immunities which other towns within this Commonwealth do, or may enjoy by law.

Jedidiah Jewett empowered. SECT. 2. *And be it further enacted by the authority aforesaid,* That *Jedidiah Jewett, Esq. be,* and he hereby is empowered to issue his warrant, directed to some suitable inhabitant of said town, requiring him to notify and warn the inhabitants thereof to meet at some suitable time and place, for the purpose of choosing such officers as towns are required to choose in the month of *March* or *April* annually.

[This Act passed *February 18, 1795.*]

An

An ACT to incorporate the Plantation of *Lewistown*, and the *Gore*, (so called) adjoining, in the County of *Lincoln*, into a Town by the Name of *Lewiston*.

SECT. I. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the following described tract of land, lying on the easterly side of *Androscoggin River*—Beginning on the bank of said river, at the most westerly corner of the town of *Greene*; thence running south-east, in the southerly line of said town, about six miles, to the *Plymouth Company's* line, at the south-easterly corner of *Greene* aforesaid; thence southerly, in the line of the *Plymouth Company's* claim, six miles and two hundred and thirty rods; thence south-west, about two hundred and sixty rods, to *Androscoggin River*; thence northerly, by said river, to the bound first-mentioned, together with the inhabitants thereon, be, and they hereby are incorporated into a town by the name of *Lewiston*. And the said town is hereby vested with all the powers, privileges and immunities which other towns within this Commonwealth do or may enjoy by law.

SECT. 2. *And be it further enacted by the authority aforesaid*, That *Benjamin Merrill*, Esq. be, and he is hereby empowered to issue his warrant, directed to some suitable inhabitant of said town of *Lewiston*, requiring him to notify and warn the inhabitants thereof to meet at some convenient time and place, to choose such officers as towns are by law required to choose in the month of *March* or *April* annually.

[This Act passed February 18, 1795.]

An ACT to set off Part of the Town of *Newcastle*, in the County of *Lincoln*, and to annex the same to the Town of *New-Milford*, in said County.

SECT. I. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all the lands lying within the following lines, now belonging to the town of *Newcastle*, in the county of *Lincoln*, beginning at the great bend of *Sheepscott River*, on the southerly line of *Samuel Simpson's* land; thence north-easterly, on said *Simpson's* line, in the same direction, till it comes to the dividing line between said *Newcastle* and *Ballstown*; thence on said dividing line north-westerly, till it strikes said *Sheepscott River*; thence down said river, to the bounds first-mentioned; with the inhabitants thereon, be, and the same are hereby set off from said town of *Newcastle*, and annexed to the said town of *New-Milford*: *Provided*, That the inhabitants living on said tract of land shall be holden to pay their proportion of all legal taxes which have been assessed, ordered or voted to be laid

laid on said town of *Newcastle*, by the inhabitants thereof, or by the General Court, in the same manner as though this Act had never passed.

And in order for an equal distribution of public property, belonging to said town of *Newcastle*, and that those who are set off as aforesaid should bear a due proportion of the public burden now lying on the same :

SECT. 2. *Be it further enacted by the authority aforesaid*, That the inhabitants set off as aforesaid shall be holden to pay their proportion of the expenses of supporting all such poor persons as are now supported by the town of *Newcastle*, and shall be entitled to receive an equal proportion of all public property, of every kind, belonging to said town ; each to be computed according to the polls and rateable estate they severally held and were taxed for in the last valuation, any law to the contrary notwithstanding.

Poor to be supported by both towns.

Taxes how assessed.

SECT. 3. *And be it further enacted by the authority aforesaid*, That in all State taxes, which shall hereafter be granted by the General Court of this Commonwealth, until a new valuation shall be settled, one sixth part of the taxes which would have been set to the town of *Newcastle*, according to the last valuation, shall be taken therefrom, and set to the said town of *New-Milford*.

[This Act passed February 18, 1795.]

An ACT for dividing the Town of *Shapleigh* into two Parishes.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That there be erected in the town of *Shapleigh*, in the county of *York*, a parish, bounded and described as follows, viz. Beginning on the head line of *Lebanon*, at the end of the east side line of the sixth range of lots in said *Shapleigh* ; thence running westerly on the head line of *Lebanon*, until it comes to the south-westerly side of said *Shapleigh* ; thence on the line of *Shapleigh*, to the line of the State of *New-Hampshire* ; thence northerly on said State, to *Little Ossipee Pond*, and on that pond to *Little Ossipee River*, and down said river, to the range line first mentioned, where it meets said river ; thence southerly on said line, until it comes to a point in square *Moussem Pond*, which would be struck by the continuation of the line between the lots numbered *Eight* and *Nine*, on the fourth range of lots in *Shapleigh* ; then from the said point due east, to the west side of *Moussem Long Pond* ; then southerly on that pond, to the east line of the fifth range ; then on that line to Lot, No. 2, in that range ; thence on the northerly

Boundary of the first parish in *Shapleigh*.

northerly side of said lot to the easterly line of the sixth range aforesaid; thence on the east side of said range, to the bound first mentioned: Which same parish, bounded and described as aforesaid, shall be the first parish in said town of *Shapleigh*, and shall be entitled to such immunities and subjected to such duties, as other parishes in this Commonwealth are under.

SECT. 2. *And be it enacted*, That the residue of the same town shall be the second parish therein; and have the same privileges and be subjected to the same duties as are legally incident to other parishes within this Commonwealth. Second.

SECT. 3. *And be it enacted by the authority aforesaid*, That *William Rogers*, Esq. be, and he is hereby authorized to issue his warrant, directed to some principal inhabitant in each parish aforesaid, requiring them to warn the inhabitants thereof, qualified by law to vote in parish meetings, to assemble at some suitable time and place in said parishes, to choose such officers as parishes are empowered to choose, in the month of *March* or *April* annually; and to transact all matters and things necessary and lawful to be done in said parishes as aforesaid. Warrant to be issued.

[This Act passed February 24, 1795.]

An ACT to incorporate *Simon Larned* and others, for the Purpose of conveying Water by Pipes into the Centre of the Town of *Pittsfield*, by the Name of "*The Proprietors of the Water-Works in the Middle of the Town of Pittsfield.*"

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Simon Larned*, *John Candler Williams*, *William Kittredge*, *Josua Danforth*, *Thomas Gold*, and such other persons as may become Proprietors in the said Water-works, be, and they hereby are constituted a Corporation and Body Politic, for the purpose of conveying water by pipes into the centre of the town of *Pittsfield*, by the name of *The Proprietors of the Water-works in the middle of the town of Pittsfield*, and by that name may sue and be sued to final judgment and execution, and do and suffer all matters, acts or things which Bodies Politic may or ought to do and suffer. And the said Corporation shall and may have and use a common seal, and the same may break and alter at pleasure. Persons incorporated.

SECT. 2. *And be it further enacted*, That the said *Simon Larned*, *John Candler Williams*, *William Kittredge*, *Josua Danforth*, and *Thomas Gold*, or any three of them, may, by advertisement — empowered to call meetings, posted

— to choose
a Clerk, and est-
ablish regula-
tions.

Proviso.

Act, rules and
regulations to
be recorded.

Proprietors
empowered to
construct and
complete the
work.

Contracts may
be made with
guardians, &c.
in case of ina-
bility.

posted up at the houses of *Darius Larned* and *John Strong*, in said *Pittsfield*, warn or call a meeting of the said Proprietors, to be held at said *Pittsfield*, at any suitable time after seven days from the posting up such advertisement: And the said Proprietors, by a vote of a majority of those present or represented at said meeting, accounting and allowing a vote to each share, in all cases, shall choose a Clerk, who shall be sworn to the faithful discharge of his office; and also shall agree on a method for calling future meetings; and at the same or any subsequent meeting may make and establish any rules and regulations that shall be convenient or necessary for regulating the said Corporation, effecting, completing and executing the purpose aforesaid, and the same rules and regulations may cause to be kept and executed, and for the breach of any of them may order and enjoin fines and penalties, not exceeding *four pounds*: *Provided*, That said rules and regulations be not repugnant to the Constitution or laws of the Commonwealth; and the said Proprietors may also choose and appoint any other officer or officers of the Corporation; and all representations of the said Proprietors, at said meetings, shall be proved by a special appointment in writing, signed by the person making the representation, which shall be filed with, or recorded by the Clerk; and this Act, and all rules, regulations and votes of said Corporation shall be fairly and truly recorded by their said Clerk, in a book or books for that purpose provided and kept; which book or books shall be subject to the inspection of any person or persons for that purpose appointed by the Legislature.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the said Proprietors be, and they are hereby authorized and empowered, within the term of three years from the passing this Act, to construct and complete said pipes; and for the purpose aforesaid, to enter on and dig up any highway or town road, which may be necessary to complete said Water-works, and therein to put and place such pipes as may be necessary, and at all times to enter thereon, for the purpose of repairing said pipes, whenever they may require it; *provided* they do not thereby obstruct the passing and repassing of such as may have occasion to use the same road or highway.

SECT. 4. *And be it further enacted*, That if in any instance it may be necessary for the said Proprietors to lay the said pipes over or through the land of any infant, *feme covert*, or person *non compos mentis*, the husband of such *feme covert*, and the guardian of such infant, or person *non compos mentis*, respectively, may make any agreements, or do any other matter or thing respecting the damage occasioned by said pipes, which they might do, if the same land was by them holden in their own rights respectively.

SECT.

SECT. 5. *And be it further enacted*, That any Proprietor's share or shares in said Water-works may be transferred by deed, acknowledged and recorded by the Clerk of said Corporation, in a book to be kept for that purpose; and when any share or shares of said Water-works shall be attached as the property of any of said Proprietors, on *mesne process*, an attested copy of such process shall be left with the said Proprietor's Clerk, at the time of such attachment, otherwise the same shall be void.

Shares may be transferred by deed, and subject to attachment.

SECT. 6. *And be it further enacted*, That if the said Corporation shall not complete the said Water-works within three years from the passing this Act, then this Act shall be void and of no effect: *Provided always*, That if at any time the said Proprietors, after the end of said three years, find it convenient to make or lay down any additional pipes, to complete and carry the said Water-works to a further extent, they may do the same, notwithstanding the said limitation.

Time limited to complete the work.

SECT. 7. *And be it further enacted*, That if any person shall injure or destroy any of the said pipes, he shall be subjected to the same pains and penalties as are provided by the second section of the Act, entitled, "An Act for the more effectually preventing of trespasses in divers cases," passed the twenty-third day of *November*, one thousand seven hundred and eighty-five; and shall also be liable to make good all damages so done to the said Proprietors.

Injuries done, subject to penalties provided.

[This Act passed *February 25, 1795.*]

An ACT for establishing an Academy in the Town of *New-Salem*, by the Name of *New-Salem Academy*.

WHEREAS a suitable number of Academies within this Commonwealth will be of common benefit; and it appears that the town of *New-Salem* have erected and agreed to maintain a convenient building for that purpose; to effect which design more fully, it is necessary to establish a Body Politic:

Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That there be, and hereby is established in the town of *New-Salem*, in the county of *Hampshire*, an Academy by the name of *New-Salem Academy*, for the purpose of promoting piety, religion and morality, and for the instruction of youth in such languages, and in such of the liberal arts and sciences, as the Trustees shall direct; and that the Rev. *Joel Foster*, the Rev. *Solomon Reed*, the Rev. *Joseph Bidget*, the Rev. *Joseph Kilburn*, *David Smead*, Esq. *John Goldsbury*, Esq. *Jonatban Warner*, Esq. *David Sexton*, Esq. *Ebenezer Matton*, jun.

Academy established.

Trustees ap-
pointed.

jun. Esq. *Daniel Bigelow*, Esq. *Martin Kinsley*, Esq. *Ezekiel Kellog*, jun. Esq. *Samuel Kendall*, *Varney Peirce*, and *Afa Meriam*, be, and they hereby are nominated and appointed Trustees of said Academy; and they are hereby incorporated into a Body Politic, by the name of *The Trustees of New-Salem Academy*; and they and their successors shall be and continue a Body Politic, by the same name forever.

Grants and do-
nations con-
firmed to the
Trustees.

SECT. 2. *And be it further enacted*, That all grants or donations which have been, or shall hereafter be made, for the purpose aforesaid, shall be confirmed to the said Trustees and their successors in that trust forever, for the uses which in such instruments are or shall be expressed; *provided*, such uses shall not be repugnant to the design of this Act:—And the said Trustees shall be further capable of having, taking and holding in fee simple, by gift, grant, devise, or otherwise, any lands, tenements or other estate, real or personal; *provided* the annual income of the whole shall not exceed the sum of *one thousand pounds*, for the sole use and benefit of said Academy.

Trustees em-
powered to
elect officers,
&c.

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

Common seal.

SECT. 4. *Be it further enacted by the authority aforesaid*, That the Trustees of the said Academy may have one common seal, which they may change at pleasure; and the said Trustees shall have full power and authority to lease and manage their lands and tenements, and all other estate, and to bargain, sell and dispose thereof where they shall not be restrained by the terms of any gift or devise; *provided*, that for the sale of any real estate, the concurrence of two-thirds of all the Trustees, for the time being, shall be necessary; and all deeds or contracts sealed with the common seal of the said Corporation, and signed by any Trustee, pursuant to their order, shall be

Proviso.

valid

valid and effectual in law to all intents; and that the said Trustees may sue and be sued, in all actions, real, personal or mixed, and prosecute and defend the same unto final judgment and execution, by the name of *The Trustees of New Salem Academy*.

SECT. 5. *And be it further enacted*, That the number of the said Trustees and their successors shall not at any one time be more than fifteen, nor less than nine; nine of whom shall constitute a quorum for transacting business; and a majority of the members present at any legal meeting, shall decide all questions proper to come before the Trustees. Number of Trustees.

SECT. 6. *And be it further enacted*, That *Ezekiel Kellog*, Esq. be, and he hereby is authorized to fix the time and place for holding the first meeting of the Trustees, and to notify them thereof. Ezekiel Kellog empowered.

[This Act passed February 25, 1795.]

An ACT to incorporate the Plantation, called *Phipps's Canada*, lying on both sides *Androscoggin River*, into a Town by the Name of *Jay*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the plantation called *Phipps's Canada*, lying on both sides *Androscoggin River*, bounded as follows, viz.—Beginning at a marked tree, standing in the north-east corner of *Livermore*; thence running north six miles one hundred and twenty-eight rods; thence west, four miles two hundred and seventy-two rods, to a beach tree marked; thence south forty degrees, west six miles two hundred and eight rods to a pine tree, standing on the bank of *Androscoggin River*; thence across said river the same course, one hundred and eight rods to a hemlock tree; thence south nineteen degrees east, till it intersects a line running south sixty-five degrees west, from the north-west corner of *Livermore*; thence north sixty-five degrees east, to the north-west corner of *Livermore*; thence on the same course, in the northerly line of said *Livermore*, to *Androscoggin River*; thence east, across said river, in the line of said *Livermore*, to the first-mentioned bound, together with the inhabitants thereon, be, and hereby are incorporated into a town by the name of *Jay*, and vested with all the powers, privileges and immunities which towns in this Commonwealth do or may enjoy by law. Boundaries, Jay incorporated.

SECT. 2. *And be it further enacted by the authority aforesaid*, That *Edward Richardson*, Esq. be, and he hereby is empowered to issue his warrant, directed to some suitable inhabitant of said E. Richardson empowered.

faid town, requiring him to warn a meeting of the inhabitants of faid town, at fuch time and place as fhall be expreffed in faid warrant, for the purpofe of choofing town officers, and tranfacting all fuch other buſinefs as towns within this Commonwealth are by law empowered to tranfact in the month of *March* or *April* annually.

[This Act paſſed *February 26, 1795.*]

An ACT ſetting off *Samuel Sparhawk*, of *Cambridge*, in the County of *Middleſex*, from the South Pariſh in *Cambridge*, and annexing him and his Eſtate to the *Fiſt* Pariſh in faid Town.

BE it enacted by the Senate and Houſe of Representatives, in General Court aſſembled, and by the authority of the ſame, That the faid *Samuel Sparhawk*, and the eſtate now in his poſſeſſion, of which his late father died feized, belonging to the faid ſouth pariſh in *Cambridge*, be, and hereby is ſet off from the faid ſouth pariſh, and annexed to the *fiſt* pariſh in faid town : *Provided always*, that this Act ſhall not include four acres of land, which in the life time of his father, *Samuel Sparhawk*, was conſidered as belonging to faid ſouth pariſh, nor any other eſtate of which the faid *Samuel Sparhawk*, or his heirs, may be feized or poſſeſſed, other than that of which his late father died feized.

[This Act paſſed *February 27, 1795.*]

An ACT to incorporate the Plantation of *Number Four*, in the County of *Waſhington*, into a Town, by the Name of *Steuben*.

SECT. I. *BE* it enacted by the Senate and Houſe of Representatives, in General Court aſſembled, and by the authority of the ſame, That the Plantation of *Number Four*, in the county of *Waſhington*, bounded as followeth, to wit : Beginning at *Parrett's* ſtream, where it empties into *Whitten* and *Parrett's Bay*, at a well known boundary, between *Gouldſborough* and faid plantation, and from thence running north five miles one hundred and ninety-two rods, to a corner ; then eaſt four miles one hundred and forty rods, to a corner ; then ſouth ſix miles, to *Pigeonbill Bay* ; then ſoutherly, on the ſhore, to *Titmenan Point* ; thence northerly, on the eaſterly ſhore of *Dyer's Bay*, ſo called, to the head of faid bay ; then ſoutherly, down the westerly ſide of faid bay, to *Dyer's Point* ; then northerly, by the westerly ſhore, to the bounds firſt mentioned, and alſo a ſmall iſland, called *Titmenan*, lying a little more than one mile from *Titmenan Point*, together with two more ſmall

S. Sparhawk
ſet off.

Proviſe.

Boundaries.

small islands, lying in said *Dyer's Bay*, with the inhabitants thereon, be, and they hereby are incorporated into a town, by the name of *Steuben*; and the said town is hereby vested with all the powers, privileges and immunities which other towns in this Commonwealth do or may by law enjoy.

SECT. 2. *And be it further enacted by the authority aforesaid,* That *Alexander Campbell*, Esq. be, and he hereby is empowered to issue his warrant, directed to some suitable inhabitant of said town, requiring him to warn a meeting of the inhabitants thereof, to meet at such time and place as shall be expressed in such warrant, for the purpose of choosing such town officers as other towns are empowered to choose in the month of *March* or *April* annually.

[This Act passed *February 27, 1795.*]

An ACT for incorporating *Luther Eames*, and others, into a Society, for the Purpose of bringing fresh Water into the Town of *Boston*, by subterraneous Pipes.

Act giving a new appellation—"The Aqueduct Corporation"—June 10, 1796. Additional Act, June 22, 1803.

WHEREAS *Luther Eames*, *Nathan Bond*, and *William Page*, have petitioned the General Court, setting forth that they have the privilege of certain fresh waters in *Roxbury*, which they can bring into the town of *Boston*, for the use of the inhabitants thereof, and praying that they and their associates may be vested with corporate powers for the management and direction of that business:

Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said *Luther Eames*, *Nathan Bond*, and *William Page*, and all such persons as are or shall be associated and interested with them in the purpose of bringing fresh water into *Boston* as aforesaid, and their successors, be, and hereby are incorporated into, and made a Body Politic, for the purpose of bringing fresh water into *Boston*, by subterraneous pipes; and as such shall have full power and lawful authority to bring from any part of the town of *Roxbury* into the town of *Boston*, and into any street in the same town, all such fresh water as they the said *Luther Eames*, *Nathan Bond*, and *William Page*, and their associates, or any, or either of them, in their private and natural capacities now have, or hereafter shall have a right to dispose of, or to convey from the springs or sources thereof; and the said Corporation shall have full power and lawful authority to open the ground in any part of the streets and highways in the towns of *Roxbury* and *Boston*, for the purpose of sinking and repairing such pipes and conductors as may be necessary to sink for the purpose aforesaid: *Provided*, That the same highways

Persons incorporated.

—, their powers.

Provide, and

and streets shall not be opened by the said Corporation in such manner as to obstruct or hinder the citizens of the Commonwealth from passing therein, with their teams and carriages, with convenience ; and that the said Corporation, after the opening the ground in any of the said streets or ways, shall be held to put the same again in repair, under the penalty of being prosecuted for a nuisance ; *and provided also*, That nothing in this Act shall be construed to give the said Corporation a right to enter upon the corporate or private estate of any person whatever, unless it be done by free and voluntary contract of the Proprietor of such estate ; or to give the said Corporation authority to draw water out of *Jamaica Pond*, or from any other place which the members thereof, or some of them, shall not have a right to draw off in their natural capacities, independently of this Act ; or to affect, alter or impair any right, claim or interest, which the town of *Roxbury* or any inhabitants thereof, have, or may have, in or to the waters of said *Jamaica Pond* ; and that this Act, or any thing therein contained, shall not be construed to prevent any person who shall be injured in his estate, immunity or privilege, by any act or proceeding of said Corporation, or any of its members or servants, from his action against the members of the said Corporation, in their corporate or individual capacities, in the same manner, and to all intents and purposes, as though this Act had never been passed.

Persons injured in their interest may find redress of the Corporation.

Corporation may receive & hold estate.

SECT. 2. *Be it further enacted by the authority aforesaid*, That the said Corporation shall have power to receive and hold such real estate as may be necessary for the purposes of its institution, *provided* the same never exceed the sum of *thirty-three thousand dollars*.

— empowered.

SECT. 3. *Be it further enacted*, That the Corporation shall have power to choose a President, Secretary and Treasurer annually ; and to fill up all vacancies which may happen in those offices, when they or any of them shall become vacant ; and also to choose annually five Directors, to manage the prudential business of the Corporation ; and shall have power, from time to time, to assess such taxes as the said Corporation shall deem to be necessary on the shares of the same water-works, and on neglect or refusal to pay such taxes, to sell such shares at vendue, for the payment thereof, after advertising the same in two of the *Boston* newspapers, for the space of twenty days previous to the sale, paying the overplus, if any there be after the payment of such taxes, and the charges of sale, to the owner of the share or shares so sold.

Water-works to be divided into shares.

SECT. 4. *And be it enacted*, That the same water-works shall be divided into one hundred shares, each of which shall give a right to one vote in the business of the Corporation, *provided* that no one person shall have more than ten votes, and no vote shall be considered as legal, unless the same shall

shall be passed at a meeting duly warned, in manner prescribed in this Act, and that the President or Vice-President and five Proprietors shall be present.

SECT. 5. *And be it further enacted,* That the said Corporation shall have a common seal, and shall have power to sue and be liable to be sued like other Corporations.

SECT. 6. *And be it further enacted,* That the towns of *Boston* and *Roxbury*, severally, shall have the privilege of placing conductors into the pipes or conductors laid by the said Corporation, for the purpose of drawing such water therefrom as may be necessary, when any mansion-house, barn or other building shall be on fire in either of the said towns, and to draw water therefrom on such occasion, without paying the said Corporation any price therefor: *Provided,* That such town shall be held to secure such conductor so placed by the same, in such manner that water cannot be drawn therefrom, unless by the orders of the Selectmen or Firewards of the town where the same may be placed.

Privilege of the inhabitants.

SECT. 7. *And be it enacted,* That all contracts made by the said Corporation for supplying any of the inhabitants of either of the said towns, or any other person, with water from the said water-works, shall be mutually binding on both parties, and that actions may be supported thereon; and that if any person shall maliciously or wantonly injure the said water-works, he or she may be punished by fine, on conviction thereof in the Supreme Judicial Court, on indictment, at the discretion of the same Court; one half thereof to the prosecutor, and the other to the use of the town where the offence is committed; and shall be liable to pay treble damages to the Corporation, to be recovered by action of the case. *Provided,* That nothing in this Act shall be construed to restrain the General Court from hereafter regulating the price of the said water to the said inhabitants, if the said Court shall judge fit.

Contracts made to be binding.

Penalties.

Proviso.

SECT. 8. *And be it further enacted,* That *James Sullivan*, Esq. upon the application of the said *Eames, Bond and Page*, shall be empowered to call the first meeting of the said Corporation, by a notification in one of the *Boston* newspapers, fourteen days previous to such meeting, and that the Corporation at such meeting shall agree on the mode of calling future meetings.

J. Sullivan, Esq. empowered.

[This Act passed February 27, 1795.]

An ACT to incorporate the Plantation called *Sterling*, in the County of *Lincoln*, into a Town by the Name of *Fayette*.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the plantation called *Sterling*, in the county of *Lincoln*,

Lincoln,

Boundaries.

Lincoln, bounded as follows, viz. Beginning at the north-east corner of *Livermore*; thence running south, in the east line of *Livermore*, seven miles and ninety rods; thence east, about three miles and ninety rods, to the *Thirty Mile River*, so called; thence northerly, by said river, to *Lane's Pond*, so called; thence northerly, by said pond, on the easterly side thereof, to the most easterly and northerly branch of the same; thence north, to the most southerly and easterly branch of *Crotched Pond*; thence on the same course to the southerly line of *Mount Vernon*; thence westerly, in said southerly line, to the south-west corner of *Mount Vernon*; thence northerly, in the westerly line of *Mount Vernon*, to the north-easterly corner of said *Sterling*; thence north, eighty degrees west, about five miles and thirty rods, to the first-mentioned bound, together with the inhabitants thereon, be, and hereby are incorporated into a town, by the name of *Fayette*; and the said town is hereby vested with all the powers, privileges and immunities which other towns within this Commonwealth do or may enjoy by law.

Warrant to be issued.

SECT. 2. *And be it further enacted by the authority aforesaid*, That *Robert Page*, Esq. be, and he hereby is empowered to issue his warrant, directed to some suitable inhabitant of said town, requiring him to warn a meeting of the inhabitants of said town, at such time and place as shall be expressed in said warrant, for the purpose of choosing town officers, and transacting all such business as towns in this Commonwealth are by law empowered to choose and transact in the month of *March* or *April* annually.

[This Act passed February 28, 1795.]

An ACT to incorporate the Plantation called *Livermore*, lying on both sides *Androscoggin River*, into a Town by the Name of *Livermore*.

Boundaries.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the plantation called *Livermore*, lying on both sides *Androscoggin River*, and bounded as followeth, viz. Beginning at a hemlock tree, standing in the north-east corner of *Turner*, on the westerly side of *Androscoggin River*; thence running north sixty degrees west, in the north-easterly line of said *Turner*, two miles, two hundred and ten rods, to a birch tree; thence north, four miles, two hundred and forty rods, to a hemlock tree, being the north-westerly corner of said *Livermore*; thence north sixty-five degrees east, three miles and one hundred rods, to *Androscoggin River*; thence east, across said river, two miles, two hundred and sixty rods, to a birch tree, in the north-east corner of said *Livermore*; thence south, seven miles, two hundred and fifty rods to *Androscoggin Pond*; thence south-

erly

erly by said pond, about one mile and an half, to an elm tree standing in the southerly line of said *Livermore*; thence west, in said southerly line, about two miles and one hundred and ninety-two rods, to *Andrescoggin River*; thence northerly by said river to the first-mentioned bound, together with the inhabitants thereon, be, and hereby are incorporated into a town by the name of *Livermore*; and the said town is hereby vested with all the powers, privileges and immunities which other towns within this Commonwealth do or may enjoy by law.

SECT. 2. *And be it further-enacted by the authority aforesaid,* That *Edmund Richardson*, Esq. be, and hereby is empowered to issue his warrant, directed to some suitable inhabitant of said town, requiring him to warn the inhabitants of said town to meet at some convenient time and place, expressed in said warrant, for the purpose of choosing town officers, and transacting all such business as towns within this Commonwealth are empowered to choose and transact in the month of *March* or *April* annually.

Warrant to be issued.

[This Act passed *February 28, 1795.*]

An ACT to incorporate the Plantation called *Lower Sandy River*, in the County of *Lincoln*, into a Town by the Name of *Starks*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the following described tract of land, lying on the west side of *Kennebeck River*, beginning on the west bank of said river, in the north line of the *Plymouth* claim; thence running west, in the said north line, six miles; thence south six miles; thence east, about six miles, to *Norridgecock* west line; thence north, on the west line of *Norridgecock*, to *Kennebeck River*, and continuing northerly by said river, on the west bank thereof, to the first mentioned bound, together with the inhabitants thereon, be, and the same hereby are incorporated into a town by the name of *Starks*; and the said town is hereby vested with all the powers, privileges and immunities which other towns within this Commonwealth do or may by law enjoy.

Boundaries.

SECT. 2. *And be it further enacted by the authority aforesaid,* That *Samuel Weston*, Esq. be, and he hereby is authorized to issue his warrant directed to some suitable inhabitant of said town, requiring him to warn a meeting of the inhabitants of said town, at such time and place as shall be appointed in said warrant, for the purpose of choosing such town officers, as towns within this Commonwealth are empowered to choose in the month of *March* or *April* annually.

Warrant to be issued.

[This Act passed *February 28, 1795.*]

An

An ACT to repeal an Act, entitled, "An Act to incorporate the Committee of the Church and Congregation, in the Town of *Warwick*, for certain Purposes," passed *April* twentieth, One thousand seven hundred and seventy-nine.

Preamble.

WHEREAS the Trustees of the Congregational Society in the town of *Warwick* have petitioned this Court for a repeal of the law from whence they derive their authority of Trustees, as aforesaid, and said town of *Warwick* have signified their agreement to support the Congregational Minister, now settled in said town, and to perform other parochial duties therein, as a Corporation, and the Rev. *Samuel Reed*, their present Minister, has assented thereto :

Act repealed.
Proviso.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Act empowering the Congregational Society in the town of *Warwick*, in the county of *Hampshire*, to appoint Trustees to manage the funds raised in said Society, for the support of the Minister, and for defraying incidental charges in said Society, be, and the same hereby is repealed, and said Trustees are discharged from their trust : *Provided*, said Trustees lodge with the Treasurer of said town of *Warwick*, all the property, of every kind, by them held in their said capacity, belonging to said town ; and also return all donations now in their hands, of every kind, that have heretofore been given, for the benefit of said Corporation, to the original donors, or their heirs :

Remaining
power of the
Trustees.

SECT. 2. *Provided also, and it is further enacted,* That the present Trustees of said Corporation shall have full power, in their said capacity, to sue for, collect and receive all outstanding debts due to said Corporation, and the same, when recovered, forthwith to pay into the hands of the Treasurer of said town, or the original donors, or their heirs, from whom they respectively derived the same.

Conditions of
exempting per-
sons from
charge.

SECT. 3. *And be it further enacted by the authority aforesaid,* That all persons living within the said town of *Warwick*, who are of a different denomination from the Congregational Society there, by leaving their names with the Clerk of said town, certifying that they cannot conscientiously join with said Society, within two years after this Act shall come into operation, shall be exempt from any charge for the support of a Congregational Minister in said town ; any thing in this or any former Act to the contrary notwithstanding.

SECT. 4. *And be it further enacted,* That this Act shall take place, and be in force from and after the first day of *September* next.

[This Act passed *February* 28, 1795.]

An

An ACT to set off a Part of the Town of *Windsor*, in the County of *Berkshire*, and to annex the same to the Town of *Dalton*. Repealed in part, Feb. 23, 1796.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That that part of the town of *Windsor*, hereafter described, and the inhabitants thereon, be annexed to the town of *Dalton*, to wit: Beginning at the north-east corner of the town of *Dalton*, and running thence northerly on a line parallel with the east line of *Samuel Whipple's* farm, to the north side of his farm; from thence west, to the line of the hundred acre lots; from thence north, on the line of said lots, to *Cheshire* south line; thence on *Cheshire* south line, to the east line of the town of *Lanesborough*; thence on the said east line of *Lanesborough*, to the north-west corner of *Dalton*; and from thence to the north-east corner of said *Dalton*. Boundaries.

SECT. 2. *And be it further enacted*, That the inhabitants of the said part of the town of *Windsor*, by this Act annexed to the said town of *Dalton*, shall be holden to pay such taxes as have been assessed, or ordered to be assessed on them, by the said town of *Windsor*, previous to the passing of this Act. Inhabitants to be taxed for Windsor.

SECT. 3. *And be it further enacted*, That the polls and estates of the inhabitants of the said part of the town of *Windsor*, by this Act annexed to the town of *Dalton*, be deducted from the town of *Windsor*, and be placed to the said town of *Dalton*, and that the said inhabitants shall be entitled to receive their proportion of all monies, lands and other estates, real and personal, now the property of the said town of *Windsor*, agreeable and in proportion to the last valuation.

[This Act passed February 28, 1795.]

An ACT to incorporate the Plantation of *Hancock*, in the County of *Lincoln*, into a Town by the Name of *Clinton*.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the following described tract of land, lying on the east side of *Kennebeck River*, beginning on the bank of said river, in the south line of *Canaan*, thence running east, in the south line of said town, and continuing the same course, seven miles; thence south, about eleven miles and an half, until it intersects a line running east-south-east, from the north-east corner of the town of *Winslow*; thence west-north-west, to the said north-east corner of *Winslow*; thence on Boundaries of Clinton.

the northerly line of *Winslow*, to *Kennebeck River*; thence northerly, by *Kennebeck River*, on the easterly bank thereof, to the first mentioned bound, together with the inhabitants thereon, be, and the same hereby are incorporated into a town, by the name of *Clinton*; and the said town is hereby vested with all the powers, privileges and immunities which other towns within this Commonwealth do or may by law enjoy.

Warrant to be issued.

SECT. 2. *And be it further enacted by the authority aforesaid, That George Warren, Esq. be, and he hereby is authorized to issue his warrant, directed to some suitable inhabitant of said town, requiring him to warn a meeting of the inhabitants of said town, at such time and place as shall be appointed in said warrant, for the purpose of choosing such town officers as towns within this Commonwealth are empowered to choose in the month of March or April annually.*

[This Act passed February 28, 1795.]

An ACT to change the Name of *John Murdock*, of *Roxbury*, in the County of *Norfolk*, to the Name of *Robert Pierpont*.

WHEREAS *Hannah Pierpont*, of *Roxbury* aforesaid, hath petitioned this Court, for certain reasons set forth in her petition, that the name of *John Murdock*, of said *Roxbury*, may be changed and altered to the name of *Robert Pierpont*, and the said *John Murdock* hath assented to and joined in said prayer: Therefore,

John Murdock's name changed.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, the said John Murdock shall be, and he hereby is authorized and empowered to take, use and bear the name of Robert Pierpont, instead of the said name of John Murdock, and to be called and known by that name, instead of his present christian and surname.

[This Act passed February 28, 1795.]

June 22, 1793.

An ACT in addition to an Act, entitled, "An Act for incorporating *James Sullivan*, and others, by the Name and Style of *The Proprietors of the Middlesex Canal*."

Property in the Canal divided into shares.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the property of the said Proprietors in the said Canal, and in any other Canal connected therewith, which they shall effect, pursuant to any authority of the Government; and all real estate, of which the said Corporation shall*

shall be seized, shall be divided into eight hundred shares, and that each share therein shall give the person holding the same one vote in the proceedings of the said Corporation: *Provided*, that no one Proprietor shall have a right to more than twenty-five votes on any occasion; and that the shares in the same Canal, including the towing-paths and wharves thereon, shall be so far considered as personal estate, that the same may be transferred according to such rules and regulations as the said Corporation shall establish; and that the Proprietors shall be subjected to taxes therefor, in the towns and parishes where they shall severally reside, as for personal estate.

SECT. 2. *And be it further enacted*, That the said Corporation shall have power to receive and hold real estate, as appendant to the same Canal, and for the purpose of facilitating the business of the same, to the value of *thirty thousand pounds*, over and above the value of the Canal itself, simply considered; and that the Corporation shall be liable to pay taxes therefor in the town and parish where the same may be; and such taxes may be assessed on the Corporation, or on its tenants, at the discretion of the town where the tax shall be made.

Corporation empowered to receive & hold estate.

And whereas the said Corporation hath petitioned the Legislature for an extension of their powers for the purpose of making other Canals, to be connected, and to communicate with the said Middlesex Canal: The object of which petition being to render the waters of *Concord River* boatable, as far up as the same can be usefully improved for that purpose, and to improve the banks of *Medford River*, so as to render the Canal more easy and useful, as well as to open a Canal round the shallows in the town of *Dunstable*, on the banks of *Merrimack River*; and also to extend said Canal to the waters of *Charles River*, or the town of *Boston*:

Preamble.

SECT. 3. *Be it therefore further enacted*, That the said Proprietors of the *Middlesex Canal* shall be empowered to render the waters of *Concord River* boatable, as far as *Sudbury* causeway, and as much farther as the same can be usefully improved for that end, and to open any Canal, at any place in the said county of *Middlesex*, that may be necessary to connect the said *Concord River* with the said *Middlesex Canal*, for that purpose, and also to extend said Canal from *Medford*, to the waters of the town of *Boston*, or *Charles River*, in such way as to said Proprietors may seem most advantageous, and with all the privileges, and under the same restrictions and regulations as are granted and provided in said Act; and that the said Proprietors shall be liable to have damages recovered against them, by any individual who shall be injured or damaged in his property, in such new Canal, by the same mode of process, and in the same manner as is in the same Act provided: And that

Proprietors empowered to make the waters boatable to Sudbury.

that for the use of any such new Canal or boatable waters, the said Proprietors may receive the same rate of toll which is by the same Act established, for the said *Middlesex Canal*.

Explanation of
a clause in an
Act.

Whereas it is provided, in an Act, entitled, an Act for incorporating *James Sullivan*, and others, by the name and style of *The Proprietors of the Middlesex Canal*, "That no part of the waters of *Shawshire River* shall be diverted from their natural course for the purpose aforesaid:" It is hereby declared to be the true intent and meaning of the foregoing restrictive clause, that the ponds and those streams which continue a visible current through the year, and usually empty into *Shawshire River*, are to be considered as part of the waters of the said river.

[This Act passed February 28, 1795.]

An ACT to set off from the Town of *Dartmouth*, and annex to the Town of *Westport*, certain Inhabitants, with their respective Families and Estates, lying within the Boundary Line of the Town of *Westport*.

Persons annexed to Westport.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all those persons, with their respective families and estates, lying within the boundary line of the town of *Westport*, in the county of *Bristol*, that have been annexed to the town of *Dartmouth*, excepting *Daniel Gifford*, *Timothy Gifford*, *William Wilcox*, and *Isaac Lawrence*, and their respective families and estates, be, and hereby are set off from the town of *Dartmouth*, and annexed to the town of *Westport*, with all the privileges and immunities, and subjected to all the duties, that the other inhabitants of said town of *Westport* are by law liable to.

Proviso.

SECT. 2. *Provided*, That the inhabitants thus annexed to the town of *Westport* shall be holden to pay all taxes assessed against them in the said town of *Dartmouth*, prior to the passing this Act, in the same way and manner they were before holden to pay the same.

And for the purpose of establishing an equitable rule of apportioning public taxes upon said town:

Sum in valuation placed to Westport.

SECT. 3. *Be it further enacted by the authority aforesaid*, That *four shillings and one penny* of the sum set to the town of *Dartmouth*, in the late valuation, be taken therefrom, and placed to the town of *Westport*, until a new valuation shall be taken.

[This Act passed February 28, 1795.]

An

An ACT setting off Part of the Town of *Northfield*, and annexing it to the Town of *Gill*, in the County of *Hampshire*.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all the lands contained within the following bounds, viz.—Beginning at the north-east corner of the town of *Gill*, and running north, three degrees west, sixty-four rods; thence north, ten degrees west, thirty-eight rods; thence north, eleven degrees east, thirty-two rods, to the mouth of *Bennet's Brook*; thence west, thirteen degrees, north, thirty rods; thence west, nine degrees, south, twelve rods; thence north, fifteen degrees, west, forty rods; thence north, twenty-two degrees, west, sixty-three rods; thence north, twenty-six degrees, west, fifty-seven rods; thence west, forty-four degrees, north, thirty-seven rods; thence west, ten degrees and half, south, forty-three rods; thence south, fourteen degrees, west, thirty-six rods; thence south, twenty-four degrees, west, sixty-one rods; thence west, twenty-seven degrees north, fifty rods; thence north, two degrees, east, one hundred and thirty-two rods; thence west, ten degrees and thirty minutes, south, one hundred and two rods, to the line between *Northfield* and *Barnardston*; thence south, eleven degrees, east, three hundred and thirty-three rods on said line, to the line of the town of *Gill*; thence east, five degrees, north, two hundred and seventy-eight rods, to the bounds first mentioned, with all the inhabitants thereon, shall be, and hereby are set off from the town of *Northfield*, and annexed to the town of *Gill*, in the county of *Hampshire*.

Boundaries of part of *Northfield* annexed to *Gill*.

SECT. 2. *Provided always*, That the lands above described, and inhabitants thereon, shall pay to the town of *Northfield* their proportion of all taxes which may hereafter be laid by the Commonwealth, until a new valuation shall take place; and shall be holden to pay all taxes, which before the passing of this Act, have been legally assessed on them by the town of *Northfield*, in the same manner as though this Act had not been passed.

Proviso.

SECT. 3. *And be it further enacted*, That the said town of *Gill* shall be holden to maintain all persons belonging within the bounds of the above-described land, who now are, or shall hereafter become chargeable for support, as paupers; and provided any person or persons who have removed from said described land, shall hereafter be returned as the poor of said town

Town of *Gill* holden to support paupers.

town of *Northfield*; then, and in such case, the said town of *Gill* shall be holden to take and support, as their poor, all those who, immediately before such removal, were the inhabitants of that part of *Northfield*, which is now *Gill*.

[This Act passed *February 28, 1795.*]

An ACT to incorporate *Samuel Cary, Esq.* and others,
for certain Purposes.

Preamble.

WHEREAS *Samuel Cary, Esq. Joshua Cheever, Edward Pratt, Samuel Pratt, Samuel H. Pratt, Caleb Pratt, and Joseph Cheever*, Proprietors of a Marsh lying in *Chelsea*, in the county of *Suffolk*, have requested the General Court to authorize them to make and maintain a dam for the purpose of preventing the sea from flowing on said Marsh; and it appearing that great improvements might thereby be made in said Marsh, to the benefit of the Proprietors as well as the public:

Proprietors authorized to make a dam.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the said *Samuel Cary*, and others aforementioned, Proprietors of the Marsh aforesaid, their heirs and assigns, be, and they hereby are authorized and empowered to make a dam sufficient to keep out the sea from the said Marsh, across from the land of the said *Cary*, to the land of *Joshua Cheever*, aforesaid.

—empowered.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the said *Samuel Cary* and others, Proprietors aforementioned, their heirs and assigns, be, and hereby are allowed and empowered, to raise by assessment or tax, to be made and levied equally on all the lands composing the said Marsh, within the said dam to be made as aforesaid, such sum or sums for defraying the charges of making and maintaining said dam, as shall be agreed upon by the said Proprietors, their heirs and assigns, or the major part of such of them as shall be assembled at any legal meeting, to be called for that purpose; the meeting of the said Proprietors to be called and conducted in the same manner as those of the Proprietors of common lands, prescribed by an Act passed the tenth day of *March*, in the year of our Lord, one thousand seven hundred and eighty-four, relating to lands, wharves, and other real estates, undivided and lying in common. And the said Proprietors are hereby authorized and empowered to choose all such officers as may be necessary for managing the business aforesaid, in the same manner as Proprietors of common lands are by law empowered to choose officers at their legal meetings.

—to choose of officers.

SECT. 3. *And be it further enacted by the authority aforesaid*, That if any owner of any part of the said Marsh shall neglect

or

or refuse to pay the sum or sums of money, duly assessed on such part, for the space of six months after such monies shall have been granted, and his assessment shall have been made and published, by advertising the same in any two of the *Boston* newspapers, four weeks successively, then the said Proprietors, for the purpose of paying such assessment, are hereby fully empowered from time to time, at public vendue, to sell and convey so much of such delinquent Proprietor's part of said Marsh, as will be sufficient to pay and satisfy the sum or sums assessed upon his part as aforesaid, and all reasonable charges attending such sale, to any person that will pay most for the same: Notice of such sale, and of the time and place, being given by posting an advertisement thereof in the town of *Chelsea*, and by publishing the same in at least two of the newspapers aforesaid, five weeks successively, before the time of sale: And the said Proprietors may by their Clerk, or a Committee to be chosen for that purpose, execute a good deed or deeds of conveyance of the part of said Marsh so sold unto the purchaser thereof, to hold in fee simple.

Forfeitures in case.

SECT. 4. *Provided nevertheless*, That the Proprietor or Proprietors, whose part or share shall be so sold, shall have liberty to redeem the same, at any time within twelve months after such sale, by paying the sum, such part or share sold for, and charges, together with the further sum of *twelve pounds* for each *hundred pounds* produced by such sale, and so *pro rata* for any greater or less sum.

Proviso.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the said Proprietors are hereby empowered to order and manage all affairs relative to the making and maintaining of the dam aforesaid, in such way and manner as shall be concluded and agreed on by the major part of those who are therein interested, present at any legal meeting; the votes to be collected and accounted according to the interests.

Proprietors empowered to manage all matters relative to the dam.

[This Act passed *February 28, 1795.*]

An ACT to change the Name of *William Shelden*, of *Hadley*, in the County of *Hampshire*, to the Name of *Giles Crouch Kellogg*.

WHEREAS *Enos Smith*, of *Hadley*, in the county of *Hampshire*, guardian to *William Shelden*, of said *Hadley*, a minor, hath petitioned this Court, that the name of the said *William Shelden* may be changed and altered to the name of *Giles Crouch Kellogg*, and the said *William Shelden* hath desired the same: Therefore,

Preamble.

Be

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

Name changed. from and after the passing of this Act, the said *William Shelden* shall be, and hereby is authorized and empowered to take, use and bear the name of *Giles Crouch Kellogg* instead of the name of *William Shelden*, and to be called and known by that name forever hereafter.

[This Act passed June 4, 1795.]

Feb. 3. An ACT in addition to an Act, entitled, "An Act to prevent Damage being done on the Salt Marshes in the Town of *Arundell*, in the County of *York*, by Horses, Sheep and Cattle being suffered to run at large on certain Beaches, Flats and Necks of Land adjoining said Marshes, from the first Day of *April* to the last Day of *November*, annually ;" passed in the Year of our Lord One thousand seven hundred and eighty-nine.

Preamble.

WHEREAS it appears that said Act is insufficient to answer all the purposes intended by it, as it is found by experience to be very detrimental for sheep, cattle and horse kind to feed or run at large on said premises, not only from *April* to *November* annually, as is expressed in said Act, but at all seasons of the year :

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,

Beasts forbid going at large. That from and after passing this Act, it shall not be lawful for any of the inhabitants of the town of *Arundell*, or any other person or persons whomsoever, to turn out to feed, or let run at large, any neat cattle, sheep or horse kind, on the neck of land called the *Pines*, or the beach and salt-marsh adjoining thereto, lying on the northern and eastern side of *Batson's River*, so called, in said town of *Arundell*, at any season of the year, upon the same penalties to be recovered, and the same proceedings had, in manner and form as is provided by the Act to which this is in addition.

[This Act passed June 8, 1795.]

An ACT to change the Name of the Town of *Sherborn*, in the County of *Nantucket*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the town of *Sherborn*, in the county of *Nantucket*, from and after passing this Act, shall be called and known by the name of *Nantucket* ; and the inhabitants of said town of *Nantucket*

Town's name changed.

tucket shall be bound to perform all duties, and also shall enjoy all the rights, privileges and immunities which they would have been held to perform, or might have enjoyed, had not the name of said town been changed from the name of *Sherborn*. And all officers in the said town shall hold and exercise their offices respectively, in the same manner they would have done had not the name of the said town been altered.

[This Act passed June 8, 1795.]

An ACT to incorporate the Owners of certain Lands in *Stoughton*, in the County of *Norfolk*, for the Purpose of managing the same as a Common and General Field.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all that tract of meadow land lying in said *Stoughton*, included within the bounds following, viz. Beginning at *Mashapog River*, so called, in the line of the land of *John Hartwell*; from thence running westerly in the line of said *Hartwell's* land to the upland; from thence north-westerly in the line of lands belonging to *Joseph Cummins* and *Jonathan Hawes*, to the line of the town of *Sharon*; from thence running northerly in the line of the said town of *Sharon*, to *Neponset River*; from thence north-easterly by said *Neponset River*, to the confluence thereof with the said *Mashapog River*, and from thence bounded by the said *Mashapog River* to the bound first mentioned, shall be considered as a Common and a General Field; and that the Proprietors of the said meadow-lands, their heirs and successors, be, and they hereby are incorporated and vested with all the powers and privileges which the Proprietors of Common and General Fields by law are vested with.

[This Act passed June 15, 1795.]

An ACT for incorporating certain Persons in the Town of *Granby*, for the Purpose of managing a Common Field in said Town.

WHEREAS *John Moody*, and others, owners of land hereinafter described, have petitioned this Court to be incorporated for the purpose of managing the concerns thereof: Preamble.

SECT. I. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* Names of owners.
That *John Moody, Aaron Moody, Simeon Moody, Levi Taylor, Charles Ferry, jun. Asaph Stebbins, Noah Ferry, jun. Eleazer Ayres, Aaron Ayres, Samuel Tolman, David Abbee, Noah Clark,*
John

John Preston, jun. Jabez Preston, Abiather Vinton, Daniel Lathrop, John Birchard, Moses Preston, Josiah Montague, Elijah Smith, David Partrick, James Smith, and the heirs of Thomas Moody and John Stebbins, owners of the following lots of land in the town of Granby, viz. The five first lots in the first crank division, so called, together with twenty-four acres on the north side of, and adjoining to said lots, owned by the persons before-named, be, and they hereby are incorporated for the purpose of managing said lands in a Common Field, and the Proprietors and owners of the lands aforesaid are hereby invested with all the powers and privileges which the Proprietors of lands in General Fields are by law invested with.

SECT. 2. *Be it further enacted, That each and every of the Proprietors aforesaid, their heirs and assigns, shall be at full liberty at any and at all times hereafter, to inclose and improve by themselves, any of their lands lying within the limits of the tract of land before described, in the same manner as if this Act had not been made, they maintaining their respective proportions of the general fence around the same.*

[This Act passed June 15, 1795.]

An ACT to set off *Eber Sheldon, and Silas Freeman, jun.* with their Estates, from the Town of *Sheffield*, in the County of *Berkshire*, and annex them and their Estates to the Town of *New-Marlborough*, in the same County.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Eber Sheldon, and Silas Freeman, jun. with their estates, bounded as follows: Beginning at a stake and stones in New-Marlborough west line, it being the north-east corner of said Eber's land; then running west, twelve degrees fourteen minutes north, one hundred rods, to a stake and stones; then west, four degrees forty minutes north, sixty-three rods, to a stake and stones; then running south, two degrees east, parallel with said town line, one mile, one hundred and sixty rods, to a chestnut staddle with stones about it; then east, two degrees north, one hundred and sixty rods, to a stake and stones, in the east line of said Sheffield, it being the south-east corner of said Silas Freeman's land; then northerly, on said town line, one mile, one hundred and thirty rods, to a stake and stones, the north-east corner of said Eber Sheldon's land, be, and they hereby are set off from the town of Sheffield, in the county of Berkshire, and annexed to the town of New-Marlborough, in the same county.

[This Act passed June 19, 1795.]

An ACT to prohibit during the Months of *December*, *January* and *February*, the taking of Salmon in *Merrimack River*, and in the Waters running into the same.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, no person shall be allowed to catch any salmon in *Merrimack River*, or in the waters running into the same, during the months of *December*, *January* and *February*; and any person who shall offend herein, or who shall be found during those months with any salmon, which shall have been caught contrary to the intent of this Act, shall forfeit and pay a sum not exceeding *twenty dollars*, nor less than *three dollars*, to be recovered by action of debt, to the use of any person who will sue for the same, or by indictment, to the use of the county in which the offence shall be committed.

[This Act passed *June 20*, 1795.]

An ACT for incorporating the Proprietors of certain Lands in the Town of *Wilbrabam*, in the County of *Hampshire*, for the Purpose of conducting the Concerns thereof, as a Common Field.

WHEREAS *Gideon Burt*, and others, have petitioned this Court, that the Proprietors of the following described lands may be incorporated for the purpose of conducting the concerns thereof, as a Common and General Field, bounded as follows: Beginning at the south side of the road leading from *John Adams's* dwelling house to *Springfield*, on the west side of *Cedar Swamp*, (so called;) from thence bounding on the west side of said swamp, and running southerly to the north line of *Elisba Woodward's* land; from thence westerly on said *Elisba Woodward's* north line, seventy-two rods; from thence south, about one hundred rods, to the south line of said *Gideon Burt's* land; from thence westerly, on said *Gideon Burt's* south line, to the county road, running near the line of the outward and inward commons, (so called;) from thence on the east side of said county road to the road aforesaid, leading from *John Adams's* dwelling house to *Springfield*; from thence on the south side of the same road to the first-mentioned bounds:

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 all the lands included within the lines aforesaid, be, and they hereby are incorporated for the purpose of

Preamble.

Boundaries.

Proprietors in]

of incorporated.

of

of conducting the concerns thereof as a General and Common Field; and the Proprietors and owners of said lands are hereby invested with all the powers and privileges with which the Proprietors of lands in general fields by law are invested.

[This Act passed *June 23, 1795.*]

An ACT for incorporating a Part of the Inhabitants of the Towns of *Partridgfield* and *Dalton*, in the County of *Berkshire*, into a Parish, and for confirming the Sale of a certain Lot of Land therein mentioned.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That a certain tract of land, lying partly in the town of *Partridgfield*, and partly in the town of *Dalton*, in the county of *Berkshire*, bounded as follows, viz. Beginning at the south-east corner of lot, No. one hundred and twenty-one, in the south line of *Partridgfield*; thence running northerly, in a direct line, to the north-east corner of lot, No. seventy-five, in the north line of *Partridgfield*; thence westerly, in the said north line of *Partridgfield*, to the north-west corner of lot, No. seventy-two, in the north-east corner of the town of *Dalton*; thence southerly, in the east line in the said town of *Dalton*, to the south-east corner of lot, No. eight, in the said town of *Dalton*; thence westerly, in the north line of lot, No. nine, and lot, No. thirty-two, to the north-west corner of said lot, No. thirty-two, in the said town of *Dalton*; thence southerly, in a direct line, to the south-east corner of lot, No. sixty, in the said town of *Dalton*; thence easterly, in the south line of said *Dalton*, to the south-east corner thereof; thence southerly, in the west line of *Partridgfield*, to the south-west corner thereof; thence easterly, in the south line of said *Partridgfield*, to the bounds begun at, with the inhabitants thereon, be, and hereby is incorporated into a parish, by the name of *The West Parish in Partridgfield*; and shall be entitled to such immunities, and subjected to such duties as other parishes in this Commonwealth are by law entitled and subjected to.

SECT. 2. *And be it enacted by the authority aforesaid,* That the sale heretofore made by the said town of *Partridgfield*, of lot, No. three, and the appropriation of the proceeds thereof to the building of a meeting-house in said town, be, and hereby are ratified and confirmed.

SECT. 3. *And be it further enacted,* That *Ebenezer Peirce*, Esq. be, and he hereby is authorized to issue his warrant, directed to some principal inhabitant in the said parish, requiring him to warn the inhabitants thereof, qualified by law to vote in parish meetings,

Boundaries.

Former sale confirmed.

E. Peirce authorized.

meetings, to assemble at some suitable time and place in said parish, to choose such officers as parishes are by law authorized to choose in the month of *March* or *April* annually; and to transact all matters and things necessary and lawful to be done in said parish as aforesaid.

[This Act passed June 23, 1795.]

An ACT in addition to an Act, entitled, "An Act to incorporate certain Persons, by the Name of *The North-West Congregational Society in North-Yarmouth.*" June 26, 1794.

WHEREAS an Act passed June the twenty-sixth, seventeen hundred and ninety-four, entitled, "An Act to incorporate certain persons by the name of *The North-West Congregational Society in North-Yarmouth:*" And whereas the second clause in said Act sets forth in the following words, viz. That all those who shall be desirous of becoming members of said Society, being inhabitants of said town of *North-Yarmouth*, and shall signify the same in writing to the respective Clerks of each parish, thirty days at least previous to the annual meeting in *March* or *April* next, shall be considered in law as members of said Society, but shall be held to pay their proportion of such money as shall have been previously granted by the Society or parish they shall have separated from: And whereas said clause is incompetent to the purposes designed:

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled; and by the authority of the same,* That the aforesaid clause be, and hereby is repealed. Clause repealed.

SECT. 2. *And be it further enacted by the authority aforesaid,* That if any person or persons who do now belong to the first parish in said town, shall give notice in writing to the Clerk of said parish of their desire to belong to the north-west parish or Society in said town, on or before the first day of *March*, in any future year, said Clerk shall make a fair record of such request, and shall transmit a list of such name or names to the Clerk of the north-west Society in said town, of such request; and such person or persons shall thereupon be dismissed accordingly; and all such persons shall be considered and taken to belong to said north-west Society, with their polls and estates, but shall be liable and held to pay their proportion of such money as shall have been previously voted to be raised by the said first Society or parish in said *North-Yarmouth.* Persons desirous may leave one Society & join another.

SECT. 3. *And be it further enacted by the authority aforesaid,* That all young persons, when arrived at the age of twenty-one years, in said town, and all persons that shall hereafter come to settle in said town, shall be at liberty to give notice, on or before the first day of *March*, in any future year, to the Clerk of said Method to be taken to become members of north-west Society.
north-west

north-west Society, of their wish and intention to become members thereof; and said Clerk shall make a fair record of such request, and shall transmit a list of the name or names of such person or persons to the Clerk of the first parish in said town; and such person or persons shall thereupon be considered and taken, with their polls and estates, to belong to the said north-west Society, and be entitled, with those already incorporated, to all privileges, powers and immunities, which other parishes in this Commonwealth are entitled to by law.

Method
of
withdrawing.

SECT. 4. *And be it further enacted by the authority aforesaid,* That if any person or persons who do now belong to the north-west Society or parish in said town, shall give notice in writing to the Clerk of said parish, of their desire to belong to the first parish in said town, on or before the first day of *March*, in any future year, said Clerk shall make a fair record of such request, and shall transmit a list of such name or names to the Clerk of the first parish in said town, of such request; and such person or persons shall thereupon be dismissed accordingly, and shall be considered and taken to belong to said first parish, with their polls and estates, but shall be liable and held to pay the proportion of such money as shall have been previously voted to be raised by the said north-west Society or parish in said *North Yarmouth*.

[This Act passed June 23, 1795.]

An ACT to authorize a Sale, by the first Parish in *Cambridge*, in the County of *Middlesex*, of certain Lands given for the use of the Ministry there, and to secure the Proceeds thereof, and of a former Sale of Lands by the said Parish, to the same use.

Parish authorized
to sell
lands.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said first parish in *Cambridge* are hereby authorized to sell and convey, with the consent of their minister for the time being, by their Committee appointed for this purpose, on the thirteenth day of *April* last, or otherwise, those two tracts of land called the *Bear-Hill Pasture*, and the *Highway Marsh*, holden by the said parish, for the use of the ministry, by the grant and assignment of the original Proprietors of *Cambridge* aforesaid, and there situate: And the sale and conveyance of the said two tracts of land, and of each of them, which shall be made pursuant to any vote or order of the said parish, and with the consent of their minister for the time being, shall be valid and effectual to any purchaser or purchasers.

SECT. 2. *And be it further enacted,* That the proceeds of the sale or sales which shall be made as aforesaid, shall be and hereby

hereby are appropriated to the use of the ministry in said first parish in *Cambridge*, and shall be managed, secured and improved by them and their successors, and until the year one thousand eight hundred and fifty, the one half of the annual income arising therefrom shall be paid annually to the minister of the Congregational Society in said parish, for the time being, towards his support; and the other half of such annual income shall be appropriated, secured and managed by the said parish, to form an increasing capital fund.

Appropriations
of the sales to
a limited time.

SECT. 3. *And be it further enacted*, That the monies and demands called the *Lexington Farm Fund* of the said parish, and which have accrued to them from the sale, anciently made, of certain other lands which were given to the said parish for the use of the minister, shall be holden, managed and improved by them and their successors; and the annual income thereof shall be paid and applied in the manner which has been agreed between them and their present minister, until his death or other removal, and afterwards shall be appropriated, the one half thereof to the support of their minister for the time being, and the other half thereof to the same increasing capital fund of the said parish.

— of other
monies belong-
ing to the par-
ish.

SECT. 4. *And be it further enacted*, That from the said year one thousand eight hundred and fifty, the income of the funds of the said parish hereby appropriated and provided, shall be paid, applied and appropriated in any other manner which shall be then agreed and ordered: *Provided*, That no part thereof shall be disposed of or used to any other purpose than the support of a Congregational minister within the said parish.

— after the
limited time.

[This Act passed June 23, 1795.]

An ACT giving the Surname of *Darling* to *Leonard Warfield*, of *Mendon*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, the said *Leonard Warfield*, of *Mendon*, shall be, and hereby is authorized and empowered to take, bear and use the surname of *Darling*; and shall be called and known by the name of *Leonard Warfield Darling*.

Additional
name to Leon-
ard Warfield.

[This Act passed June 23, 1795.]

An ACT to incorporate a Number of the Inhabitants of the first Precinct in *Attleborough*, in the County of *Bristol*, into a Society, by the Name of *The Congregational Society of the First Precinct in Attleborough*.

WHEREAS a number of the inhabitants of the first precinct in *Attleborough* aforesaid, have petitioned this Court,

Preamble.

Court, setting forth that they have raised by subscriptions the sum of *twelve hundred and fifty pounds*, for the purpose of establishing a fund, the annual interest of which to be appropriated for the support of a Congregational minister, for the benefit of the church and congregation of said first precinct in *Attleborough*, whereof the Rev. *John Wilder* is their present pastor, and praying to be incorporated for the purpose of holding and managing said fund :

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said petitioners, namely, *Samuel Atherton, Stephen Draper, Jacob Cushman, Ichabod Ide, Daniel Read, Asa Dean, Ephraim Dean, Nathaniel Ide, jun. Noah Morse, Samuel Holmes, John Ide, Samuel Tingley, Thomas Tingley, jun. Elisha May, Ebenezer Tyler, William Stanley, Stephen Fuller, Amos Ide, jun. Walter Tyler, Samuel Robinson, Levi Read, Daniel Lane, Jacob Ide, William Reed, Isaac Draper, Ebenezer Tiffany, jun. David Bolcom, Ezekiel Robbins, Eliphaz Day, Joseph Tiffany, Caleb Fuller, Ezekiel Robinson, Timothy Tingley, Ebenezer Draper, jun. William Barrows, Ezra Barrows, Joseph W. Hunt, Aaron Barrows, Phillbrook Barrows, Levi Fillson, Joseph A. Richards, Jonathan Harding, Joel Robinson, Eunice Newell, Richard Bullock, Elijah Robinson, Margaret Blackington, James Pullen, Stephen Stanley, Artemas Stanley, Enoch Robinson, Jacob Perry, Phineas Clifton, Hannah Stearns, Lemuel Strattan, Benjamin Allen, Josiah Allen, Samuel Titus, Joseph Cushman, Samuel Cushman, Jesse Robinson, Jabez Gay, Katy Gay, Loammi Day, Ebenezer Swan, Robert Swan, Edward Richards, jun. Lewis Draper, Jabez Ellis, jun. Joel Ellis, Richard Ellis, Calvin Richards, Nathan Richards, jun. Avery Richards, David Richards, Edward Richards, Jesse Richards, Luther Richards, Darius Fuller, Newton Mann, Ebenezer Draper and James Orne, together with such other persons as they may hereafter admit, be, and they hereby are incorporated into a Society by the name of *The Congregational Society of the First Precinct in Attleborough.**

SECT. 2. *And be it further enacted by the authority aforesaid,* That said Society, at any legal meeting thereof, shall have power to admit any person or persons, inhabitants of said first precinct in *Attleborough*, members of said Society; whereupon such person or persons so admitted, shall become incorporated with said Society, and be entitled to all the privileges that the persons herein before-named, are entitled to by virtue of this Act.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the income or annual interest of the sum already subscribed, or that may hereafter be subscribed to the said fund, or so much thereof as may be necessary, shall be appropriated to the support of a Gospel Minister, for the benefit of the Church and Congregation of said first precinct in *Attleborough.*

SECT.

Persons incor-
porated.-- may be ad-
mitted as mem-
bers.Interest of the
funds appropri-
ated.

SECT. 4. *And be it further enacted by the authority aforesaid,* That *Elizba May, Esq. Samuel Atherton, Samuel Robinson, Jeshiah Draper, Ebenezer Tyler, Joel Read, and William Stanley,* be, and hereby are nominated and appointed Trustees of said Society; and they, and their successors in the said trust, be, and hereby are invested with sufficient power to receive all such subscriptions, donations, securities and monies now in the hands of said Society, and also all such grants, appropriations and donations, either real or personal, that have been made or that shall hereafter be made for the purpose aforesaid: *Provided,* That the whole sum do not exceed the sum of *seven thousand dollars:* And the said Trustees or their successors in the said trust, are hereby authorized and directed to put the same on interest, on good securities, for the purpose aforesaid.

Trustees appointed. — powers.

SECT. 5. *And be it further enacted by the authority aforesaid,* That all bonds, mortgages, or other lawful securities, made to the said Trustees and their successors in said trust, are hereby declared to be good and valid; and the said Trustees, and their successors, or the major part of them, by themselves, or by their agents or attorneys, may appear, plead, sue and defend in any Court within this Commonwealth.

Validity of bonds and other legal securities.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the Trustees aforesaid, and their successors in that office, be, and they are hereby empowered and directed to call a meeting of said Society, annually, forever, in the month of *March* or *April,* to choose Trustees, and such other officers and agents, and to make and establish such rules and orders, not repugnant to the Constitution and laws of this Commonwealth, as they shall judge to be necessary and convenient for the orderly and beneficial management of the affairs of said Society, according to the various occasions and circumstances thereof: And said Trustees are hereby also empowered to call meetings of said Society, at any other times besides the annual meetings, when there shall be occasion therefor.

Annual meetings established.

[This Act passed June 23, 1795.]

An ACT establishing the Boundary Line between the Town of *Williamsburg,* and the Towns of *Chesterfield* and *Goshen.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the north-west corner of the town of *Williamsburg* shall be at a beach tree, marked *H F* and *G F,* standing about fifteen rods south of *Samuel Mott's* house in the town of *Goshen:* And that the dividing line between said town of *Williamsburg* and the

Boundary line.

the towns of *Gospen* and *Chesterfield* shall be a line running south, nine degrees west, from the aforesaid corner, until it strikes the north-line of the town of *Northampton*.

[This Act passed June 24, 1795.]

Additional
Acts, Jan. 24,
1804, June 23,
1804.

An ACT for incorporating *Woodbury Storer*, and others, by the Name and Style of *The Proprietors of the Cumberland Canal*.

Preamble.

WHEREAS *Woodbury Storer*, and others, have petitioned to be incorporated for the purpose of cutting a Canal from the waters of *Sabago Pond*, through the towns of *Standish* and *Gorham*, to *Presumpscot River*.

Persons incorporated.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said *Woodbury Storer*, *Joseph Coffin Boyd*, *Robert Boyd*, *Ebenezer Storer*, *William Symms*, *Joseph Jewett*, *Joseph Noyes*, *Ralph Cross*, *Nathaniel Dering*, *William Martin*, *Daniel Ilsey*, and *Samuel Freeman*, with their associates and successors, are hereby incorporated and shall be a Corporation forever, under the name of *The Proprietors of the Cumberland Canal*, and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution; and shall be, and hereby are vested with all the powers and privileges which are by law incident to Corporations of a similar nature.

Justice of the
Peace empowered to call
meetings.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said Proprietors, or any three of them, may make their application to any Justice of the Peace for the county of *Cumberland*, requesting him to call a meeting of the said Proprietors, to be holden at some convenient place within the town of *Portland*, in the same county; whereupon such Justice is hereby empowered to issue his warrant to one of said Proprietors, directing him to warn and notify said Proprietors to meet at such time and place in said town of *Portland*, as he shall therein direct, to agree on such method as may be thought proper, for calling meetings of said Proprietors for the future; and to do and transact such matters and things relating to the said propriety, as shall be expressed in the warrant. And the Proprietor to whom such warrant shall be directed, shall give notice to said Proprietors, by causing the same, or the substance thereof to be published in one of the *Portland* newspapers, fourteen days before the holding of said meeting, and make return thereof under his hand to the same meeting, to be lodged with the Clerk that shall be then and there chosen. And the said Proprietors may at the same or any other legal meeting choose a Clerk, Treasurer, and other officer or officers of the Corporation that they may deem necessary, and also may choose a Committee

Proprietors
empowered.

Committee for ordering and regulating the business and affairs of the said Corporation; and every Proprietor shall have a right to vote in the proprietary meetings, according to his share and interest, in person or by representation; *provided*, no one Proprietor shall have more than ten votes; and all representations shall be proved in writing, signed by the person making the same by special appointment, which shall be filed with and recorded by the Clerk; and this Act, and all rules, regulations and votes of the said Corporation shall be fairly and truly recorded by the said Clerk, in a book or books for that purpose to be provided and kept: *Provided*, That whereas it may be necessary in the prosecution of the foregoing business, that the property of private persons may, as in the case of highways, be appropriated for the public use. And in order that no person may be damaged by the digging and cutting Canals through his land, by removing mills or mill-dams, diverting water-courses, or flowing his land by the Proprietors aforesaid, without receiving full and adequate compensation therefor:

Legality of voting.

Proviso.

SECT. 3. *Be it enacted by the authority aforesaid*, That in all cases where any person shall be damaged in his property by the said Proprietors for the purposes aforesaid, in manner as is above expressed, or in any other way, and the Proprietors aforesaid do not, within twenty days after being requested thereto, make or tender reasonable satisfaction, to the acceptance of the person damaged by them as aforesaid, the person so damaged may apply to the Court of the General Sessions of the Peace for the county in which the damage shall have been sustained, to have a Committee appointed by said Court to estimate the damage so done, and the said Court are hereby authorized and empowered, by warrant, under the seal thereof, upon such application made, if within one year from the time of the damage done as aforesaid, to appoint a Committee of five disinterested freeholders in the same county, to estimate the damages; which Committee shall give seasonable notice to the person interested, and to the Clerk of the Proprietors aforesaid, of the time and place of their meeting, and they shall be under oath to perform said service according to their best skill and judgment; which having done; they, or the major part of them shall make return thereof, under their hands and seals, to the next Court of General Sessions of the Peace to be holden in said county, after the same service is performed, to the end that the same may be accepted, allowed and recorded; and the Committee so empowered, are required to estimate the said damage, and make return thereof, as aforesaid; and if the estimate of the Committee be accepted by the Court, the Clerk of the Court is hereby authorized and directed, on application therefor, to issue an execution against the property only of the Corporation, or of any individual belonging thereto, for the sum so adjudged in damages,

Method of obtaining satisfaction in case.

damages, *provided* the same is not paid within twenty days after the acceptance of said report, and likewise for the cost of the said Committee and fees of the Court, both to be allowed by the Court, *provided* the sum of damages estimated by the Committee exceed the sum of damages so tendered; but in case the Proprietors actually tendered to the person complaining, before the complaint was exhibited, a sum as great as that allowed by the Court in damages, then nothing to be included in the execution for costs of Committee or Court; the execution to be issued by the Clerk of the Court, to be in the same terms, *mutatis mutandis*, and returnable in the same time as though judgment had been rendered against said Corporation, for a like sum in damages, on process in the Court of Common Pleas; and if any person find himself aggrieved by the doings of said Committee, in estimating damages, he may apply to said Court of General Sessions of the Peace, *provided* such application be made to the same Court within one year after the acceptance of such return; and said Court is empowered to hear and finally determine the same by a Jury under oath, to be summoned by the Sheriff or his Deputy for that purpose, if the person complaining desire the same, or by a Committee, if the person complaining and the Proprietors can agree thereon. And if the Jury or Committee agreed on as aforesaid (who are to be under oath) shall not increase the sum of damages, the person complaining shall be at the cost arising on such complaint, to be taxed against him by the said Court; otherwise such cost and increase of damages shall be paid by the Proprietors, and execution to issue therefor, as aforesaid expressed: And it shall be the duty of such Committee or Jury, on application of either of the parties, and reasonable notice given to all persons interested, to determine where and how many bridges shall be made and maintained by said Proprietors over the Canal aforesaid, and how the same shall be constructed, and what damages shall be paid by the Proprietors for neglecting to make and maintain such bridges; and the report of such Committee or verdict of such Jury being returned into the same Court, and being allowed and recorded, shall be a sufficient bar against any action brought for damages aforesaid; saving only that where the sum of damages is not estimated at a sum in gross, for the full satisfaction thereof, but a yearly sum is assessed, in such case the complainant shall be entitled to an action of debt for the recovery of the same, so often as the same becomes due, during the continuance of the damage done or suffered as aforesaid, and also for the recovery of the damages for neglecting to make and maintain the bridges as often as the same is demandable: *Provided*, That no part of the waters of *Sabago Pond* shall be diverted from their natural course, for the purpose aforesaid, so as to injure any mill or mills already built, or that may

Committee to determine respecting bridges.

Mills not to be obstructed,

may be built hereafter on *Presumpscoot River*: *And provided also*, That no dwelling-house shall be removed, or water-course turned or altered, whereon any mill is erected, so as to injure such mill, without license therefor, first had and obtained from the Court of General Sessions of the Peace of the county in which such house may stand, or through which such water-course may pass; and the said Court of Sessions, on application made to them by the said Proprietors, shall observe the same rules as are prescribed by law when application is made to them for granting a public highway: *Provided also*, That none of the waters of the said river, or of the ponds or streams emptying into the said river, shall be drawn off by said Canal so as to injure the mills thereon, or the water carriage in the same river.

SECT. 4. *And be it further enacted*, That if any person or persons shall wilfully, maliciously, and contrary to law, take up, remove, beat down, dig under, or otherwise damnify any dam, canal or lock, or any part thereof, designed for the purposes aforesaid, or shall damnify, carry away, or set afloat to be carried away, any boards, plank, joist or other timber, or materials used or to be used in or about said works, or shall be aiding or assisting in any of the trespasses aforesaid, he shall, for every such offence, forfeit and pay to the Proprietors aforesaid, treble such damages as the said Proprietors shall make appear to the Justice or Court and Jury before whom the trial shall be, that they the said Proprietors have sustained by means of the same trespasses, to be sued for and recovered in any Court proper to try the same; and such offender or offenders shall be liable to presentment by the Grand Inquest for said county of *Cumberland*, for any offence or offences against this law; and on conviction thereof, on such presentment, before the Court of General Sessions of the Peace for said county, or before the Supreme Judicial Court, shall be liable to pay a fine to the use of the Commonwealth, of not more than *sixty dollars*, nor less than *fifteen dollars*, or be imprisoned for a term not more than three months, nor less than thirty days, at the discretion of the Court before whom the conviction shall be.

SECT. 5. *And be it enacted by the authority aforesaid*, That the Proprietors aforesaid be, and they hereby are authorized and empowered to purchase and hold to them, and their successors forever, so much land and real estate as may be necessary for the purposes aforesaid, not exceeding the value of *twenty thousand dollars*.

SECT. 6. *And be it further enacted by the authority aforesaid*, That for the purposes of reimbursing the said Proprietors the money by them expended, or to be expended in building and supporting the dams, Canals and Locks, and clearing the passages necessary for the purposes aforesaid, a toll be, and hereby is granted and established, for the sole benefit of the Proprietors, according

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according to the rates following, *viz.* For every ton weight that shall be transported in boats or other vessels through the said Canal, the sum of *six cents* for each mile; for all masts, timber and lumber, floated on said raft, or otherwise, through the same Canal, the sum of *six cents* a ton for each mile.

SECT. 7. *And be it further enacted by the authority aforesaid,* That there shall be toll-gatherers and others, to attend all Locks on said Canal, in the day-time, and on the same Canal at other suitable places, who shall give constant attendance at their respective stations, during the whole of the season for boats and rafts to pass; and on the toll being paid, shall immediately permit passengers, with their property, to pass the said Locks and Canal. And the said toll shall commence on said Canal, as soon as the same or any part thereof shall be completed, and shall continue forever: *Provided,* That when forty years from the first opening thereof are expired, the General Court from thence forward may regulate the rate of toll; and the same shall be collected in such manner as shall be prescribed to the said Corporation.

SECT. 8. *And be it further enacted by the authority aforesaid,* That if the Proprietors aforesaid shall refuse or neglect, for the space of ten years after the passing this Act, to build and complete such Canal, so as to be passable, in manner aforesaid, then this Act, so far as it respects the same, shall be void and of none effect.

[This Act passed June 25, 1795.]

Additional
Acts, Jan. 24, &
June 23, 1804.

An ACT for incorporating *Joseph Noyes* and others, by the Name and Style of *The Proprietors of the Falmouth Canal.*

Preamble.

WHEREAS *Joseph Noyes* and others have petitioned to be incorporated for the purpose of cutting a Canal from the waters of *Fore River* to the waters of *Presumpscot River*, above *Saccarappo Falls*, in *Falmouth*: And whereas it is represented that sundry persons are ready to raise funds sufficient for the purpose of opening the same Canal:

Persons incor-
porated.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said *Joseph Noyes, Nathaniel Dearing, Joseph Jewett, John Wait, James Fosdick, John Bagley, Woodbury Storer, John Mussey, Samuel Butts, Isaac Gage, Caleb Rea, Samuel Waldo, William Haskell,* and *Andrew Pepperell Frost,* their associates and successors, are hereby incorporated, and shall be a Corporation forever, under the name of *The Proprietors of the Falmouth Canal,* and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution; and shall be, and hereby are vested with all the powers and privileges which are by law incident to Corporations of a similar nature. SECT.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said Proprietors, or any three of them, may make their application to any Justice of the Peace for the county of *Cumberland*, requesting him to call a meeting of the said Proprietors, to be holden at some convenient place within the town of *Portland*, in the same county; whereupon such Justice is hereby empowered to issue his warrant to one of said Proprietors, directing him to warn and notify said Proprietors to meet at such time and place in said town of *Portland*, as he shall therein direct, to agree on such method as may be thought proper, for calling meetings of said Proprietors for the future; and to do and transact such matters and things, relating to the said propriety, as shall be expressed in the warrant. And the Proprietor to whom such warrant shall be directed, shall give notice to said Proprietors, by causing the same or the substance thereof to be published in one of the *Portland* newspapers, fourteen days before the holding of said meeting, and make return thereof, under his hand, to the same meeting, to be lodged with the Clerk that shall be then and there chosen. And the said Proprietors may, at the same or any other legal meeting, choose a Clerk, Treasurer, and other officer or officers of the Corporation, that they may deem necessary; and also may choose a Committee for ordering and regulating the business and affairs of the said Corporation; and every Proprietor shall have a right to vote in the proprietary meetings, according to his share and interest, in person or by representation: *Provided*, no one Proprietor shall have more than twenty votes; all representations to be proved in writing, signed by the person making the same, by special appointment, which shall be filed with and recorded by the Clerk; and this Act, and all rules, regulations and votes of the said Corporation, shall be fairly and truly recorded by the said Clerk, in a book or books for that purpose to be provided and kept: *Provided*, That whereas it may be necessary, in the prosecution of the foregoing business, that the property of private persons may, as in the case of highways, be appropriated for the public use. In order that no person may be damaged by the digging and cutting Canals through his land, by removing mills or mill-dams, diverting water-courses, or flowing his land by the Proprietors aforesaid, without receiving full and adequate compensation therefor:

SECT. 3. *Be it enacted by the authority aforesaid,* That in all cases where any person shall be damaged in his property by the said Proprietors for the purposes aforesaid, in manner as is above expressed, or in any other way, and the Proprietors aforesaid do not within twenty days after being requested thereto, make or tender reasonable satisfaction to the acceptance of the person damaged by them as aforesaid, the person so damaged may apply to the Court of the General Sessions of the Peace

Justice of the
Peace empow-
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meetings.

Proprietors
empowered.

Legality of vo-
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Proviso.

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Peace for the county in which the damage shall have been sustained, to have a Committee appointed by said Court to estimate the damage so done ; and the said Court are hereby authorized and empowered, by warrant, under the seal thereof, upon such application made, if within one year from the time of the damage done as aforesaid, to appoint a Committee of five disinterested freeholders in the same county, to estimate the damages ; which Committee shall give reasonable notice to the person interested, and to the Clerk of the Proprietors aforesaid, of the time and place of their meeting, and they shall be under oath to perform said service according to their best skill and judgment ; which having done, they, or the major part of them, shall make return thereof, under their hands and seals, to the next Court of General Sessions of the Peace to be holden in said county after the same service is performed, to the end that the same may be accepted, allowed and recorded ; and the Committee so empowered are required to estimate the said damage, and make return thereof as aforesaid ; and if the estimate of the Committee be accepted by the Court, the Clerk of the Court is hereby authorized and directed, on application therefor, to issue an execution against the property only of the Corporation, or of any individual belonging thereto, for the sum so adjudged in damages : *Provided* the same is not paid within twenty days after the acceptance of said report, and likewise for the cost of the said Committee, and fees of the Court, both to be allowed by the Court ; *provided* the sum of damages estimated by the Committee exceed the sum of damages so tendered ; but in case the Proprietors actually tendered to the person complaining, before the complaint was exhibited, a sum as great as that allowed by the Court in damages, then nothing to be included in the execution for costs of Committee or Court ; the execution to be issued by the Clerk of the Court, to be in the same terms, *mutatis mutandis*, and returnable in the same time, as though judgment had been rendered against said Corporation, for a like sum in damages, on process in the Court of Common Pleas ; and if any person find himself aggrieved by the doings of the said Committee in estimating damages, he may apply to said Court of General Sessions of the Peace ; *provided* such application be made to the same Court at the next session thereof in the same county after the acceptance of such return ; and said Court is empowered to hear and finally determine the same by a Jury under oath, to be summoned by the Sheriff or his deputy for that purpose, if the person complaining desire the same, or by a Committee, if the person complaining and the Proprietors can agree thereon. And if the Jury or Committee agreed on as aforesaid, (who are to be under oath) shall not increase the sum of damages, the person complaining shall be at the cost arising on such complaint, to be taxed against him by the said Court ;

Court ; otherwise such cost and increase of damages shall be paid by the Proprietors, and execution to issue therefor, as aforesaid expressed : And it shall be the duty of such Committee or Jury, on application of either of the parties, and reasonable notice given to all persons interested, to determine where and how many bridges shall be made and maintained by said Proprietors over the Canal aforesaid, and how the same shall be constructed, and what damages shall be paid by the Proprietors for neglecting to make and maintain such bridges ; and the report of such Committee, or verdict of such Jury being returned into the same Court, and being allowed and recorded, shall be a sufficient bar against any action brought for damages aforesaid ; saving only that where the sum of damages is not estimated at a sum in gross, for the full satisfaction thereof, but a yearly sum is assessed, in such case the complainant shall be entitled to an action of debt for the recovery of the same, so often as the same becomes due, during the continuance of the damage done or suffered as aforesaid, and also for the recovery of the damages for neglecting to make and maintain the bridges as often as the same is demandable : *Provided*, That no part of the waters of *Presumpscut River* shall be diverted from their natural course for the purpose aforesaid, and that no dwelling-house shall be removed, or water-course turned or altered, whereon any mill is erected, so as to injure such mill, without license therefor first had and obtained from the Court of General Sessions of the Peace of the county in which such house may stand, or through which such water-course may pass ; and the said Court of Sessions, on application made to them by the said Proprietors, shall observe the same rules as are prescribed by law when application is made to them for granting a public highway : *Provided also*, That the waters of *Presumpscut River* shall not be so diverted from their natural course as to impede or any way interrupt the water-carriage down the *Presumpscut River*, to the mouth thereof, and that neither the waters of *Presumpscut River*, nor the ponds and streams emptying into the same, shall be so drawn off from their natural course, as to injure the mills standing on said river, or the passing of lumber therein.

Committee to determine respecting bridges.

Mills not to be obstructed, or dwelling-house removed, without leave.

SECT. 4. *And be it further enacted*, That if any person or persons shall wilfully, maliciously, and contrary to law, take up, remove, beat down, dig under, or otherwise damnify any dam, Canal or Lock, or part thereof, designed for the purposes aforesaid, or shall damnify, carry away, or set afloat to be carried away, any boards, plank, joist or other timber, or materials used, or to be used in or about said works, or shall be aiding or assisting in any of the trespasses aforesaid, he shall, for every such offence, forfeit and pay to the Proprietors aforesaid, treble such damages as the said Proprietors shall to the Justice, or Court and Jury, before whom the trial shall be, make appear that they have sustained, by means of the same trespasses, to

Forfeitures for trespasses committed.

be sued for and recovered in any Court proper to try the same; and such offender or offenders shall be liable to presentment by the Grand Inquest for said county of *Cumberland*, for any offence or offences against this law; and on conviction thereof, on such presentment, before the Court of General Sessions of the Peace for said county, or before the Supreme Judicial Court, shall be liable to pay a fine to the use of the Commonwealth, of not more than *sixty dollars*, nor less than *fifteen dollars*, or be imprisoned for a term not more than three months, nor less than thirty days, at the discretion of the Court before whom the conviction shall be.

SECT. 5. *And be it enacted by the authority aforesaid*, That the Proprietors aforesaid be, and they hereby are authorized and empowered to purchase and hold to them and their successors forever, so much land and real estate as may be necessary for the purposes aforesaid, not exceeding the value of *twenty thousand dollars*.

Proprietors authorized to purchase and hold real estate.

SECT. 6. *And be it further enacted by the authority aforesaid*, That for the purposes of reimbursing the said Proprietors the money by them expended or to be expended in building and supporting the dams, Canals and Locks, and clearing the passages necessary for the purposes aforesaid, a toll be, and hereby is granted and established, for the sole benefit of the Proprietors, according to the rates following, viz. For every ton weight that shall be transported in boats or other vessels, through the said Canal, the sum of *six cents* for each mile; for all masts, timber and lumber, floated on raft or otherwise, through the same Canal, the sum of *six cents* a ton for each mile.

A toll established.

SECT. 7. *And be it further enacted by the authority aforesaid*, That there shall be toll-gatherers and others to attend all Locks on said Canal, in the day time, and on the same Canal, at suitable places, who shall give constant attendance at their respective stations, during the whole of the season for boats and rafts to pass; and on the toll being paid, shall immediately permit passengers, with their property, to pass the said Locks and Canal. And the said toll shall commence on said Canal, as soon as the same or any part thereof shall be completed, and shall continue forever: *Provided*, That when forty years from the first opening thereof are expired, the General Court from thence forward may regulate the rate of toll; and the same shall be collected in such manner as shall be prescribed to the said Corporation.

SECT. 8. *And be it further enacted by the authority aforesaid*, That if the Proprietors aforesaid shall refuse or neglect, for the space of ten years after the passing this Act, to build and complete such Canal, so as to be passable in manner aforesaid, then this Act, so far as it respects the same, shall be void and of none effect.

[This Act passed June 25, 1795.]

An ACT to alter the Name of *John Williams*, to the Name of *John Davis Williams*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *John Williams*, of *Boston*, in the county of *Suffolk*, son to *John Davis Williams*, of *Roxbury*, in the county of *Norfolk*, be, and he hereby is allowed to take the christian name of *John Davis*, and on every occasion hereafter to make the name of *John Davis Williams* his proper christian and surname, and by that name he shall be known and called in all processes and records whatever.

[This Act passed January 20, 1796.]

An ACT granting to the Proprietors of the Locks and Canals on *Merrimack River*, a further Time to complete the Canal and Locks by *Patucket Falls*.

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 three years, from and after the passing of this Act, be, and hereby is allowed them to complete the Canal and Locks by the Great Falls of *Patucket*; and that all the rights and authorities vested in the said Proprietors by the Act incorporating them, entitled, "An Act incorporating *Dudley Atkins Tyng*, Esq. and others, for the purpose of rendering *Merrimack River* passable with boats, rafts and masts, from the divisional line of *New-Hampshire* and *Massachusetts*, to the tide waters of the said river, by the name of *The Proprietors of the Locks and Canals on Merrimack River*;" or which would by the said Act be vested in them, if the said Canal and Locks should be completed by the time in the said Act limited, shall vest in and appertain to them, in as full and ample manner as if the said additional term hereby granted, had been limited and granted in and by the said Act; any thing in the same to the contrary notwithstanding.

Time limited to complete Canal and Locks.

[This Act passed January 22, 1796.]

An ACT to set off *Nathaniel Lawrence*, with his Estate, from the Town of *Groton*, and annex them to the Town of *Dunstable*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Nathaniel Lawrence*, of *Groton*, in the county of *Middlesex*, together with his estate, which he now owns in that town, *Nathl. Lawrence* be, and hereby is set off from said town of *Groton*, and annexed to the town of *Dunstable*, in the same county; and shall hereafter

Lawrence set off.

hereafter be considered as part of the same; there to do duty and receive privileges as the other inhabitants of said town of *Dunstable*: *Provided nevertheless*, That the said *Nathaniel Lawrence* shall be holden to pay all taxes that have been legally assessed on him by said town of *Groton*, in the same manner as if this Act had not been passed.

[This Act passed *January 26, 1796.*]

An ACT for the Preservation of a Monument erected on the Heights of *Charlestown*.

Preamble.

WHEREAS the Society of Free Masons, in *Charlestown*, in the county of *Middlesex*, designated by the name of *King Solomon's Lodge*, have erected a Monument in memory of Major General *Joseph Warren*, and his associates, who were slain on the heights of said *Charlestown*, on the seventeenth of *June*, one thousand seven hundred and seventy-five; and have been presented by the Hon. *James Russell* with a piece of land for that purpose:

Legality of holding land.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That any legal deed or conveyance of the said land, duly recorded, shall enable the said *King Solomon's Lodge* of Free Masons to hold the same in fee simple, for the purposes aforesaid, forever.

Treasurer authorized to prevent damage being done.

SECT. 2: *And be it further enacted by the authority aforesaid*, That the Master or Treasurer of the said Lodge for the time being shall have power and authority to sue for and recover damages, in any court of law suitable to try the same, from any person or persons who shall be convicted of defacing, injuring, or destroying the said Monument; and the person or persons thus convicted shall, in addition to such damages as may be legally awarded, pay to the Master or Treasurer of the said Lodge, a fine not exceeding *twenty dollars*, nor less than *two dollars*, at the discretion of the court before whom the action for damages shall be finally tried; which fines shall be appropriated for the necessary repairs of the said Monument.

[This Act passed *February 3, 1796.*]

An ACT to incorporate the Plantation of *Washington*, lying west of *Sydney*, in the County of *Lincoln*, into a Town by the Name of *Belgrade*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the following described tract of land, lying west of *Sydney*, in the county of *Lincoln*, viz. Beginning at the north-west

west corner of *Sydney*; from thence running west-north-west about one mile and a half, to the Great Pond, so called; thence Boundaries. westerly across the said Great Pond, about three miles, to the outlet thereof, on the northerly side of the outlet; thence westerly, on the northerly side of the mile and half stream, about half a mile, to the Long Pond, so called; thence southerly, through the middle of said Long Pond, about one mile, to the north-east corner of *Mount Vernon*; thence southerly and easterly, by *Mount Vernon* line, about seven miles, to the north line of the town of *Readfield*; thence easterly, on said *Readfield* line, about three miles, to the south-west corner of *Sydney* aforesaid; thence northerly on the west line of *Sydney*, about nine miles to the first mentioned bound, together with the inhabitants thereon, be, and they hereby are incorporated into a town by the name of *Belgrade*. And the said town is hereby invested with all the powers, privileges and immunities which other towns in this Commonwealth do or may enjoy by law.

SECT. 2. *And be it further enacted by the authority aforesaid,* That *William Brooks*, Esq. be, and he is hereby empowered to Justice to issue issue his warrant, directed to some suitable inhabitant of said warrant. town, requiring him to warn the inhabitants thereof to meet at some convenient time and place, to choose all such officers as towns are by law required to choose in the months of *March* or *April* annually.

[This Act passed *February 3, 1796.*]

An ACT to enable the Town of *Natick* to regulate and order the taking of the Fish called Shad and Alewives within the Limits of said Town.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the publication of this Act, it shall and may be lawful for the inhabitants of said town of *Natick*, at their Inhabitants in annual meeting in *March* or *April*, during the continuance of town-meeting this Act, to determine and order in what manner, and by whom to determine the said fish, called shad and alewives, may be taken within respecting the the limits of said town; and the said inhabitants shall cause a copy catching of of such order, attested by the Town-Clerk, to be posted up in some public place in said town, whereunto all persons shall conform with respect to the taking said fish called shad and alewives within said town of *Natick*, on penalty that each and every offender against the same shall forfeit and pay the sum of *three dollars and thirty-three cents*, to be sued for and recovered before any Court proper to try the same; one moiety to the informer, and the other moiety to the poor of said town of *Natick*.

[This Act passed *February 5, 1796.*]

An

An ACT to incorporate the Plantation called *Jones Plantation*, in the County of *Lincoln*, into a Town by the Name of *Harlem*.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the following described tract of land, lying east of *Vassalborough*, in the county of *Lincoln*, and bounded as follows: Beginning at the north-easterly corner of *Vassalborough*, from thence running south sixty-eight degrees east six miles; thence south twenty-nine degrees west eight miles and one hundred and eighty rods; thence north sixty-eight degrees west about six miles to the south-easterly corner of *Vassalborough* aforesaid; thence north twenty-nine degrees east, and bounded by the easterly line of said *Vassalborough*, about eight miles and one hundred and eighty rods to the bound first mentioned, together with the inhabitants thereon, be, and the same hereby are incorporated into a town by the name of *Harlem*, and the said town is hereby vested with all the powers, privileges and immunities which other towns within this Commonwealth do or may by law enjoy.

Boundaries of
Harlem.

Justice to issue
his warrant.

SECT. 2. *And* be it further enacted by the authority aforesaid, That *Ebenezer Farewell*, Esq. be, and he is hereby authorized to issue his warrant, directed to some suitable inhabitant of said town, requiring him to warn the inhabitants thereof to meet at such time and place as shall be expressed in said warrant, for the purpose of choosing all such town officers as other towns within this Commonwealth are required to choose within the month of *March* or *April* annually.

[This Act passed February 8, 1796.]

An ACT for incorporating certain Persons for the Purpose of building a Bridge over *Kennebeck River* at *Fort Western*, in the Town of *Hallowell*.

Additional Act,
Feb. 5, 1799.

Preamble.

WHEREAS the erecting a Bridge over *Kennebeck River* at *Fort Western*, would be of great public utility, and *Samuel Howard* and others have petitioned this Court for an Act of incorporation to empower them to build said Bridge :

Proprietors in-
corporated.

SECT. 1. *Be* it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Samuel Howard*, *William Howard*, *Joseph North*, *Daniel Coney*, *Jedediah Jewett*, *Samuel Dutton*, *William Brooks*, *Matthew Hayward*, and *James Bridge*, Esq's. with all those who have associated for the purpose, together with all those who shall hereafter become Proprietors in said Bridge, shall be a Corporation and Body Politic, under the name of

The

The Proprietors of the *Kennebeck Bridge*; and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution, and do and suffer all other acts and things, which Bodies Politic may and ought to do and suffer; and that said Corporation shall have full power and authority to make, have and use a common seal, and the same to break, alter and renew at pleasure. Common seal.

SECT. 2. *And be it further enacted*, That the said *William Howard* and *Joseph North* may, by advertisement in one of the newspapers printed in *Hallowell*, warn and call a meeting of the aforesaid Proprietors, to be holden in *Hallowell* aforesaid, at any suitable time after fourteen days from the publication of such advertisement; and the said Proprietors by a vote of a majority of those present, accounting and allowing one vote to each share (provided no person shall be entitled to more than ten votes) shall choose a Clerk, who shall be sworn to the faithful discharge of his office; also may at the same or any subsequent meeting, choose such other officers as may be found necessary for managing the business of the said Corporation, and shall agree on a method for calling future meetings; and at the same or any subsequent meeting may make and establish such rules and regulations as shall be deemed convenient or necessary for regulating the said Corporation, effecting, completing and executing the purposes aforesaid, and for collecting the toll herein granted; and the same rules and regulations may cause to be kept and executed, and for the breach of any of them, may order and enjoin fines and penalties not exceeding *four pounds*; provided that said rules and regulations be not repugnant to the Constitution or laws of this Commonwealth. To warn a meeting.

SECT. 3. *And be it further enacted by the authority aforesaid*, That said Bridge shall be erected at *Fort Western*, between the ferry called *Pollard's Ferry* and the *Mill Stream* so called, which empties into *Kennebeck River* about one hundred rods north of said ferry; and shall be built of good and sufficient materials, not less than thirty feet wide, and well covered with plank or timber suitable for such a Bridge, with sufficient rails on each side for the safety of passengers. And the sills or string-pieces of said Bridge shall be laid at least sixteen feet above the surface of the water in the river at common high water in the summer season, so as to preserve without interruption the privilege of transportation in boats and other water craft, and of rafts under said Bridge: And the said Bridge shall be so constructed as to leave a passage between the piers, which shall or may be erected for the support of said Bridge, the width of one hundred feet at least; and not less than that width shall be preserved in each and every passage-way between the piers under said Bridge. Place where built. Materials.

SECT.

Toll establish-
ed.

—, rates of.

SECT. 4. *And be it further enacted by the authority aforesaid, That for the purpose of reimbursing the said Proprietors of Kennebeck Bridge the money expended and to be expended in building, supporting and keeping in repair the said Bridge, and for indemnifying them for their risque ; a toll be, and hereby is granted and established for the sole benefit of said Corporation, according to the rates following : viz. For each foot passenger, or one person passing said Bridge, two cents ; one person and horse, six cents and one quarter of a cent ; single horse-cart, sled or sleigh, ten cents ; each wheel-barrow, hand-cart, and every other vehicle capable of carrying a like weight, four cents ; each team, including cart, sled or sleigh, drawn by more than one beast, not exceeding four, twelve cents and an half cent ; and for every additional beast above four, two cents each ; each single horse and chaise, chair or fulkey, sixteen cents and three quarters of a cent ; each coach, chariot, phaeton and curricule, thirty-five cents ; neat cattle or horses, exclusive of those rode on or in carriages or in teams, two cents ; sheep and swine, for each dozen, six cents ; and at the same rate for a greater or less number. And in all cases the same toll shall be paid for all carriages passing said Bridge, whether the same be loaded or not loaded ; and to each team one man and no more shall be allowed as a driver to pass free from payment of toll. And the said toll shall commence at the day of the first opening of the said Bridge for passengers, and shall continue for and during the term of seventy-five years from the said day, and be collected as shall be prescribed by the said Corporation : Provided the said Proprietors shall at all times keep the said Bridge in good and passable repair ; and provided also that any of the inhabitants of the said town of *Hallowell*, going to, or returning from public worship, on the Lord's day, or at the annual meetings in said town, in the months of *March*, *April* or *May* forever hereafter, shall have liberty to pass and repass the said Bridge free from toll.*

Proviso.

SECT. 5. *And be it further enacted; That if the said Corporation shall neglect or refuse, for the space of seven years from the passing this Act, to build and complete the said Bridge, then this Act shall be void and of none effect.*

[This Act passed *February 8, 1796.*]

July 5.

An ACT in addition to an Act passed in the Year of our Lord One thousand seven hundred and eighty-three, incorporating the East Parish of *South-Brimsfield*, into a District by the Name of *Holland*.

Preamble.

WHEREAS difficulties have arisen respecting supporting the public road which is by said Act the dividing line betwixt

betwixt *South-Brimfield* and the district of *Holland*; for the remedy of which,

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing this Act, one mile, two hundred and ten rods of the before-mentioned road, beginning at Brimfield south line, and running southerly, shall forever hereafter belong to and become a part of the district of Holland.

[This Act passed *February 8, 1796.*]

An ACT to incorporate the Plantations, Number Twelve and Thirteen, West of *Machias*, in the County of *Washington*, into a Town by the Name of *Columbia*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Plantations Number Twelve and Thirteen, west of Machias, in the county of Washington, bounded as follows, to wit: Beginning at the south-east corner of Plantation Number Thirteen, on the head line of Plantation Number Six; thence running west ten miles and a quarter on said head line of Number Six and Number Five, to a corner, bounded on the easterly side of Number Eleven; thence running north five miles and three-quarters to a corner which terminates in a pond; thence east on the southerly bounds of townships Number Eighteen and Nineteen, ten miles and a quarter to a corner; thence south, five miles and two hundred and nine rods on the westerly line of township Number Twenty-two, to the first mentioned bounds, together with all the inhabitants thereon, be, and they hereby are incorporated into a town by the name of Columbia. And said town is hereby vested with all the powers, privileges and immunities which other towns in this Commonwealth do or may by law enjoy.*

SECT. 2. *And be it further enacted, That Alexander Campbell, Esq. be, and he hereby is empowered to issue his warrant, directed to some suitable inhabitant of said town, requiring him to warn a meeting of the inhabitants of said town, at such time and place as shall be expressed in such warrant, for the purpose of choosing such town officers as other towns are empowered to choose in the month of March or April annually.*

[This Act passed *February 8, 1796.*]

An

An ACT to divide the Town of *Penobscot* into two distinct Towns; and to incorporate the Southerly Part thereof into a Town by the Name of *Castine*.

Boundaries.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the town of *Penobscot*, in the county of *Hancock*, be, and hereby is divided into two separate and distinct towns, and that the southerly part thereof, bounded as follows, viz. Beginning at the north-west corner of *Andrew Steele's* lot of land on *Penobscot Bay* or *River*, so called; thence running on said *Steele's* northerly line, till it strikes the centre line so called, dividing the lots on each side of the neck of land; thence down said centre line a south-westerly course, till it comes to the dividing line between *Oliver Parker*, Esq. and *Peter Mograge*; thence by said dividing line, a southerly course to *Moore's Cove*, so called; from thence over the waters of *Majabiguaduce River*, so called, including the whole of the peninsula, to the northerly line of land belonging to *John Condon*, in the cove opposite the peninsula; thence running south seventy-eight and three-quarters of a degree east, to the line dividing *Penobscot* from *Sedgwick*; thence south-westerly adjoining the town of *Sedgwick* to *Bucks Harbour*, so called; thence following the course of the bay round *Cape Rosa*, to the south-western extremity of the peninsula of *Penobscot*; thence round the bay called *Penobscot Bay* or *River*, to the north-westerly corner of *Andrew Steele's* lot aforesaid, together with all islands included within said lines and the inhabitants within the same, be, and they hereby are incorporated into a town by the name of *Castine*, with all the powers, privileges and authority of other towns in this Commonwealth.

And whereas the Court of Common Pleas, and Court of General Sessions of the Peace for the county of *Hancock*, have been heretofore holden in that part of the town of *Penobscot* now hereby incorporated:

Shire town.

SECT. 2. *BE* it further enacted by the authority aforesaid, That the said Courts shall continue to be holden in said town of *Castine*, and the said town of *Castine* shall be, and hereby is constituted the shire town of said county of *Hancock*; and all writs, precepts and judicial proceedings whatever, which are or may be returnable to either of the Courts aforesaid, shall be accepted, adjudged and considered by the said Courts in the said town of *Castine*; any law to the contrary notwithstanding.

Roads and expenses equally divided between *Penobscot* & *Castine*.

SECT. 3. *And* be it further enacted by the authority aforesaid, That the county roads now laid out within the said towns of *Penobscot* and *Castine*, shall be divided into two equal parts; and each of said towns shall at their own expence open, clear out, bridge,

bridge, caufeway, and put in good paffable repair for teams and carriages, one half of the faid roads, within three years from the paffing of this Act; and in cafe of any difagreement between the faid towns, with refpect to the divifion of the faid roads, the Court of General Seflions of the Peace for the county of *Hancock* may, on application from either party, make or order fuch divifion: *Provided however*, That when the faid roads fhall be put in repair as aforefaid, each town fhall maintain and keep in repair the roads lying within the fame.

SECT. 4. *And be it further enacted by the authority aforefaid*, That until a new general valuation is taken, the State taxes which may be called for from the aforefaid towns; fhall be levied in the following proportion, viz. Three-fifths of the whole fum on the town of *Caffine*, and two-fifths thereof on the town of *Penobfcot*; and each of the aforefaid towns fhall be holden to pay fuch proportion accordingly.

Proportion of
taxes levied.

SECT. 5. *And be it further enacted by the authority aforefaid*, That *Oliver Parker*, Efq. be, and hereby is authorized and directed to iffue his warrant to fome principal inhabitant of the faid town of *Caffine*, requiring him to notify the inhabitants of faid town, qualified as the law directs, to affemble at the time and place by him appointed, to elect fuch officers as towns are by law empowered to elect in the months of *March* or *April* annually. *Provided however*, That nothing in this Act contained fhall be conftrued as a relinquifhment of any property, which either of the towns aforefaid may claim as belonging to townfhip Number Three before its incorporation.

Justice to iffue
warrant.

[This Act paffed February 10, 1796.]

An ACT to incorporate the Northerly Part of the Plantation called *Ducktrap*, in the County of *Hancock*, into a Town by the Name of *Northport*.

SECT. 1. *BE it enacted by the Senate and Houfe of Representatives, in General Court affembled, and by the authority of the fame*, That the northerly part of the plantation called *Ducktrap*, in the county of *Hancock*, contained within the following description, to wit, Beginning at *Little River*, fo called, on the line of the town of *Belfaft*; thence running a fouth-wefterly courfe round the fhore of the Bay called *Penobfcot Bay*, and round *Ducktrap Point*, fo called, to the line dividing *Jefhua Adams's* land from land belonging to *John Wade*; thence upon faid line north-weft-by-north, or till it ftrikes the head of a pond, about a mile from the fhore; from thence acrofs faid pond the fame courfe till it ftrikes the line dividing *Henry Penulleton's* land from land of *George Pitcher*; thence north-weft-by-north fo far as to make fix miles from the fhore; thence north-eaft-by-eaft three miles and one-fixteenth;

Boundaries:

teenth; thence south twenty-two degrees east, ninety rods to the south-westerly line of *Belfast*; thence north sixty-eight degrees east upon *Belfast* line three miles and eighty-nine rods to the first mentioned boundary, together with inhabitants within said district, be, and they hereby are incorporated into a town by the name of *Northport*, with all the powers, privileges and immunities of other towns in this Commonwealth.

Justice to issue
warrant.

SECT. 2. *And be it further enacted by the authority aforesaid, That Oliver Parker, Esq* be, and he hereby is authorized and directed to issue his warrant to some principal inhabitant of the said town of *Northport*, requiring him to warn the inhabitants of said town to meet at such time and place as shall be appointed in said warrant, to elect such officers as towns are by law empowered to elect in the month of *March* or *April* annually. *Provided nevertheless, That the inhabitants hereby incorporated shall be holden to pay their proportion of all taxes heretofore assessed upon the plantation of Ducktrap, and all other demands thereon.*

[This Act passed February 13, 1796.]

An ACT to annex *Allen Dryer*, and others, in the Town of *West-Stockbridge*, in the County of *Berkshire*, to the First Baptist Religious Society in said Town.

Names.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Allen Dryer, Nathaniel Wilson, jun. Russell Gilbert, Sylvanus Parmele, Edmund Hull, Simeon Hooker, Hubbell Stevens, Lewis Wilson, Christopher French, John Cherrytree, Asa Corban, Thomas Benedict, Calvin Hooper, Eliza Hooper, John Lane, Hanniel Warner, Lombard Hart, Chester Goodale, Savah Jacobs, John Newell, jun. James Murray, Luther Hooper, John Fisher, and Jonas Allen, all of the town of West-Stockbridge, in the county of Berkshire, with their estates real and personal, be, and they hereby are annexed to the said Religious Society.

[This Act passed February 13, 1796.]

An ACT altering the Christian Name of *Samuel Gardner*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, Samuel Gardner, formerly of Salem, now of Boston, in the county of Suffolk, merchant, shall be, and he hereby is authorized and empowered to take, bear and use the name of Samuel Pickering Gardner, and shall be called and known by that name at all times hereafter.

[This Act passed February 15, 1796.]

An ACT to change the Name of *Moses Porter Phelps*,
to the Name of *Charles Porter Phelps*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing this Act, *Moses Porter Phelps*, resident in *Boston*, in the county of *Suffolk*, son of *Charles Phelps*, of *Hadley*, in the county of *Hampshire*, be and he hereby is authorized and allowed to take, use and bear the name of *Charles Porter Phelps*, instead of the name of *Moses Porter Phelps*, and by that name to be forever hereafter known and called in all processes and records whatsoever.

[This Act passed February 15, 1796.]

An ACT in further addition to an Act, entitled, "An Act for incorporating certain Persons for the Purpose of building a Bridge over *Merrimack River*, in the County of *Essex*, and for supporting the same," passed February, One thousand seven hundred and ninety-two. Feb. 24, 1792.

WHEREAS the Proprietors of *Essex Merrimack Bridge* have represented to this Court the great cost of building said bridge, and the inadequate compensation they derive from the present toll, and praying for further provision to be made for them: Preamble.

SECT. 1. Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the clause in the Act to which this is in addition establishing the rates of toll, be, and hereby is repealed; and that the following rates of toll be, and hereby are established for the benefit of the said Proprietors, viz. For each foot passenger, one cent; for each horse and rider, four cents and five mills,—and for each additional rider, one cent; for each horse and chaise, chair or sulkey, twelve cents and five mills; for each cart, sled, or other carriage of burthen, or riding sleigh, drawn by one beast, ten cents; for each waggon, cart, sled, or other carriage of burthen, drawn by two beasts, and not exceeding four, twelve cents and five mills,—and for each additional beast above four, three cents; for each riding sleigh, drawn by two beasts, fifteen cents,—and three cents more for each additional beast; for each coach, chariot, phaeton, or other four-wheel carriage for passengers, twenty-five cents; for each curricle, seventeen cents; for each horse or neat cattle, exclusive of those rode, or in carriages, three cents; for sheep or swine, one cent each; and to each team one person and no more shall be allowed as a driver

Former clause repealed.

Rates of toll.

ver to pass free of toll; for each wheel-barrow, or hand-cart, with one person, *three cents*. And at all times when the toll-gatherer shall not attend his duty, the gate or gates shall be left open.

Proviso.

SECT. 2. *Provided nevertheless*, That after fifty years from the passing the Act to which this is in addition, the rates of toll shall be subject to the regulation of the Legislature of this Commonwealth; any thing in any former Act to the contrary notwithstanding.

[This Act passed February 23, 1796.]

An ACT for repealing Part of an Act passed the twenty-eighth Day of *February*, Anno Domini One thousand seven hundred and ninety-five, entitled, "An Act to set off a Part of the Town of *Windsor*, in the County of *Berkshire*, and to annex the same to the Town of *Dalton*."

Preamble.

WHEREAS in the last enacting paragraph of the said Act the following words are inserted, viz. "And that the said inhabitants shall be entitled to receive their proportion of all monies, lands and other estates, real and personal, now the property of the said town of *Windsor*, agreeable and in proportion to the last valuation." And whereas it appears to this Court that the above-recited words were inserted through mistake or misapprehension:

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so much of the said last enacting paragraph of the said Act as is comprised in the above-recited words of the same, be, and hereby is repealed.

[This Act passed February 23, 1796.]

An ACT dividing the Town of *Mount Desert*, in the County of *Hancock*, into two distinct Towns, and for incorporating the northerly Part of said Town into a separate Town by the Name of *Eden*.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the town of *Mount Desert*, in the county of *Hancock*, be divided into two towns, and the northerly part of said town, bounded southerly by a line beginning at the point north of *Goosemarsh Falls*, so called; thence running an easterly course to the top of the tide, at the head of the found; and thence easterly a straight course to the top of the tide at *Otter Creek*, so called, being the easterly bounds of said town, and containing

Boundaries.

all that part of the town of *Mount Desert*, north of the line aforesaid, together with the inhabitants thereon, be, and hereby are incorporated into a separate town by the name of *Eden*. And the said town of *Eden* is hereby invested with all the powers, privileges and immunities which other towns in this Commonwealth do or may enjoy by law.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said town of *Eden* shall pay all the arrears of taxes which have been assessed upon them by the town of *Mount Desert*: And the inhabitants of the said town of *Eden* shall pay their proportion of all debts now due from the town of *Mount Desert*, and shall be entitled to receive their proportion of all debts and monies now due to the said town of *Mount Desert*, and also their proportionable part of all other property of the said town of *Mount Desert*, of what kind or description soever.

Subject to pay
arrears of taxes.

SECT. 3. *And be it further enacted by the authority aforesaid,* That *Paul Dudley Sargeant*, Esq. be, and he hereby is authorized to issue his warrant, directed to some principal inhabitant of the said town of *Eden*, requiring him to warn and give notice to the inhabitants of the said town to meet at some suitable time and place in the said town of *Eden*, to choose all such officers as towns are required by law to choose at their annual town meetings in the month of *March* or *April* annually.

Justice to issue
warrant.

[This Act passed *February 23, 1796.*]

An ACT to set off *Thomas Gardner* of *Cambridge*, in the County of *Middlesex*, from the South Parish of *Cambridge*, and to annex him and his Estate to the First Parish in said Town.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Thomas Gardner* of *Cambridge*, in the county of *Middlesex*, with his polls and the estate now in his possession, of which his late father was seized at the time of the incorporation of the South Parish of the town of *Cambridge*, lying and being in the said South Parish, be, and hereby is set off from the said South Parish, and annexed to the First Parish in said town: *Provided,* That the said *Gardner* shall pay the taxes which are now assessed upon him by the South Parish aforesaid.

Thos. Gardner
set off.

[This Act passed *February 25, 1796.*]

An

An ACT to incorporate *Henry Prentiss* and others hereinafter named, with their Associates, by the Name of *The Proprietors of the Calico Printing Manufacture*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Henry Prentiss, William Shattuck, James Lloyd, Thomas Clark, and Lewis Hayt, with their associates, who are or who shall become Proprietors in the Calico Printing Manufacture, shall be, and they hereby are incorporated by the name of The Proprietors of the Calico Printing Manufacture; and by that name may have, purchase and hold real and personal estate, not exceeding in the whole amount ten thousand dollars, exclusive of their manufacturing stock. And all votes, in any meeting of the Proprietors, shall be taken according to the majority of shares or interest in the estate of said Corporation, present or represented thereat.*

Proprietors incorporated.

SECT. 2. *And be it further enacted, That the said Proprietors shall hold their first meeting on the first Monday of March next; and thereat, or at some adjournment thereof, as shall be agreed by a majority of the votes present, shall agree upon and establish such by-laws and regulations, not repugnant to the laws of this Commonwealth, and such officers and proceedings as shall be thought necessary for the management of the estate, and prosecution of the affairs of the said Corporation: and which by-laws and regulations they may repeal or alter, at any future meeting of the the said Proprietors, to be called, notified and held as shall be then agreed.*

— to meet and establish laws.

SECT. 3. *And be it further enacted, That the property of any Proprietor vested in said corporate funds, shall be liable to attachment for the payment of his just debts to any of his bona fide creditors, in manner following, viz. In addition to the summons by law prescribed to be left with the debtor, a like summons shall be left with the Treasurer or Agent for said Corporation, and the debtor's shares in the said corporate funds, together with the interests, rents and profits, due and growing thereon, shall thereby be held to respond said suit according to law; and all transfers of the debtor's shares, not noted in the books of the said Corporation previous to the delivery of such summons, shall be thereby barred; and execution may be levied upon the property of such Proprietor, and his shares therein shall be exposed to sale in the same manner as is by law provided where personal estate is taken in execution; and it shall be the duty of the officer who extends such execution, to leave an attested copy thereof, with his doings thereon, with the Treasurer or agent of said Corporation; and the purchaser shall thereupon*

Property liable in law.

thereupon be entitled to the shares sold, and to receive all dividends due or growing due thereon, and to all other privileges as a member of said Corporation. And upon any attachment's being made, or execution levied as aforesaid, it shall be the duty of the Treasurer or Agent of the said Corporation to expose the books of the Corporation to the officer, and to furnish him with a certificate, under his hand, in his official capacity, ascertaining the number of shares the debtor holds in said corporate funds, and the amount of the dividends thereon due, if any.

[This Act passed February 25, 1796.]

An ACT to incorporate a Number of the Inhabitants of the Towns of *Berwick* and *York*, in the County of *York*, into a distinct Religious Society.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Jonathan Colcord, William Joy, John Earl, Jonathan Walker, Darling Huntress, Ichabod Dixon, John Brown, George Brown, Samuel Joy, Jacob Thewrell, James Thewrell, James Gray, jun. James Gray, Joseph Elwell, John Stevens, Jonathan Stevens, Jedediah Blaisdell, John Stevens, jun. Jethro Bragdon, Edmund Webber, Samuel Webber, Elijah Blaisdell, Daniel Blaisdell, Jonathan Gray, Ebenezer Dennett, Edward Walker, James Harty, Jesse Thompson, Jeshua Emery, jun. George Huntress, John Thewrell, Moses Warren, Sheen Emery, John Emery, Stephen Toby, jun. John Dennett, Nathaniel Walker, John Clarke, Pelatiah Stevens, Reuben Bicker, Samuel Stanley, William Mars, Jedediah Goodwin, Joseph Spencer, Moses Bennett, Elisha Bennett, Jetham Warren, Elisha Earl, jun. William Earl, Gilbert Warren, William Earl, jun. John Wadlia, Silas Goodwin, Daniel Cooper, Amos Goodwin, James Emery, James Filsen, James Stanley, Timothy Burdeen, John Knight, Solomon Hamilton, and Benjamin Knight*, members of the said Religious Society, together with their polls and estates, be, and they are hereby incorporated by the name of *The Baptist Society in Berwick*, with all the privileges, powers and immunities, which any parish in this Commonwealth is by law entitled to.

Persons incorporated.

SECT. 2. *And* be it further enacted by the authority aforesaid, That any and every person in the aforesaid towns of *Berwick* and *York*, in the county of *York*, being of the Baptist denomination, who may at any time hereafter actually become a member of, and unite in religious worship with said Society in said *Berwick*, and give in his or her name to the Clerk of the parish to which he or she belonged, with a certificate signed by the Minister or Clerk of said Society, that he or she has actually become a member of and united with said Baptist Religious Society

Method of admitting members.

in

in *Berwick*, fourteen days previous to the parish meeting therein to be held in the month of *March* or *April* annually, shall, from and after giving such certificate, with his or her polls and estates, be considered as a member of said Society: *Provided however*, That such person shall be held to pay his or her proportion of all monies assessed or voted in the parish to which he or she belonged previous to that time.

SECT. 3. *And be it further enacted by the authority aforesaid*, That when any member of said Society, having renounced the Baptist principles, shall see cause to leave the same, and unite in religious worship with any other religious Society in the town or parish in which he or she may live, and shall give in his or her name to the Clerk of said Baptist Religious Society, with a certificate signed by the Minister or Clerk of the parish or other incorporate Religious Society, with which he or she may unite, that he or she hath actually become a member of, and united in religious worship with such other parish, or other incorporate Religious Society fourteen days previous to their meeting in *March* or *April*, and shall pay his or her proportion of all monies voted in said Society to be raised previous thereto, shall, from and after given such certificate, with his or her polls and estates, be considered as members of the Society to which he or she has so united.

SECT. 3. *Be it further enacted by the authority aforesaid*, That *John Hill*, Esq. be, and he hereby is authorized to issue his warrant, directed to some principal member of the said Society, requiring him to warn the members of the said Society, qualified to vote in parish affairs, to assemble at some suitable time and place in said town of *Berwick*, to choose such parish officers as are by law required to be chosen in the month of *March* or *April* annually; and to transact all matters and things necessary to be done in said Society.

[This Act passed *February 25, 1796.*]

Feb. 1, 1792. An ACT in addition to an Act, entitled, "An Act for incorporating certain Persons for the Purpose of building a Bridge over *Merrimack River*, at *Pattucket Falls*, between the Towns of *Chelmsford* and *Dracutt*, in the County of *Middlesex*, and for supporting the same."

Preamble. WHEREAS the Proprietors of the *Middlesex Merrimack River Bridge* have represented to the General Court the inadequate compensation they derive from the present toll, and pray for an enlargement of the toll over the said Bridge:

Bc

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the clause in the Act to which this is in addition, establishing the rates of toll, be, and hereby is repealed; and that the following rates of toll be, and hereby are established for the benefit of the said Proprietors, *that is to say*, For each foot passenger, *one cent and five mills*; for each horse with one rider, *four cents and five mills*; for each additional rider, *one cent*; for each horse and chaise, chair or fulkey, *twelve cents and five mills*; for each cart, sled or other carriage of burthen, or riding sleigh, drawn by one beast, *ten cents*; for each waggon, cart, sled, or other carriage of burthen, drawn by two beasts, and not more than four, *twelve cents and five mills*; and for each additional beast above four, *three cents*; for each riding sleigh, drawn by two beasts, *fifteen cents*, and *three cents* more for each additional beast; for each coach, chariot, phaeton, or other four wheel carriage for passengers, *twenty-five cents*; for each curricule, *seventeen cents*; for neat cattle and horses exclusive of those rode, or in carriages, *three cents* each; for sheep and swine, *one cent* each; and to each team, one person and no more shall be allowed as a driver to pass free of toll; for each wheel-barrow or hand-cart with one person, *three cents*; and at all times when the toll-gatherer shall not attend his duty, the gate or gates shall be left open.

[This Act passed February 25, 1796.]

An ACT for incorporating certain Persons for building a Bridge over *Androscoggin River* between *Brunswick* and *Topsham*, and for supporting the same.

WHEREAS the erecting a Bridge over the river between *Brunswick* and *Topsham* will be of public utility, and *William King*, and others, have petitioned this Court for an incorporation for that purpose:

SECT. 1. Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *William King, Benjamin J. Porter, John Dunlap, William Stanwood, tert. Cutting Nozes, Amos Lunt, James Stone, John Merrill, jun. James Wilson, Daniel Clark, Joseph Laugdon, Ebenezer Emerson, Isaac Johnson, John Blanchard, John Merrill, Peletiah Haly, Adler Patten, Benjamin Hasey, William Owen, and Theodore Symmes*, be, and they are hereby constituted a Corporation and Body Politic, for the purpose of building and supporting a Bridge over *Androscoggin River*, between *Brunswick* and *Topsham*, so long as they shall continue to be Proprietors in the fund to be raised for that purpose, together with all those who are or shall hereafter become Proprietors of the said fund, under the name of *The Proprietors of Androscoggin Bridge*; subject, nevertheless, to be accountable to the Proprietors

Proprietors of the mills called *Thomson's Mills*, situated on the *Island Rock*, for any injury that may be by them sustained in consequence of building said Bridge, and by that name may sue and prosecute, and be sued or prosecuted to final judgment and execution, and do and suffer all other matters and things which Bodies Politic may and ought to do 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.

Subject to pro-
cesses in law.

Authorized to
call meetings.

SECT. 2. *And be it further enacted*, That *William King*, *Benjamin J. Porter*, *John Dunlap*, or any two of them, may, by posting up advertisements in the towns of *Brunswick* and *Topsham*, in some public places, call a meeting of the said Proprietors to be holden at any proper place after fifteen days from the posting up of said advertisements; and the Proprietors, by a vote of the majority of those present or represented at the said meeting, shall have power to transact any business for the benefit of said Corporation, provided it be not repugnant to the Constitution or laws of this Commonwealth.

To keep rec-
ords.

And this Act, and all rules, regulations and votes of said Corporation shall be fairly and truly recorded by the Clerk, in a book or books for that purpose.

Toll establish-
ed.

SECT. 3. *And be it further enacted*, That for the purpose of reimbursing said Proprietors the monies by them expended, or that may hereafter be expended in building and supporting said Bridge, a toll be, and is hereby granted and established for the sole benefit of said Proprietors, according to the rates following, that is to say: For each foot passenger, *two cents*; for each person and horse, *six cents*; for each chaise or sulkey drawn by one horse, *ten cents*; for each sleigh drawn by one horse, *six cents*; for each sleigh drawn by two horses, *seven cents*; for each coach, phaeton, or curricule, *twenty cents*; for each cart or waggon, sled or other carriage of burthen drawn by one or two beasts, *seven cents*; and for each additional beast in the same team, *one cent*; and for each wheel-barrow, hand-cart, or other vehicle capable of carrying a like weight, with one person, *three cents*; for neat cattle or horses, other than those rode on or in carriages or teams, *one cent* each; for sheep and swine, at the rate of *six cents* the dozen; and to each team one person and no more shall be allowed as a driver, for the toll as established for teams.

For benefit of
the Corpora-
tion.

And at all times when the toll-gatherer shall not attend his duty, the gate or gates shall be left open; and the said toll shall commence on the day of the opening said Bridge for passengers, and shall continue for the benefit of the said Corporation forever; *provided*, that after the term of thirty years, the rate of toll shall be subject to the regulations of government.

SECT.

SECT. 4. *And be it further enacted,* That said Bridge shall be well built, at least twenty-eight feet wide, of good and suitable materials, and be well covered with plank or timber, suitable for such a Bridge, with sufficient rails on each side for the safety of passengers, and the same shall be kept in good, safe and passable repair. Materials for building.

And the Proprietors at the place or places where the toll shall be received, shall erect and keep constantly exposed to view, a sign or board, with rates of toll of all the tollable articles, fairly and legibly written thereon in large or capital letters. Sign-board.

SECT. 5. *And be it further enacted,* That the place where the Bridge shall be built shall be from the mill called *Nye's Mill*, in said *Brunswick*, to the Middle Rock, so called, and from said rock to the rocks below the Great Mill, so called, in *Topsham*. Place where.

SECT. 6. *And be it further enacted,* That if the said Proprietors shall neglect, for the space of six years from the passing this Act, to build and erect said Bridge, then this Act shall be void and of no effect. Time limited.

[This Act passed February 26, 1796.]

An ACT in addition to an Act, entitled, "An Act for incorporating certain Persons for the Purpose of building a Bridge over *Merrimack River*, between the Towns of *Haverhill* and *Newbury*, in the County of *Essex*, and for supporting the same." June 14, 1794.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the clause in the Act to which this is in addition, establishing the rates of toll, be, and hereby is repealed; and that the following rates of toll be, and hereby are established for the benefit of the said Proprietors, their heirs and assigns, viz. For each foot passenger, *one cent*; for each horse and rider, *four cents and five mills*; for each additional rider, *one cent*; for each horse and chaise, chair or sulkey, *twelve cents five mills*; for each cart, sled or other carriage of burthen, or riding sleigh, drawn by one beast, *ten cents*; for each waggon, cart, sled or sleigh, or other carriage of burthen, drawn by two beasts and not exceeding four, *twelve cents and five mills*;—and for each additional beast above four, *three cents*; for each riding sleigh drawn by two beasts, *fifteen cents*;—and *three cents* for each additional beast; for each coach, chariot, phaeton, or other four-wheel carriage for passengers, *twenty-five cents*; for each curricle, *seventeen cents*; for each horse or neat cattle, exclusive of those rode or in carriages, *three cents*; for sheep or swine, *one cent* each; and to each team one

Clause repealed.
Toll established.

Proviso.

one person and no more shall be allowed as a driver to pass free of toll; for each wheel-barrow or hand-cart with one person, *three cents*: And at all times when the toll-gatherer shall not attend his duty, the gate or gates shall be left open: *Provided nevertheless*, That after fifty years from the passing the Act to which this is in addition, the rates of toll shall be subject to the regulation of the Legislature of this Commonwealth, for the benefit of said Proprietors, their heirs and assigns forever.

[This Act passed *February 26, 1796.*]

An ACT for incorporating certain Persons for the Purpose of opening a Canal from the Harbour of *Boston to Roxbury.*

Preamble.

WHEREAS the opening a communication by water upon the easterly side of the town of *Boston*, to extend into *Roxbury*, will be of great public utility; and *John Lowell*, Esq. and others, have petitioned this Court for an Act of incorporation, to enable them to carry the same into effect; and many persons under the expectation of such an Act, have subscribed to a fund for that purpose, and have purchased a considerable real estate through which they have already opened a Canal:

Proprietors incorporated.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *John Lowell*, Esq. *Increase Sumner*, Esq. *Thomas Williams*, Physician, *John Read*, Esq. and Mr. *Thomas Williams*, jun. so long as they shall continue to be Proprietors in the said fund and propriety, together with all those who are or shall hereafter become Proprietors to the said fund and propriety, shall be a Body Politic, by the name of *The Proprietors of the Roxbury Canal*, and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution; and do and suffer all matters and things which Bodies Politic may or ought to do and to suffer; and that the said Corporation shall and may have full power and authority to have, make and use a common seal, and the same to break and alter at pleasure.

Persons authorized to call meetings.

SECT. 2. *And be it further enacted*, That the said *John Lowell*, Esq. *Increase Sumner*, Esq. *Thomas Williams*, Physician, *John Read*, Esq. and Mr. *Thomas Williams*, jun. or any three of them, may, by advertisement in any public news-paper printed in *Boston*, warn or call a meeting of the said Proprietors, to be holden at any suitable time and place, after six days from such notice; and the said Proprietors, by a majority of those present at the said meeting, (allowing and accounting one vote to every single share, of which there shall be two hundred and no more, in the whole, not exceeding ten votes to any one person, excepting to *Jenathan Davis*, who shall be allowed twenty-five votes so long as he shall retain in his own right fifty shares in said fund or propriety;)

propriety;) shall choose a Clerk, and such other officers as they shall deem necessary and convenient, and the same mode of voting shall be observed at every future meeting of said Proprietors, who are authorized from time to time to choose all necessary officers for managing the affairs of said propriety. And the Clerk shall be duly sworn to the faithful discharge of his office; and shall also agree upon a method for calling future meetings, and at the same or any subsequent meeting may make and establish any rules and regulations that shall be necessary and convenient for regulating the said Corporation, for effecting, completing and executing the purposes aforesaid; and the same rules and regulations may cause to be kept and executed, or for the breach thereof may order fines and penalties not exceeding *thirteen dollars*; provided the rules and regulations are not repugnant to the laws of this Commonwealth.

Proprietors to
choose officers,
&c.

SECT. 3. *And be it further enacted*, That the real estate commonly called *Lamb's dam farm*, and a piece of marsh adjoining thereto, granted and conveyed by the deeds of Doctor *Jonathan Davies* and of Mr. *Aaron White*, to Trustees, to have and to hold the same to and for the use of the Proprietors of the *Roxbury Canal*, shall be construed to vest the fee simple thereof in the said Corporation, and shall be at their disposal by a major vote of the Proprietors present at any legal meeting: *Provided*, That no such disposal or sale shall be made, unless such intention shall be inserted in the notification of such meeting. And the said Proprietors shall have power to determine and appoint an agent or agents for executing deeds in behalf of said Proprietors.

Real estate to
be vested in the
Corporation.

SECT. 4. *And be it further enacted*, That the said Corporation shall have full power and authority to sell and dispose of the share or shares of any Proprietor who shall, according to the rules and regulations to be made by said Corporation, be delinquent in the payment of any assessment that may be made on said share or shares according to such rules as shall be established by said Corporation for the sale of shares of delinquents.

Power to sell
delinquent
shares.

SECT. 5. *And be it further enacted*, That the said Corporation may have full power to purchase and hold any other real estate necessary to carry their design into effect: *Provided*, That such additional purchase shall not exceed fifty acres of land, nor any land to a greater amount than *twenty thousand dollars*, including the buildings which may be thereon at the time of the purchase.

To purchase &
hold real estate.

SECT. 6. *And be it further enacted by the authority aforesaid*, That no toll shall ever be demanded for passing and repassing said Canal in any float, vessel or otherwise; or for transportation of any articles through the same Canal. And the said Proprietors shall at all times be held to keep the said Canal in good order and proper repair.

Vessels to pass
free.

[This Act passed February 26, 1796.]

An

An ACT to incorporate *John Thorlo*, and others, into a Society by the Name of "*The Portland Marine Society.*"

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *John Thorlo*, *Samuel Robinson*, *Lemuel Moody*, *William Lowell*, *Collin Campbell*, *Stephen Ham*, *John M^cLellan*, *Josua Wait*, *George Wait*, and *David Alden*, together with all others who shall become members thereof, be, and they are hereby erected into and made a Body Politic and Corporate forever by the name of "*The Portland Marine Society.*"

Persons incor-
porated.

SECT. 2. *Be* it enacted by the authority aforesaid, That said Corporation are hereby declared and made capable in law of having, purchasing and holding in fee simple, or any less estate, by gift, grant, devise, or otherwise, any lands, tenements or other estate, real or personal: *Provided*, That the annual income of the same shall not exceed the sum of *six thousand dollars*. And also to sell, alien or dispose of the same.

— may purchase and hold
estate.

SECT. 3. *And be* it further enacted by the authority aforesaid, That the said Corporation shall have full power and authority to make, have and use a common seal, and the same to break, alter and renew at pleasure. That it shall be capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend, and be defended, in all courts and places whatsoever, in all actions, real, personal and mixed, and to do and execute all and singular other matters and things, that to them shall and may appertain to do.

—, their legal
powers.

SECT. 4. *And be* it further enacted by the authority aforesaid, That said Corporation may make, establish, and put in execution such laws and regulations as may be necessary for the government of said Corporation: *Provided*, that in no case the same shall be repugnant to the laws and Constitution of the Commonwealth. And for the well governing of said Corporation, they shall have power to elect such officers as they shall hereafter think proper.

— to make
laws.

SECT. 5. *And be* it further enacted by the authority aforesaid, That the end and design of the institution of said Society is the promotion of the knowledge of navigation and seamanship, the relief of decayed and disabled seamen, and the poor widows and orphans of deceased seamen.

The design of
the institution.

SECT. 6. *And be* it further enacted by the authority aforesaid, That *John Thorlo* be, and he is hereby authorized to fix the time and place at which the first meeting of said Society shall be held, and to notify the same to the members of said Society, by publishing the same in either of the *Portland* news-papers fourteen days before the time fixed upon for holding the said meeting.

Person authorized to call a
meeting.

[This Act passed February 26, 1796.]

An ACT to make further Allowance to the Judge of Probate for the County of *Suffolk*, for his Services.

WHEREAS the fees of the Judge of Probate for the county of *Suffolk*, as by law established, may not be an adequate compensation for his services in that office :

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Court of General Sessions of the Peace in said county be, and hereby are authorized and empowered, annually to grant out of the treasury of the said county, unto the said Judge for the time being, such sum of money, in addition to the legal fees he may receive for his services, as to the said Court shall appear just and reasonable: Provided, the sum so to be granted, together with the said fees, shall not exceed the sum of five hundred dollars per annum. And the said Judge of Probate shall keep an account of all the fees by him taken in his said office, and shall lay such account, attested by the Register of Probate, before the said Court of Sessions annually, for their information, previous to their making him any grant by virtue of this Act.

Courts of G. S.
authorized.

Judge of Pro-
bate account-
able.

[This Act passed February 26, 1796.]

An ACT to incorporate *Lemuel Stewart*, and others, for the Purpose of conveying Water by Pipes into the Town Street, near the College in *Williamstown*, by the Name of "*The Proprietors of the Water-Works in the Town Street in Williamstown.*"

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Lemuel Stewart, Oliver D. Cook, William Starkweather, Tompson J. Skinner, Benjamin Skinner, Lewis Stebbins, Elias Mather, Lemuel S. Stewart, John Foot, Joseph Balch, Timothy Balch, Ezra Baker, Lemuel Higgens, Thomas Melady, David Haden, and the President and Trustees of Williams College for the time being, with such other persons as may become Proprietors in the said water-works, be, and they hereby are constituted a Corporation and Body Politic, for the purpose of conveying water by pipes into the town street in Williamstown, by the name of The Proprietors of the Water-Works in the Town Street in Williamstown; and by that name may sue and be sued to final judgment and execution, and do and suffer all matters, acts and things which Bodies Politic may or ought to do or suffer; and the said Corporation shall*

Persons incor-
porated.

shall and may have and use a common seal, and the same may alter and break.

Meeting
thorized. au-
To establish
rules, &c. ;
and appoint of-
ficers.

SECT. 2. *And be it further enacted,* That the said *Lemuel Stewart* may, by advertisement posted up at the houses of *William Starkweather* and *Benjamin Skinner*, in said *Williamstown*, warn or call a meeting of the said Proprietors to be held at said *Williamstown* at any suitable time after seven days from the posting up such advertisement. And the said Proprietors by a vote of a majority of those present at said meeting, accounting and allowing a vote to each share in all cases, shall choose a Clerk who shall be sworn to a faithful discharge of his office, and also agree on a method for calling future meetings, and at the same time, or any subsequent meeting may make and establish any rules and regulations that shall be convenient or necessary for regulating the said Corporation, effecting, completing and executing the purpose aforesaid; and the same rules and regulations may cause to be kept and executed, and for the breach of any of them may order and enjoin fines and penalties, not exceeding *four pounds*: *Provided*, that said rules and regulations be not repugnant to the Constitution or laws of the Commonwealth. And the said Proprietors may also choose and appoint any officer or officers of the Corporation: And this Act and all rules, regulations and votes of said Corporation shall be fairly and truly recorded by their said Clerk, in a book or books for that purpose provided and kept; which book or books shall be subject to the inspection of any person or persons for that purpose appointed by the Legislature.

Shares transfer-
rable.

SECT. 3. *And be it further enacted,* That any Proprietor's share or shares in such water-works may be transferred by deed acknowledged and recorded by the Clerk of said Corporation in a book to be kept for that purpose; and when any share or shares in said water-works shall be attached on mesne process, an attested copy of such process shall be left with said Proprietors' Clerk at the time of such attachment, otherwise the same shall be void.

Penalties.

SECT. 4. *And be it further enacted,* That if any person shall injure and destroy any of the said pipes or works, he shall be subjected to the same pains and penalties as are provided in the second section of the Act, entitled, "An Act for the more effectually preventing of trespasses in divers cases," passed the twenty-third day of *November*, one thousand seven hundred and eighty-five, and shall also be liable to make good all damages so done to the said Proprietors.

[This Act passed *February 26, 1796.*]

An

An ACT for setting off *Noah Wifwall*, and his Estate, from the Town of *Fitchburg* to the Town of *Westminster*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Noah Wifwall*, of *Fitchburg*, in the county of *Worcester*, with his estates, be, and hereby are set off from the said town of *Fitchburg*, and annexed to the town of *Westminster* in said county; there to enjoy town privileges, and to pay town charges that may arise therein. Noah Wifwall set off.

SECT. 2. *Provided nevertheless, and be it further enacted,* That the said *Noah* shall be holden to pay his just proportion of all taxes now due from said town of *Fitchburg*, and shall also continue to pay such proportion of the State and county taxes to the said town of *Fitchburg* as heretofore, until a new valuation shall be taken of the rateable property of this Commonwealth, and no longer; and until such valuation be taken, shall be assessed for State and county taxes in said town of *Fitchburg*, and not in said town of *Westminster*. Provide.

[This Act passed *February 27, 1796.*]

An ACT in addition to an Act, entitled, “An Act for incorporating certain Persons for the Purpose of building a Bridge over *Merrimack River*, in the County of *Essex*, at *Bodwell’s Falls*, between *Andover* and *Metbuen*, and for supporting the same,” passed in the Year of our Lord One thousand seven hundred and ninety-three. March 19.

WHEREAS the Proprietors of *Andover Bridge* have represented to this Court the inadequate compensation they derive from the present toll, and pray for an enlargement of the rates of toll for passing said Bridge; also to hold the right of said Bridge and the toll thereof forever: Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the clause in the Act to which this is in addition, establishing the rates of toll, be, and hereby is repealed; and that the following rates of toll, be, and hereby are established for the benefit of said Proprietors, viz. For each foot passenger, *one cent*; for each horse and one rider, *four cents*,—and for each additional rider, *one cent*; for each horse and chaise, chair or sulkey, *twelve cents and five mills*; for each cart, sled or other carriage of burthen, or riding sleigh, drawn by one beast, *ten cents*; for each wagon, cart, sled or other carriage Clause repealed. Rates established.

of

of burthen drawn by two beasts, and not exceeding four beasts, *twelve cents and five mills*, and for each additional beast above four, *three cents*; for each riding sleigh, drawn by two beasts, *fifteen cents*, and *three cents* more for each additional beast; for each coach, chariot, phaeton or other four wheel carriage for passengers, *twenty-five cents*; for each curricule, *seventeen cents*; for each horse or neat cattle, exclusive of those rode, or in carriages, *three cents*; for sheep or swine, *one cent* each; and to each team, one person and no more shall be allowed as a driver to pass free of toll; for each wheel-barrow, or hand-cart, with one person, *three cents*. And at all times when the toll-gatherer shall not attend his duty, the gate or gates shall be left open: *Provided nevertheless*, That after the expiration of fifty years from the passing the Act to which this is in addition the rates of toll shall be subject to the regulations of the Legislature of this Commonwealth; any thing in any former Act to the contrary notwithstanding.

SECT. 2. *And be it further enacted*, That the said Bridge and the lawful toll thereof, be, and hereby are vested in said Proprietors for the term of seventy years from the building said Bridge; any law to the contrary notwithstanding.

[This Act passed February 27, 1796.]

Toll vested in the Proprietors.

An ACT for giving a new Appellation to a Corporation instituted in the Year of our Lord One thousand seven hundred and ninety-five, for bringing fresh Water into Boston, by subterraneous Pipes.

Feb. 27, 1795.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Corporation which was instituted by an Act of the twenty-seventh day of February, in the year of our Lord one thousand seven hundred and ninety-five, for bringing fresh water into Boston, by subterraneous pipes, shall be empowered to assume the appellation of *The Aqueduct Corporation*, and by that name to contract, sue and be sued, receive and grant estates, according to the original institution of the same Corporation, and by that name only shall be called and known hereafter.

Aqueduct Corporation.

[This Act passed June 10, 1796.]

An ACT setting off Lemuel Rich, and others, from the town of Standish, and annexing them to the Baptist Society, in Gorham.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Lemuel Rich, Lemuel Rich, jun. Boaz Rich, Isaac Chase, Amos

Persons, set off.

Amos Thomas, Seth L. Hamlen, Jacob York, Moses Richardsen, James Rich, Israel Rich and William Harmon, of Standish, in the County of Cumberland, with their polls and estates, be and hereby are set off from the said town of Standish, and annexed to the Antipædobaptist Society, in Gorham, in said County; there to do parish duties, and enjoy parish privileges.

[This Act passed June 10, 1796.]

AN ACT to incorporate the Plantation called *Sudbury Canada*, in the County of *York*, into a Town, by the Name of *Bethel*, and for dividing the same Town, and establishing therein two Parishes.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the tract of land, called *Sudbury Canada*, bounded as follows, viz. Beginning at a beach tree, marked S. Y. one mile from the north side of *Ammorascoggin River*, and on the north-east side of *Peabody's* patent; thence running south twenty degrees east four miles and one half on *Peabody's* patent, and *Fryeburg Academy* land, to a hemlock tree, marked III. ; thence east twenty degrees north nine miles on *Oxford* and State's land, to a beach tree marked 1^r; thence north twenty degrees west four miles one quarter and sixty rods, on *New-Pennicook* to *Ammorascoggin River*; thence west two degrees south, three miles and three quarters on *Howard's* grant, to a beach tree; thence west thirty-four degrees south on *Thomastown*, to the first mentioned bound; together with the inhabitants thereon, be, and they are hereby incorporated into a town, by the name of *Bethel*. And the inhabitants of said town are hereby invested with all the powers, privileges, and immunities which the inhabitants of towns within this Commonwealth do or may by law enjoy.

Boundaries.

SECT. 2. *And be it further enacted*, That *Benjamin Russell*, Esq. is hereby authorized and empowered to issue his warrant, directed to some suitable inhabitant of the said town of *Bethel*, directing him to notify the inhabitants of said town, qualified to vote in town affairs, to meet at such time and place, as he shall appoint, to choose such officers as other towns are empowered to choose, at their annual meetings, in the month of *March* or *April*, annually.

Notification to the voters.

SECT. 3. *Be it further enacted by the authority aforesaid*, That the said town of *Bethel*, be and the same is hereby divided into two distinct parishes, to be designated the *East Parish* and *West Parish*; and the following shall be the dividing line between said parishes, viz: Beginning on the south line of the town, at a tree marked sixteen, seventeen, standing on the line between

Boundaries of east parish.

tween

— of west parish.

tween the sixteenth and seventeenth ranges of lots; thence to run on said line between the sixteenth and seventeenth ranges to the north line of the town. And all the lands in said town, with the inhabitants thereon, east of said dividing line, be, and hereby are incorporated into a separate parish, by the name of the *East Parish* in *Bethel*. And all the lands in said town, with the inhabitants thereon, west of the said dividing line, be, and hereby are incorporated into a separate parish, by the name of the *West Parish* in *Bethel*. And that each of said parishes be, and are hereby invested with all the powers, privileges and immunities which other parishes within this Commonwealth are entitled to or do by law enjoy.

Choice of parish officers.

SECT. 4. *And be it further enacted by the authority aforesaid,* That *Benjamin Russell, Esq.* be, and he is hereby authorized, to issue his several warrants, directed to some suitable person in each of said parishes, requiring him to notify and warn the inhabitants of the parish wherein he lives, to meet at the time and place expressed in such warrant, for the purpose of choosing such parish officers as may be chosen in the month of *March* or *April*, annually; and also to transact any other business that may be legally transacted in parish meetings.

[This Act passed June 10, 1796.]

Additional Acts, Nov. 25, 1796, March 1, 1798. Feb. 13, 1799.

An ACT for establishing a Turnpike Gate on such Road as shall be made at the Place and according to the Provisions of this Act.

Preamble.

WHEREAS the highway leading through the towns of *Palmer* and *Western*, is circuitous, rocky and mountainous, and there is much travelling over the same, and the expense of straightening, making and repairing an highway through those towns, so as that the same may be safe and convenient for travellers, with horses and carriages, would be much greater than ought to be required of the said towns, under their present circumstances:

Persons incorporated.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Levi Pease, Ephraim Mower, Nathaniel Gorham, Moses Blifs, Thomas Dwight, Jonathan Dwight, Dwight Foster, John Hastings, David Sexton, Samuel Fowler, Daniel Goulding, Ebenezer Hunt, Samuel Henshaw, John Hooker, Erastus Lyman, Joseph Lyman, Levi Lincoln, Pliny Merrick, Ebenezer Mattoon, jun. Charles Phelps, Nathaniel Paine, Warham Parks, Benjamin Prescott, William Shepard, Levi Shepard, Simeon Strong, Phinebas Upham, Samuel Ward, John Williams, Samuel Flagg, Salem Town,* and all such persons as shall be associated with them and their successors, shall be a Corporation by the name of

of *The First Massachusetts Turnpike Corporation*, and shall by that name sue and be sued, and shall have a common seal, and enjoy all the privileges and powers which are by law incident to Corporations, for the purpose of laying out and making a Turnpike Road, from *Western Bridge*, near the *Upper Mills*, so called, in *Western*, in the county of *Worcester*, to the county road, near the house lately called *Scott's tavern*, in *Palmer*, in the county of *Hampshire*, and for keeping the same in repair, in such place or places as the said Corporation shall choose for the same; which road shall not be less than thirty feet in width in any place. And that when said turnpike road shall be sufficiently made, and shall be so allowed and approved by the Justices of the Supreme Judicial Court, at any term thereof, in any county of this Commonwealth, then the said Corporation shall be authorized to erect a turnpike gate on the same, in such manner as shall be necessary and convenient, and shall be entitled to receive from each traveller and passenger the following rate of toll, *to wit*; for every coach, phaeton, chariot, or other four wheel carriage, drawn by two horses, *twenty-five cents*; and if drawn by more than two horses an additional sum of *four cents* for each horse; for every cart, waggon, or sled, drawn by two oxen or horses, *ten cents*, and if by more than two, an additional sum of *three cents* for every such ox or horse; for every curricule, *nine cents*; for every sleigh, drawn by two horses, *nine cents*, and if drawn by more than two, an additional sum of *three cents* for each horse; for every chaise, chair, or other carriage drawn by one horse, *nine cents*; for every man and horse, *five cents*; for all oxen, horses and neat cattle, led or driven, besides those in teams and carriages, *three cents* each; for all sheep and swine, *three cents* by the dozen, and in the same proportion for a greater or less number.

Rate of toll.

SECT. 2. *And be it further enacted*, That the said Corporation may purchase and hold any land, over which they may make said road; and the Justices of the Court of General Sessions of the Peace, in such County, are hereby authorized, on application from said Corporation, to lay out such road, or any part thereof, within their respective jurisdictions, as, with the consent of said Corporation, they may deem proper; and the said Corporation shall be holden to pay all damages which shall arise to any person by taking his land for such road, where it cannot be obtained by voluntary agreement, to be estimated by a Committee, appointed by the Court of General Sessions of the Peace in the county in which such damage shall arise, saving to either party the right of trial by Jury, according to the law which makes provision for the recovery of damages happening by laying out public highways.

Corporation authorized to purchase or take land for the purposes of the road.

SECT.

Penalty for delay or extortion.

SECT. 3. *And be it further enacted,* That if said Corporation, their toll-gatherers and others in their employ, shall unreasonably delay or hinder any traveller or passenger at said gate, or shall demand or receive more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding *ten dollars*, nor less than *one dollar*; to be recovered before any Justice of the Peace in either of the Counties aforesaid, where the offence shall be committed, by any person injured, delayed or defrauded, in a special action on the case; the writ in which shall be served on the said Corporation, by leaving a copy of the same with the Treasurer, or with some individual member of the said Corporation, living within the County where the offence shall be committed, or reading the contents thereof to said Treasurer or individual member, at least seven days before the day of trial; and the Treasurer of said Corporation, or individual member, shall be allowed to defend the same suit in behalf of the Corporation; and the Corporation shall be liable to pay all damages which shall happen to any person from whom toll is by this Act demandable, for any damages which shall arise from defect of bridges, or want of repairs within the same way, and shall be also liable to a fine, on presentment of the Grand Jury, for not keeping the same way, or the bridges thereon, in good repair.

Fine for injuring the turnpike-gate.

SECT. 4. *And be it further enacted,* That if any person shall cut, break down, or destroy the said turnpike gate, or shall forcibly pass, or attempt by force to pass the same, without having first paid the legal toll at such gate, such person shall forfeit and pay a sum not exceeding *forty dollars*, nor less than *two dollars*, to be recovered by the treasurer of the said Corporation to their use, in an action of trespass, before any Court proper to try the same. And if any person shall, with his carriage, team, cattle, or horse, turn out of the said road, to pass the said turnpike gate, on ground adjacent thereto, with intent to avoid the payment of the toll due by virtue of this Act, such person shall forfeit and pay three times so much as the legal toll would have been; to be recovered by the treasurer of the said Corporation, to the use thereof, in an action of debt on the case: *Provided* that nothing in this Act shall extend to entitle the said Corporation to demand toll of any person who shall be passing, with his horse or carriage, to or from public worship, or with his horse, team, or cattle, or on foot to or from his common labour on his farm, or to or from any mill, or on the common and ordinary business of family concerns, within the same town: *And provided also,* That the said Corporation shall not demand any toll for said turnpike road, where the same shall be made on the public highway now existing, nor erect any gates thereon, until the Court of General Sessions of the Peace shall discontinue the same.

SECT.

SECT. 5. *And be it further enacted,* That the shares in the same turnpike road shall be taken, deemed and considered to be personal estate, to all intents and purposes.

Shares to be considered as personal estate.

SECT. 6. *And be it further enacted,* That there shall be a meeting of the said Corporation, held at the house of *Simson Dwight*, innholder in *Western*, in the county of *Worcester*, on the second Monday of September next, for the purpose of choosing a Clerk, and such other officers, as may then and there be agreed upon by the said Corporation, for regulating the concerns thereof, and that the said Corporation may then and there agree upon such method of calling meetings, in future, as they may judge proper.

Meeting of the Corporation.

SECT. 7. *And be it further enacted,* That the books of the said Corporation shall, at all times, be subject to be inspected and examined by a Committee to be appointed by the General Court.

Books to be subject to inspection.

SECT. 8. *And be it further enacted,* That the said Corporation, at the place or places where the toll shall be collected, shall erect, and keep constantly exposed to view, a sign or board, with the rates of toll of all the tollable articles, fairly and legibly written thereon, in large or capital letters.

Sign or board to be erected.

SECT. 9. *And be it further enacted,* That the General Court may dissolve the said Corporation, whenever it shall appear, to their satisfaction, that the income, arising from the said toll, shall have fully compensated the said Corporation, for all monies they may have expended, in purchasing, making, repairing, and taking care of the said road, together with an interest thereon, at the rate of twelve per centum by the year; and thereupon the property of the said road shall be vested in this Commonwealth, and be at their disposal. *Provided,* That if the said Corporation shall neglect to complete the said turnpike road for the space of five years from the passing this Act, the same shall become void and of none effect.

Corporation liable to be dissolved after being fully compensated.

Proviso.

SECT. 10. *And be it further enacted,* That the said Corporation shall, within six months after said road is completed, lodge in the Secretary's office an account of the expenses thereof; and that the said Corporation shall annually exhibit to the Governor and Council, a true account of the income or dividend arising from the said toll, with their necessary annual disbursements on said road; and their books shall at all times be subject to the inspection of the Governor and Council, when called for.

Account of expense to be lodged at the Secretary's office.

[This Act passed June 11, 1796.]

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An ACT to change the Name of *Ephraim Farrar*, to the Name of *John Farrar*.

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, Ephraim Farrar, of Worcester, in the county of Worcester, son of John Farrar, late of Shrewsbury, in the county Worcester, deceased, be, and he hereby is authorized and allowed to take, use, and bear the name of John Farrar, and by that name to be forever hereafter known and called, in all precepts and records whatsoever.
 [This Act passed June 13, 1796.]

Ephr. Farrar's name changed.

An ACT to incorporate *John Cleaves* and others, for the Purpose of building a Sluice-way, from a Place called *Dennett's Landing*, on *Saco River*, to *Pepperell's Wharf*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Cleaves, Joseph Libbey, David Libbey, and Daniel Libbey, and all such persons as shall be associated with them and their successors, shall be a Corporation by the name of The Proprietors of the Sluice-way on Saco River, for the purpose of building a Sluice-way from a place called Dennett's Landing, on Saco River, to Pepperell's Wharf.*

Corporation for building a Sluice-way.

First meeting to be in July.

SECT. 2. *And be it further enacted, That the said Proprietors shall hold their first meeting on the last Monday of July next, at the house of said John Cleaves in said Pepperellborough, who is hereby directed to give notice thereof to all the other Proprietors.*

Toll established.

SECT. 3. *And be it further enacted, That for the purpose of reimbursing the said Proprietors the money to be expended in building, supporting and keeping in repair said Sluice-way, a toll be and hereby is granted and established for the sole benefit of said Corporation, according to the rates following, to wit: For every thousand feet of boards, or plank, or joist, twenty cents; for every thousand of shingles, four cents; for every thousand of clapboards, twenty cents; for every ton of timber, eight cents; for every hundred feet of ranging timber, eight cents; for every thousand of staves, thirty cents; for every mast, forty cents; for all mill logs, three cents each; for all oar rafters, twenty cents for each thousand feet; for all spars, twenty cents for every hundred inches, and in that proportion for a greater or less number of any of the said articles.*

Shares are personal estate.

SECT. 4. *And be it further enacted, That the shares in the same Sluice-way shall be taken, deemed and considered to be personal estate, to all intents and purposes.*

SECT.

SECT. 5. *And be it further enacted*, That the General Court shall have a right to regulate the toll aforefaid, after the term of twelve years from the firft day of *January* next; and if the faid Corporation fhall neglect or refufe, for the fpace of two years from the faid firft day of *January* next, to build and complete the faid Sluice-way, then this Aft fhall be void and of no effect.

Toll to be regulated by the General Court after twelve years.

SECT. 6. *And be it further enacted*, That if it fhall be neceffary for the faid Proprietors to run the faid Sluice-way over the lands of any perfon or perfons, who may not be willing to difpofe of his or their right therein, by an agreement with the faid Proprietors, they are hereby authorized to take and hold as much of the faid land as may be neceffary for the purpose of faid Sluice-way, making allowance therefor to the owners of fuch land, according to the mode prefcribed in the Aft incorporating the Proprietors of the *Middlefex* Canal. And the faid Proprietors, at the fame or any fubfequent meeting, may enjoin and order fines and penalties for the breach of any by-law of fuch Corporation, not exceeding fourteen dollars.

Proprietors empowered by the General Court to take lands for the purpofes of the Sluice-way.

[This Aft paffed June 14, 1796.]

An ACT altering the Name of *Thomas Amory*, to the Name of *Thomas C. Amory*.

BE it enacted by the Senate and Houfe of Representatives, in General Court affembled, and by the authority of the fame, That from and after the paffing of this Aft, *Thomas Amory* of *Boston*, in the County of *Suffolk*, merchant, fon of the late *Thomas Amory*, deceased, fhall be, and hereby is authorized and empowered to take, bear and ufe the name of *Thomas C. Amory*, and fhall be called and known by that name at all times hereafter.

Tho. Amory's name altered.

[This Aft paffed June 14, 1796.]

An ACT to incorporate certain Lands in the Towns of *Boylston*, *Sterling*, and *Holden*, into a Precinct.

SECT. 1. *BE* it enacted by the Senate and Houfe of Representatives, in General Court affembled, and by the authority of the fame, That the lands herein defcribed and bounded as follows, namely: Beginning at a ftake and ftones the fouth-eaft corner of *Danforth* farm, thence running north, five degrees weft, one hundred and ninety-three rods to a bunch of elms, a corner between *Ephraim Beaman's* and *Matthew Davenport's* lands; thence north, twenty-five degrees eaft, three hundred and eighty rods to a heap of itones, the north-eaft corner of *Israel Moor's* land, which corner is on the northerly line of *Boylston*; thence running with the line that divides *Boylston* from *Sterling* eafterly about two hundred rods, to a crotch-

Boundaries incorporated.

ed

ed oak and stones, a bound between the said towns; thence north, seven degrees east, one hundred and thirty rods, to a heap of stones; thence north, fifty-eight degrees west, four hundred and twenty-five rods, to a chefnut tree, and stones by it, on land of *Jabez Fairbank*; thence north, eighty-three degrees and a half west, two hundred and thirty-three rods, to a heap of stones by a county road, a bound of the lands of *Oliver Moor*, and *Abigail Sawyer*; thence south, eighty-four degrees west, one hundred and forty-six rods, to a white pine and stones on the bank of *Stillwater River*; thence north, seventy-two degrees west, five hundred and fourteen rods, to *Holden* line; then keeping the same course, one hundred rods to a heap of stones; thence south six degrees east one thousand six hundred and twenty-six rods to an apple-tree standing in *Artemas Bartlett's* land, near the line dividing *Holden* and *Worcester*; then on the same dividing line easterly three hundred and twenty-eight rods to a swamp white-oak tree, the corner of *Worcester* and *Holden* on the westerly line of *Boylston*; thence east about three hundred and twenty rods to a heap of stones by a black oak tree, at the northerly end of the dividing line of *Malden* farm; thence north, two degrees west seventy rods to a stake and stones on the line between *John Temple* and *Reuben Duntun's* land; thence north twenty-five degrees east two hundred and thirty-one rods to the first-mentioned bounds, together with the inhabitants thereon, be, and they are hereby incorporated into a Precinct by the name of *The Second Precinct in Boylston, Sterling, and Holden*, and the same is hereby invested with all the powers, privileges and immunities which other precincts in this Commonwealth do or may by law enjoy; and *John Sprague, Esq.* is hereby empowered to issue his warrant, directed to some suitable inhabitant of the said Second Precinct, requiring him to warn the inhabitants thereof to meet at some convenient time and place in the said precinct, to choose all such officers as precincts are by law annually to choose.

Persons may
continue of the
first precinct.

SECT. 2. *And be it further enacted by the authority aforesaid,* That any person, with his family and estate, included within the limits of the said Second Precinct, who did not petition therefor, and who shall choose to belong to the First Precinct in the town to which such person now belongs, and shall certify his choice, in writing, to the Clerk of the said Second Precinct, within six months after passing this Act, shall thereafter belong to such First Precinct of the respective town, agreeable to his choice.

First meeting.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the Selectmen of the respective towns of *Boylston, Sterling* and *Holden*, be, and they hereby are empowered to issue warrants

warrants for calling the first meeting of the inhabitants of the several First Precincts in the towns to which such Selectmen belong, to choose such officers as Precincts are by law annually to choose.

[This Act passed *June 14, 1796.*]

An ACT to incorporate *Theodore Sedgewick, Esq.* and others, for certain Purposes therein mentioned.

SECT. I. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Theodore Sedgewick, Jabeel Woodbridge, Stephen Nash, Jonathan Ingersoll, James Francis, Joseph Barton, Henry Williams Dwight, Silas Whitney, Ira Seymour, Phineas Ashmun, Josiah Dwight, and Silas Pipoon*, all of *Stockbridge*, in the county of *Berkshire*, and such other persons as are or may be associated with them, be, and they and their successors hereby are constituted a Corporation, by the name of *The Proprietors of the Aqueduct in Stockbridge*, for the purpose of conveying the water by pipes into such parts of the said town of *Stockbridge* as they may judge expedient: *Provided however*, That nothing in this Act contained shall authorize said Corporation to enter upon, or use for that purpose, the land of any person, without license therefor first had of the Proprietor of such land.

Persons incorporated.

SECT. 2. *Be* it further enacted, That any three of the persons above-named may, by notifications, to be posted at the respective dwelling-houses of *Ira Seymour*, and *Samuel Sprague*, in said *Stockbridge*, call a meeting of the said Proprietors, to be holden in said *Stockbridge*, on any suitable time, seven days at least after posting such notifications. And the said Proprietors, by a major vote of those present or represented, as is hereinafter provided, at said meeting, accounting one vote to each share, shall choose a Clerk, agree upon the mode of calling future meetings of the said Proprietors, and may also elect any other officers which to them may seem necessary for carrying into effect the object of their incorporation. And the said Proprietors, at the same or any subsequent meeting of the Corporation, may enjoin and order fines and penalties for the breach of any of their rules and by-laws, not exceeding *thirteen dollars* for any one breach. And all persons appearing at any of said meetings to represent any of the said Proprietors, shall have therefor an appointment in writing, signed by the person to be so represented, which shall be filed with, or recorded by the Clerk of the Corporation; whose duty it shall be fairly and truly to enter and record in a book or books, to be for that purpose provided and kept, this Act, and all the rules, by-laws, votes and proceedings of the said Corporation; which book and books shall at all times be subject to the inspection of any person or persons for that purpose.

Three members may call a meeting.

purpose appointed by the Legislature. And the Clerks of, said Corporation shall be sworn by a Justice of the Peace of the said county of *Berkshire*, to the faithful discharge of the duties of their office.

SECT. 3. *Be it further enacted*, That the said Proprietors be, and they hereby are authorized to enter on and dig up any highway or town road, for the purpose of placing such pipes as may be necessary to complete said Aqueduct, or of repairing the same when requisite; *provided*, they in no case obstruct the passing of such persons as may have occasion to use such road or highway.

SECT. 4. *Be it further enacted*, That the mode of transferring shares in said corporate property shall be by deed, acknowledged before a Justice of the Peace, and recorded by the Clerk of said Proprietors, in a book to be kept for that purpose; and when any share or shares in said property shall be attached on *mesne process*, an attested copy of such process shall, at the time of the attachment, be left with the Proprietors' Clerk; otherwise such attachment shall be void. And such shares may be sold on execution, in the same manner as is or may be by law provided for the sale of personal property by execution; the officer making the sale leaving a copy of the execution, and of his return on the same, with the Clerk of the Proprietors within ten days after such sale.

SECT. 5. *Be it further enacted*, That any person injuring said Aqueduct, shall be subject to the same penalties as are provided in the second section of the Act, entitled, "An Act for the more effectually preventing of trespasses in divers cases," passed the twenty-third day of *November*, in the year of our Lord one thousand seven hundred and eighty-five; and shall also be liable to make good all damages so done to the said Proprietors.

[This Act passed June 15, 1796.]

An ACT authorizing *Calvin Whiting* to conduct Water, in subterraneous Pipes, within the Town of *Dedham*, for the Accommodation of certain Inhabitants within said Town.

SECT. I. *BE it enacted by the Senate and House of Representatives of the same*, That *Calvin Whiting*, of *Dedham*, in the county of *Norfolk*, and his heirs and assigns, be, and they are hereby authorized and empowered to sink, place, renew, alter and repair, from time to time, as he or they shall think necessary, pipes or conduits of water, under any highways or public land in said town, for domestic use, or other benefit of any inhabitants thereof; and as well on or under any other land or place where the Proprietors and possessor thereof shall have granted said

Whiting,

Authorized to dig up highways, &c.

Mode of transferring shares.

Penalty for injuring.

Calv. Whiting authorized to sink subterraneous pipes.

Whiting, his heirs or assigns, the privilege of so conducting water, as on or under said highways and public land, such pipes, conduits, water, and works necessary thereto, shall be considered under the protection of law: And if any person or persons shall destroy, displace, injure, or remove said water-works, or any part thereof, or stop, divert, draw, disturb, or soil the water running to, through, or issuing from any part of said water-works, without license from said *Whiting*, his heirs or assigns, or be found guilty of any trespass thereon, he or they shall be liable, upon conviction thereof, to pay to the said *Whiting*, his heirs or assigns, treble damages, to be recovered in an action of trespass, in any court of record proper to try the same: *Provided nevertheless*, That the Selectmen of said town, where they judge expedient and likely to afford the best security against calamitous destruction by fire, may place conductors to any part of said pipes or conduits, under any further reasonable restrictions, to afford water on such occasions only, as well as the protection aforesaid, which is hereby declared to be extended against drawing water by any such conductor, when the same drawing cannot afterwards be justified by a certificate, under the hand of one of the Selectmen, or a Fireward of said town, of the probability there was, in his opinion, of thereby preventing or lessening such calamitous destruction by fire.

Penalty for injuring.

SECT. 2. *And it is further enacted*, That nothing in this Act shall avail the party pleading the same against evidence of unnecessary exposure to damage, delay, disturbance or inconvenience to passengers, their cattle or carriages, over any of said highways or public land, but the same shall be considered a nuisance, or other transgression, *ab initio*, as much as if this Act had never been made.

Provide.

[This Act passed June 15, 1796.]

An ACT in addition to, and in explanation of an Act, passed *January* the twenty-sixth, One thousand seven hundred and eighty-nine, entitled, "An Act to set off to the Patentees and other Purchasers, certain Lands in the Island of *Chapequidick*, in the County of *Duke's County*, and finally to adjust and determine all disputes between the said Patentees and other Purchasers, and the Indians on the said Island; and to prevent Cattle, Horses, Sheep, Goats and Swine from going at large on the said Island, at certain Seasons of the Year."

WHEREAS amongst other things in said Act *it is enacted*,
 That the Indians shall never be held to make any fence in the divisional line between them and the patentees or purchasers

Preamble.

chafers

chasers on said island; but that the patentees and purchasers shall be at the sole expense in erecting and maintaining the divisional fence; but it is not declared in said Act in what manner or proportion the same ought to be made and maintained, which has and may hereafter cause disputes to arise amongst the said patentees and purchasers; to prevent which,

Divisional fences how to be erected.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That those patentees and purchasers, whose lands are or may hereafter be inclosed and improved in severalty, and bounded by divisional lines as aforesaid, shall be held and obliged to make and maintain the one half of the divisional fence between their respective inclosures and the lands assigned to the Indians, in the same manner as the law provides shall be done between neighbours, whose lands are under a separate improvement; and that the other half of the said divisional fence shall be made and maintained by the several patentees and purchasers, agreeable to the laws, made for the regulation of common and general fields and general fences; and that the Act, of which this is in explanation, be so construed and understood.

[This Act passed June 16, 1796.]

An ACT to incorporate the Owners of certain Lands in *Southwick*, in the County of *Hampshire*, bordering on the Line of the State of *Connecticut*, for the Purpose of managing the same as a Common Field.

Lands to be considered as common field.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all that tract of land, lying in the said town of *Southwick*, and beginning at *Connecticut Line*, on the east side of *Congomonck Pond*; then running northerly by said pond to a pitch-pine tree, near the north line of the *Little Pond*, so called; thence an easterly course about thirty rods to the north side of the road that leads to *Stephen Sexton's*; thence on the southerly side of said road as it now runs, to *Taban Noble's* land; thence to *Thomas Hanchett's* and *Heman Hastings'*; and thence in the line of said road until it intersects *Connecticut Line*, shall be considered as a Common Field; and that the Proprietors and owners of the lands aforesaid, are hereby invested with all the powers and privileges which the Proprietors of lands in general fields are by law invested with.

[This Act passed June 17, 1796.]

An

An ACT authorizing the First Parish in *Newbury* to discharge from Taxation for the Support of Public Worship in said Parish, such Persons within the Limits of said Parish as attend Public Worship in any other Religious Society, and are willing to be subject to Taxation in such Society.

WHEREAS a number of persons, within the limits of the First Parish in *Newbury*, usually attending public worship in some of the Religious Societies in *Newbury-Port*, were heretofore exempt from taxation in said First Parish; but doubts have lately arisen as to said exemptions: Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the First Parish in *Newbury* be, and they hereby are authorized to exempt from taxation for the support of public worship in said parish, all those persons within the limits of said parish, who have heretofore been exempted, upon their producing a certificate from any religious incorporate Society, that they have entered their names as members of such Society, and are willing to be subject to taxation therein. First parish not to tax those who worship in another parish.

SECT. 2. *And be it further enacted,* That the Society to which such persons are admitted as members, be, and they hereby are authorized to tax their polls and estates, for the support of public worship, in the same proportion as they do their other members; their living within the limits of the First Parish in *Newbury* notwithstanding. Such other parish to tax such persons.

SECT. 3. *And be it further enacted,* That the said First Parish in *Newbury* be, and they hereby are authorized and empowered, at any time hereafter, to exempt from taxation, for the support of public worship in said parish, the polls and estates of any other persons, within the limits of said parish, who will produce a certificate from any religious incorporate Society in manner as aforesaid; and shall pay their proportion of the monies raised in said parish previous to such certificate. Further authority to exempt from taxation.

SECT. 4. *And be it further enacted,* That any such religious Society, from whom the persons described in the last preceding paragraph shall produce a certificate as aforesaid, are hereby authorized to tax their polls and estates in the same proportion as they do the other members of their Society, until upon a like application to some other religious incorporate Society, they shall produce a certificate that they are admitted as members thereof, and that they have paid their proportion of all monies raised in the Society which they are desirous of leaving, which was voted previous to their producing such certificate. — — to levy taxes.

[This Act passed June 17, 1796.]

AN

Fourth enact-
ing clause re-
pealed, Feb. 4,
1790.

An ACT for incorporating certain Persons for the Purpose of building a Bridge over *Acuifbnct River*, in the Town of *New-Bedford*.

Preamble.

WHEREAS *William Rotch* and others have petitioned this Court to be incorporated, for the purpose of building a bridge over *Acuifbnct River*, in the town of *New-Bedford*; and it appears that a bridge over the said river will be of public utility :

Persons incor-
porated.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *William Rotch, William Rotch, jun. Thomas Rotch, Thomas Hazard, Edward Pope, and John Howland,* be, and they are hereby constituted a Corporation and Body Politic, for the purpose of building and supporting a bridge over said river, so long as they shall continue to be Proprietors in the fund to be raised for that purpose, together with all those who are, or shall hereafter become Proprietors of the said fund, under the name of *The Proprietors of New-Bedford Bridge*; and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution; and do and suffer all matters and things which Bodies Politic may and ought to do and suffer; and that said Corporation shall and may have full power and authority to make, have and use a common seal, and the same to break and alter at pleasure.

Mode of call-
ing a meeting.

SECT. 2. *And be it further enacted,* That *Edward Pope,* Esq. be, and he hereby is directed to issue his warrant, directed to some principal inhabitant of said *New-Bedford*, whenever ten or more of said Proprietors shall request the same, to warn or call a meeting of the said Proprietors, to be holden at *New-Bedford* aforesaid, by posting up notifications in the usual public places in said town, or by advertising the same in the *Medley* or *Marine Journal*, of said *New Bedford*, at least seven days previous to said meeting. And the said Proprietors, by a vote of a majority of those present or represented at said meeting, (accounting and allowing a vote to each share, *provided* that no Proprietor shall be allowed more than twenty votes) shall choose a Clerk, who shall be duly sworn to the faithful discharge of his office; and also shall agree on a method for calling future meetings; and at the same or any subsequent meeting may make and establish any rules and regulations that shall be necessary or convenient for regulating the said Corporation, effecting, completing and executing the purposes aforesaid, or for collecting the toll hereinafter granted; and the same rules and regulations may cause to be kept and executed, or for the breach thereof, may order and enjoin fines and penalties not exceeding *ten dollars*: *Provided* the rules and regulations aforesaid are

Proviso.

not

not repugnant to the Constitution or laws of this Commonwealth. And the said Proprietors may also choose and appoint any other officer or officers of the Corporation that they may deem necessary; and all representations at the said meetings shall be proved by a special appointment in writing, signed by the person making the same, which shall be filed with or recorded by the Clerk. And this Act, and all rules and regulations and votes of said Corporation, shall be fairly and truly recorded by the Clerk, in a book or books to be kept for that purpose.

SECT. 3. *And be it further enacted*, That for the purpose of reimbursing the said Proprietors the monies by them expended, or that may hereafter be expended in building and supporting said bridge, a toll is hereby granted and established for the sole benefit of said Proprietors, according to the rates following, Toll established *that is to say*—For each foot passenger, *six cents*; for each person and horse, *twelve cents*; for each chaise or fulkey, *twenty-five cents*; for each sleigh drawn by one horse, *eighteen cents*; if drawn by more than one, *six cents* for each additional horse; for each coach, phaeton, curricule, or four-wheeled carriage for passengers, *thirty-six cents*; for each cart or waggon, sled or other carriage of burthen, drawn by two beasts, *twenty-five cents*; and for each additional beast in the same team, *six cents*; for each wheel-barrow or hand-cart, capable of carrying a like weight, *six cents*; for neat cattle, *six cents* each; horses, other than those rode on, or which are in carriages or teams, *six cents*; for sheep and swine, at the rate of *six cents* for each dozen; and but one person shall be allowed as a driver for one team. And at all times when the toll-gatherer shall not attend his duty, the gate or gates shall be left open: And the toll shall commence on the day of opening said bridge for passengers, and shall continue for the benefit of said Corporation forever; Proviso. *provided*, That after the term of thirty years, the rate of toll shall be subject to the regulations of the Legislature.

SECT. 4. *And be it further enacted*, That no toll shall be required of those who have occasion to pass said bridge on the Lord's day, in order to attend public worship; nor of children crossing the said bridge, on either side of the river in said town, in going to or from school. Exemptions from toll.

SECT. 5. *And be it further enacted*, That said bridge shall be well built, at least twenty-four feet wide, of good and suitable materials, and be covered with plank or timber suitable for such a bridge, with sufficient rails on each side for the safety of passengers: And the same shall be kept at all times in good, safe and passable repair: And the Proprietors, at the place or places where the toll shall be received, shall erect, and keep constantly exposed to view, a sign or board, with the rates of toll of all tollable articles fairly and legibly written thereon. How to be built.

SECT.

Where to be c-
rected.

SECT. 6. *And be it further enacted*, That the said bridge shall be erected and placed as follows, to wit—Beginning at the west side of said *Acuisbnnet River*, at a place called *Smith's Point*, at the east end of Middle-street in the village of *Bedford*, in said town of *New-Bedford*; and from thence running to *Fish-Island*, crossing the said island; and from thence to *Edward Pope's* island; and crossing that island, directly on to the east side of said *Acuisbnnet River*, landing between the village of *Fair Haven* and *Oxford*, in said town of *New-Bedford*; with two suitable draws, which shall be at least thirty feet wide; one the west side of said river, in the channel-way, and the other on the east side, in the most suitable place on that side of said river; which draws shall at all times, when the said bridge is finished, be opened, when requested, for vessels which may have occasion to pass them.

Bridge to be
built in six
years.

SECT. 7. *And be it further enacted*, That if the said Proprietors shall neglect, for the space of six years from the passing this Act, to build the said bridge, then this Act shall be void and of no effect.

[This Act passed June 17, 1796.]

An ACT to set off *Samuel Hammond* and others, with their Estates, from the second or northerly Parish in *Kittery*, and to annex them to the third or middle Parish in said Town.

Persons set off.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Samuel Hammond, Nathaniel Hanson, William Harvey, John Cutts, John Rogers, Samuel Leighton, and Samuel Leighton, jun. of Kittery*, in the county of *York*, and their estates, be, and are hereby set off from the second or northerly parish in said town of *Kittery*, and annexed to the third or middle parish in said town; there to enjoy the privileges of the said third or middle parish, and to pay their proportion of all necessary charges that may arise therein.

Proviso.

SECT. 2. *Provided nevertheless, and be it further enacted*, That the said *Samuel Hammond, Nathaniel Hanson, William Harvey, John Cutts, John Rogers, Samuel Leighton, and Samuel Leighton, jun.* shall be holden to pay their just proportion of all taxes now assessed or granted by said second or northerly parish.

[This Act passed June 17, 1796.]

An

An ACT to incorporate *Daniel Wells*, and others, Proprietors of the Aqueduct in *Greenfield*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Daniel Wells, Ehiel Gilbert, Jonathan Leavitt, Abner Smead, and William Coleman*, all of *Greenfield*, in the county of *Hampshire*, and such other persons as are or may be associated with them, be, and they and their successors hereby are constituted a Corporation by the name of *The Proprietors of the Aqueduct in Greenfield*, for the purpose of conveying water by subterraneous pipes into the town street in *Greenfield*. Persons incorporated.

SECT. 2. *And be it further enacted,* That any three of the persons above named may, by notifications to be posted at the respective houses of *Calvin Mun*, and *Elisha Wells*, innholders in said *Greenfield*, call a meeting of the said Proprietors, to be holden at said *Calvin Mun's* on any suitable time, seven days at least after the posting of such notifications. And the said Proprietors, by a major vote of those present or represented, as hereinafter provided, at said meeting, accounting one vote to each share, shall choose a Clerk, agree upon the mode of calling future meetings of the said Proprietors, and may also elect any other officers which to them may seem necessary for carrying into effect the object of their incorporation. And the said Proprietors at the same or any subsequent meeting of the Corporation, may enjoin and order fines and penalties for the breach of any by-laws, not exceeding thirteen dollars for any one breach. And all persons appearing at any of said meetings, to represent any of the said Proprietors, shall have therefor an appointment in writing, signed by the person to be so represented, which shall be recorded by the Clerk of the Corporation, whose duty it shall be fairly and truly to enter and record, in a book or books to be kept for that purpose, this Act and all the rules and by-laws, votes and proceedings of the said Corporation; which book and books shall at all times be subject to the inspection of any person or persons for that purpose appointed by the Legislature. And the Clerks of said Corporation shall be sworn by a Justice of the Peace of the said county of *Hampshire*, to the faithful discharge of the duties of their office. Mode of calling meetings.

SECT. 3. *Be it further enacted,* That the said Proprietors be, and they hereby are authorized to enter upon and dig up any highway or town-way, for the purpose of placing such pipes as may be necessary to complete said Aqueduct, or of repairing the same: *Provided,* That they do not thereby impede the passing of travellers. And the said Proprietors may also enter and dig up, if necessary for the purpose aforesaid, the ground of any individual, paying him a reasonable compensation for any damage he may sustain thereby; and if the parties cannot agree to estimate Duty of the Clerk.

Proviso.

mate the same, or to have the same ascertained by disinterested persons by the parties mutually chosen for that purpose, then such damage, as a Committee of three disinterested freeholders, to be appointed by the Court of Common Pleas for said county of *Hampshire* for such purpose, as a major part of them may award; and upon any such award, returned to said Court, the Justices thereof may enter up judgment for such damages and costs, and issue execution for the same against the said Proprietors, as in common cases: *Provided nevertheless*, That any person dissatisfied with such award may, on application to the said Court, have his damages ascertained by a Jury, the additional costs of which shall be paid by said Proprietors, if such Jury shall find a verdict for a larger sum than was awarded by such Committee.

Damages to be ascertained by Jury.

Shares to be liable to attachment.

SECT. 4. *And be it further enacted*, That any share or shares in said property shall be liable to attachment on *mesne* process, and such attachment shall be made by leaving an attested copy of such process with the Proprietors' Clerk at the time of such attachment, and such share or shares may be sold on execution, in the same manner as is or may be provided for the sale of personal property by execution, the officer making the sale leaving a copy of the execution, and of his return on the same, with the Clerk of the Proprietors within ten days after such sale.

Penalty for injuring.

SECT. 5. *Be it further enacted*, That any person wilfully injuring said Aqueduct shall be subject to the same penalties as are provided in the second section of the Act, entitled, "An Act for the more effectually preventing of trespasses in divers cases," passed the twenty-third day of *November*, in the year of our Lord one thousand seven hundred and eighty-five, and shall also be liable to make good all damages so done to the said Proprietors.

[This Act passed *June 17, 1796.*]

Additional Acts, Feb. 4, 1800, Feb. 27, 1802, June 20, 1803.

An ACT for incorporating certain Persons for the Purpose of building a Bridge over *Connecticut River*, in the County of *Hampshire*, and for supporting the same.

Preamble.

WHEREAS the erecting a bridge over *Connecticut River*, between the towns of *Greenfield* and *Montague*, at a place called *Coff's Island*, will be of great public utility; and whereas *Jonathan Leavitt* and *Eliel Gilbert* have presented a petition to this Court, setting forth that they, with divers other persons to be associated with them, are willing to undertake the same, and praying to be incorporated for that purpose:

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Jonathan Leavitt*, *Eliel Gilbert*, and such other persons

persons as shall associate with them, be, and they hereby are constituted a Corporation for the purpose aforesaid, by the name of *The Proprietors of Connecticut River Bridge.* Persons incorporated.

SECT. 2. *And be it further enacted,* That the said *Jonathan Leavitt*, and *Eliel Gilbert* may, by advertisement in the *Greenfield Gazette*, warn or call a meeting of the said Proprietors, to be holden at any suitable time and place after five days from the first publication of said advertisement : And the Proprietors by a vote of the majority of those present or represented at said meeting, (accounting and allowing one vote to each single share in all cases, provided however that no one Proprietor shall be allowed more than ten votes) shall choose a Clerk, who shall be sworn to the faithful discharge of his office, and shall also agree on a method of calling future meetings ; and the said Proprietors may, at the same or any future meeting, enjoin a penalty or penalties for the breach of any of their by-laws, provided such penalty shall not exceed the sum of *ten dollars*. And no person shall appear at such meetings as the representative of another, without producing a writing for that purpose, signed by the person represented, which writing shall be filed with the Clerk. And this Act, and all by-laws, regulations and proceedings of the said Corporation, shall be fairly and truly recorded by the Clerk, in a book to be provided and kept for that purpose. Mode of calling a meeting. Clerk to be chosen.

SECT. 3. *And be it further enacted,* That the said Proprietors be, and they hereby are permitted and authorized to erect a bridge over *Connecticut River*, in the county of *Hampshire*, from the western shore north of *Deerfield River* to *Cox's Island*, and from thence to *Montague* in said county. Bridge to be erected.

SECT. 4. *And be it further enacted,* That said bridge shall be at least twenty-five feet wide ; and that said bridge be covered with plank or timber, and the sides shall be boarded or railed up at least four feet high for the security of passengers. —, how to be built.

SECT. 5. *And be it further enacted,* That for reimbursing the said Proprietors the money by them to be expended in building and supporting the said bridge, a toll be, and hereby is granted and established for the sole benefit of the said Proprietors, according to the rates following, viz.—For each foot passenger, *two cents* ; for each horse and rider, *six cents* ; for each horse and chaise, chair or sulkey, *twelve and an half cents* ; for each coach or other four wheel carriage for passengers, *twenty-five cents* ; for each curricule, *seventeen cents* ; for each cart, sled or other carriage or riding sleigh drawn by one beast, *twelve and an half cents* ; for each waggon, cart, sled, sleigh or other carriage of burthen, drawn by two beasts, *seventeen cents* ; and for every additional beast, *three cents* ; for horses or neat cattle, exclusive of those rode or in carriages, *three cents each* ; for sheep and swine, *half a cent each* ; and to each team, one person Toll established. Rate of toll.

person and no more shall be allowed as a driver free of toll. And at all times when the toll-gatherer shall neglect his duty, the gate or gates shall be left open ; and the said toll shall commence on the day of the first opening of the said bridge for passengers. *Provided*, That the Legislature shall have a right after thirty years to regulate the same.

Proviso.

Bridge to be
built within
four years.

SECT. 6. *And be it further enacted*, That if the said Proprietors shall neglect, for the space of four years from the first day of *May* next, to build the said bridge, then this Act shall become void.

[This Act passed *June 18, 1796.*]

An ACT providing for the holding of a Court of Common Pleas, within and for the County of *Essex*, to prevent a failure of Justice in that County.

Preamble.

WHEREAS the Court of Common Pleas, which by law was to have been holden at *Newbury-Port*, within and for the county of *Essex*, on the first *Tuesday* of *October*, in the year of our Lord one thousand seven hundred and ninety-six, was not holden at that time, nor adjourned by proclamation to any future time, by reason that there were not two Justices of the said Court present at the said time and place for holding the same, whereby all the suits and matters pending in the same Court, either by continuance or on original process returnable thereto, will be deemed and taken to be discontinued, without some provision is made therefor by law : Therefore,

Court when to
be holden.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Court of Common Pleas, which by law was to have been holden at *Newbury-Port*, within and for the county of *Essex*, on the first *Tuesday* of *October*, in the year of our Lord one thousand seven hundred and ninety-six, shall, and may be holden at *Newbury-Port*, within and for the same county, on the first *Tuesday* of *January*, which will be in the year of our Lord one thousand seven hundred and ninety-seven, and shall have the same powers and jurisdiction, in all causes and matters, and all attachments made and bail given, shall continue and have the same effect, and all returns shall be made, and all officers, jurors, parties and witnesses, shall attend in the same manner, as if the said Court had been duly and legally adjourned by proclamation, from the first *Tuesday* of *October* aforesaid, to the first *Tuesday* of *January* aforesaid ; any law, usage, or custom to the contrary notwithstanding. *Provided nevertheless*, That all appeals which may be made from any judgments rendered at the same Court to be holden as aforesaid, shall be made to the Supreme Judicial Court

Proviso.

Court then next to be holden within and for the same county. And the Secretary is directed to cause this Act forthwith to be published in the *Mercury*, printed at *Boston*, and in the several newspapers printed in the county of *Essex*.

[This Act passed November 22, 1796.]

An ACT to alter the Name of *Samuel Hewes*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from the passing of this Act, *Samuel Hewes*, of *Boston*, in the county of *Suffolk*, Merchant, son of *Samuel Hewes*, late of said *Boston*, deceased, be, and he hereby is authorized to take and use the name of *Samuel Hill Hewes*, and that he be called and known by that name at all times hereafter. Name altered.

[This Act passed November 24, 1796.]

An ACT to incorporate *John Bacon* and others, for the Purpose therein mentioned.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *John Bacon*, *Daniel Rathburn*, *Jonathan Holly*, *Daniel Hall*, *Jabez Brooks*, *Samuel Dewey*, *Nathaniel Reddington*, *Thomas Beckes*, *John Bacon, jun.* and *Cyprian Branch*, all of *Richmond*, in the county of *Berkshire*, and such other persons as are or may be associated with them, be, and they and their successors hereby are constituted a Corporation, by the name of *The Proprietors of the Aqueduct in Richmond*, for the purpose of conveying water by pipes into such parts of the said town of *Richmond* as they may judge expedient: *Provided however*, That nothing in this Act contained shall authorize said Corporation to enter upon or use for that purpose the land of any person, without license therefor first had of the Proprietors of such land. Persons incorporated.

SECT. 2. *Be it further enacted*, That any three of the persons above named may, by notifications to be posted at the respective dwelling-houses of *Daniel Rathburn* and *Thomas Becker*, in said *Richmond*, call a meeting of the said Proprietors, to be holden in said *Richmond*, at any suitable time, seven days at least after posting such notifications. And the said Proprietors, by a major vote of those present or represented as is hereinafter provided at said meeting, accounting one vote to each share, shall choose a Clerk, agree upon the mode of calling future meetings of the said Proprietors, and may also elect any other officers which to them may seem necessary for carrying

rying into effect the object of their incorporation. And the said Proprietors, at the same or any subsequent meeting of the Corporation, may enjoin and order fines and penalties for the breach of any of their rules and by-laws, not exceeding thirteen dollars for any one breach. And all persons appearing at any of said meetings to represent any of the said Proprietors, shall have therefor an appointment in writing, signed by the person to be so represented, which shall be filed with, or recorded by the Clerk of the Corporation, whose duty it shall be fairly and truly to enter and record in a book or books, to be for that purpose provided and kept, this Act and all the rules and by-laws, votes and proceedings of the said Corporation; which book and books shall at all times be subject to the inspection of any person or persons for that purpose appointed by the Legislature. And the Clerks of the said Corporation shall be sworn by a Justice of the Peace of the said county of *Berkshire*, to the faithful discharge of the duties of their office.

SECT. 3. *Be it further enacted*, That the said Proprietors be, and they hereby are authorized to enter on and dig up any highway or town road, for the purpose of placing such pipes as may be necessary to complete said Aqueduct, or of repairing the same when requisite: *Provided* they in no case obstruct the passing of such persons as may have occasion to use such road or highway.

SECT. 4. *Be it further enacted*, That the mode of transferring shares in said corporate property, shall be by deed, acknowledged before a Justice of the Peace, and recorded by the Clerk of said Proprietors in a book to be kept for that purpose. And when any share or shares in said property shall be attached on *mesne process*, an attested copy of such process shall, at the time of the attachment, be left with the Proprietors' Clerk; otherwise such attachment shall be void. And such shares may be sold on execution in the same manner as is or may be by law provided for the sale of personal property by execution; the officer making the sale, leaving an attested copy of the execution and of his return thereon, with the Clerk of the Proprietors, within ten days after such sale.

SECT. 5. *Be it further enacted*, That any person injuring said Aqueduct, shall be subject to the same penalties as are provided in the second section of the Act, entitled, "An Act for the more effectually preventing of trespasses in divers cases," passed the twenty-third day of *November*, in the year of our Lord one thousand seven hundred and eighty-five; and shall also be liable to make good all damages so done to the said Proprietors.

[This Act passed *November 24, 1796.*]

An ACT for incorporating a Religious Society in *Newbury-Port*, in the County of *Essex*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That such of the inhabitants of *Newbury-Port*, in the county of *Essex*, as have lately formed themselves into a religious Society, and erected a house of public worship in said *Newbury-Port*, and do now usually attend the public worship of God, and the instructions of the Reverend *John Boddily*, their Minister, in said house, be, and hereby are made and declared to be a Body Corporate and Politic forever, by the name of *The Second Presbyterian Society in Newbury-Port*; and that they, as also the Proprietors of said houses of public worship, be, and they hereby are severally and respectively vested with all the powers, rights and privileges granted to the third and fourth religious societies in said town, and to the Proprietors of their houses of public worship respectively, in and by an Act of this Commonwealth, made and passed in the year of our Lord one thousand seven hundred and ninety-four, entitled, "An Act for incorporating the several religious Societies in *Newbury-Port*, in the county of *Essex*;" and said Act, so far as it respects the said third and fourth religious Societies, is hereby declared to extend, and shall be considered as extending to, and comprehending the religious Society hereby incorporated, and the Proprietors of the house in which they attend public worship, as aforesaid, as fully, to all intents and purposes, as if they had been formed and existing when said Act was passed, and had been therein named, and thereby incorporated.

Second Presby-
terian Society.

[This Act passed November 24, 1796.]

An ACT in addition to, and for amendment of the Act, passed the eleventh day of *June*, One thousand seven hundred and ninety-six, establishing *The First Massachusetts Turnpike Corporation*.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the clause in the Act aforesaid, passed the eleventh day of *June*, one thousand seven hundred and ninety-six, requiring the turnpike road mentioned in said Act to be thirty feet wide in every part of it, so far as respects the width of said road, be, and the same is hereby repealed.

Clause repeal-
ed.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the same turnpike road shall be laid out and made by the Corporation of sufficient width in every part of it for the accommodation of the public, and that the open uninclosed ground

Width of road.

ground shall be at least three rods wide throughout the whole length of it, and the made way and path for travelling shall be of sufficient width, and not less than eighteen feet wide in any part thereof. And whereas no provision is made in said Act to enforce the payment of such taxes as the Corporation shall agree to raise for making and repairing said road and other necessary charges :

Shares may be
fold.

SECT. 3. *Be it further enacted*, That whenever any Proprietor shall neglect or refuse to pay any tax or assessment duly voted and agreed upon by the Corporation, to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of said Corporation is hereby authorized to sell at public vendue, the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray said taxes and the necessary incidental charges, after duly notifying in the *Springfield, Northampton and Worcester* newspapers, the sum due on any such shares, and the time and place of sale, at least twenty days previous to the time of sale; and such sale shall be a sufficient transfer of the share or shares so sold, to the person purchasing; and on producing a certificate of such sale from the Treasurer to the Clerk of said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of said Corporation, and such purchaser shall be considered to all intents and purposes the Proprietor thereof, and the overplus, if any there be, shall be paid on demand by the Treasurer to the person whose shares were thus sold.

[This Act passed November 25, 1796.]

An ACT altering the Name of *William White*, to the Name of *William Charles White*.

Name altered.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, *William White*, of *Boston*, in the county of *Suffolk*, son of *William White*, of said *Boston*, merchant, shall be, and he hereby is authorized and empowered to take, bear and use the name of *William Charles White*, and shall be called and known by that name forever hereafter.

[This Act passed November 25, 1796.]

An ACT to amend an Act, entitled, "An Act to set off *Samuel Hammond*, and others, with their Estates, from the Second or Northerly Parish in *Kittery*, and to annex them to the Third or Middle Parish in said Town," passed *June* seventeenth, One thousand seven hundred and ninety-six.

WHEREAS in the said Act, *Nathaniel Hanscom*, one of the persons designed to be named in the said Act, is therein named and called by mistake *Nathaniel Hanson* :

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said *Nathaniel Hanscom* be, and hereby is considered to be the same person named and called *Nathaniel Hanson* in the Act to which this is in addition. Nat. Hanscom recognized.

[This Act passed February 7, 1797.]

An ACT for incorporating certain Persons by the Name of *The Proprietors of the Social Library in Salem*.

SECT. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Edward Augustus Holyoke*, *Jacob Ashton*, *Joseph Hiller*, and *Edward Pulling*, Esquires, and their associates, Proprietors of said Library, and all such as may hereafter become Proprietors of the same, be, and they hereby are incorporated into a Body Politic by the name of *The Proprietors of the Social Library in Salem*, with all the powers and privileges incident to Corporations; and may enjoin penalties of disfranchisement or fine not exceeding seven dollars for each offence, and make purchases, and receive subscriptions, grants and donations of real and personal estate, not exceeding the sum of seven thousand dollars, for the purpose of their association. Incorporated.
May enjoin penalties.

SECT. 2. And be it further enacted by the authority aforesaid, That the said Society be, and they hereby are authorized to assemble at *Salem* aforesaid, on the Wednesday next preceding the last Wednesday of *May* in every year, or on any other day said Proprietors shall appoint, to choose all such officers as may be found necessary for the orderly conducting the affairs of said Corporation; who shall continue until others are chosen in their room. And that the said Corporation may assemble as often as they agree for filling up any vacancies which may happen in said offices, and for transacting all other business, excepting assessing and raising monies, which shall be done always Choose officers.
Fill vacancies.

ways at some annual meeting, and at no other time ; at which meeting they shall vote all necessary sums for defraying the annual expence of preserving said Library, and for enlarging the same. And that *Edward Augustus Holyoke* is hereby authorized and empowered to call a meeting of said Proprietors at such time and place as he may appoint, by notifying the same in the *Salem Gazette* ; at which meeting they may enact such by-laws and regulations, and choose all such officers as they may or can do at their said annual meeting.

[This Act passed *February 7, 1797.*]

Feb. 22, 1793. An ACT in further addition to an Act, entitled, "An Act for incorporating certain Persons for the Purpose of building a Bridge over *Merrimack River*, in the County of *Effex*, and for supporting the same," passed *March*, One thousand seven hundred and ninety-three.

WHEREAS the Proprietors of the *Haverhill Bridge* have represented to this Court the great cost of building said Bridge, and the inadequate compensation they derive from the present toll, and praying for further provision to be made for them :

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the clause in the Act to which this is in addition, establishing the rates of toll, be, and hereby is repealed ; and that the following rates of toll be, and hereby are established for the benefit of said Proprietors, viz. For each foot passenger, *one cent* ; for each horse and rider, *four cents and five mills* ; for each additional rider, *one cent* ; for each horse and chaise, chair or sulkey, *twelve cents and five mills* ; for each cart, sled or other carriage of burthen, or riding sleigh, drawn by one beast, *ten cents* ; for each waggon, cart, sled, or other carriage of burthen, drawn by two beasts and not exceeding four, *twelve cents and five mills* ; and each additional beast above four, *three cents* ; for each riding sleigh, drawn by two beasts, *fifteen cents* ; and *three cents* more for each additional beast ; for each coach, chariot, phaeton, or other four wheel carriage for passengers, *twenty-five cents* ; for each curricule, *seventeen cents* ; for each horse or neat cattle, exclusive of those rode on, or in carriages, *three cents* ; for sheep or swine, *one cent* each ; and to each team, one person and no more shall be allowed as a driver, to pass free of toll ; for each wheelbarrow or hand-cart, with one person, *three cents*. And at all times when the toll-gatherer shall not attend his duty, the gate or gates shall be left open. *Provided nevertheless,*

Former toll repealed.

New toll established.

~~The~~

That after thirty years from the passing the Act to which this is in addition, the rates of toll shall be subject to the regulation of the Legislature of this Commonwealth; any thing in any former Act to the contrary notwithstanding.

[This Act passed February 7, 1797.]

An ACT establishing the Boundary Line between the Town of *Williamsburgh*, and the Towns of *Chesterfield* and *Gosben*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Act passed the twenty-fourth day of June, A. D. one thousand seven hundred and ninety-five, establishing said boundary line, be, and the same hereby is repealed; and that the north-west corner of the town of *Williamsburgh* shall be at a beach tree, marked H. F. and D. F., standing about fifteen rods south of *Samuel Mott's* house, in the town of *Gosben*; and that the dividing line between said town of *Williamsburgh* and the towns of *Gosben* and *Chesterfield*, shall be a line running from the aforesaid corner, parallel with the east line of the said town of *Williamsburgh*, until it strikes the north line of the town of *Northampton*.

N. W. boundary.

[This Act passed February 7, 1797.]

An ACT to incorporate *Chandler Robbins* and others, for the Purpose of conveying Water in the South Parish in the Town of *Hallowell*.

SECT. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Chandler Robbins*, *Jeremiah Dummer*, *Benjamin Poor*, *Joshua Wingate*, and *Samuel Carr*, all of *Hallowell*, in the county of *Lincoln*, and such other persons as are or may be associated with them, be, and they and their successors hereby are constituted a Corporation, by the name of the Proprietors of the Aqueduct in *Hallowell*, for the purpose of conveying water by pipes in such parts of the said South Parish in said town of *Hallowell*, as they may judge expedient: Provided however, That nothing in this Act contained, shall authorize said Corporation to enter upon or use for that purpose the land of any person, without license therefor first had and obtained of the owners or Proprietors of such land.

Persons incorporated.

SECT. 2. Be it further enacted, That any three of the persons above-named may, by notifications to be posted at the respective dwelling-houses of *Robert Randall* and *Jonatban Kinsman*

First meeting how to be called.

Kinsman in said *Hallowell*, call a meeting of said Proprietors, to be holden in said *Hallowell*, at any suitable time and place, seven days at least after posting such notifications. And the said Proprietors, by a major vote of those present or represented, as is hereinafter provided, at said meeting, accounting one vote to each share, shall choose a Clerk, agree upon the mode of calling future meetings of the said Proprietors, and may also elect any other officers which to them may be deemed necessary for carrying into effect the object of their incorporation. And the said Proprietors, at the same or any subsequent meeting of the Corporation, may enjoin and order fines and penalties for the breach of any of their rules and by-laws, not exceeding *thirteen dollars* for any one breach. And all persons appearing at any of said meetings to represent any of the said Proprietors, shall have therefor an appointment in writing, signed by the person to be so represented, which shall be filed with or recorded by the Clerk of the Corporation, whose duty it shall be fairly and truly to enter and record, in a book or books to be for that purpose provided and kept, this Act, and all the rules and by-laws, votes and proceedings of said Corporation; which said book and books shall at all times be subject to the inspection of any person or persons for that purpose appointed by the Legislature. And the Clerks of said Corporation shall be sworn by a Justice of the Peace of the said county of *Lincoln*, to the faithful discharge of the duties of their said office.

SECT. 3. *Be it further enacted*, That the said Proprietors be, and they are hereby authorized to enter on, and to dig up any highway or town road, for the purpose of placing such pipes as may be necessary to complete such Aqueduct, or of repairing the same when requisite: *Provided however*, That they in no case obstruct the passing of such persons as may have occasion to use such road or highway.

SECT. 4. *Be it further enacted*, That the mode of transferring shares in said corporate property shall be by deed, acknowledged before some Justice of the Peace, and recorded by the Clerk of said Proprietors in a book to be kept for that purpose. And when any share or shares in said property shall be attached on *mesne process*, in addition to the legal service on the defendant, an attested copy of such process shall, at the time of the attachment, be left with the Proprietor's Clerk; otherwise such attachment shall be void. And such share or shares may be sold on execution, or warrants for the collection of taxes, in the same manner as is or may be provided by law for the sale of personal property; the officer making the sale to leave an attested copy of such execution or warrant, and of his return thereon, with the Clerk of the Proprietors, within ten days after such sale; otherwise the sale to be void.

SECT.

Officers to be chosen.

Authority to proxies.

Clerk's duty.

Corporation may dig up highway, &c.

Transferred shares.

Case of attachment.

SECT. 5. *Be it further enacted*, That any person or persons, injuring the pipes of said Aqueduct, or in any way and manner obstructing or injuring the water conveyed therein, shall be subject to the same penalties as are provided and enacted in the second section of the Act, entitled, "An Act for the more effectually preventing of trespasses in divers cases," passed the twenty-third day of *November*, in the year of our Lord one thousand seven hundred and eighty-five; and shall also be further liable to make good all damages so done to the said Proprietors.

Penalties for
injuring pipes.

[This Act passed *February 9, 1797.*]

An ACT for regulating the Alewife Fishery in the Town of *Bridgewater*, in the County of *Plymouth*, and for repealing all Laws heretofore made for that Purpose.

Additional
Acts, March 7,
1801, Feb 27,
1802.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all laws heretofore made for regulating the alewife fishery in said *Bridgewater*, be, and they hereby are repealed: And it shall and may be lawful for the said town of *Bridgewater*, at any legal meeting of the inhabitants of said town, to choose a Committee to sell or otherwise dispose of the privilege of taking said fish, as the town shall direct, at the several weirs in said town, or either of them, for the most it will fetch, on the days following, viz. At the weir by the town mills, so called, on Mondays and Tuesdays in each week; at the *Great River* mills, so called, on Wednesdays and Thursdays in each week; and at the weir by *Whitman's* mills, so called, on Mondays, Tuesdays and Wednesdays in each week; and the emoluments arising from said privilege shall be appropriated by said town, to such purposes and uses as the inhabitants thereof shall, in legal town meeting, from time to time determine.

Town to regulate the taking of alewives.

SECT. 2. *And be it further enacted*, That if the purchaser or purchasers, manager or managers, or those employed by them, shall presume to take any of the said fish, at any other time or place in said town than is in this Act provided, and if any other person or persons whatever, except the purchaser or purchasers, manager or managers of said privilege, or those employed by them, shall presume to take or catch any of said fish, in any of the rivers or streams within the boundaries of said town, he or they so offending shall for each offence forfeit and pay a sum not exceeding *thirteen dollars*, nor less than *one dollar*, at the discretion of the Justice before whom the same shall be tried.

Not to be taken at improper times,

nor by unauthorized persons.

SECT. 3. *And be it further enacted*, That if the said purchaser or purchasers, manager or managers of said privilege, shall, when in his or their power, neglect or refuse to supply any person or persons with said fish, who may apply therefor, at the rate of *twenty-five cents* for a hundred of said fish, he or they so offending shall, for each offence, forfeit and pay the sum of *five dollars*; and if any person or persons shall ask, demand and receive more than *twenty-five cents* for a hundred of said fish, and so in that proportion for a greater or less number; he or they so offending shall, for each offence, forfeit and pay the sum of *five dollars*.

Penalty for extortion.

Committee to be appointed to keep the streams free of obstruction.

SECT. 4. *And be it further enacted*, That the said town of *Bridgewater* shall, at their annual meeting in *March* or *April*, choose a Committee not exceeding nine nor less than three freeholders of said town, who shall be sworn to the faithful discharge of the duties enjoined upon them by this Act: And it shall be the duty of said Committee to cause the natural course of the rivers, passage-ways or streams through which the said fish pass, to be kept open and without obstruction during the whole time the said fish pass up in said rivers, passage-ways and streams in each year, and to remove any such as shall be found therein; and to make the said passage-ways wider or deeper, if they or the major part of them shall judge it necessary; and the said Committee, or any two of them, paying a reasonable compensation therefor, if demanded, shall have authority (in discharging the duties enjoined upon them by this Act) to go on the lands or meadows of any person through which such rivers, passage-ways or streams run, or into any mill, forge or other water-works on said rivers or streams, without being considered as trespassers; and any person who shall molest or hinder the said Committee, or either of them, in the execution of the business of his or their office, or shall obstruct any passage-way in the said rivers or streams, otherways than may be allowed by the said Committee, or a major part of them, he or they so offending shall forfeit and pay, for every such offence, a sum not exceeding *ten dollars* nor less than *one dollar*, at the discretion of the Justice before whom the same shall be tried. *Provided nevertheless*, That nothing in this Act shall be considered as authorizing said Committee to injure the Proprietor of any mill or water-works, further than is necessary in order to give the fish a good and sufficient passage up said rivers.

Authority.

Penalty for impeding them.

To prosecute for breaches of this Act.

SECT. 5. *Be it further enacted*, That it shall be the duty of the said Committee to prosecute all breaches of this Act, and for any two of them to seize and detain in their custody any net which may be found in the hands of any person using the same contrary to the true intent and meaning of this Act, until the person so offending makes satisfaction for his offence, or is legally acquitted therefrom. And that each and every person
who

who shall be chosen on the Committee, pursuant to this Act, shall, within six days after his being notified by a Constable of such choice, take the following oath before some Justice of the Peace for the county of *Plymouth*, or the Clerk of said town of *Bridgewater*, who is hereby authorized to administer the same, viz.

Shall take an oath.

You, A. B. being chosen one of the Committee to inspect the alewife fishery in the town of *Bridgewater*, for the year ensuing, do solemnly swear that you will faithfully discharge the duties of said office, and duly prosecute all breaches of the law respecting said fishery, that shall come to your knowledge. So help you GOD.

And that if any person chosen one of the said Committee, and notified as aforesaid, shall neglect to take the foregoing oath for the space of six days after his being so notified, he shall forfeit and pay the sum of *five dollars*, to be recovered by action of debt, in any Court proper to try the same; one moiety thereof to be applied to the use of the said town of *Bridgewater*, the other moiety to the person or persons who shall sue for the same.

Penalty for neglecting to take such oath.

SECT. 6. *Be it further enacted*, That all the penalties incurred by any breach of this Act, shall be recovered by complaint, before any Justice of the Peace within and for the county of *Plymouth* aforesaid, allowing an appeal to the Court of General Sessions of the Peace of said county; and all sums of money recovered to the town as forfeited by this Act, shall be for the support of the poor of the town of *Bridgewater* aforesaid: And no person by reason of his being one of the said Committee, or an inhabitant of the said town, shall thereby be disqualified from being a witness in any prosecutions for a breach of this Act.

Penalties how to be recovered.

Appropriated.

[This Act passed February 10, 1797.]

An ACT to incorporate certain Persons in the Town of *Lancaster*, for the Purpose of conducting Water from the Springs at and about *Quassaponikin Hill*, so called, to Inhabitants in a Part of the Town called the Neck.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Eli Stearns, Joseph White, Jonas Lane, Samuel Jones, and Abijah Phelps*, with such others as are or may be joined or associated with them or their successors, be, and they hereby are constituted a Corporation, by the name of *The Proprietors of the Aqueduct in Lancaster*, and by that name may sue and be sued: *Provided*, That nothing in this Act shall authorize the said Proprietors to enter on or make use of private property without consent of the owner.

Persons incorporated.

SECT.

— to choose a Clerk and other officers.

SECT. 2. *And be it further enacted*, That said Proprietors, at any meeting warned as by this Act is (or as by the said Proprietors in legal meeting shall be) directed, may elect and choose a Clerk and other officers proper for a Corporation to choose and have for effecting the object of their incorporation. And the Clerk so chosen shall be duly sworn, and shall make true record of all the votes, acts and doings of the said Corporation. And the said Proprietors, in meeting as aforesaid, may make any rules, regulations or by-laws respecting the calling and governing the meetings and ordering the transactions and concerns of the said Corporation, and the welfare and interest of the same, which they may think expedient, and impose any fines and forfeitures not exceeding *ten dollars*, and levy the same in due course of law: *Provided always*, That the said rules, regulations and laws aforesaid, shall not be repugnant to the Constitution or laws of the Commonwealth. And any three of the persons before named may call the first meeting of the said Proprietors, to be holden in said *Lancaster*, at any suitable time and place, seven days after notification thereof is posted up at the meeting-house, or some other public place in the said town.

Corporation may impose fines. Provide,

— may dig up public ways. Provide.

SECT. 3. *And be it further enacted*, That the said Proprietors may dig up any public or town way, for conducting water as aforesaid, *provided* they do not obstruct the rightful use of the same: And any person wilfully injuring the said Aqueduct shall be subject to the same pains and penalties as are provided in the second section of the Act, entitled, “An Act for the more effectually preventing of trespasses in divers cases, and shall also be liable to make good all damages so done to the said Aqueduct or Proprietors.

Penalty for damaging Aqueduct.

[This Act passed *February 14, 1797.*]

An ACT to incorporate the Plantation Number Six, West of *Machias*, in the County of *Washington*, into a Town by the Name of *Addison*.

Boundaries incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the plantation Number Six, west of *Machias*, in the county of *Washington*, beginning at the west side of the mouth of *Indian River*; thence running a northerly course, bounded by the said river, to the south-easterly corner of the town of *Columbia*; west bounded on said town of *Columbia* to the north-easterly corner of plantation Number Five; thence south to *Pleasant River*; thence down said river and round the shore following the course thereof to the first mentioned bounds, so as to include all the islands contained within the lines described on the plan of Number Six, drawn by *Osgood Carleton*, and

and deposited in the Secretary's office, together with the inhabitants within said lines and on said islands, be, and hereby are incorporated into a town by the name of *Addison*; with all the privileges and immunities which other towns in this Commonwealth do or may possess or enjoy.

SECT. 2. *And be it further enacted by the authority aforesaid,* That *Daniel Merrit*, Esq. be, and he hereby is authorized and directed to issue his warrant to some principal inhabitant of the said town of *Addison*, requiring him to warn the inhabitants thereof to assemble at some proper time and place, to be expressed in said warrant, for the purpose of choosing such town officers as towns are by law empowered to choose in *March* or *April* annually.

D. Merrit, Esq.
to call first
town-meeting.

[This Act passed *February 14, 1797.*]

An ACT to incorporate *Josbua Thomas*, Esq. and others, for the Purpose of conveying fresh Water by Pipes in the Town of *Plymouth*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Josbua Thomas*, *William Davis*, *James Thacher*, *William Goodwin*, and *Nathaniel Russell*, all of *Plymouth*, in the county of *Plymouth*, and such other persons as are or may be associated with them, be, and they and their successors hereby are constituted a Corporation, for the purpose of conveying water by subterraneous pipes in the town of *Plymouth*, by the name of *The Proprietors of the Plymouth Aqueduct*; and by that name may sue and be sued, and do and suffer all matters, acts and things, which bodies politic may or ought to do and suffer.

Incorporating
clause.

SECT. 2. *And be it further enacted,* That any three of the persons above-named may, by notification to be posted at the dwelling-house of *Thomas Witbrell* in said *Plymouth*, call a meeting of the said Proprietors, to be holden in said *Plymouth*, on any suitable time, seven days at least after posting such notification; and the said Proprietors, by a major vote of those present or represented (as is hereinafter provided) at said meeting, accounting one vote to each share, shall choose a Clerk, agree upon the mode of calling future meetings of the said Proprietors, at the same or any subsequent meeting; and may also elect any other officers which to them may seem necessary, for carrying into effect the object of their incorporation; and may make and establish any rules and regulations that shall be convenient and necessary for regulating the concerns of the said Corporation, and the same rules and regulations may cause to be kept and executed; and for the breach of any of them may order and enjoin fines and penalties, not exceeding *thirteen dollars* for any

First meeting
how to be called.

any one breach: *Provided*, That said rules and regulations be not repugnant to the Constitution or laws of the Commonwealth; and all persons appearing at any of said meetings to represent any of the said Proprietors, shall have therefor an appointment, in writing, signed by the person to be so represented, which shall be filed with, or recorded by the Clerk of the Corporation; whose duty it shall be fairly and truly to enter and record in a book or books to be for that purpose provided and kept; this Act, and all the rules, by-laws, votes and proceedings of the said Corporation; which book and books shall at all times be subject to the inspection of any person or persons for that purpose appointed by the Legislature; and the Clerk of said Corporation shall be sworn by a Justice of the Peace of the said county of *Plymouth* to the faithful discharge of the duties of his office.

Authorized to convey water.
To dig up highways, &c.
Proviso.

SECT. 3. *Be it further enacted*, That the said Proprietors be, and they hereby are authorized to convey water by subterraneous pipes as aforesaid, from any part of the *Town Brook*, so called, in the said town of *Plymouth*, into and through any way and street in said town, and may enter upon and dig up any highway or town-way for the purpose of sinking and repairing such pipes as may be necessary for the purpose aforesaid: *Provided*, That they do not thereby impede the passing of travellers: *And provided also*, That nothing in this Act shall authorize the said Proprietors to enter on and make use of private property without consent of the owner.

To make assessments.
To sell delinquent shares.

SECT. 4. *Be it further enacted*, That the said Corporation shall have power from time to time to make assessments on the shares in said Aqueduct, of such sums of money as the Corporation shall deem to be necessary; and on neglect or refusal to pay such assessments, to cause delinquent shares to be sold at public auction for the payment, after advertising in two public places in said town of *Plymouth*, ten days previous to the sale; paying the overplus, if any there be, after the payments of such assessments, and charges of sale, to the owner or owners of the share or shares so sold.

Contracts to be mutually binding.

SECT. 5. *Be it further enacted*, That all contracts made by the said Corporation for supplying any of the inhabitants of said town, or any other person with water from the said Aqueduct, shall be mutually binding on both parties, and that actions may be supported thereon.

Transferring shares.
Case of attachment.

SECT. 6. *Be it further enacted*, That the mode of transferring shares in said corporate property shall be by deed, acknowledged before a Justice of the Peace, and recorded by the Clerk of said Proprietors, in a book to be kept for that purpose; and when any share or shares of said property shall be attached on *mesne process*, an attested copy of such process shall, at the time of the attachment, be left with the Proprietor's Clerk; otherwise

erwise such attachment shall be void, and such shares may be sold on execution in the same manner as is or may be by law provided, for the sale of personal property by execution; the officer making the sale, leaving a copy of the execution, and of his return on the same, with the Clerk of the Proprietors within ten days after such sale.

SECT. 7. *Be it further enacted*, That any person injuring the said Aqueduct, shall be subject to the same penalties as are provided in the second section of the Act, entitled, "An Act for the more effectually preventing of trespasses in certain cases," passed the twenty-third day of *November*, in the year of our Lord one thousand seven hundred and eighty-five, and shall also be liable to make good all damages so done to the said Proprietors.

Penalty for Injuring Aqueduct.

[This Act passed *February 15, 1797.*]

An ACT confirming the Title of the Rev. *Samuel Todd*, and those holding under him, to certain Lots of Land in the Town of *Adams*.

WHEREAS by the grant of the township of *Adams* to the original Proprietors, there was reserved one sixty-third part of said township to become the absolute property of the first settled minister in said town, and by the memorial of the inhabitants of said town it is represented, that after the aforesaid grant was made, the late Rev. *Samuel Todd* was settled and ordained in the work of the ministry in said town, and went into possession of lot No. Sixteen in the west range, containing one hundred acres, and lot No. Forty-eight in the second division of lots, containing two hundred acres; which were laid out for the ministerial lots, and that he afterwards sold and conveyed the aforesaid lots, since which time doubts have arisen whether the said *Samuel Todd* was so legally settled that the property of the aforesaid lots of land was according to the meaning and intent of said grant, vested in him:

Preamble.

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the title of the late Rev. *Samuel Todd* to the aforesaid lots of land in *Adams*, and of the several persons claiming or holding the same under him, be, and the same hereby is confirmed; any want of regularity in the proceedings of the settlement of the said *Todd* notwithstanding.

Title confirmed.

[This Act passed *February 15, 1797.*]

An ACT to incorporate a Town in the County of
Berkshire by the Name of *Savoy*.

Boundaries.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the lands contained in the following description, viz. Beginning at the south-west corner of *Hawley*, and running from thence north eighteen degrees east, two thousand and sixty rods to *Colerain*, so called, thence on the line of the channel of said river twelve hundred and forty-five rods to the line of *Barnardston Grant*, thence on said line north eighty-two degrees west, seven hundred and eighty rods to the line of *Adams*, thence on the said line south ten degrees west, one thousand and sixty rods, thence north eighty degrees west, two hundred and forty rods to the line of *Chefbire*, thence on said line south three degrees east, four hundred and forty-six rods to a staddle and stones, thence south forty-seven degrees west, three hundred and thirty rods to the line of *Windsor*, thence south seventy-two degrees east, seventeen hundred and twenty-three rods to the first mentioned boundary, together with the inhabitants thereon, be, and they hereby are incorporated into a town by the name of *Savoy*, with all the powers, privileges and immunities of other towns in this Commonwealth.

First meeting.

SECT. 2. *And be it further enacted*, That *Israel Jones*, Esq. be, and he hereby is authorized and directed to issue his warrant to some principal inhabitant of the said town of *Savoy*, requiring him to warn the inhabitants of the said town to meet at such time and place as shall be appointed in said warrant, to elect such officers as towns are by law empowered to elect in the month of *March* or *April* annually.

[This Act passed *February* 20, 1797.]

An ACT to incorporate *Samuel Fisk Merrick*, and others, for certain Purposes therein mentioned.

Persons incorporated.

SECT. 1. *BE* it enacted by the Senate and House of Representatives of the same, That *Samuel Fisk Merrick*, *Gideon Burt*, *Jonathan Merrick*, *Solomon Warriner*, *Jason Chapin*, *Joel Lyman*, *James Hammon*, *Moses Warriner, jun.* *Moses Burt*, *William Brewer*, *Nathan Ainsworth*, *John Adams*, *Augustus Sisson*, all of *Wilbraham*, in the county of *Hampshire*, and such other persons as are or may be associated with them, be, and they and their successors hereby are constituted a Corporation, by the name of *The Proprietors of the Aqueduct in Wilbraham*, for the purpose of conveying water by pipes into such parts of the said town of *Wilbraham* as they may judge expedient. *Provided however*, That nothing
in

in this Act contained shall authorize said Corporation to enter upon or use for that purpose the land of any person, without license therefor first had of the Proprietors of such land.

SECT. 2. *And be it further enacted,* That any three of the persons above named may, by notification to be posted at the dwelling-house of *Jonathan Merrick*, in said *Wilbraham*, call a meeting of the said Proprietors, to be holden in said *Wilbraham*, on any suitable time, seven days at least after posting such notification; and the said Proprietors, by a major vote of those present or represented, as is hereinafter provided, at said meeting, accounting one vote to each share, shall choose a Clerk, agree upon the mode of calling future meetings of the said Proprietors, and may also elect any other officers which to them may seem necessary for carrying into effect the object of their incorporation; may enjoin and order fines and penalties for the breach of any of their rules and by-laws, not exceeding *thirteen dollars* for any one breach; and all persons appearing at any of said meetings, to represent any of the said Proprietors, shall have therefor an appointment in writing, signed by the person to be so represented, which shall be filed with or recorded by the Clerk of the Corporation; whose duty it shall be fairly and truly to enter and record, in a book or books to be for that purpose provided and kept, this Act and all the rules, by-laws, votes and proceedings of the said Corporation; which book and books shall at all times be subject to the inspection of any person or persons for that purpose appointed by the Legislature: And the Clerks of said Corporation shall be sworn by a Justice of the Peace of the said county of *Hampshire*, to the faithful discharge of the duties of their office.

First meeting.

SECT. 3. *Be it further enacted,* That the said Proprietors be, and they hereby are authorized to enter on and dig up any highway or town road, for the purpose of placing such pipes as may be necessary to complete said Aqueduct, or of repairing the same when requisite. *Provided,* They in no case obstruct the passing of such persons as may have occasion to use such road or highway.

May dig up highways, &c.

Proviso.

SECT. 4. *Be it further enacted,* That the mode of transferring shares in said corporate property, shall be by deed, acknowledged before a Justice of the Peace, and recorded by the Clerk of said Proprietors, in a book to be kept for that purpose; and when any share or shares of said property shall be attached on *mesne process*, an attested copy of such process shall at the time of the attachment be left with the Proprietors' Clerk, otherwise such attachment shall be void; and such shares may be sold on execution, in the same manner as is or may be by law provided for the sale of personal property by execution; the officer making the sale, leaving a copy of the execution, and of his return on

Transferring shares.

Case of attachment.

on the same, with the Clerk of the Proprietors, within thirty days after such sale.

Aqueduct be-
ing injured.

SECT. 5. *Be it further enacted*, That any person injuring said Aqueduct, shall be subject to the same penalties as are provided in the second section of the Act, entitled, "An Act for the more effectually preventing of trespasses in divers cases," passed the twenty-third day of *November*, in the year of our Lord one thousand seven hundred and eighty-five; and shall also be liable to make good all damages so done to the said Proprietors.

[This Act passed *February 20, 1797.*]

An ACT to divide the Town of *Hallowell*, in the County of *Lincoln*, into two Towns, and to incorporate the northerly Part thereof into a Town by the Name of *Harrington*.

Name altered
(by Act June
9, 1797,) to
Augusta.

Hallowell di-
vided.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the town of *Hallowell*, in the county of *Lincoln*, be, and the same hereby is divided into two separate and distinct towns; and the northerly part thereof, bounded as follows, viz. Beginning at the north-west corner of the said town of *Hallowell*, thence running easterly on the north boundary line thereof, to the north-east corner of the same town; thence running southerly on the east boundary line thereof, to the line dividing the middle and south parishes in said *Hallowell*; thence running westerly on the line dividing said parishes until it strikes the public road which leads from said south parish to *Wintthrop*; thence running north-north-east to the northerly line of lot No. Two, in the second range of lots west of *Kennebeck River*; thence running west-north-west to the north-west corner of lot No. Three, in the third range; thence running north-westerly a straight course to the south-east corner of lot No. One Hundred and Two; thence running west-north-west to the south-west corner of lot No. One Hundred and One; thence running northerly on the westerly side of the last mentioned lot, to the north-west corner of the same; thence running west-north-west to the westerly boundary line of said *Hallowell*; thence running northerly on the westerly line of said *Hallowell* to the bound first mentioned, together with the inhabitants thereon, and also *Nathaniel Floyd* with his estate, be, and the same hereby are incorporated into a distinct and separate town, by the name of *Harrington*, with all the powers, privileges and immunities which other towns within this Commonwealth do or may by law enjoy.

Harrington in-
corporated.

SECT. 2. *Be it further enacted*, That until a new general valuation shall be taken, the State taxes which may be required of

of said towns shall be levied on and paid in equal moieties by said towns of *Hallowell* and *Harrington*. Taxes to be paid in equal moieties.

SECT. 3. *Be it further enacted*, That the inhabitants of the said town of *Harrington* shall pay all their arrears of taxes which have been assessed upon them, together with an equal proportion of all debts now due and owing from the said town of *Hallowell*, and shall be entitled to receive an equal proportion of all debts and monies now due and owing to the said town of *Hallowell*. And said towns respectively shall be entitled to an equal proportion of a lot of land voted by the Proprietors of the *Kennebeck* purchase to the town of *Hallowell*, for the use of the ministry in said town. *Provided always*, That nothing in this Act contained shall extend, or be construed to extend to deprive either of said towns of their right to a just proportion of all public property belonging to said towns, which by law they were entitled to at the time of the passing of this Act. Debts due or owing to be jointly paid or received. Proviso.

SECT. 4. *Be it further enacted*, That the inhabitants of the said towns of *Hallowell* and *Harrington*, shall be chargeable in equal proportions with the expense of supporting the poor which at the time of passing this Act were the proper charge of the town of *Hallowell*. Expense of poor to be proportioned.

SECT. 5. *Be it further enacted*, That nothing in this Act contained shall extend, or be construed to extend to deprive any of the inhabitants of either of said towns of *Hallowell* and *Harrington*, who have taken the benefit of an Act dividing the town of *Hallowell* into three parishes, made and passed the fourteenth day of *June*, in the year of our Lord one thousand seven hundred and ninety-four, of any rights, privileges or immunities which they now enjoy by force of the same Act. Inhabitants not to be deprived of certain privileges.

And whereas the Courts of Common Pleas, Courts of General Sessions of the Peace, and Supreme Judicial Courts, have heretofore been holden in that part of the town of *Hallowell* which is hereby incorporated: And whereas the general convenience of the county and the accommodation of said Courts may hereafter require their removal to the said town of *Hallowell*.

SECT. 6. *Be it further enacted*, That the several Courts aforesaid shall continue to be holden in the said town of *Harrington*, until the further order of the Legislature; and all writs, precepts and judicial proceedings whatever, which are or may be returnable to the Courts aforesaid, shall be accepted, adjudged and considered by said Courts in said town of *Harrington*; any law to the contrary notwithstanding. Courts to sit at Harrington.

SECT. 7. *Be it further enacted*, That *William Brooks*, Esq. be, and he is hereby empowered to issue his warrant, directed to some principal inhabitant of the said town of *Harrington*, requiring him to warn the inhabitants of the said town of *Harrington*, qualified to vote in town affairs, to assemble at some suitable First meeting.

suitable time and place in said town, to choose all such town officers as towns are by law authorized to choose in the months of *March* or *April* annually, and to transact such other matters and things as may be necessary and lawful at said meeting.

And whereas in consequence of the aforesaid division, there will remain but one Selectman in said town of *Hallowell* :

N. Dummer to call a meeting in Hallowell.
 SECT. 8. *Be it further enacted by the authority aforesaid*, That *Nathaniel Dummer*, Esq. the Selectman remaining within said town, be, and he is hereby vested with all the power which a majority of said Selectmen would have had, so far as relates to the calling the annual meeting thereof in *March* or *April* next.

[This Act passed *February 20, 1797.*]

An ACT to remedy an Omission of Form in the Opening of the Court of General Sessions of the Peace for the County of *Middlesex*, at the *November* Term thereof, in the Year of our Lord, One thousand seven hundred and ninety-six.

Preamble.

WHEREAS the Court of General Sessions of the Peace which by law was to have been holden at *Cambridge*, within and for the county of *Middlesex*, on the *Monday* next preceding the last *Tuesday* of *November*, in the year of our Lord one thousand seven hundred and ninety six, was not formally opened until the day following ; whereby some doubts have arisen relative to the legality of the adjudications, orders and proceedings made, done and passed upon by said Court at said term : For the removal whereof ;

The proceedings made valid.
 SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the adjudications, orders and proceedings of the Court of General Sessions of the Peace for the county of *Middlesex*, made, done and passed upon by said Court at *Cambridge* aforesaid, at the term thereof in *November* aforesaid, shall be, and hereby are confirmed and made valid in law to all intents and purposes, in the same manner as if the said Court had been opened on the first day of the term thereof in the usual form ; and all persons concerned are hereby directed to govern themselves accordingly.

Processes, &c. which remain pending to have day at next Court at Concord.
 SECT. 2. *And be it further enacted*, That all processes, matters and things, suits, indictments and appeals, which were pending in the said Court of General Sessions of the Peace at said term, and not then adjudicated, ordered or passed upon, shall stand continued to and have day at the Court of General Sessions of the Peace next to be holden at *Concord*, within and for the county of *Middlesex*, on the *Monday* next preceding the third *Tuesday* of *March* next ; and all parties concerned are hereby directed to govern themselves accordingly.

[This Act passed *February 20, 1797.*]

An

An ACT to prevent the Destruction of the Fish called Bass, in the River *Parker*, in *Newbury*, and in *Rowley River*, and in the Streams and Waters running into the same in the County of *Essex*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That on and after the first day of *December* next, if any person or persons shall catch, in any manner whatever, any of the fish called bass, in any part of the river *Parker* in *Newbury*, or in *Rowley River*, or in any of the streams or waters running into the same, or shall offer them for sale, between the first day of *December* and the first day of *March* annually, he or they so offending shall forfeit and pay *one dollar* for each of the bass so caught or offered for sale as aforesaid.

Time limited
in which bass
may be caught.

SECT. 2. *Be it further enacted,* That all fines and penalties which may be incurred by a breach of this Act, shall be recovered before any Justice of the Peace of the county of *Essex*, with costs of suit, for the use and benefit of the prosecutor. And it shall be the duty of the Fish-wardens of said towns of *Newbury* and *Rowley* to see that this Act is carried into effect; and any other person may complain and prosecute for breaches of this Act.

Penalties how
to be recover-
ed.

SECT. 3. *Be it further enacted,* That the inhabitants of the town of *Rowley* aforesaid, shall, at their annual meetings legally assembled, choose one or more Fish-wardens, whose duty it shall be to see that this Act is carried into effect as aforesaid, and who shall be sworn to the faithful discharge of that trust in the same manner as other town officers are sworn.

Fish-wardens
to be appoint-
ed.

[This Act passed *February 22, 1797.*]

An ACT to regulate the Price of Fish called Alewives, in the Town of *Taunton*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this Act, the Selectmen of the town of *Taunton* for the time being, together with any two Justices of the Peace in and for the county of *Bristol*, quorum *unus*, be, and they are hereby authorized and empowered from time to time, as they shall judge proper, to regulate the price of the Fish called Alewives, taken in *Taunton Great River* so called, which price, when so regulated, shall be recorded on the book of records of said town by the Clerk thereof.

Price to be reg-
ulated by Se-
lectmen, &c.

SECT. 2. *And be it further enacted by the authority aforesaid,* That if any person, after the passing of this Act, shall presume

to

to sell such Fish at a greater price than may be established for the time being as aforesaid, he shall forfeit and pay to the use of said town, for each hundred of such Fish so sold, a fine of *five dollars*, and so in proportion, for a greater or less number, to be sued for and recovered before any Justice of the Peace in and for said county, or any other Court proper to try the same, by the Town-Treasurer of said town. And no person shall be disqualified from being a witness in any such suit by reason of his or her being an inhabitant of said town.

Penalty for illegal exaction.

Part of a former Act repealed.

SECT. 3. *And be it further enacted*, That so much of an Act passed on the nineteenth day of *March*, in the year of our Lord one thousand seven hundred and ninety-three, as regulates the price of said Fish, taken in said river, be and the same is hereby repealed.

[This Act passed *February 23, 1797.*]

An ACT to divide the Town of *Stoughton*, in the County of *Norfolk*, and to incorporate the northerly Part thereof into a Town by the Name of *Canton*.

Canton incorporated.

Boundaries.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all the north part of the town of *Stoughton*, in the county of *Norfolk*, on the northerly side of the following described line, be incorporated into a town by the name of *Canton*, beginning at the parish line between the first and second parishes in said town of *Stoughton*, at the westerly line of *Randolph*, thence running westerly on said parish line until it comes to the road leading from the first to the second parish in said *Stoughton*, near *Ephraim Smith's*, thence northerly by said road to *Ephraim Smith's* lane, so called, thence westerly by said lane until it comes to said *Smith's* land, then southerly and westerly in the range of the said *Smith's* and *Lemuel Gay's* land, until it comes to steep-brook so called, then on said brook a southerly course until it comes to *Moses Gay's* land, thence in the ranges of the said *Gay's* and *Smith's* land, until it comes to the land belonging to *Elijah Dunbar, Esq.* thence in the range of said *Dunbar's* and *Gay's* land, until it comes to land belonging to *William Holmes*, thence in the range of the said *Holmes' and Dunbar's* land, until it comes to land belonging to *Joseph Belcher*, then in the range of said *Belcher's* and *Holmes' land*, until it comes to *Taunton-Road*, at the north-easterly corner of the town of *S Sharon*, with all the inhabitants living thereon, be, and hereby are incorporated into a separate town by the name of *Canton*, with all the powers, privileges and immunities that towns within this Commonwealth do or may enjoy.

SECT.

SECT. 2. *Be it further enacted by the authority aforesaid,* That the inhabitants of the said town of *Canton* shall pay all the arrears of taxes which have been assessed upon them by the town of *Stoughton*, together with their proportion of all debts due from said town of *Stoughton*, and shall be entitled to receive their proportion of all debts and monies now due to said town of *Stoughton*, and also their proportionable part of all other property of the said town of *Stoughton*, of what kind or description soever, and the apportionment of all debts, dues and other public property between the said towns shall be made according to their proportion in the last State tax.

All pecuniary concerns to be mutually adjusted.

Whereas the town of *Stoughton* has been at very great expense in endeavouring to procure a free and uninterrupted passage of the fish called Alewives, up into the ponds called *Ponkapoag* and *Massapoag*, in the towns of *Canton* and *Sharon*, and whereas the rivers leading to said ponds do not enter the town of *Stoughton*; therefore,

SECT. 3. *Be it further enacted by the authority aforesaid,* That the town of *Stoughton* shall have their proportionable part with the town of *Canton*, of all profits and emoluments, that may hereafter arise by the Alewife Fishery, within the town of *Canton*, and shall be holden to pay their proportion of all costs and charges that may arise on account of said fishery; and the Fish Committees of the towns of *Canton* and *Stoughton* shall have the same power of regulating all affairs relative to said fishery, agreeable to such Act or Acts, as is or may be passed for regulating the same, which the Committee of the town of *Stoughton* would have had if this Act had never passed.

Stoughton to share in the Alewife fishery of Canton.

SECT. 4. *Be it further enacted by the authority aforesaid,* That *Thomas Crane*, Esq. be, and he hereby is empowered to issue his warrant, directed to some principal inhabitant of the town of *Canton*, requiring him to notify and warn the inhabitants of the said town of *Canton*, to assemble and meet at some suitable place in said town, to choose all such town officers as towns are required to choose in the months of *March* or *April* annually.

Canton first meeting.

And whereas in consequence of the aforesaid division there will remain only one Selectman in said town of *Stoughton*.

SECT. 5. *Be it enacted,* That *Jabez Talbot*, the Selectman remaining within said town, be, and he is hereby vested with all the powers, which a majority of said Selectmen would have had, so far as relates to the calling the annual meetings in the months of *March* or *April* next.

Jabez Talbot to call meeting in Stoughton.

SECT. 6. *Be it enacted by the authority aforesaid,* That the said town of *Canton* shall pay two pounds two shillings and seven pence,

Canton's proportion of taxes.

pen^{ce}, on each thousand pounds, raised by taxes in this Commonwealth, and that the same sum shall be deducted from the proportion that the town of *Stoughton* paid agreeable to the last valuation.

[This Act passed February 23, 1797.]

An ACT to incorporate the Wardens and Vestrymen of the Episcopal Church of *St. Andrews*, in *Scituate*, into a Society by the name of *The Episcopal Protestant Society of St. Andrew's Church in Scituate*.

Persons incorporated.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Charles Bailey* and *Thomas Barstow, jun.* Church Wardens, and *Stephen Bailey, Mordecai Ellis, Nathaniel Ellis, Clark Ellis, Nathaniel Stetson, Samuel Donnel, George Bailey, George Bailey, jun. Benjamin Mann, Job Curtis, Levi Mann, Job Sylvester, Nathaniel Clark, Nathaniel Sylvester, Isaac Perry, Charles Stockbridge, Benjamin James, Benjamin James, jun. and Abijah Otis,* Vestrymen, with the other Proprietors of *St. Andrew's Church in Scituate*, residing in *Scituate, Haver, Pembroke* and in towns and places adjacent, and their successors, together with their polls and estates, be, and they hereby are incorporated into a Society or Body Politic, by the name of *The Episcopal Protestant Society of St. Andrew's Church in Scituate*. And the said Society are hereby invested with full power and authority to assess and collect of the members belonging to said Society, for the purpose of maintaining the public worship of God therein, and for maintaining and supporting their instructor of piety, religion and morality, and for repairing their house of public worship from time to time, such monies as are or may be necessary for those purposes; and they are hereby vested with all such powers, privileges and immunities as Congregational Societies do or may enjoy by the laws of this Commonwealth.

— may make assessments.

— may connect themselves with the Society.

SECT. 2. *And be it further enacted by the authority aforesaid,* That if any other person or persons may incline to join said Episcopal Society in *Scituate* aforesaid, by signifying such his or their desire in writing to the respective Clerks of the several towns to which he or they may respectively belong, he or they, with his or their polls and estates, shall be considered as belonging to the said Episcopal Society in the same manner as though he or they were incorporated by name in this Act. And whenever any person or persons belonging to said Episcopal Society, shall incline to belong to the Congregational Society in the town in which he or they may respectively reside,

— may leave the Society.

side, by signifying such his or their desire in writing to the Clerk of the town in which he or they may respectively reside, he or they, with his or their polls and estates, shall be discharged from said Episcopal Society and annexed to the Congregational Society, in the respective towns in which he or they may then reside.

SECT. 3. *And be it further enacted, That Melzar Curtis, Esq. of Hanover, be, and he hereby is empowered to issue his* First meeting. warrant, directed to some principal Proprietor of said Church, to warn the Proprietors of said Church to assemble and meet at some suitable time and place in the town of *Scituate*, to choose all such officers as other incorporated Religious Societies are empowered and required to choose at their annual meetings in the months of *March* or *April* annually.

[This Act passed *February 23, 1797.*]

An ACT to incorporate a Number of Inhabitants of the Town of *Sandisfield*, in the County of *Berkshire*, into an Episcopal Society.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Hubbard, Nathaniel Hubbard, Joseph Buel, Timothy Warner, Francis Dodge, James Servants, Obediah Deland, Reuben Buckman, Thomas Abba, Eliza Hase, James Butler, Elishalet Holman, Josiah Hubbard, Daniel Parker, Seth Miller, John Hubbard, jun. Elam Pease, Amos Sears, Theophilus Hubbard, John Deland, and Francis Pease, together with their polls and estates, be, and they hereby are incorporated by the name of The Episcopal Society in Sandisfield, with all the privileges, powers and immunities which parishes in this Commonwealth are by law entitled to.* Persons incorporated.

SECT. 2. *Be it further enacted, That if any person or persons in the town of Sandisfield aforesaid, being of the Episcopal denomination, who shall hereafter unite in religious worship with said Episcopal Society, shall leave a certificate, signed by the Minister or Clerk of said Society, with the Clerk of said town, that he or she has actually become a member of, and united with said Episcopal Society, fourteen days previous to the annual meeting in said town, to be held in the month of March or April, such person shall, from and after giving such certificate, be considered, together with his, her or their polls and estates, as belonging to said Society: Provided however, That such persons shall be holden to pay their proportion of all monies that shall have been assessed or voted in said town.* Other persons may join in the Society.

SECT.

SECT. 3. *Be it enacted*, That all monies assessed for the purpose of supporting the gospel on non-resident Proprietors' estates, lying in the town of *Sandisfield*, that are of the Episcopal denomination, shall be appropriated to the use of said Society.

SECT. 4. *Be it further enacted*, That when any person belonging to said Society, shall see cause to leave the same and unite with any other religious Society, in said town, and shall leave with the Clerk of said Episcopal Society, a certificate of the same, signed by the Minister or Clerk of the Parish, or other incorporate religious Society, with which he or she has united, fourteen days previous to their annual meeting, in the month of *March* or *April*, and shall pay all monies that shall have been assessed or voted in said Episcopal Society, shall be considered, together with his or her polls and estates, as belonging to the Society to which he or she has so united.

SECT. 5. *Be it further enacted*, That *Drake Mills*, Esq. be, and he hereby is authorized to issue his warrant, directed to some principal member of said Society, requiring him to warn the members thereof, qualified to vote in parish affairs, to assemble at some suitable time and place in said town of *Sandisfield*, to choose such parish officers as are by law required to be chosen in the month of *March* or *April* annually, and to transact all matters and things necessary to be done in said Society.

[This Act passed *February 27, 1797.*]

An ACT to repeal all former Laws, made for the Preservation of Moose and Deer within this Commonwealth, except as is hereinafter excepted.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all laws heretofore made in this Commonwealth for the preservation and increase of Moose and Deer, (except an Act, entitled, "An Act for the preservation and increase of Moose and Deer on *Tarpolin Cove Island* and *Nennemesset Island*, lying and being in the county of *Duke's County*;" and excepting also an Act for the protection and security of the sheep and other stock on the islands aforesaid, and several small islands contiguous, situated in the said county of *Duke's County*; and also, excepting the several Acts reviving and continuing the two first mentioned Acts in force) be, and the same are hereby repealed, excepting that the same shall remain and continue in force so far as may be necessary for the recovery of any fines and forfeitures already incurred by force thereof.

[This Act passed *February 27, 1797.*]

An ACT to set off Part of the Town of *Greenwich*, which lies in the County of *Worcester*, and for annexing the same to 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 all that part of *Greenwich*, which lies in the county of *Worcester*, be, and the same is hereby set off from said county of *Worcester* and annexed to the county of *Hampshire*. Greenwich annexed to Hampshire county.

[This Act passed March 1, 1797.]

An ACT, altering the Name of *Isaac Davis* to *Isaac P. Davis*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing this Act, *Isaac Davis*, of *Boston*, in the county of *Suffolk*, rope-maker, son of *Thomas Davis*, late of *Plymouth*, in the county of *Plymouth*, merchant, deceased, shall be and hereby is authorized and empowered to take, bear and use the name of *Isaac P. Davis*, and shall be called and known by that name at all times hereafter. Name altered.

[This Act passed March 1, 1797.]

An ACT for establishing an Academy in the Town of *Deerfield*, by the Name of *Deerfield Academy*.

WHEREAS a suitable number of Academics within this Commonwealth will be of common benefit, and it appears that *John Williams*, Esq. and others, have subscribed a sum of money for the purpose of erecting and supporting an Academy in the town of *Deerfield*, in the county of *Hampshire*, to effect which generous design more fully, it is necessary to establish a Body Politic : Preamble.

SECT. 1. Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Hon. *John Hastings* and *David Sexton*, Esquires, *John Williams*, Esq. Rev. *Jeseph Lyman*, Doct. *Henry Wells*, Rev. *Roger Newton*, *William Colman*, Esq. Rev. *Samuel Taggart*, *William Billings*, Esq. Rev. *David Parsons*, Hon. *Ebenezer Mattson*, jun. Esq. Mr. *Moses Hawkes*, Rev. *Samuel Allen*, Rev. *John Taylor*, Doct. *William Stoddard Williams*, *David Dickens*, Esq. *Seth Catlin*, Esq. *Jeseph Stebbins*, jun. Esq. and Mr. *Jeseph Barnard*, be, and they hereby are constituted a Body Politic and Corporate by the name of *The Trustees of Deerfield Academy*; and they and the survivors of them, and their successors, to be appointed as hereinafter is provided, shall be Persons incorporated.

Power. be and continue a Body Politic and Corporate by the same name forever; and by that name the said Corporation may sue and shall be liable to be sued, and shall have power, by their officers, agents or attornies, to prosecute and defend in all actions, real, personal and mixed, until final judgment, execution and satisfaction. And the said Corporation shall have and use a common seal, which they may break, alter and renew at their pleasure: *Provided*, That when any person shall decline to serve as a Trustee, and such resignation shall be recorded by the said Corporation, his place shall be deemed vacant.

May have a common seal.

Proviso.

May receive gifts, &c.

May dispose of estate in certain cases.

Proviso.

May regulate meetings,

elect officers,

fix salaries, &c.

May ordain any reasonable regulations.

SECT. 2. *And be it further enacted*, That the Trustees of said Academy, in their said capacity, are, and shall be capable in law to take and receive, by gift, grant, bargain, devise or otherwise, lands, tenements or other estate, real and personal, and whereof the annual income shall not exceed the sum of two thousand dollars, in silver: To have and to hold the same for the sole trust and purpose of supporting an Academy in said town of *Deerfield*, for the promotion of piety, religion and morality, and for the education of youth in the liberal arts and sciences, and all other useful learning, according to the requisition of any gift or bequest which shall be made to the said Corporation; or as the Trustees for the time being shall direct and ordain. And the said Corporation shall have full power and authority to lease and manage their lands, tenements and all other estate, and to bargain, sell and dispose thereof, where they shall not be restrained by the terms of any gift or devise: *Provided*, That for the sale of any real estate, the property of said Corporation, the concurrence of two thirds of all the Trustees, for the time being, shall be requisite; and all deeds or contracts sealed with the common seal of the said Corporation, and signed by any officer thereof, or any Trustee, pursuant to their order, shall be valid and effectual in law to all intents.

SECT. 3. *And be it further enacted*, That the said Corporation shall have power, by standing rules or otherwise, to determine the times and places of meeting, the manner of notifying the Trustees, and the method of proceeding thereat: *Also*, to elect such officers of the said Corporation as they shall judge necessary; and to appoint and provide a Preceptor of the said Academy, with all needful assistants, and to determine the powers, duties and salaries of their respective officers: to ascertain the qualifications and terms of admission of students which shall be received at the said Academy, and to make and ordain all other reasonable rules, orders and by-laws, with penalties or without, and not repugnant to the laws of this Commonwealth, as well for the good government of the said Corporation as for the better regulation of the said Academy; and all such rules, orders and by-laws to alter or repeal.

SECT.

SECT. 4. *And be it further enacted,* That whenever the number of the Trustees of the said Academy shall be less than nine, the Trustees for the time being shall have power, and it shall be their duty, to nominate, elect and appoint other suitable persons as Trustees until that number shall be complete.

May appoint Trustees.

SECT. 5. *And be it further enacted,* That the Legislature of this Commonwealth may from time to time, when and in such manner as shall be thought fit, inquire into the doings of the said Corporation and their performance of the trust aforesaid; and upon any breach thereof, or other sufficient cause appearing to the said Legislature, upon due notice to the said Corporation, and a full hearing thereupon, may annul the grant and authorities hereby made and given, or such part thereof as the said Legislature shall thereupon determine: *Provided,* That all and singular the estates of the said Corporation shall thereupon revert to the donors thereof, or according to any limitation in any grant, or donation made.

The Legislature may examine the proceedings, &c.

SECT. 6. *And be it further enacted,* That *David Sexton*, Esq. be, and hereby is authorized to fix the time and place for holding the first meeting of the Trustees, and to notify them thereof.

First meeting.

[This Act passed *March 1, 1797.*]

An ACT to incorporate Part of the Plantation called *Waterford*, in the County of *York*, into a Town by the Name of *Waterford*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all that part of the plantation aforesaid, which is contained within the following bounds, viz. Beginning at the north-westerly corner of *Otisfield*, thence running north, sixty-five degrees east, twelve hundred and seventy rods by said *Otisfield* to the dividing line between the third and fourth tier of lots, westerly from the easterly side line of said *Waterford*; then north, twenty-five degrees west, on the dividing line between the said third and fourth tier of lots to the northerly side line of said *Waterford*; thence south, sixty-five degrees west, six hundred and forty rods, on a new township, called *Oxford*, to a stake and stones; then north, twenty-five degrees west, one hundred rods on said *Oxford*, to a stake and stones; then south, sixty-five degrees west, six hundred and fifty rods (still on *Oxford*) to a stake and stones; then south, twenty-five degrees east, one hundred rods, to a stake and stones; then south, sixty-five degrees west, three hundred and forty rods, to a stone set in the ground; then south, twenty-five degrees east, one hundred and sixty rods to a stone in the ground; then south, sixty-five degrees west, three hundred

Boundaries incorporated.

dred and fifteen rods to a stake and stones standing in the easterly side line of *New-Suncook*; then south, twenty-five degrees east, by said *New-Suncook*, two thousand and twenty rods west to a pine tree, the south-westerly corner of said *Waterford*, which is the south-easterly corner of the aforesaid *New-Suncook*, standing in the northerly end line of *Bridgeton*; then north, sixty-five degrees east, six hundred and fifty rods, to the north-easterly corner of *Bridgeton* aforesaid; then south, twenty-five degrees east, one hundred rods, to the first bound, together with the inhabitants thereon, be, and hereby is incorporated into a town by the name of *Waterford*; and the said town is hereby invested with all the powers, privileges and immunities which other towns in this Commonwealth do or may by law enjoy.

SECT. 2. *And be it further enacted by the authority aforesaid,* That *Simon Frye, Esq.* be, and he hereby is empowered to issue his warrant, directed to some suitable person, inhabitant of said *Waterford*, requiring him to notify and warn the inhabitants thereof to meet at some convenient time and place, for the purpose of choosing all such officers as towns are by law required to choose in the months of *March* or *April* annually.

[This Act passed *March 2, 1797.*]

An ACT to divide the Town of *Eastham*, in the County of *Barnstable*, and to incorporate the southerly Part thereof into a Town by the Name of *Orleans*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all the south part of the town of *Eastham*, in the county of *Barnstable*, on the southerly side of the following lines, be incorporated into a town by the name of *Orleans*, viz. Beginning at the mouth of *Rock Harbour River*, from thence running south-easterly by the road that leads by *Nathan Smith's* dwelling-house until it comes to the Parsonage land; thence northerly on the westerly boundary line of said Parsonage land, until it comes to *Joshua* and *Isaac Smith's* land; thence running easterly in the range between the said *Joshua* and *Isaac Smith's* and *Jeshab* and *Elisha Smith's* land, until it comes to *Boat Meadow*; thence a due east course into the middle of *Boat Meadow River*, thence running up the middle of the river to its head, thence running southerly through the centre of the meadow and swamp, and along *Jeremiah's Gutter*, so called, into the middle of *Town Cove*; thence running down the centre of the Cove to *Stone-Island*; thence running an east-south-east course into the *Atlantic Ocean*, with all the inhabitants thereon living, be, and hereby are incorporated into a separate town by the name of *Orleans*, with all the powers, privileges and immunities that towns within this Commonwealth do or may enjoy.

SECT.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said town of *Orleans* shall be subject to pay all rates and taxes heretofore assessed upon them while they belonged to the town of *Eastham*, in the same manner as though this Act had never passed, and shall be subject to pay their part of all debts due from said town of *Eastham*, (including the expense that the north part of said *Eastham* have been at in sending agents to the present General Court) in the same proportion that the public taxes were paid in the year of our Lord one thousand seven hundred and ninety-six, and also shall receive, according to the same rule of proportion, their part of all public property whatsoever, belonging to the said town of *Eastham* at the time of passing this Act.

To pay proportion of prior taxes,

and expenses.

To share in the public property held before the division.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said town of *Orleans* shall pay fifteen shillings and seven pence, on each thousand pounds, raised by taxes, in this Commonwealth, including the tax granted the present session of the General Court; and that the same sum shall be deducted from the proportion that the town of *Eastham* paid agreeable to the last valuation, on each thousand pounds raised as aforesaid.

Orleans' proportion of future taxes.

SECT. 4. *Be it further enacted by the authority aforesaid,* That the Parsonage land and meadow, now improved by the Rev. Mr. *Bascom*, (a part of which is situate in the town of *Eastham*) shall belong to the town of *Orleans* forever.

Parsonage land to be held by Orleans.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the *Shell Fishery* shall remain and be enjoyed by the inhabitants of *Eastham* and *Orleans* in the same manner as before the passing this Act, and shall be regulated by the Selectmen of both towns, as heretofore by the Selectmen of *Eastham*.

The shell fishery benefits to be mutually shared.

SECT. 6. *And be it further enacted by the authority aforesaid,* That *Isaac Sparrow*, Esq. be, and he hereby is authorized and empowered to issue his warrant to some principal inhabitant of the town of *Orleans*, requiring him to notify and warn said inhabitants to meet at some suitable time and place in said town of *Orleans*, to choose all such officers as other towns are by law required to choose in the months of *March* or *April* annually.

First meeting.

And whereas, in consequence of the aforesaid division, there will remain only one Selectman in said town of *Eastham* :

SECT. 7. *Be it therefore further enacted by the authority aforesaid,* That *Joseph Pepper*, the Selectman remaining within said town, be, and he is hereby vested with all the powers, which the majority of said Selectmen would have had, so far as relates to the calling the annual meeting in the months of *March* or *April* next.

J. Pepper authorized to call a meeting in Eastham.

[This Act passed March 3, 1797.]

An

An ACT in addition to, and for repealing a certain Clause in an Act, passed *March* the twenty-eighth, in the Year of our Lord One thousand seven hundred and eighty-eight, entitled, "An Act to prevent the Destruction of Alewives and other Fish in *Ipswich River*, and to encourage the Increase of the same."

Direction of Andrews' Mill placed in Selectmen.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the future using and improving *Andrews' Saw-Mill*, standing on *Ipswich River*, at *Farley's Mill-Dam*, so called, within the town of *Ipswich*, from the last day of *April* to the first day of *June* annually, shall be under the directions, regulations and restrictions of the major part of the Selectmen of the towns of *Ipswich*, *Topsfield*, *Middleton*, and *Reading*, for the time being; such directions, regulations and restrictions being made in writing, under the hands of the major part of the Selectmen aforesaid, and delivered to the said *Andrews* from time to time as shall be found necessary.

Penalty for non-obedience.

SECT. 2. *Be* it further enacted, That for every omission or violation of such directions, regulations or restrictions as aforesaid, the said *Andrews* shall be subject to such penalties and forfeitures as are incurred by the aforementioned Act, for using and improving said mill, within the term aforesaid; to be sued for, recovered and applied in manner as is prescribed in the said Act.

Clause of a former Act repealed.

SECT. 3. *And* be it further enacted, That the sixth clause of the aforementioned Act, so far as it respects the using and improving the said *Andrews' Saw-Mill* within the term therein mentioned, shall be, and hereby is repealed.

[This Act passed *March 7, 1797.*]

An ACT for incorporating certain Persons for the Purpose of building a Bridge over *Eastern River*, in *Dresden*, in the County of *Lincoln*, at or near *Call's Ferry*, and for supporting the same.

Incorporating clause.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Jonathan Bowman, jun.* *James Patterson* and *Samuel Patterson*, with such other persons as may hereafter associate with them for the purpose hereafter mentioned, their heirs and assigns, be, and they hereby are made and constituted a Corporation and Body Politic, for the purpose

of

of building a bridge over *Eastern River*, at *Call's Ferry*, in *Dresden*, in the county of *Lincoln*, by the name of *The Proprietors of the Eastern River Bridge, at Call's Ferry in Dresden.*

SECT. 2. *And be it further enacted*, That the said *Jonathan Bowman, jun. James Patterson* and *Samuel Patterson*, or any two of them, may, by advertisement in any newspaper printed within the county of *Lincoln*, warn or call a meeting of the Proprietors, to be holden at any suitable time and place after thirty days from the first publication of said advertisement; and the Proprietors, by a vote of a majority of those present or duly represented at the said meeting, accounting and allowing one vote to and for each single share in all cases, (*Provided however*, that no one Proprietor shall be allowed more than six votes) shall choose a Clerk, who shall be sworn to the faithful discharge of his said office, and shall also agree on a method of calling future meetings; and at the same, or a subsequent meeting or meetings, may elect such officers, and make and establish such rules and by-laws, as to them shall seem necessary or convenient for the regulation and government of the said Corporation, for carrying into effect the purpose aforesaid, and for collecting the toll hereinafter granted and established; and may annex penalties to the breach of any by-laws, not exceeding *five dollars*; and all representations at any meeting shall be filed with the Clerk; and this Act, and all rules, by-laws, regulations, and proceedings shall be fairly and truly recorded by the said Clerk, in a book or books to be provided and kept for that purpose.

Meeting to be called by newspaper advertisement.

Business of first meeting.

Records to be kept.

SECT. 3. *And be it further enacted*, That the said Proprietors be, and they hereby are authorized and empowered to erect a Bridge over *Eastern River*, at *Call's Ferry* aforesaid, with a convenient draw for the passing of vessels, at least twenty-eight feet wide, which draw shall be constructed with strong abutments, and on each side thereof there shall be a pier sufficient to secure all such vessels as may attempt to pass through said draw. And the said Proprietors shall constantly, between sun-rising and sun-setting, keep some suitable person or persons at the said Bridge, who shall raise the said draw for any vessel that may be passing up or down the river aforesaid, without toll or expense; and in case any vessel shall be passing up or down said river in the night time, it shall be the duty of the person or persons tending the said Bridge, upon request of the master or manager of said vessel, to lift the draw for the said vessel to pass through. And for the purpose of reimbursing the said Proprietors the money by them to be expended in building and supporting such Bridge;

Bridge to be built.

Conveniences.

SECT.

Toll.

SECT. 4. *Be it further enacted*, That a toll be, and hereby is granted and established for the sole benefit of the said Proprietors, according to the rates following, viz. For each foot passenger, *three cents*; for each horse and rider, *eight cents*; for each horse and chaise, chair or sulkey, *seventeen cents*; for each coach, chariot, phaeton, or other four wheel carriage for passengers, *twenty-eight cents*; for each curricule, *twenty-five cents*; for each riding sleigh drawn by one horse, *thirteen cents*; for each riding sleigh drawn by more than one horse, *seventeen cents*; for each cart, sled, sleigh, or other carriage of burden drawn by one beast, *thirteen cents*; if drawn by two beasts, *seventeen cents*; if drawn by more than two beasts, *twenty cents*; for each horse without a rider, and for neat cattle, *four cents and half each*; for sheep and swine, *nine cents per dozen*; and one person and no more shall be allowed to each team as a driver, to pass free of toll; and at all times when the toll-gatherer shall not attend his duty, the gate or gates shall be left open; and the toll shall commence on the day of the first opening of the said Bridge for passengers, and shall continue for the term of seventy years from said day; and at the place where the toll shall be received, there shall be erected and constantly exposed to view, a sign or board with the rates of toll fairly and legibly written or painted thereon, in large letters.

Bridge how to be built.

SECT. 5. *And be it further enacted*, That the said Bridge shall be well built with suitable materials, at least twenty-four feet wide, and well covered with planks, with sufficient rails on each side, and boarded up sixteen inches high from the floor of said Bridge, for the safety of passengers travelling thereon; and the same shall be kept in good, safe and passable repair at all times; and at the expiration of the term hereby granted to the said Proprietors in such Bridge, the same Bridge shall be delivered up to the Commonwealth.

Time for building bridge limited.

SECT. 6. *And be it further enacted*, That if the said Proprietors shall neglect, for the space of four years from the passing this Act, to build and erect said Bridge, then this Act to be void and of no effect.

[This Act passed *March 7, 1797.*]

Additional Act, June 23, 1804.

An ACT for establishing a Turnpike Gate over *Hoosuck Mountain.*

Preamble.

WHEREAS the road leading from *Charlemont*, in the county of *Hampshire*, across *Hoosuck Mountain* to *Adams*, in the county of *Berkshire*, is circuitous, rocky and mountainous, and there is much travelling over the same, and the expense

pense of straightening, making and repairing a road through those towns, so as that the same may be safe and convenient for travellers with horses and carriages, would be much greater than ought to be required of the proprietors and inhabitants on the said road, under their present circumstances :

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Asaph White, and Jesse King, and all such persons as shall associate with them, and their successors, shall be a Corporation by the name of The Second Massachusetts Turnpike Corporation, with all the privileges and powers incident to Corporations, for the purpose of laying out and making a turnpike road, from the west line of Charlemont, in the county of Hampshire, to the west foot of Hoosuck Mountain, in Adams, in the county of Berkshire, and for the keeping the same in repair in such place or places as the Corporation shall choose for the same; which road shall not be less than eighteen feet in width in any place, excepting steep sides of hills, and there the said road shall be of sufficient width for carriages and teams of all kinds to pass each other: And that when said turnpike road shall be sufficiently made, and shall be allowed and approved by the Justices of the Court of Sessions of the county of Berkshire, at any term thereof, then the said Corporation shall be authorized to erect a turnpike gate on the same, in such manner as shall be necessary and convenient, and shall be entitled to receive from each traveller and passenger, excepting those passing on military duty, the following rate of toll, viz. For every coach, phaeton, chariot or other four wheel carriage, drawn by two horses, thirty cents; and if drawn by more than two horses, the additional sum of five cents each horse; for every cart, waggon or sled, drawn by two oxen or horses, sixteen cents, and if by more than two, the additional sum of four cents for every such ox or horse; for every curricule, twelve cents; for every sleigh drawn by two horses, twelve cents, and if drawn by more than two horses, an additional sum of four cents for each horse; for every chaise, chair or other carriage, drawn by one horse, twelve cents; for every man and horse, seven cents; for all oxen, horses and neat cattle, led or driven, besides those in teams or carriages, four cents each; for all sheep and swine, four cents by the dozen, and in the same proportion for a greater or less number; and the Justices of the Court of General Sessions of the Peace in such county, are hereby authorized, on application from said Corporation, to lay out such road, or any part thereof, within their respective jurisdictions, as with the consent of the said Corporation they may deem proper, and the said Corporation shall be holden to pay all damages which shall arise to any person by taking his land for such road, where it cannot be obtained by voluntary agreement, to be estimated by a Committee appointed by the Court*

Name of Corporation.

To erect a turnpike gate.

Toll.

Corporation to pay for land they may take.

Court

Court of General Sessions of the Peace in the county in which such damage shall arise, saving to the party the right of trial by Jury, according to the law which makes provision for the recovery of damages happening by laying out public highways.

Penalty for unreasonably detaining passengers.

SECT. 2. *And be it further enacted,* That if said Corporation, their toll-gatherers and others in their employ, shall unreasonably delay or hinder any traveller or passenger at said gate, or shall demand or receive more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding *ten dollars*, nor less than *one dollar*, to be recovered before any Justice of the Peace in either of the counties aforesaid where the offence shall be committed, by any person injured, delayed or defrauded, in a special action on the case; the writ in which shall be served on the Corporation by leaving a copy of the same with the Treasurer, or with some individual member of the said Corporation, living within the county wherein the offence shall be committed, or reading the contents thereof to said Treasurer or individual member, at least seven days before the day of trial; and the Treasurer of said Corporation, or individual member, shall be allowed to defend the same suit in behalf of the Corporation. And the Corporation shall be liable to pay all damages which shall happen to any person from whom toll is by this Act demandable, for any damages which shall arise from defect of bridges, or want of repairs within the same way; and shall also be liable to a fine, or presentment of the Grand Jury, for not keeping the same way or bridges thereon in good repair.

To pay damages by defect of bridges, &c.

SECT. 3. *And be it further enacted,* That if any person shall cut, break down or destroy the said turnpike gate, or shall forcibly pass, or attempt by force to pass the same, without having first paid the legal toll at such gate, such person shall forfeit and pay a sum not exceeding *forty dollars*, nor less than *two dollars*, to be recovered by the Treasurer of the said Corporation, to their use, in an action of trespass. And if any person shall with his carriage, team, cattle or horse turn out of the said road to pass the said turnpike gate, on ground adjacent thereto, with intent to avoid the payment of the toll due by virtue of this Act, such person shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the Treasurer of the said Corporation, to the use thereof, in an action of debt on the case. *Provided,* That nothing in this Act shall extend to entitle the said Corporation to demand toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse, team or cattle, or on foot, to or from his common labour on his farm, or to or from any mill, or on the common and ordinary business of family concerns: *And provided also,* That the said Corporation shall not demand any toll for said turnpike road, when the same shall be made on

Penalty for forcibly passing the turnpike gate.

— for endeavouring to pass the turnpike without paying toll.

Persons to pass to and from public worship or their labour free from toll.

on the public highway now existing, nor erect any gates thereon, until the Court of General Sessions of the Peace shall have discontinued the same.

SECT. 4. *And be it further enacted,* That the shares in the said turnpike road shall be taken, deemed and considered to be personal estate, to all intents and purposes. Shares are personal property.

SECT. 5. *And be it further enacted,* That there shall be a meeting of the said Corporation, held at the house of *Ebenezer Montague*, innholder in *Charlemont*, in the county of *Hampshire*, on the first Monday of *May* next, for the purpose of choosing a Clerk, and such other officers as may then and there be agreed upon by the said Corporation, for regulating the concerns thereof; and that the said Corporation may then and there agree upon such method of calling meetings in future, as they may judge proper. First meeting.

SECT. 6. *And be it further enacted,* That the books of the said Corporation shall at all times be subject to be inspected and examined by a committee to be appointed by the General Court. Books to be examinable.

SECT. 7. *And be it further enacted,* That the said Corporation, at the place or places where the toll shall be collected, shall erect and keep constantly exposed to view, a sign or board with the rates of toll of all the tollable articles, fairly and legibly written thereon in large and capital letters. Sign-board to be erected.

SECT. 8. *And be it further enacted,* That the General Court may dissolve the said Corporation, whenever it shall appear to their satisfaction, that the income arising from the said toll shall have fully compensated the said Corporation for all monies they may have expended, in purchasing, making, repairing and taking care of the said road, together with an interest thereon, at the rate of *twelve per centum* by the year; and thereupon the property of the said road shall be vested in this Commonwealth, and be at their disposal: *Provided,* That if the said Corporation Corporation may be dissolved.

shall neglect to complete the said turnpike road for the space of four years from the passing this Act, the same shall become void and of none effect. Provido.

SECT. 9. *And be it further enacted,* That the said Corporation shall, within six months after said road is completed, lodge in the Secretary's office an account of the expenses thereof; and that the said Corporation shall annually exhibit to the Governor and Council a true account of the income or dividend arising from the said toll, with their necessary annual disbursements on said road; and their books shall at all times be subject to the inspection of the Governor and Council when called for. Expenses and income of the turnpike to be exhibited.

SECT. 10. *And be it further enacted,* That the present inhabitants, living on *Barnardstown Grant*, *Lock's Grant*, so called, and *Samuel Patter*, living on said Mountain, and their families, shall, for the space of seven years after said gate shall be opened, Free toll to certain persons.
pass

pass toll-free on all occasions, with their teams, horses and carriages, unless said carriages are employed in transporting household goods or merchandize of any kind, from town to town, through said turnpike road.

[This Act passed March 8, 1797.]

Additional Act,
March 4, 1800.

An ACT for incorporating certain Persons for the purpose of building a Bridge over *Eastern River*, near *Lithgow's Mills*, in the Town of *Dresden*.

Preamble.

WHEREAS the erecting a Bridge over *Eastern River*, in the town of *Dresden*, near *Lithgow's Mills*, would be of great public utility, and *Edmund Bridge* and others have petitioned this Court for an Act of incorporation to empower them to build said Bridge :

Persons incor-
porated.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Edmund Bridge, Thomas Rice, and Abiel Wood, Esquires, James N. Lithgow and William Patterson, with all those who have associated for the purpose, together with all those who shall hereafter become Proprietors in said Bridge, shall be a Corporation and Body Politic, under the name of The Proprietors of the Upper Bridge on Eastern River; and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution, and do and suffer all other acts and things which Bodies Politic may and ought to do and suffer, and that said Corporation shall have full power and authority to make, have and use a common seal, and the same to break, alter and renew at pleasure.*

Meeting to be
called by ad-
vertisement.

SECT. 2. *And be it further enacted, That the said Edmund Bridge may, by advertisement published in the Telegraph printed in Pownalborough, warn a meeting of the aforesaid Proprietors, to be holden in Dresden aforesaid, at any suitable time after fourteen days from the publication of such advertisement; and that the said Proprietors, by a vote of a majority of those present, accounting and allowing one vote to each share, (provided no person shall be entitled to more than ten votes) shall choose a Clerk, who shall be sworn to the faithful discharge of his office; also, may at the same or any subsequent meeting, choose such other officers as may be found necessary for managing the business of said Corporation; and shall agree on a method for calling future meetings, and at the same or any subsequent meeting, may make and establish such rules and regulations as shall be deemed convenient or necessary for regulating the said Corporation, effecting, completing and executing the purposes aforesaid, and for collecting the toll herein granted; and the same rules and regulations may cause to be kept and executed, and for the breach of any of them may order and enjoin fines and penalties not exceeding*

Penalty limit-
ed.

ceeding *thirteen dollars and thirty-three cents*. Provided said rules and regulations be not repugnant to the Constitution and laws of this Commonwealth.

SECT. 3. *And be it further enacted*, That said Bridge shall be erected over said *Eastern River* between *Lithgow's Mills* and *Damascus Point*, so called, shall be built of good and sufficient materials, not less than twenty-four feet wide, and well covered with plank or timber suitable for such Bridge, with sufficient rails on each side for the safety of passengers. And for the convenient passage of rafts down said river, there shall be left over the channel of the same, the width of thirty feet without any piers or any other obstruction: and in the same place, the Bridge aforesaid shall be built sufficiently high from the water, for vessels without masts to pass under.

Situation.

Materials, dimensions, and conveniences.

SECT. 4. *And be it further enacted by the authority aforesaid*, That for the purpose of reimbursing the said Proprietors of the Upper Bridge on *Eastern River*, the money expended and to be expended in building, supporting and keeping in repair the said Bridge, and for indemnifying them for their risk, a toll be, and hereby is granted and established for the sole benefit of said Corporation, according to the rates following, viz. For each foot passenger passing said Bridge, *two cents*; one person and a horse, *six cents*; a single horse-cart, sled or sleigh, *ten cents*; each wheelbarrow, hand-cart and every other vehicle capable of carrying a like weight, *four cents*; each team, including cart, sled or sleigh, drawn by more than one beast, not exceeding four, *twelve cents and a half*; and for every additional beast above four, *two cents* each; each single horse and chaise, chair or fulkey, *sixteen cents*; each coach, chariot, phaeton and curri- cles, *thirty-five cents*; neat cattle or horses exclusive of those rode on or in carriages or in teams, *two cents* each; sheep and swine, for each dozen, *six cents*; and at the same rate for a greater or less number. And in all cases the same toll shall be paid for all carriages passing said Bridge, whether the same be loaded or not. And to each team one man and no more shall be allowed as a driver to pass free of toll. And the toll shall commence at the day of the first opening of the Bridge aforesaid, for passengers, and shall continue for and during the term of seventy years from the said day, and be collected as shall be prescribed by said Corporation. *Provided*, The said Proprietors shall at all times keep the said Bridge in good and passable repair. And at the end of the said term of seventy years, the property of the said Bridge shall enure to and be vested in this Commonwealth.

Toll.

SECT. 5. *And be it further enacted*, That if the said Corporation shall neglect or refuse, for the space of five years from the passing this Act, to build and complete the said Bridge, then this Act shall be void and of no effect.

Time for execution.

[This Act passed March 8, 1797.]

An ACT to incorporate *Solomon Vose*, and others, Proprietors of an Aqueduct in *Northfield*.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Solomon Vose*, *Medad Pomeroy*, *Caleb Lyman*, *Edward Houghton*, *Eleazer Stratton*, *Elijah Mattoon*, *Elihu Wright*, *Josiah White*, and *Samuel Field*, all of *Northfield*, in the county of *Hampshire*, and such other persons as are or may be associated with them, be, and they and their successors hereby are constituted a Corporation, by the name of *The Proprietors of the Aqueduct in Northfield*, for the purpose of conveying water by subterraneous pipes in the town of *Northfield*.

SECT. 2. *And be it further enacted*, That any three of the persons above named may, by notification to be posted at the house of *Edward Houghton*, innholder in said *Northfield*, call a meeting of the said Proprietors, to be holden at said *Houghton's* on any suitable time, seven days at least after posting such notification: And the said Proprietors, by a major vote of those present or represented, as hereinafter provided, at said meeting, accounting one vote to each share, shall choose a Clerk, agree upon the mode of calling future meetings of the said Proprietors, and may also elect any other officers which to them may seem necessary for carrying into effect the object of their incorporation. And the said Proprietors, at the same or any subsequent meeting of the Corporation, may enjoin and order fines and penalties for the breach of any by-laws, not exceeding *thirteen dollars* for any one breach of said laws. And all persons appearing at any of said meetings to represent any of the said Proprietors, shall have therefor an appointment in writing, signed by the person to be so represented, which shall be recorded by the Clerk of the Corporation; whose duty it shall be truly to enter and record in a book to be kept for that purpose, this Act, and all rules and by-laws, votes and proceedings of the said Corporation; which book shall be subject to the inspection of any person or persons appointed by the Legislature; and the Clerk of said Corporation shall be sworn to the faithful discharge of the duties of his office.

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

SECT. 4. *And be it further enacted*, That any share or shares in said property shall be liable to attachment on *mesne process*, and such attachments shall be made by leaving an attested copy of such process with the Proprietors' Clerk at the time of such attachment;

Persons incor-
porated.

First meeting.

To choose offi-
cers, &c.

Qualifications
of proxies.

Books may be
inspected.

Proprietors
may dig up
highways.

Case of attach-
ment.

attachment; and such share or shares may be sold on execution, in the same manner as is or may be provided for the sale of personal property by execution, the officer making sale leaving a copy of the execution, with his return on the same, with the Clerk of the Proprietors within ten days after such sale.

SECT. 5. *Be it further enacted*, That any person wilfully injuring said Aqueduct shall be subject to the same penalties as are provided in the second section of an Act, entitled, "An Act for the more effectually preventing trespasses in divers cases," passed in the year of our Lord one thousand seven hundred and eighty-five, and shall be liable to make good all damages so done to said Proprietors.

Persons injuring Aqueduct.

[This Act passed March 9, 1797.]

An ACT to incorporate *William Gray, jun.* and others, for the Purpose of bringing fresh Water into the Towns of *Salem* and *Danvers*, by subterraneous Pipes.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the said *William Gray, jun.* and *Joshua Ward*, both of *Salem*, and *Edward Southwick*, of *Danvers*, and all such other persons as are or may be associated with them, be, and they and their successors hereby are constituted a Corporation, by the name of *The Proprietors of the Salem and Danvers Aqueduct*, for the purpose of conveying fresh water by subterraneous pipes into the towns of *Salem* and *Danvers*.

Persons incorporated.

SECT. 2. *Be it further enacted by the authority aforesaid*, That the said Corporation shall have power to purchase, take or hold any real estate necessary for the purpose of their institution, not exceeding the sum of *thirty thousand dollars* in value.

— may hold real estate.

SECT. 3. *Be it further enacted*, That any two of the Proprietors aforesaid may, and they are hereby empowered to call a meeting of said Proprietors by a notification published in the *Salem Gazette*, at least seven days previous to such meeting; at which meeting said Proprietors shall choose a Clerk, whose duty it shall be fairly and truly to enter and record in a book or books for that purpose to be provided and kept, this Act, and all the rules, by-laws, votes and proceedings of said Corporation, which book or books shall at all times be subject to the inspection of any person for that purpose appointed by the Legislature, and the said Clerk shall be sworn to the faithful discharge of the duties of his office; and at the same meeting said Proprietors shall elect such

First meeting.

Officers to be chosen.

such number of Directors to manage the prudential business of said Corporation, as to them shall seem expedient; and such Directors, as well as those which at any meetings thereafter may be chosen, shall have power from time to time to assess such taxes on the Proprietors of the shares in said Aqueduct, as they shall deem to be necessary; and on the neglect or refusal of any Proprietor to pay such tax, to sell so many of his or her shares at vendue, as will pay his or her taxes, after advertising the sale of such share or shares in the *Salem Gazette*, for the space of ten days, at least, previous thereto; the overplus, (if any there be) after the payment of such taxes and the charges of sale, to be paid to the owner of the share or shares so sold. And the said Proprietors may at said meeting elect any other officers which to them may seem necessary for carrying into effect the object of their institution, and may agree upon a mode of calling future meetings of said Proprietors.

SECT. 4. *And be it further enacted*, That the said Proprietors may enjoin and order fines and penalties for the breach of any by-laws thereof, not exceeding *thirteen dollars* for any one breach.

SECT. 5. *Be it further enacted*, That each Proprietor shall be entitled to one vote at any meeting of the Proprietors for each and every share he shall hold or be entitled to in said Aqueduct: *Provided*, That no Proprietor shall be entitled to more than ten votes. And all persons appearing at any meeting to represent any of the said Proprietors, shall have therefor an appointment in writing, signed by the person to be represented, which shall be filed with or recorded by the Clerk of the Corporation.

SECT. 6. *And be it further enacted by the authority aforesaid*, That the said Proprietors be, and they hereby are authorized to enter upon, dig up and open any part of the streets, highways, or town ways in *Salem* or *Danvers*, or any town adjoining or near to them, or either of them, for the purpose of placing such pipes as may be necessary for the building and completing of said Aqueduct, or of repairing the same when requisite: *Provided*, That the said streets, highways or town ways shall not be dug up or opened by the said Proprietors in such manner as to obstruct or hinder the citizens of the Commonwealth from passing therein with their teams and carriages with convenience.

SECT. 7. *And be it further enacted*, That if any person shall maliciously or wantonly injure said Aqueduct, he or she, upon indictment and conviction thereof in the Supreme Judicial Court, may be punished by fine not exceeding *three hundred dollars*, at the discretion of the same Court, one half thereof to go to the prosecutor, and the other half thereof to the

Assessments may be laid.

Share may be sold when assessments are not paid.

Fines may be established.

Each share to have a vote.

Proxies.

Highways may be dug up.

Proviso.

Penalty for injuring Aqueduct.

the use of the town where the offence is committed; and shall be liable to pay treble damages to said Proprietors, to be recovered by action of the case.

SECT. 8. *And be it further enacted*, That the towns of *Salem* and *Danvers*, severally, shall have the privilege of placing conductors into the pipes or conductors laid by the said Corporation for the purpose of drawing such water therefrom, as may be necessary when any mansion-house, barn, or other building shall be on fire in either of the said towns; and to draw water therefrom on such occasions, without paying the said Corporation any price therefor: *Provided*, That such town shall be held to secure such conductor, so placed by the same, in such manner that water cannot be drawn therefrom, unless by the orders of the Selectmen or Firewards of the town where the same may be placed.

Water to be used in case of fire.

[This Act passed March 9, 1797.]

An ACT to incorporate several Tracts, or Grants of Land, situate in the County of *Cumberland*, into a Town by the Name of *Norway*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That one tract or grant of land, known by the name of *Rustfield*; another by *Lee's Grant*, a third by *Cumming's Grant*, together with the three tier of lots which formed a part of the plantation of *Waterford*, lying next to and adjoining the easterly side of said plantation, the outlines of the said town of *Norway*, being as follows, viz. Beginning at a certain birch tree, standing on the westerly side line of *Paris*, and on lot number thirteen, well marked; thence running northerly, one thousand one hundred and sixty rods, by said *Paris* line to a spruce tree, marked; thence south, seventy-six degrees west, one thousand and four rods, to a cedar tree, standing on the easterly side line of *Cumming's Grant*; thence north, twenty-five degrees west, fifty-five rods, to the north-easterly corner of said *Cumming's Grant*; then south, sixty-five degrees west, four hundred and eighty rods, to the easterly side line of said plantation; then north, twenty-five degrees west, on said easterly line of said plantation, about three hundred and thirty rods, to the north-easterly corner of the plantation aforesaid; then south, sixty-five degrees west, on the northerly side line of said plantation, crossing three tier of lots, to the dividing line between the third and fourth tier of lots, from the aforesaid easterly side line of said plantation; then south, twenty-five

Land described.

Boundaries incorporated.

twenty-five degrees east, on said dividing line, by the town of *Waterford*, as incorporated, to the southerly side line of said plantation; then north, sixty-five degrees east, on said southerly side line of said plantation, crossing the ends of the aforesaid three tier of lots, about three hundred and thirty rods to the south-easterly corner of said plantation; then south, twenty-five degrees east, by *Phillip's Gore*, (so called) six hundred and twenty-four rods, to *Hebron* line; then north, fifty-four degrees east, by said *Hebron* line, about one thousand and seventy-four rods, to a tree standing in the westerly side line of *Paris*, marked; then northerly, by said *Paris*, about nine hundred and seventy rods to the first bound, together with the inhabitants thereon, be, and hereby are incorporated into a town by the name of *Norway*, and the said town of *Norway* is hereby invested with all the powers, privileges and immunities which other towns in this Commonwealth, do, or may by law enjoy. *Provided nevertheless*, That *Waterford*, as incorporated, exclusive of the beforementioned three eastern tier of lots, are and shall be entitled to four-fifths of all public lots lying within the aforesaid three tier of lots. *Provided also*, That no taxes of any kind be laid on any part of the land contained within the bounds of *Lee's Grant*, until the expiration of ten years from the passing of this Act.

SECT. 2. *Be it further enacted by the authority aforesaid*, That *Enoch Perley*, Esq. be, and he is hereby empowered to issue his warrant, directed to some suitable inhabitant of the said town of *Norway*, requiring him to notify and warn the inhabitants thereof, to meet at some convenient time and place for the purpose of choosing all such officers as towns are by law required to choose in the months of *March* or *April* annually.

[This Act passed *March 9, 1797.*]

Additional
Act, June 17,
1797, June 27,
1798.

An ACT establishing the third *Massachusetts* Turnpike Corporation.

Preamble.

WHEREAS the highway leading from *Northampton* to *Pittsfield*, is rocky and mountainous, and the expense of straightening, making and repairing the same, through the towns of *Westhampton*, *Williamsburgh*, *Chesterfield*, *Worthington*, *Partridgefield* and *Dalton*, so as that the same may be convenient for travellers with horses and carriages, would be much greater than ought to be required of the said towns:

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Jonah Brewster*, *Elisha Brewster*, *Jonathan Brewster*, *Robert Breck*, *Samuel Buffington*, *Trisram Browning*, *William*

Persons incor-
porated.

liam Butler, Benjamin Bates, Benjamin Bonny, Amasa Clap, Timothy Childs, Joshua Danforth, Josiah Dickenson, Oliver Edwards, William Edwards, Nathaniel Edwards, Nahum Eagur, William Gove, jun. Thomas Gold, John Hastings, Ebenezer Hunt, Samuel Henshaw, Samuel Hinckley, Hezekiah Hutchins, Charles Kidd, Moses Kinsley, Ebenezer Lane, Simon Larned, Erasmus Lyman, Joseph Lyman, jun. Josiah Mills, Rufus Marsh, Joseph Marsh, Ebenezer Mattoon, jun. Ebenezer Pierce, William Williams, Charles Phelps, Quartus Pomeroy, Benjamin Parsous, Spencer Phillips, Benjamin Pierce, Afabel Pomeroy, Benjamin Prescott, Caleb Strong, Ezra Starkwater, Levi Shepard, John Stone, James Swan, Nathaniel Tracy, Peter Thompson, Benjamin Tappan, Henry Van Schaack, John Chandler Williams, Jonathan Woodbridge, Consider White, and all such persons as shall be associated with them and their successors, be, and they hereby are constituted a Corporation by the name of *The third Massachusetts Turnpike Corporation*, for the purpose of laying out and making a Turnpike road from the east side of *Robert's Hill*, so called, in *Northampton*, by the forks of the road leading from *Dalton* meeting-house to *Windsor*, in the county of *Berkshire*, near the house formerly owned by Major *Jeremiah Cady*, to the eastwardly line of *Pittsfield*, and for keeping the same in repair, in such place or places as the said Corporation shall choose for the same, which road shall not be less than four rods wide, and the path to be travelled on not less than eighteen feet in width in any place. And, that when said Turnpike road shall be sufficiently made, and shall be so allowed and approved by the Justices of the Supreme Judicial Court, at any term thereof in any county in this Commonwealth, then the said Corporation shall be authorized to erect three Turnpike gates on the same, in such manner as shall be necessary and convenient; one of which gates shall be near the house where the said *Nathaniel Edwards* now keeps an inn; one other near the bridge over *Westfield River*, in *Chesterfield*; and the third gate near the inn now kept by *Samuel Hascall*, in *Patridgefield*, and shall be entitled to receive from each traveller and passenger, at each of the said gates, the following rates of toll, viz. for every coach, phaeton, chariot, or other four wheel carriage drawn by two horses, *twenty-five cents*; and if drawn by more than two horses, an additional sum of *four cents* for each horse; for every cart, waggon, sled or sleigh, drawn by two oxen or horses, *ten cents*, and if by more than two, an additional sum of *three cents* for every such ox or horse; for every curricule, *ten cents*; for every chaise, chair or other carriage drawn by one horse, *nine cents*; for every man and horse, *five cents*; for all oxen, horses and neat cattle, led or driven, besides those in teams and carriages, *three cents* each; for all sheep and swine, *three cents* by the dozen, and in that proportion

Purpose.

Gates to be erected.

Toll.*

tion

tion for a greater or less number. *Provided*, That no toll shall be taken of any person passing said road on military duty.

Corporation
may take land,
paying for it.

SECT. 2. *And be it further enacted*, That the said Corporation may purchase and hold any land over which they may make the said road; and the Justices of the Court of General Sessions of the Peace in such county are hereby authorized, on application from the said Corporation, to lay out such road, or any part thereof within their respective jurisdictions, as with the consent of said Corporation they may deem proper; and the said Corporation shall be holden to pay all damages which shall arise to any person by taking his land for such road, where it cannot be obtained by voluntary agreement, to be estimated by a Committee appointed by the Court of General Sessions of the Peace in the county in which such damage shall arise, saving to either party the right of trial by Jury, according to the law which makes provision for the recovery of damages happening by laying out public highways.

Penalty for un-
reasonably de-
laying travel-
lers.

SECT. 3. *And be it further enacted*, That if said Corporation, their toll-gatherers, or others in their employ, shall unreasonably delay or hinder any traveller or passenger at either of the said gates, or shall demand or receive more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding *ten dollars*, nor less than *one dollar*, to be recovered before any Justice of the Peace of the county where the offence shall be committed, by any person injured, delayed or defrauded, in a special action on the case; the writ in which shall be served on the said Corporation by leaving a copy of the same with the Treasurer, or with some individual member of the Corporation, living within the county wherein the action may be brought, or reading the contents thereof to the said Treasurer or individual member, at least seven days before the day of trial; and the Treasurer of the said Corporation, or individual member, shall be allowed to defend the same suit in behalf of the Corporation; and the Corporation shall be liable to pay all damages which shall happen to any person from whom toll is by this Act demandable, for any damages which shall arise from defect of bridges, (excepting the bridge over *Westfield River* in *Chesterfield*, and the bridge at the foot of *Snake Hill* in *Worthington*, which are still to be kept up by the said towns of *Chesterfield* and *Worthington*) or want of repairs within the same way, and shall also be liable to a fine, on presentment of the Grand Jury, for not keeping the same way, or the bridges thereon, except as aforesaid, in good repair.

To pay dama-
ges for acci-
dents where re-
pairs are ne-
glected.

SECT. 4. *And be it further enacted*, That if any person shall cut, break down, or destroy any of the said Turnpike gates, or shall forcibly pass, or attempt by force to pass the same,

same, without having first paid the legal toll at such gate, such person shall forfeit and pay a fine not exceeding *fifty dollars*, nor less than *two dollars*, to be recovered by the Treasurer of the said Corporation, to their use, in an action of trespass: And if any person shall, with his cattle, team, carriage or horse, turn out of the said road, to pass any of the said Turnpike gates, on ground adjacent thereto, and again enter on said road, with intent to avoid the toll due by virtue of this Act, such person shall forfeit and pay three times so much as the legal toll would have been; to be recovered by the Treasurer of the said Corporation to the use thereof, in an action of debt on the case: *Provided*, That nothing in this Act shall extend to entitle the said Corporation to demand toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse, team or cattle, or on foot to or from his common labour on his farm, or to or from any mill, or on the common and ordinary business of family concerns within the same town.

SECT. 5. *And be it further enacted*, That the shares in the same Turnpike road shall be taken, deemed and considered to be personal estate to all intents and purposes, and shall and may be transferable; and the mode of transferring said shares shall be by deed, acknowledged before a Justice of the Peace, and recorded by the Clerk of the said Corporation in a book to be kept for that purpose; and when any of said shares shall be attached on *mesne process*, an attested copy of such process shall at the time of the attachment be left with the Clerk of said Corporation, otherwise such attachment shall be void. And such shares may be sold on execution, in the same manner as is or may by law be provided for the sale of personal property by execution; the officer making the sale or the judgment creditor leaving a copy of the execution and of the officer's return on the same, with the Clerk of the Corporation, within ten days after such sale, and paying for recording of the same.

SECT. 6. *And be it further enacted*, That a meeting of the said Corporation shall be held at the house of *Timothy Meach*, innholder in *Worthington* aforesaid, on the first *Tuesday* of *April* next, for the purpose of choosing a Clerk and such other officers as may then and there be agreed upon by the said Corporation, for regulating the concerns thereof, and that the said Corporation may then and there agree upon such method of calling meetings in future as they may judge proper.

SECT. 7. *And be it further enacted*, That the said Corporation, shall, within six months after the said road is completed, lodge in the Secretary's office an account of the expenses

Penalty for injuring the gates, or attempting forcibly to pass.

Provido.

Shares may be transferred.

— may be attached.

First meeting.

Estimate of expense to be exhibited.

penfes thereof; and that the faid Corporation fhall annually exhibit to the Governor and Council a true account of the income or dividend arifing from the faid toll, with their neceffary annual difburfements on faid road, and that the books of the faid Corporation fhall at all times be fubject to the infpection of a Committee to be appointed by the General Court; or to the infpection of the Governor and Council when called for.

Shares may be fold when affeffments are not paid.

SECT. 8. *And be it further enacted,* That whenever any Proprietor fhall neglect or refufe to pay any tax or affeffment, duly voted and agreed upon by the Corporation, to their Treafurer within fixty days after the time fet for the payment thereof, the Treafurer of faid Corporation is hereby authorized to fell at public vendue the fhare or fhares of fuch delinquent Proprietor, one or more, as fhall be fufficient to defray faid taxes and the neceffary incidental charges, after duly notifying in the newspapers printed at *Northampton, Springfield and Stockbridge*, the fum due on any fuch fhares, and the time and place of fale, at leaft twenty days previous to the time of fale; and fuch fale fhall be a fufficient transfer of the fhare or fhares fo fold to the perfon purchafing; and on producing a certificate of fuch fale from the Treafurer to the Clerk of faid Corporation, the name of fuch purchafer, with the number of fhares fo fold, fhall be by the Clerk entered on the books of faid Corporation, and fuch purchafer fhall be confidered to all intents and purpofes the Proprietor thereof; and the overplus, if any there be, fhall be paid on demand by the Treafurer to the perfon whofe fhares were thus fold.

Sign-board to be erected.

SECT. 9. *And be it further enacted,* That the faid Corporation fhall, at all places where the faid toll fhall be collected, erect, and keep constantly expofed to view, a fign or board, with the rates of toll of all the tollable articles fairly and legibly written thereon in large or capital characters.

Corporation may be diffolved.

SECT. 10. *And be it further enacted,* That the General Court may diffolve the faid Corporation whenever it fhall appear to their fatisfaction that the income arifing from the faid toll fhall have fully compensated the faid Corporation for all monies they may have expended in purchafing, repairing and taking care of the faid road, together with an intereft thereon at the rate of *twelve per centum* by the year; and thereupon the property of the faid road fhall be vefted in this Commonwealth, and be at their difpofal: *Provided,* That if the faid Corporation fhall neglect to complete the faid Turnpike road for the fpace of three years from the paffing this Act, the fame fhall become void and of no effect.

Time for making turnpike limited.

[This Act paffed *March 9, 1797.*]

An ACT to incorporate certain Persons Trustees to manage the Funds subscribed for the permanent Support of the Ministry in the South Parish in *New-Mariborough*.

WHEREAS the inhabitants of the South Parish in *New-Mariborough*, in the county of *Berkshire*, have raised by subscription, a fund of *three thousand dollars*, for the support of the Gospel Ministry in said parish, and have petitioned the Legislature for an Act of Incorporation of certain persons for the due management thereof :

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Jedidiah Ward, Ebenezer Smith, Phineas Norton, Lovett Taft, Gideon Canfield, Zebadiah Adams, Walter Dean, Josiah Whiting,* and *Elibu Ward*, be, and they hereby are appointed Trustees to receive and hold the whole of the monies that are already subscribed as aforesaid, or that may hereafter be subscribed for that purpose, to the amount of *five thousand dollars* in the whole, in trust for the use and benefit of said parish, and the permanent support of a Gospel Minister therein, and shall be and constitute a Body Politic and Corporate, to have perpetual succession for the due and faithful management of said trust, and shall be vested with all powers incident to Corporations necessary or requisite for that purpose.

Trustees appointed.

Purpose.

SECT. 2. *And be it further enacted,* That said Trustees be-forenamed, and their successors, be, and are hereby invested with sufficient power to receive all such subscriptions, donations, securities and monies now in the hands of the Treasurer of said parish, or any other person, or that may hereafter be made, given or subscribed for the purpose aforesaid, (provided the same do not exceed *five thousand dollars* in the whole) and place the same at interest on good security, at their discretion, and apply the whole income and annual interest thereof for the support and maintenance of such Gospel Minister of said parish, but not in any case to lessen or appropriate any part of the principal ; and in case the whole of said annual income and interest shall exceed and be more than shall be necessary for the annual support of such Minister, the surplus, if any there be, shall be appropriated for the support of schools in said parish, or any other public use, as said parish may from time to time order and direct.

Authorized to receive subscriptions, &c., and appropriate them.

SECT. 3. *And be it further enacted,* That said Trustees shall make up yearly and every year, a fair account in writing, of their receipts and disbursements, and lay the same before the parish at their annual meeting in *March* or *April*, for their inspection and approbation.

Yearly accounts to be exhibited at a parish meeting.

SECT.

Trustees may be removed & others appointed.

SECT. 4. *And be it further enacted*, That the inhabitants of said parish may, at any lawful meeting duly warned and called for that purpose, remove any of said Trustees from their said office, and appoint others in their stead, and also, in case of death, resignation or removal of the said Trustees or their successors, said parish shall have power at any such meeting to fill up any vacancies that may happen from time to time.

[This Act passed March 9, 1797.]

An ACT to divide the Town of *Vassalborough*, in the County of *Lincoln*, into two separate and distinct Parishes.

Dividing line.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the town of *Vassalborough*, in the county of *Lincoln*, be, and the same is hereby divided into two parishes, to be denominated, the North and South Parish. And the dividing line between said two parishes shall be as follows, viz. Beginning on the eastern side of *Kennebeck River*, at the north-west corner of lot numbered seventy-seven; and from thence running an east-south-east course on the north line of said lot, to the easterly boundary line of said town.

Persons to belong to the parish in which they reside.

SECT. 2. *And be it further enacted*, That all the inhabitants within the limits of the North Parish, and all the inhabitants within the limits of the South Parish, shall be considered as belonging to the several parishes in which they live; and the said two parishes are hereby severally invested with all the powers, rights, privileges and immunities which other parishes in this Commonwealth are invested with.

Eben. Farwell authorized to call first meeting in the new parishes.

SECT. 3. *And be it further enacted*, That *Ebenezer Farwell*, Esq. be, and he hereby is authorized and empowered to issue his warrant, directed to some principal inhabitant in each of said two parishes, requiring them respectively to notify and warn the inhabitants of their respective parishes to meet at such time and place in each of said parishes, as by said warrant shall be duly specified, and then and there respectively choose such officers as may be necessary to manage the affairs of said two parishes, and the inhabitants qualified by law to vote, being assembled in their respective parishes, shall be, and they are hereby empowered to choose such officers accordingly.

[This Act passed March 10, 1797.]

An ACT for repealing two former Acts relative to building a Bridge over *Damariscotta River*, in the County of *Lincoln*, and for incorporating certain Persons for the aforesaid Purpose.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That an Act, entitled, "An Act incorporating certain persons for erecting a Bridge over Damariscotta River, in the county of Lincoln," passed February the eleventh, one thousand seven hundred and ninety-five; and also, an Act in addition to the above recited Act, passed February the thirteenth, one thousand seven hundred and ninety-six, be, and they hereby are repealed.*

Former Act repealed.

SECT. 2. *And be it further enacted, That John Farley, Waterman Thomas, William M'Cobb, James Cavannaugh and Matthew Cottril, together with those who may hereafter associate with them, and their or any of their heirs and assigns, be, and they hereby are constituted a Corporation and Body Politic for the purpose of erecting a bridge over Damariscotta River, near the falls at the head of navigation on said river.*

Persons now incorporated.

SECT. 3. *And be it further enacted, That for reimbursing to the said John Farley, and others beforenamed, their heirs and assigns, the money which may be expended in building and supporting said bridge, a toll be, and hereby is granted and established for the sole benefit of the said John Farley, and others beforenamed, their associates, heirs and assigns, for the space of seventy years, to commence from the day of opening said bridge for passengers, according to the rates following, viz. For each foot passenger, three cents; for one person and horse, eight cents; for a single horse-cart, sled or sleigh, eleven cents; for each sleigh drawn by two or more horses, seventeen cents; for each chaise, chair or sulkey, seventeen cents; for each coach, chariot or phaeton, twenty-eight cents; other carriages, or sleds drawn by two or more beasts, twelve cents and a half; horses and neat cattle, exclusive of those rode on or in carriages or teams, four cents each; for swine or sheep, eight cents per dozen, and at the same rate for a greater or less number; and in all cases the same toll shall be paid for all carriages and vehicles passing said bridge, whether the same be loaded or not; and to each team one man and no more shall be allowed to pass free of toll; and at all times when the toll-gatherer shall not attend his duty, the gate or gates shall be left open: Provided however, That the General Court shall have the right to regulate the toll after the term of twenty years from its commencement.*

Toll.

SECT.

Bridge how to
be built.

— to be kept
in good repair.

SECT. 4. *And be it further enacted*, That the said bridge shall be well built of good and suitable materials, that it shall be at least twenty-four feet wide, with sufficient rails on each side for the safety of passengers, and be provided with a suitable draw or opening through the same for vessels to pass. And the Proprietors or Corporation shall keep the said bridge in good, safe and passable repair during the time they shall be Proprietors of the same, which shall be for the space of seventy years from and after the opening said bridge for passengers; at the end of which time it shall be surrendered to the Commonwealth, in good repair: And if the said Corporation or Proprietors shall unreasonably neglect or refuse to keep said bridge in good repair, as aforesaid, on such refusal or neglect being made to appear to the Justices of the Court of General Sessions of the Peace in the County of *Lincoln*, it shall be in the power of the said Court to prohibit the Proprietors aforesaid from receiving toll from any person or persons passing said bridge, until it shall be put by them in such repair as shall be deemed sufficient.

Time for building
bridge limited.

SECT. 5. *And be it enacted by the authority aforesaid*, That if the said Proprietors shall neglect, for the space of four years from the passing this Act, to build said bridge, then this Act shall be void.

[This Act passed *March 10, 1797.*]

An ACT for regulating the taking of Shad, Alewives and other Fish in *Neponset River*, and the several Streams from the Ponds called *Puncapog* and *Mas-sapog*.

Additional Act,
Feb. 19, 1799.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That there shall be sluice-ways through *Leeds' Dam* and *M'Land's Dam*, on *Neponset River*, each eight feet in width and in depth, within eighteen inches of the mud-fill; the former within fifteen feet of *Leeds' grist-mill* floom, and the latter where the sluice-way now is. And the owners of all other dams, across said river *Neponset*, shall make sluice-ways of the width of eight feet, and in depth, within eighteen inches of the mud-fill; and all dams on the brook from *Massapog Pond* to *Neponset River* shall have a sluice-way six feet wide, and as low as the natural stream; and all dams on the brook from *Puncapog Pond* to said *Neponset River* shall have a sluice-way three feet wide, and as low as the natural stream.

Sluices directed.

SECT. 2. *Be it further enacted*, That the Court of General Sessions of the Peace for the county of *Norfolk*, shall at their Spring

Spring sessions, annually appoint a Committee of three disinterested freeholders, and not inhabitants of *Stoughton, Sharon, Canton, Dorchester* or *Milton*, who shall be sworn to the faithful discharge of their duty, and who shall determine the time when the sluice-ways shall be opened, and also when they may be shut; and may also, if they think it expedient and not injurious to the passing of said fish, direct one half of any sluice-way or sluice-ways to be shut; and may open any such sluice-way on said river and streams, at the expense of the owner, provided the owner neglects to do it for the space of twenty-four hours after being notified by said Committee; and if upon trial the present depth of said sluice-ways shall prove insufficient, may, after hearing the parties, order the same to be made deeper: *Provided* the depth of said sluices shall never be lower than twelve inches above the mud-fill: And the said Committee, or any two of them, may in the execution of their office, when necessary, enter on the land or lands adjoining said streams, without being considered as trespassers; and the reasonable expense of said Committee shall be paid, one half by the owners of the dams on the rivers and streams aforesaid, and the other half by the towns of *Sharon, Stoughton* and *Canton*.

A Committee to be appointed to superintend opening sluice-ways.

SECT. 3. *Be it further enacted*, That if any owner or owners, occupant or occupants of any dam, shall unreasonably refuse to open his or their sluice-way, when required by the Committee, for the space of twenty-four hours, or shall refuse, for the space of six days after being required by said Committee to make their sluice-way deeper, as provided for by this Act, he or they so offending, shall for each offence forfeit and pay *one hundred dollars*.

Penalty for disobeying Committee.

SECT. 4. *Be it further enacted*, That in case any owner or owners, occupant or occupants of any dam, shall shut the same, or cause or suffer any obstruction during the time assigned by such Committee for the passing of the fish, or if any person shall, during said term, cause any obstructions in any part of said streams, or use any seine, or drag-net in taking said fish, or shall take any of said fish except on *Mondays, Wednesdays* and *Fridays* in each week, and betwixt sun-rising and sun-setting on each of said days, or shall so divert the water as to prevent the return of young fish, he or they so offending, shall for each offence forfeit and pay the sum of *twenty dollars*, and shall forfeit all seines and nets so used.

— for taking fish at improper times, &c.

SECT. 5. *Be it further enacted*, That the several towns adjoining the aforesaid river and streams, may at their annual meeting in *March* or *April*, choose three freeholders each, to inspect said fishery, who shall be sworn to the faithful discharge of their duty, and shall complain of all breaches of this Act that come to their knowledge, and shall, when directed by

Each town to choose a Committee.

the

the Committee of Sessions, remove obstructions in said river or streams at the expense of the person causing the same: And any person chosen one of said Committee, and being notified thereof, and who shall neglect to take his oath for the space of seven days, shall forfeit and pay the sum of *five dollars*.

Penalty for molesting Committee.

SECT. 6. *Be it further enacted,* That if any person shall molest or hinder either of said Committee in the execution of their office, he or they so offending shall forfeit and pay a sum not more than *seven*, nor less than *three dollars*.

Privilege of fishing to be farmed.

SECT. 7. *Be it further enacted,* That each of the towns adjoining said river and streams, may, at the aforesaid annual meetings, choose a special Committee to farm out or sell the privilege of taking said fish, and establish the rates at which fish so taken shall be sold, and the money arising from the sale of said fishery, or proceeds thereof, shall be paid into the respective town-treasuries, for the use of the respective towns, saving to *Stoughton* an equal share with the town of *Canton*, as is provided in the Act of incorporation of the said town of *Canton*; and if any person, in any town aforesaid, after the farming or selling the privilege in said town, shall take any of said fish, not being legally authorized so to do, or if any person being authorized to take said fish, shall, when in his power, refuse to sell, or shall receive for said fish more than the established rate, he or they so offending, shall forfeit and pay a sum not more than *twelve* nor less than *two dollars*.

Penalty for extortion.

Messrs. Leonard and Kinsley may keep down their dams.

SECT. 8. *Be it further enacted,* That it may be lawful for *Jonathan Leonard* and *Adam Kinsley*, to keep down their dam the whole of the year, they to make such a canal or passage-way round their dam in *Canton*, as the Committee of the Sessions aforesaid may approve of as being sufficient for the passage of said fish; and also make a wear, to prevent said fish from passing up to the sitting-mill.

Forfeitures how recoverable.

SECT. 9. *Be it further enacted,* That all forfeitures incurred by a breach of this Act shall be recoverable by action of debt, with costs of suit, before any Justice of the Peace for said county of *Norfolk*, excepting the penalty of *one hundred dollars*, which may be in like manner recovered in the Court of Common Pleas for said county, one half of each penalty shall be to the use of the prosecutor, and the other to the town where the offence is committed.

Former laws repealed.

SECT. 10. *Be it further enacted,* That all laws heretofore made for the preservation of, or taking the said fish in the said river and streams, be, and they hereby are repealed.

[This Act passed *March 10, 1797.*]

An ACT to incorporate certain Proprietors of Meadow Lands lying on *Charles River*, within the Towns of *Newton*, *Dedham* and *Needham*, for the Purpose of draining off the stagnant Waters, and for the better improving the same.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, all the Proprietors (except those hereinafter excepted) of certain meadowlands adjoining on *Charles River*, and which are ever overflowed by the waters of said river, in the counties of *Middlesex* and *Norfolk*, between the Upper Falls in said river, in *Newton* and *Needham*, and the bridge called the New Bridge over said river, between the aforesaid towns of *Dedham* and *Needham*, be, and they hereby are incorporated into a Body Politic, in the name of *The Proprietors of Charles River Meadows*, and by that name may sue and be sued, and do and suffer all matters, acts or things which Bodies Politic may or ought to do and suffer.

Certain Proprietors of Charles River meadows incorporated.

SECT. 2. *And be it further enacted*, That any Justice of the Peace in the county of *Norfolk*, be, and he hereby is empowered and directed, upon application in writing from ten or more of said Proprietors, to issue his warrant to one of the Proprietors aforesaid, requiring him to notify and warn a meeting of said Proprietors at such time and place as he shall judge most convenient, and for the purposes to be expressed in said warrant, by posting up copies of said warrant, with the notifications thereon, at the several houses of public worship in said towns of *Newton*, *Needham* and *Dedham*, and publishing the same in the news-paper printed in *Boston* by the printers to the General Court, fourteen days at least before the time for holding said meeting; and the said Proprietors, when legally assembled as aforesaid, shall have power to choose a Clerk, Committee, Assessors, Collector or Collectors of taxes and Treasurer, who shall be sworn to the faithful discharge of the trust reposed in them, and continue to serve till others are chosen and sworn in their room, which may be as often as said Corporation shall judge necessary; which officers, chosen and sworn as aforesaid, shall have the same power to perform, execute and carry any vote or order of said Corporation into full effect, as town officers of like description have by law to do and perform in their respective offices: And said Corporation shall, at their first meeting, agree and determine upon a method for calling future meetings: And said Corporation shall, at their first meeting, or at any future meeting legally called for that purpose, have power to vote and raise monies for the purpose of removing the bars and other shoal places in said *Charles River*, or in *Mill-Creek*, so called, leading

First meeting how to be called.

Business of such meeting.

May raise monies.

leading under *Dedham* bridge, for the purpose of draining off the stagnant waters from said meadows from time to time, as shall be found necessary for saving the grass growing thereon, and to pay all other necessary expenses for the better management thereof, and for carrying the votes and orders of said Corporation into effect: And all monies which may be voted to be raised as aforesaid, shall be assessed upon each Proprietor in the meadows aforesaid, in proportion to the number of acres he or she owns thereof, and the benefits likely to be received; and if any Proprietor shall refuse or neglect to pay the sum or sums assessed upon him or her as aforesaid, after sixty days notice, so much of his or her meadow land shall be sold as will be sufficient to pay the same, together with legal costs, in the same way and manner as non-resident Proprietors' lands in this Commonwealth are sold to pay town taxes.

Land may be
sold when as-
sessments are
not paid.

Commissioners
to superintend
digging, &c.

SECT. 3. *Provided however, and be it further enacted*, That all the digging and draining *Charles River* or *Mill-Creek* aforesaid, shall be done and performed under the immediate direction of such Commissioners as shall be appointed by the Supreme Judicial Court, in the same way and manner as Commissioners of sewers may be appointed agreeably to an Act of the Legislature of this Commonwealth, made and passed in the year of our Lord seventeen hundred and ninety-six; and the Supreme Judicial Court are hereby authorized and empowered upon application of said Corporation, or by their Committee which may be appointed for that purpose, to appoint not less than three nor more than five suitable persons to be Commissioners for the purpose aforesaid, who shall be sworn to the faithful discharge of the trust reposed in them; and said Commissioners, when appointed and sworn as aforesaid, shall carefully attend to and inspect all the digging and removing the obstructions in said *Charles River* or in the *Mill-Creek*, and particularly to see that the waters which may be drained off from the meadows aforesaid shall be disposed of in such way and manner as will in the least injure the Proprietors of the mills on said *Charles River*, and those on *Mill-Creek* stream, leading into *Neponset River*; and also shall consider and determine upon the just and equal proportion of water which shall run out of said *Charles River* down *Mill-Creek*, for the accommodation of the mills on that stream, which proportion shall be determined upon according to the quantity of water the said *Charles River* shall afford, and the privileges the Proprietors of mills have heretofore enjoyed, as well on said *Charles River* as on *Mill-Creek* stream; and the said Commissioners shall fix and establish such permanent boundaries in said *Mill-Creek* as will secure the proportion of water which they may determine shall run that way.

And

And whereas *Edward Hall* and others have represented to this Court that it will not be to their advantage to be included in this Act for incorporating the Proprietors of the meadows aforesaid :

SECT. 4. *Be it further enacted, That Edward Hall, Daniel Richards, Thaddeus Hyde, Hannah Fuller, Nathaniel Ward, Jonathan Bixby, John Kenrick, Thaddeus Whitney, William McIntosh, Ebenezer McIntosh, Amos Fuller, Michael Harris, Moses Fuller, John Slack, Aaron Cheney, Joseph Parker, Jeremiah Wiswall, Ebenezer Smith, Richard Richards, Perez Allen, Ephraim Wigon, Moses Richards, and Jabez Baker, Proprietors in some of the meadows aforesaid, be, and they hereby are excepted from being a part of the Body Politic incorporated by this Act; and the meadows they severally own shall not be liable to be taxed for the purposes mentioned in this Act, by virtue of the authority herein given to the Proprietors aforesaid: Provided, That nothing herein shall be construed to prevent the persons exempted as aforesaid from being admitted to be members of the Body Politic incorporated by this Act, whenever they shall signify the desire therefor in writing to the Clerk of said Corporation, and be voted in by a majority of the members present at any legal meeting thereof.*

Persons excepted from the Proprietary.

[This Act passed *March 10, 1797.*]

An ACT to authorize the Supreme Judicial Court, now sitting in *Boston*, again to convene the Grand Jury thereof.

WHEREAS the Supreme Judicial Court begun and holden at *Boston*, within and for the county of *Suffolk*, on the third Tuesday of *February* last, have lately discharged the Grand Jury summoned and convened in and for the present term of the said Court, and whereas further matter appears for the inquiry and attention of the said Grand Jury :

Preamble.

Therefore,

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Court in their said present term shall have power, if they judge best, to re-summon and convene the said Grand Jury at said Court, on such day and hour during the said present term as the said Court shall appoint; and to that end the said Court shall have power, by the Sheriff of said county or his Deputy, to serve personal notice on each Juror of the said Jury, to appear at said time and place, and if any one of the said Jury shall neglect to appear and give his attendance as he shall be directed, without a reasonable excuse to be allowed by the said Court, he shall forfeit and pay ten dollars, to be recovered and

Grand Jury re-summoned.

Penalty for non-attendance.

applied

applied in the same manner as fines are, which are incurred by Grand Jurors by the law of this Commonwealth: And there shall be the same proceedings by the said Court and Jury, and their proceedings shall be valid, in the same manner as if the said Jury had not been discharged.

[This Act passed *March 10, 1797.*]

An ACT to repeal an Act passed the twentieth Day of *June*, One thousand seven hundred and eighty-eight, entitled, "An Act to prevent the Destruction of Salmon and Shad in *Connecticut River.*"

Preamble.

WHEREAS the beneficial effects contemplated by the Act aforesaid have not been produced thereby, and the further continuance thereof is unnecessary: 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 aforesaid, and every part thereof, from and after the passing of this Act shall be, and the same is hereby repealed.

Act repealed.

[This Act passed *March 11, 1797.*]

An ACT in explanation of and in addition to an Act, entitled, "An Act for incorporating a certain Part of the Town of *Lee*, into a School District by the Name of *The Hopland School District.*"

Preamble.

WHEREAS doubts and difficulties have arisen upon the construction and operation of the said Act:

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said *Hopland School District* shall be understood and construed to include all the lands situated in that part of the town of *Lee* which formerly belonged to the town of *Great Barrington*, together with all the inhabitants and residents thereon, but not to include any land or real estate situate without the said limits, though owned by a resident or residents within said district.

Limits of Hopland school district.

Assessors, &c. to call district meetings.

SECT. 2. *Be it further enacted,* That the Assessors of said district for the time being, or the Treasurer or the Clerks of said district, when there are no such Assessors, be, and they hereby are respectively authorized and required to call district meetings for the purposes mentioned or intended in this and the former Act, in the same manner and under the same regulations and penalties as Selectmen of towns by law are.

Polls and estates exempted from being taxed by *Lee.*

SECT. 3. *And be it further enacted,* That the polls and estates belonging to the said district, are, and shall be exempted from being subject to be taxed by the said town of *Lee*, to the maintenance

tenance and support of schools, and from being liable to be prosecuted and punished, or subject to the payment of any fines or costs with the rest of said town for any neglect of said town in maintaining and supporting schools.

SECT. 4. *Provided always, and be it further enacted,* That the said district shall be liable to be prosecuted and punished as a district, for neglecting to maintain and support their proportionable part of all schools by law required to be kept, maintained or supported by or within said town, in the same manner as a town is by law liable to be prosecuted and punished for neglect of schools.

Liable to prosecution for neglecting to support schools.

[This Act passed *March 11, 1797.*]

An ACT in addition to an Act passed *March ninth, Seventeen hundred and ninety-two*, entitled, "An Act regulating the taking of the Fish called Alewives in the several Streams emptying into *Merrimack River*, in the Town of *Andover.*"

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That such part of the fifth enacting clause in the afore-recited Act as limits and determines the price of the afore-said fish to one-fifth of a dollar for each hundred taken and distributed, be, and hereby is repealed.

Clause of a former Act repealed.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the inhabitants of said *Andover*, at their annual meeting in the months of *March* or *April*, be, and are hereby empowered and authorized to determine and state the price of the afore-said fish per hundred; and the Committee or Committees as in said Act are directed to supply the persons applying for said fish, at such rates as the town may determine and direct, under the penalties provided in the Act to which this is an addition: *Provided* such stated price be posted up in manner as directed in the afore-recited Act respecting the places of taking said fish.

The town to regulate the price of fish.

[This Act passed *March 11, 1797.*]

An ACT to incorporate *Isaac Lane*, and others, for the Purpose of building a Sluice-Way from a Place called *Buxton Mill-Dam*, to a Place called *Cook's Eddy*, in the Plantation of *Little Falls*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Isaac Lane*, *Samuel Merril, jun.* and *Gibbins Eldin*, and all such persons as shall be associated with them and their

Corporate name. their successors, shall be a Corporation by the name of *The Proprietors of the Sluice-Ways in the Plantation of Little Falls*, for the purpose of building a sluice-way from *Buxton Mill-Dam* to *Cook's Eddy*, in the plantation of *Little Falls*.

First meeting. SECT. 2. *And be it further enacted*, That the said Proprietors shall hold their first meeting on the first Monday of *May* next, at the house of *John Garland*, innholder in *Buxton*.

Toll established. SECT. 3. *And be it further enacted*, That for the purpose of reimbursing the said Proprietors the money to be expended in building, supporting and keeping in repair said sluice-way, a toll be, and hereby is granted and established for the sole benefit of said Corporation, according to the rates following, viz. For every thousand feet of boards, plank and joist, *twenty-five cents*; for every thousand of pipe staves, *thirty-three cents*; for every thousand of barrel staves, *twenty cents*; for every thousand of clap-boards and oar rafters, *twenty-five cents*; for every thousand of shingles, *six cents*; for every hundred feet of ranging timber, *ten cents*; for every ton of timber, *ten cents*; and in that proportion for a greater or less number of any of the said articles.

Shares to be considered personal estate. SECT. 4. *And be it further enacted*, That the shares in the same sluice-way shall be taken, deemed and considered to be personal estate, to all intents and purposes.

General Court to regulate toll after twelve years. SECT. 5. *And be it further enacted*, That the General Court shall have a right to regulate the toll aforesaid after the term of twelve years from the first day of *June* next.

Whereas it may be necessary, in the prosecution of the foregoing business, that the property of private persons may be appropriated for the use of the same, and in order that no person may be damaged by digging and cutting sluice-ways through his land, by removing mills or mill-dams, diverting water-courses, or flowing his land by the Proprietors aforesaid, without receiving full and adequate compensation therefor.

Case of damaging the property of individuals. SECT. 6. *Be it enacted by the authority aforesaid*, That in all cases where any person shall be damaged in his property by the said Proprietors, for the purposes aforesaid, in manner as is above expressed, or in any other way, and the Proprietors aforesaid do not, within twenty days after being requested thereto, make or tender reasonable satisfaction to the acceptance of the person damaged by them as aforesaid, the person so damaged may apply to the Court of General Sessions of the Peace for the county in which the damage shall have been sustained, to have a Committee appointed by said Court to estimate the damage so done; and the said Court are hereby authorized and empowered by warrant under the seal thereof, upon such application made, if within one year from the time of the damage done as aforesaid, to appoint a Committee of five disinterested freeholders in the same county, to estimate the damages; which Committee shall give reasonable notice to the person interested and

to the Clerk of the Proprietors aforeſaid, of the time and place of their meeting, and they ſhall be under oath to perform ſaid ſervice according to their beſt ſkill and judgment; which having done, they, or the major part of them, ſhall make return thereof, under their hands and ſeals, to the next Court of General Sessions of the Peace to be holden in ſaid county, after the ſame ſervice is performed, to the end that the ſame may be accepted, allowed and recorded; and the Committee ſo empowered are required to eſtimate the ſaid damage, and make return thereof as aforeſaid; and if the eſtimate of the Committee be accepted by the Court, the Clerk of the Court is hereby authorized and directed, on application therefor, to iſſue an execution againſt the property only of the Corporation, or of any individual belonging thereto, for the ſum ſo adjudged in damages; *provided* the ſame is not paid within twenty days after the acceptance of ſaid report, and likewise for the coſt of the ſaid Committee and fees of the Court, both to be allowed by the Court, *provided* the ſum of damages eſtimated by the Committee exceed the ſum of damages ſo tendered: But in caſe the Proprietors actually tendered to the perſon complaining, before the complaint was exhibited, a ſum as great as that allowed by the Court in damages, then nothing to be included in the execution for coſts of Committee or Court; the execution to be iſſued by the Clerk of the Court to be in the ſame terms, *mutatis mutandis*, and returnable in the ſame time as though judgment had been rendered againſt ſaid Corporation for a like ſum in damages on proceſs in the Court of Common Pleas: And if any perſon find himſelf aggrieved by the doings of ſaid Committee in eſtimating damages, he may apply to ſaid Court of General Sessions of the Peace, *provided* ſuch application be made to the ſame Court within one year after the acceptance of ſuch return; and the ſaid Court is empowered to hear and finally determine the ſame by a Jury under oath, to be ſummoned by the Sheriff or his Deputy for that purpoſe, if the perſon complaining deſire the ſame, or by a Committee, if the perſon complaining and the Proprietors can agree thereon: And if the Jury or Committee, agreed on as aforeſaid (who are to be under oath) ſhall not increaſe the ſum of damages, the perſon complaining ſhall be at the coſt ariſing on ſuch complaint, to be taxed againſt him by the ſaid Court; otherwiſe ſuch coſt and increaſe of damages ſhall be paid by the Proprietors, and execution to iſſue therefor as before expreſſed, and the report of ſuch Committee, or verdict of ſuch Jury being returned into the ſame Court and being allowed and recorded, ſhall be a ſufficient bar againſt any action brought for the damages aforeſaid; ſaving only that when the ſum of damages is not eſtimated at a ſum in groſs, for the full ſatisfaction thereof, but a yearly ſum is aſſeſſed, in ſuch caſe, the complainant ſhall be entitled to an action of debt for the recovery of the ſame, ſo often as the ſame becomes due, during the
continuaunce

continuance of the damage done or suffered as aforesaid; and the said Proprietors, at their first meeting, or any subsequent meeting may enjoin and order fines and penalties for the breach of any by-laws of such Corporation, not exceeding *fourteen dollars*.

[This Act passed *March 11, 1797.*]

An ACT for incorporating *Michael Little* and others, by the Name and Style of *The Proprietors of the Ten Mile Falls Canal*.

Preamble.

WHEREAS *Michael Little* and others have petitioned to be incorporated for the purpose of cutting or making a Canal by the *Ten Mile Falls* in *Pejepscot* or *Androscoggin River*, lying between *Durham* and *Little River Plantation*. And whereas it is represented that sundry persons are ready to raise funds sufficient for that purpose :

Persons incorporated.

Corporate name.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Michael Little, Ezekiel Thompson and Abraham Whitney, with others their associates and successors, are hereby incorporated, and shall be a Corporation forever, under the name of The Proprietors of Ten Mile Falls Canal, and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution, and shall be, and hereby are vested with all the powers and privileges which by law appertain to Corporations of a similar nature.*

First meeting how to be called.

SECT. 2. *And be it further enacted, That the said Proprietors, or any three of them, may make their application to any Justice of the Peace for the county of Lincoln, requesting him to call a meeting of said Proprietors to be holden at some convenient place within the town of Topsham, or Little River Plantation, in the same county; whereupon such Justice is hereby empowered to issue his warrant to one of said Proprietors to meet at such time and place as he shall therein direct, to agree on such method as may be thought proper for calling their meetings in future; and to do and transact such matters and things relating to said Proprietors as shall be expressed in the warrant; and the Proprietor to whom such warrant shall be directed, shall give notice to said Proprietors by causing the same or the substance thereof to be published in one of the *Portland* or other newspapers nearest to said Falls, or post the same in one or more of the most public places in each of the towns of *Topsham*, *Brunswick*, and *Little River Plantation*, fourteen days at least previous to the holding of said meeting, and make return thereof under his hand to the same meeting, to be lodged with the Clerk, who shall then and there be chosen; and the said Proprietors may at any legal meeting choose a Clerk, Treasurer and other officers*

cers which they may judge necessary for ordering and regulating the business and affairs of said Corporation; and every Proprietor shall have a right to vote in the Proprietary meetings according to his share and interest therein, in person or by representation: *Provided*, no one Proprietor shall have more than twenty votes, and all representations shall be proved in writing signed by the person making the same by special appointment, which shall be filed with and recorded by the Clerk; and this Act and all rules and regulations and votes of said Corporation, shall be fairly and truly recorded by the said Clerk, in a book to be kept for that purpose.

SECT. 3. *And be it further enacted*, That the said Corporation be, and they hereby are authorized to appropriate the property of any individual by cutting through his or her land, as may be necessary for opening such Canal: *Provided*, That in all cases where any person shall be damaged in his or her property, for the purposes aforesaid, and the Proprietors do not, within twenty days after being requested thereto, make or tender reasonable compensation to the acceptance of the person damaged by them as aforesaid, the person so damaged may apply to the Court of General Sessions of the Peace, for the county in which the damages shall have been sustained, to have a Committee appointed by said Court to estimate the damages so done, and said Court are hereby authorized and empowered by warrant under the seal thereof, upon application made within one year from the time of the damage being done as aforesaid, to appoint a Committee of five disinterested freeholders in the same county, to estimate the damages; which Committee shall give seasonable notice to the person interested and to the Clerk of the Proprietors aforesaid, of the time and place of their meeting; and they shall be under oath to perform said service according to their best skill and judgment; which having done, they or the major part of them shall make return thereof under their hands and seals to the next Court of General Sessions of the Peace, to be holden in said county after the same service shall be performed, and if the estimate of the Committee be accepted by the Court, the Clerk of said Court shall record the same, and upon application therefor, after twenty days from the time of acceptance, shall issue an execution against the property only of the Corporation, or of any individual belonging thereto, for the sum so adjudged in damages and for all legal costs: *Provided however*, if the damages estimated by such Committee shall not exceed the sum tendered by the Proprietors previous to the application to the Court, they shall not be subjected to any costs, and the execution issued by the Clerk of the Court shall be in the same terms, *mutatis mutandis*, and returnable in the same time as though judgment had been rendered against said Corporation, for a like sum in damages, on process in the Court of Common Pleas; and if any person find himself aggrieved by the doings of

May take the land of any individual.

Provision for the compensation of individuals.

of

of said Committee in estimating damages, he may apply to the said Court of General Sessions of the Peace : *Provided* such application be made to the same Court at the next session thereof, after the acceptance of such return ; and said Court is empowered to hear and finally determine the same by a Jury under oath, to be summoned by the Sheriff or his Deputy for that purpose, if the person complaining desire the same, or by a Committee, if the person complaining and the Proprietors can agree thereon ; and if the Jury or Committee, agreed on as aforesaid, (who are to be under oath) shall not increase the sum of damages, the person complaining shall be at the cost arising on such complaint, to be taxed against him by the said Court ; otherwise such cost and increase of damages shall be paid by the Proprietors, and execution to issue therefor as aforesaid : *Provided*, That the waters of said river shall not be so diverted from their natural course for the purpose aforesaid, as to injure any mill or mills already built.

SECT. 4. *And be it further enacted*, That if any person or persons shall wilfully, maliciously and contrary to law, take up, remove, beat down, dig under, or otherwise damnify any dam, canal or lock, or any part thereof, designed for the purposes aforesaid, or shall damnify, carry away, or set afloat to be carried away, any boards, plank, joist or other timber or materials, used or to be used in or about said works, or shall be aiding or assisting in any of the trespasses aforesaid, he shall for every such offence, forfeit and pay to the Proprietors aforesaid, treble damages which shall appear to the Court and Jury before whom the trial shall be had, the said Proprietors have sustained thereby, to be sued for and recovered in any Court proper to try the same ; and such offender or offenders shall be liable to presentment by the Grand Jury for said county of *Lincoln*, for any offence or offences against this law, and on conviction thereof on such presentment, shall be liable to pay a fine to the use of the Commonwealth, of not more than *sixty dollars*, nor less than *fifteen dollars*, or be imprisoned for a term of time, not more than three months, nor less than thirty days, at the discretion of the Court before whom the conviction shall be.

Penalty for
damaging Canal

SECT. 5. *And be it further enacted*, That the Proprietors aforesaid be, and they hereby are authorized and empowered to purchase and hold to them and their successors forever, so much land and other real estate as may be necessary for the purpose aforesaid, not exceeding the value of *twenty thousand dollars* : *Provided*, That the property of each Proprietor in said Corporation shall be liable to attachment for the payment of his just debts ; and execution may be extended thereon, and the share of the debtor sold in the same manner as goods and merchandize are sold for the payment of debts.

Shares liable
for debt.

SECT. 6. *And be it further enacted*, That for the purpose of reimbursing the said Proprietors the money by them expended

ed or to be expended in building and supporting the dams, canals and locks, and clearing the passages necessary for the purposes aforesaid, a toll be, and hereby is granted and established for the sole benefit of said Proprietors and their successors, according to the rates following, viz. For every thousand of two inch oak plank passing through the same, *seventy-five cents*, Toll established and in that proportion for all other oak plank that shall be more or less in thickness; for each ton of oak timber, *twelve cents*; for every thousand of pipe staves, *forty cents*; for every thousand of hoghead staves, *thirty-five cents*; for every thousand of barrel staves, *twenty cents*; for every thousand of pine boards, *twenty-five cents*; all pine plank to be brought into board measure; for every thousand of clapboards, *twenty-five cents*; for every thousand of shingles, *four cents*; for every ton of pine timber, *nine cents*; for every mast or spar, *two cents* per inch; for every cord of wood, *twenty cents*; for every boat carrying a ton, *twenty cents*; and in the same proportion for a greater or less burthen.

SECT. 7. *And be it further enacted*, That there shall be toll-gatherers and others, to attend all locks on said canal in the day time, who shall give constant attendance at their respective stations during the whole season for boats and rafts to pass; and on the toll being paid, shall immediately permit passengers with their property to pass the said locks and canals. And the said toll shall commence on said canal as soon as the same shall be completed, and shall continue forever: *Provided*, That when forty years from the first opening thereof are expired, the General Court from thence forward may regulate the rate of toll, and the same shall be collected in such manner as shall be prescribed to the said Corporation. Toll-gatherers to be appointed.

SECT. 8. *And be it further enacted*, That if the Proprietors aforesaid shall refuse or neglect for the space of ten years after the passing this Act, to build and complete such canals so as to be passable in manner aforesaid, then this Act shall be void and of no effect. Time for making canal limited.

[This Act passed March 11, 1797.]

An ACT to alter the name of the Town of *Harrington*, in the County of *Lincoln*, and to designate the Parishes in said Town. Feb. 20, 1797.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the town of *Harrington*, in the county of *Lincoln*, shall hereafter be known and called by the name of *Augusta*. Name altered.

SECT. 2. *Be it further enacted*, That the parishes incorporated by the names of the middle parish in *Hallowell* and the north Parishes designated.

north parish in *Hallowell*, shall hereafter be designated as follows, viz. The aforesaid middle parish shall be known and called by the name of the South Parish in *Augusta*, and the aforesaid north parish shall be known and called by the name of the North Parish in *Augusta*.

[This Act passed June 9, 1797.]

An ACT to change the Name of *James Cody* to the Name of *James Cody Apthorp*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing this Act, *James Cody*, of *Partridgefield*, in the county of *Berkshire*, be, and he hereby is authorized and allowed to take, use and bear the name of *James Cody Apthorp*, and by that name to be forever hereafter known and called in all processes and records whatsoever.

Name altered.

[This Act passed June 9, 1797.]

An ACT to prevent the Destruction of the Eel Fishery in the Town of *Orleans*, in the County of *Barnstable*, and to preserve and regulate the same, in the several Coves and salt Ponds within the said Town.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of *September* next, it shall not be lawful for any person to take from any of the coves and salt ponds in the town of *Orleans*, more than three dozen of Eels on any one day, without a permit in writing from the major part of the Selectmen of said town, expressing the quantity permitted to be taken; and every person who shall take any of said Eels from any of said coves, and salt ponds exceeding the number of three dozen in any one day without such permit, shall forfeit and pay for each and every additional dozen so taken, the sum of *twenty-five cents*.

Number of eels permitted to be taken.

SECT. 2. *Be* it further enacted, That if any boat or craft shall be found within the limits of any of the said coves or salt ponds, with any more Eels on board than this Act allows, to be taken for each person on board on any one day, or, than they are authorized to take by a permit from the Selectmen aforesaid, it shall be the duty of such person or persons as shall be chosen by the said town of *Orleans*, 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,*

Boats may be detained.

Provifo.

however, That as soon as the owner or master of such boat or craft shall pay such fines and forfeitures to the Treasurer of said town; if he shall pay the same before being sued, such boat or craft shall be discharged with the effects therein.

SECT. 3. *Be it further enacted*, That the said town of Orleans are hereby authorized to choose annually such number of Fish-wardens as they may judge necessary, who shall be sworn to the faithful discharge of their duty; whose duty it shall be, to prosecute for all offences against this Act; and all fines and forfeitures that shall be incurred by virtue thereof, shall be one half to the use of him or them who shall sue for the same, and the other half to the use of the said town of Orleans; and the same shall be recovered with legal costs of suit by an action of debt, in any Court proper to try the same.

Fish-wardens
to be appointed.

[This Act passed June 17, 1797.]

An ACT to incorporate Plantation Number Five, west of Machias, in the County of Washington, into a Town by the Name of Harrington.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That plantation Number Five, in the county of Washington, bounded as followeth, viz. Beginning at the north-east corner of the town of Steuben; from thence running east seven miles and one half to the north-west corner of the town of Addison; from thence south to Pleasant River; from thence by the shore, round the several bays and inlets, according to the different courses until it intersects the north and south line, on the east side of Narraguagus River, which forms the easterly bounds of the town of Steuben, and westerly bounds of plantation Number Five; from thence running south, over said Narraguagus River until it strikes the salt water near Pigeon Hill, so called, and also running north from the said eastern side of Narraguagus River, to the first mentioned bounds, including the several islands hereafter named, viz. Bobear Island, Pond Island, Traffton's Island, Jordan's Delight, Dyer's Island, Knox's Island, Flint Island, Gourd Island, Strout's Island, Ship stern four acre Island, with one other small island, near Traffton's Island, with the inhabitants thereon, be and they hereby are incorporated into a town by the name of Harrington: And the said town is hereby vested with all the powers, privileges and immunities which other towns in this Commonwealth do or may by law enjoy.

Boundaries.

Harrington incorporated.

SECT. 2. *Be it further enacted*, That Alexander Campbell, Esq. be, and hereby is empowered to issue his warrant directed to some suitable inhabitant within said town, requiring him to warn

First meeting
to be called.

warn a meeting of the inhabitants thereof, at such time and place as shall be expressed in said warrant, for the purpose of choosing such town officers as other towns are empowered to choose in the months of *March* or *April* annually.

[This Act passed June 17, 1797.]

An ACT in addition to an Act, entitled, "An Act to incorporate the Congregational Society in the Town of *Norton*, into a distinct Parish, and also to incorporate a Committee of the said Society, for certain Purposes, passed *March* fourth, One thousand seven hundred and eighty-three."

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said parish be, and hereby are authorized and empowered at any legal meeting thereof, to be holden in the month of *March* annually, to choose some suitable person to be Treasurer for the Trustees of the said parish, and the person so chosen shall give bond at the discretion of the said Trustees for the faithful performance of his duty.

Treasurer to be chosen.

SECT. 2. *And be it further enacted*, That the Treasurer (for the time being) chosen and qualified as aforesaid, shall be empowered to receive for the use of the said parish, all monies, and securities for money belonging to said parish, any thing in the Act to which this is in addition to the contrary notwithstanding.

[This Act passed June 17, 1797.]

June 27, 1792.
March 3, 1804.

An ACT for establishing the Rates of Toll at the *Patucket Canal*, and for other Purposes.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, the following toll be, and hereby is granted to the Proprietors of the locks and canals on *Merrimack River*, for passing the locks, canals and passage-ways at *Wickasie*, and *Patucket Falls* to be received at *Patucket*, viz.—For every thousand feet of pine boards, *fifty cents*; for every thousand feet of two and an half inch pine plank, *one dollar and twenty-five cents*, and other pine plank in proportion thereto; for every thousand feet of two and an half inch oak plank, *two dollars and fifty cents*, and other oak plank in proportion thereto; for every cord of pine wood, *twenty cents*; for every cord of other wood *twenty-five cents*; for every thousand of barrel staves, *fifty cents*; for every thousand of hoghead staves, *ninety cents*; for every

Toll established.

—, rates of.

every thousand of pipe staves, *one dollar and twenty-five cents*; for every ton of oak timber, *thirty-seven and an half cents*; for every ton of pine timber, *twenty cents*; for every boat or other vessel, at the rate of *twenty-five cents*, for every ton burthen it is capable of conveying, whether loaded or not; for every mast, at the rate of *seventeen cents* for every inch of the diameter thereof, at one third the length at the largest end; and for all articles not enumerated in proportion to the rates aforesaid: *Provided nevertheless*, That the said rate of toll shall be subject to the direction of the Legislature after thirty years from the passing of this Act.

Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid*, That whenever the toll-gatherer shall estimate the quantity of lumber contained in any raft, higher than the owner or manager of such raft, the toll-gatherer shall cause the same to be surveyed by a sworn surveyor; and if upon such survey it shall appear that there is in such raft a greater quantity than was declared by the owner thereof, the expense of such survey shall be paid by the owner, in addition to the toll; otherwise, such expense shall be deducted from the toll.

Case of dispute of the quantity of lumber.

SECT. 3. *Be it further enacted*, That so much of the Act incorporating the said Proprietors as regulates the rate of toll for passing the Locks, Canals and Passage-ways at *Wickase* and *Patucket Falls*, be, and hereby is repealed.

Former toll annulled.

[This Act passed *June 17, 1797.*]

An ACT to prevent the catching Fish with Seines in *Fresh Pond* (so called) in the Towns of *Cambridge* and *Watertown*.

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 to catch any Fish with seines in *Fresh Pond* (so called) situate in the towns of *Cambridge* and *Watertown*; and any person who shall be found so catching fish, or who shall use a seine in the same Pond in any manner whatsoever, shall, for each offence, forfeit a sum not exceeding *fifty* nor less than *five dollars*; to be recovered by an action of the case to the use of the person who shall sue for the same.

Fish not to be caught in Fresh Pond.

Penalty.

[This Act passed *June 17, 1797.*]

An ACT in addition to an Act, entitled, "An Act establishing the third *Massachusetts Turnpike Corporation.*"

March 9, 1797,
June 27, 1798.

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

Logs, &c. not
to be drawn
without car-
riage or sled
except in Jan.
or Feb.

That if any person shall draw any log, tree or stick of timber on or over the road made by said Corporation, except in the months of *January* and *February*, unless such log, tree or stick of timber is loaded on a cart or sled, or one end thereof is raised on a sled, cart, or other suitable carriage, he shall forfeit and pay to the said Corporation, *fifty cents* for every log, tree, or stick of timber so drawn; to be recovered in an action of debt.

[This Act passed June 17, 1797.]

An ACT to erect *Derby School*, in the North Parish in *Hingham*, into an Academy, by the Name of *Derby Academy*.

Derby Acade-
my established.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the School established in the north parish in *Hingham*, by the name of *Derby School*, by "An Act, entitled, an Act for establishing a School in the north parish in *Hingham*, by the name of *Derby School*, and for appointing and incorporating Trustees of the said School," passed the eleventh day of *November*, in the year of our Lord seventeen hundred and eighty-four, be, and hereby is made and erected into an Academy by the name of *Derby Academy*; and the Trustees named and incorporated in the Act aforesaid, and their successors forever, shall be bound to perform all the duties required in said Act of the Trustees of *Derby School*, and may sue and be sued, and shall hold, enjoy and exercise all the interest, rights, privileges and immunities which were or might have been held, enjoyed and exercised by, and were secured to, the Trustees of said School by the aforesaid Act, in the same manner and to all intents and purposes as they would have, had not the said School been erected into an Academy.

[This Act passed June 17, 1797.]

An ACT to incorporate the *South Eleven Thousand Acres*, so called, in the County of *Berkshire*, into a District, by the Name of *Southfield*.

Southfield in-
corporated.

SECT. I. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the *South Eleven Thousand Acres*, so called, in the county of *Berkshire*, and included within the boundaries hereafter described, viz. Bounded north on *Sandisfield*, west on *New Marlborough*, east on *Granville*, and south on *Connecticut State line*, together with the inhabitants thereon, be, and they hereby are incorporated into a district by the name of

of *Southfield*; and the inhabitants of the said district are hereby invested with all the powers, privileges and immunities, that districts in this Commonwealth do or may by law enjoy.

SECT. 2. *Be it further enacted*, That *Drake Mills*, Esq. be, and hereby is empowered to issue his warrant to some principal inhabitant of the said district of *Southfield*, directing him to warn the inhabitants thereof, to assemble at some convenient time and place in the said district, to choose all such officers as by law are to be chosen in districts, in the month of *March* or *April* annually.

First meeting.

SECT. 3. *And be it further enacted*, That the inhabitants of said district, qualified as the Constitution provides, shall have a right to join with the inhabitants of the town of *Sandisfield* in choosing a Representative to the General Court of this Commonwealth, so long as it shall continue to be a district.

To choose a Representative with Sandisfield.

[This Act passed June 19, 1797.]

An ACT to incorporate a Number of inhabitants of *Woolwich* and *Bowdoinham*, in the County of *Lincoln*, into a Society, by the Name of *The Baptist Society* in *Woolwich* and *Bowdoinham*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Seth Hathorne, Samuel Stinson, Joshua Bayley, Charles Curtis, William Hathorne, Thomas Dinsmore, jun. William Whitmore, Joshua Bayley, jun. Joseph Brookins, Benjamin Baley, John Shaw, Daniel Card, Josiah Brook, jun. Joseph Lankester, Charles Curtis, jun. John White, jun. John Brookins, Moses Weymouth, Susannah Blanchard, Robert Hanson, Nathaniel Williams, George Thomas, jun. George Maxwell, Joseph Dinslow, James Purrington, Thomas Dinsmore, James Baker, Zeblon Preble, jun. John Dinsmore, Jacob Hathorne, Robert Jack, Robert Spear, Joseph Ross, John Springer, Ziba Eaton, Seth Macombie, Daniel Ross, James Mily, Elijah Patterson, Thomas Springer, Joseph Sedgely, Samuel Stockman, Elijah Pratt, Jedediah Adams, William Whitmore, James Baker*, members of a Religious Society, together with their polls and estates, be, and they hereby are incorporated, by the name of *The Baptist Society* in *Woolwich* and *Bowdoinham*, with all the privileges, powers and immunities which parishes in this Commonwealth are by law entitled to.

Persons incorporated.

Corporate name.

SECT. 2. *Be it further enacted*, That any and every person in the town of *Woolwich* or *Bowdoinham*, in the county of *Lincoln*, being of the Baptist denomination, who may at any time hereafter actually become a member of, and unite in religious worship with said Society in *Woolwich* and *Bowdoinham*, and give in his or her name to the Clerk of the town or parish to which he or she belongs, with a certificate signed by the Minister

How to become a member.

or

or Clerk of said Society, that he or she has actually become a member of, and united in religious worship with said Society in *Woolwich* and *Bowdoinham*, fourteen days previous to the town or parish meetings therein, to be held in the month of *March* or *April* annually, shall, from and after giving such certificate, with his or her polls and estates, be considered as a member of said Society. *Provided however*, That such person shall be held to pay his proportion of all money assessed in the town or parish to which he or she belonged previous to that time.

How to leave.

SECT. 3. *Be it further enacted*, That when any member of said Baptist Society, shall see cause to leave the same, and unite in religious worship with any other religious Society, and shall give in his or her name to the Clerk of the said Baptist Religious Society, with a certificate, signed by the Minister or Clerk of the parish or other incorporate Religious Society, with which he or she may unite, that he or she has actually become a member of, and united in religious worship with such other parish or other incorporate Religious Society, fourteen days previous to their meeting in *March* or *April*, and shall pay his or her proportion of all money assessed in said Society previous thereto, such person shall, from and after giving such certificate, with his or her polls and estates, be considered as members of the Society to which he or she has so united.

First meeting.

SECT. 4. *Be it further enacted*, That *Francis Winter*, Esq. be, and he hereby is authorized to issue his warrant, directed to some principal member of said Society, requiring him to notify all the members thereof, qualified to vote in parish affairs, to assemble at some suitable time and place in said town of *Bowdoinham*, to choose such parish officers as parishes are by law required to choose, in the month of *March* or *April* annually, and to transact all other matters and things necessary to be done in said Society.

[This Act passed June 20, 1797.]

An ACT for incorporating a Number of the Inhabitants of *North Yarmouth* and *Freeport*, in the County of *Cumberland*, into a distinct and separate Religious Society, by the name of *The Baptist Religious Society in North Yarmouth and Freeport*.

Persons incorporated.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Ebenezer Collis, John Thomas, John Merrill, Samuel Stubbs, Nathan Wesson, Oliver Byram, John Drinkwater, James Field, Samuel York, Sberbi Pratt, Hezekiah Corlis, Joshua Corlis, Winthrop Boston, David Drinkwater, William True, Thomas Chace, John Millikin, Joseph Banks, David True, Jacob Brown,*
Samuel

Samuel Thompson, William Mitchell, Josiah Cummings, Thomas Wentworth, Seth Mitchell, jun. Comfort Videto, Stephen Blafdel, Alexander Mills, Jeremiah Stubbs, John Sargent, Nathaniel Gooch, Hiram Hatch, William Chace, jun. Samuel Morrill, Samuel Larabee, John Brown, Moses Merrill, Lemuel Tuck, Joseph Videto, Enoch Harvey, Israel True, members of the said religious Society, with their polls and estates, be, and they are hereby incorporated by the name of *The Baptist Religious Society in North-Yarmouth and Freeport*, with all the privileges, powers and immunities which other parishes or religious Societies in this Commonwealth are by law entitled to.

Corporate
name.

SECT. 2. *And be it further enacted*, That any person who may hereafter actually become a member of, and unite in religious worship with the said Baptist Society, and give in his or her name to the Clerk of either of the parishes in said towns of *North-Yarmouth* or *Freeport*, to which he or she may belong, with a certificate signed by the Minister or Clerk of the said Baptist Society, that he or she hath actually become a member of, and united in religious worship with said Baptist Society, fourteen days previous to the parish meeting to be holden in the month of *March* or *April* annually, shall, from and after giving such certificate, be considered with his or their polls and estates, as members of and belonging to said Baptist Society: *Provided however*, That all such persons shall be holden to pay their proportion of all monies assessed in the parish to which they belonged previous to that time.

How to be-
come a mem-
ber.

SECT. 3. *Be it further enacted*, That when any member of said Baptist Society shall see cause or be inclined to leave said Society, and join in religious worship with any other Society, in either of the towns of *North-Yarmouth* or *Freeport* aforesaid, and shall leave a certificate with the Clerk of the Baptist Society aforesaid, signed by the Minister or Clerk of either of the parishes, that he or she hath actually become a member of and united in religious worship with said parish or religious Society, fourteen days previous to their annual meeting, holden in the month of *March* or *April*, and shall pay his or her proportion of all monies voted in said Baptist Society to be raised previous thereto, such person shall, from and after giving such certificate, with his or her polls and estate, be considered as a member of the Society to which he or she hath so united.

How to leave.

SECT. 4. *And be it further enacted*, That *William Martin*, Esq. be, and he is hereby authorized to issue his warrant directed to some principal member of the said Baptist Society, requiring him to notify all the members thereof qualified to

First meeting.

vote

vote in parish affairs, to assemble at some suitable time and place mentioned in said warrant, to choose all such officers as parishes by law are required to choose in the month of *March* or *April* annually.

[This Act passed *June 20, 1797.*]

An ACT for incorporating certain Persons for the Purpose of building a Bridge over *Deerfield River*, so called, where *Williams's Ferry* is now kept, and for supporting the same.

Preamble.

WHEREAS the erecting a Bridge over the river in the Town of *Deerfield*, where *Williams's Ferry* is now kept, will be of great public utility, and *Jonathan Hoit* and *David Smead*, Esq. have petitioned this Court for an Act of incorporation to empower them to build the said Bridge; and many persons under the expectation of such an Act have subscribed to a fund for the purpose of erecting and completing the same:

Incorporating clause.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Jonathan Hoit and David Smead, Esq. so long as they shall continue to be Proprietors in the said fund, together with all those who are, or shall hereafter become Proprietors to the said fund, shall be a Corporation and Body Politic under the name of The Proprietors of Deerfield River Bridge; and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution, and do and suffer all matters and things which bodies corporate may or ought to do and suffer; and the said Corporation shall have full power and authority to make, have and use a common seal, and the same to break and alter at pleasure.*

First meeting how to be called.

SECT. 2. *Be it further enacted, That the said Jonathan Hoit and David Smead, Esq. or either of them, may by advertisement of the said Proprietors, to be holden at any suitable time and place after ten days from the publication of said advertisement; and the said Proprietors by a vote of the majority of those present or represented at the said meeting, (accounting and allowing a vote to each single share in all cases)*

A Clerk to be chosen.

shall choose a Clerk, who shall be duly sworn to the faithful discharge of his office; and also shall agree on a method for calling future meetings; and at the same or any subsequent meeting, may make and establish any rules and regulations that shall be necessary or convenient for regulating said Corporation, and for effecting, completing and executing the purposes aforesaid, and for collecting the toll

Rules to be established.

hereafter

hereafter granted; and the same rules and regulations may cause to be kept and executed, or for the breach thereof may order and enjoin fines or penalties, not exceeding *ten dollars*; provided the rules and regulations are not repugnant to the laws or Constitution of this Commonwealth: And the said Proprietors may also choose and appoint any other officer or officers of the said Corporation, that they may deem necessary; and all representations at the said meetings, shall be proved in writing, signed by the person making the same, by special appointment, which shall be filed with or recorded by the Clerk; and this Act, and all rules, regulations and votes of the said Corporation, shall be fairly and truly recorded by the Clerk, in a book or books for that purpose provided and kept.

SECT. 3. *Be it further enacted*, That for the purpose of reimbursing the said Proprietors the monies by them expended or to be expended in building and supporting the said Bridge, a toll be, and is hereby granted and established for the sole benefit of the said Proprietors, according to the rates following, to wit: For each foot passenger, *two cents*; for one person and horse, *four cents*; for a single horse cart, sled or sleigh, *six cents*; for a sleigh drawn by two horses, *eight cents*; for a single horse, chaise, chair or fulkey, *eight cents*; for coaches, chariots, phaetons and curricles, *twenty cents* each; for all other wheel carriages drawn by more than one beast, *seventeen cents*; for neat cattle and horses passing the said Bridge, exclusive of those ridden or in carriages or teams, each *two cents*; for swine and sheep, each dozen, *six cents*; and at the same rate for a greater or less number; and to each team one person and no more shall be allowed as driver to pass free of toll; and at all times when the toll-gatherer shall not attend his duty, the gate or gates shall be left open: And the said toll shall commence on the day of the opening of said bridge for passengers, and shall continue for and during the term of seventy years; at the end of which term the said Bridge shall be disposed of by the Government, as the Legislature shall think proper: *Provided nevertheless*, That from and after the expiration of thirty years from the first taking toll for the passing said Bridge, the said Legislature shall have full power and authority from time to time to alter and regulate the several rates of toll aforesaid as they may think proper.

SECT. 4. *Be it further enacted*, That the said Bridge shall be well built, at least twenty-four feet wide, of sound and suitable materials, with well-constructed substantial piers on each side, and well planked on the top and sides with planks proper for such a Bridge; and the same shall be kept in good, safe and passable repair for the term aforesaid, and at the end of said term shall be in like repair; and at

Toll establish-
ed.

Bridge how to
be built.

— to be kept
in repair.

the

Toll sign-board
to be erected,

the place where the toll shall be received, the said Proprietors shall erect and constantly expose to open view, a sign or board with the rates of toll of all the tollable articles, fairly and legibly written thereon in large or capital letters.

Time limited
for building.

SECT. 5. *And be it further enacted*, That if the said Proprietors shall neglect or refuse, for the space of three years after the passing this Act, to build the said Bridge, and complete the same, then this Act shall be void and of no effect.

[This Act passed June 22, 1797.]

An ACT empowering *Seth Spring* to build a Bridge across the main Branch of *Saco River*, from *Spring's Island*, in *Biddeford*, to *Pepperelborough*.

S. Spring em-
powered.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Seth Spring*, of *Biddeford*, in the county of *York*, Gentleman, be authorized and empowered to erect a Bridge, at his own expense, across the main branch of *Saco River*, above *Saco Falls*, from *Spring's Island*, (so called) in *Biddeford* aforesaid, to the river side of the road in *Pepperelborough*.

Bridge how to
be built.

SECT. 2. *Be it further enacted*, That the said Bridge shall be built of good and sufficient materials, and raised eight feet at least above the level of the present road on the eastern side of said river, leaving free a passage-way of forty-eight feet at least, between the abutment on the eastern side and the pier next to the same; the said abutment not to project more than six feet into the water.

Toll establish-
ed.

SECT. 3. *Be it further enacted*, That for the purpose of reimbursing the said *Spring*, his heirs and assigns the monies expended in building and supporting said Bridge, a toll be and hereby is granted to him, his heirs and assigns, for their sole benefit, according to the rates following, to continue till the further order of the General Court, viz. for each foot passenger, *two cents*; for each person and horse, *six cents*; for every cart, sled or sleigh drawn by one horse, *ten cents*; for every cart, waggon, sled or sleigh, drawn by two or more horses, *twelve and a half cents*; for every chaise or chair, drawn by one horse, with the riders, *fifteen cents*; for every horse and fulkey, with the rider, *twelve and a half cents*; for every chaise, drawn by two horses with the passengers, *twenty cents*; for each coach, chariot, phaeton or curricule, including passengers, *twenty-five cents*; for each cart or sled drawn by two oxen, *ten cents*; for every cart or sled, drawn by four or more oxen, *twelve and a half cents*; for

for all neat cattle, *one cent* each; for each dozen of sheep or swine, *two cents*; and so in proportion for a greater or less number; and in all cases the same toll shall be paid for all carriages and vehicles passing said Bridge, whether the same be loaded or not loaded; and to each team one man, and no more shall be allowed as a driver, to pass free from payment of toll; and the toll-gatherer shall not be obliged at any time to open the gates for any passenger till he or she has paid the rate of toll; and at the times when the toll-gatherer shall not attend his duty, the gate shall be left open. And if any person shall receive or demand any greater toll in any case than is stated by this Act, or shall hinder or attempt to hinder any person from passing said Bridge with his horse or horses, cattle or carriage, sled or sleigh, sheep or swine, upon paying or offering to pay the toll hereby established, he shall forfeit the sum of *thirteen dollars*, to be recovered before any Justice of the Peace, in the said county of *York*, by any person from whom such greater toll shall be received or demanded, or by any person so hindered or attempted to be hindered from passing, as the case may be. And the said *Spring* shall put and constantly keep up at the place where the toll shall be received, a sign-board, on which shall be painted in large, fair and legible characters, the several rates of toll established by this Act; otherwise he shall not be entitled to receive the same; and said toll shall be no longer demanded than while the said *Spring* shall keep the said Bridge in good repair.

Penalty for extortion.

Sign-board to be erected.

[This Act passed June 22, 1797.]

An ACT for incorporating certain Persons, for the Purpose of building a Bridge over *Androscoggin River*, at *Lewiston*, between *Twenty-Mile Falls* and the *Ferry-way*.

WHEREAS the erecting a Bridge over *Androscoggin River*, below *Twenty-Mile Falls*, so called, will be of great public utility, and *John Herrick* and others, have petitioned this Court for an Act of Incorporation, to empower them to build said Bridge:

Preamble.

SECT. 1. Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *John Herrick, Joseph Treadwell, Benjamin Merrill, Jos. Herrick, Abner Harris, Joseph Blanchard, Joseph Field, William Golder, Nathan Cutter, Joel Thompson, Daniel Concy, Joseph North, William Howard, James Bridge, Elias Craig, George Crosby, Peter J. Vose, S. Howard, jun. William Sprague, and Daniel Davis*, with all those who have associated for the purpose, together with all those who shall hereafter become

Persons incorporated.

come.

come Proprietors in said Bridge, shall be a Corporation and Body Politic, under the name of *The Proprietors of Lewiston Bridge*; and by that name may sue and prosecute and be sued and prosecuted to final judgment and execution, and do and suffer all other acts and things which Bodies Corporate may and ought to do and suffer; and that said Corporation shall have full power and authority to make, have and use a common seal, and the same to break, alter and renew at pleasure.

SECT. 2. *Be it further enacted*, That Daniel Cony, Esq. may, by advertisement in one of the newspapers printed in the county of *Lincoln* warn and call a meeting of the aforesaid Proprietors, to be holden in *Hallowell* aforesaid, at any suitable time and place, after fourteen days from the publication of such advertisement, and the said Proprietors, by a vote of the majority of those present, accounting and allowing one vote to each share, (*provided* no person shall be entitled to more than ten votes) shall choose a Clerk, who shall be sworn to the faithful discharge of his office; also, may at the same or any subsequent meeting, choose such other officers as may be found necessary for managing the business of the said Corporation; and shall agree on a method of calling future meetings, and at the same or any subsequent meeting may make and establish such rules and regulations, as shall be deemed convenient or necessary for regulating the said Corporation, effecting, completing and executing the purposes aforesaid, and for collecting the toll herein granted; and the same rules and regulations may cause to be kept and executed, and for the breach of any of them, may order and enjoin fines or penalties not exceeding *twelve dollars*: *Provided*, That said rules and regulations be not repugnant to the Constitution and laws of this Commonwealth.

Daniel Cony
may call first
meeting.

Clerk to be
chosen.

Rules, &c. es-
tablished.

Bridge how to
be built.

SECT. 3. *And be it further enacted*, That said Bridge shall be erected at *Lewiston* aforesaid, between *Twenty-Mile Falls* and the ferry-ways aforesaid, and that it shall be built of good and sufficient materials, not less than twenty-six feet wide, and well covered with plank or timber suitable for such a Bridge, with sufficient rails on each side for the safety of passengers: And the sills or string-pieces of said Bridge shall be laid at least eighteen feet above the surface of the water in a common freinet: And the said Bridge shall be so constructed as to leave a passage between the piers which shall or may be erected for the support of said Bridge, sufficiently large to preserve, without interruption, the privilege of transportation in boats and other water-craft and of rafts under said Bridge.

SECT. 4. *And be it further enacted*, That for the purpose of reimbursing the said Proprietors of *Lewiston Bridge* the money expended and to be expended in building, supporting and

and keeping in repair the said Bridge, and for indemnifying them for their risk, a toll be and hereby is granted and established for the sole benefit of said Corporation, according to the rates following, viz. For each foot passenger, or one person passing said Bridge, *two cents*; one person and horse, *six cents and two mills*; single horse-cart, sled or sleigh, *ten cents*; each wheelbarrow, hand-cart, and every other vehicle capable of carrying a like weight, *four cents*; each team, including cart, sled or sleigh, drawn by more than one beast, not exceeding four, *twelve cents and five mills*; and for every additional beast above four, *two cents* each; each single horse and chaise, chair or fulkey, *sixteen cents and five mills*; each coach, chariot, phaeton and curricule, *thirty-five cents*; neat cattle or horses, exclusive of those rode on, or in carriages, or in teams, *two cents* each; sheep and swine for each dozen, *six cents*; and at the same rate for a greater or less number. And in all cases, the same toll shall be paid for all carriages passing said Bridge, whether the same be loaded or not loaded; and to each team one man and no more shall be allowed as a driver to pass free from payment of toll. And the said toll shall commence at the day of the first opening of the said Bridge for passengers, and shall continue for and during the term of thirty years from the said day; and after the expiration of that term, the said toll shall be subject to be regulated by the General Court: *Provided*, the said Proprietors shall at all times keep the said Bridge in good and passable repair during the term or terms aforesaid; and *provided* that the said Bridge shall revert to the Commonwealth at the expiration of seventy years from and after the day of the first opening of said Bridge.

Toll established.

SECT. 5. *And be it further enacted*, That if the said Corporation shall neglect or refuse, for the space of seven years from the passing this Act, to build and complete the said Bridge, then this Act shall be void and of no effect.

Time for building bridge limited.

[This Act passed June 22, 1797.]

An ACT to incorporate certain Persons, by the Name of *The West Congregational Society in Dracut.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Parker Varnum, Jon. Varnum, Peter Coburn, jun. James Varnum, James Abbot, Coburn Blood, Moses Clement, Jabez Coburn, Jonathan Morgan, Hezekiah Coburn, Thos. Varnum, Joseph Dane, William Fisk, Lemuel Coburn, Solomon Osgood, jun. John Dutton, Aaron Coburn, Seth Dedson, Solomon Osgood, Samuel Coburn, Ephraim Coburn, Peletiah Coburn, Timothy Coburn, Lewis Ansart, Williard Coburn, Jesse Williams,

Persons incorporated.

Ezekiel

Ezekiel Richardson, Joseph Richardson, David Blood, Andrew Barker, Moses B. Coburn, Abraham Blood, Solomon Abbot, jun. Peter Coburn, Josiah Fox, Samuel Cummings, Jonas Varnum, Vohn Hamblet, Thaddeus Hamblet, Jonathan Hamblet, Josiah W. Coburn, Ezra Coburn, Thaddeus Wilson, Joshua Marshall, William Webster, Samuel Coburn, Bradley Varnum, John Taylor, Stephen Kemp, Isaac Taylor, Timothy Brown, Simeon Williams, Joshua Hunt, Joseph Wilson, Jonathan Coburn, jun. James Haffeltine, and Leonard Thompson, together with all those who shall join said Society and become members thereof, and unite with them in the same place of worship within the said town of Dracut, with their several polls and estates, be, and they are hereby incorporated into a Society, by the name of The West Congregational Society in Dracut, with all the privileges, powers and immunities which similar Societies are entitled to by the laws of this Commonwealth.

Certain taxes to be paid to the town-treasurer.

SECT. 2. *Be it further enacted, That the said West Congregational Society be, and they are hereby holden to pay into the treasury of said town of Dracut, all taxes legally assessed upon the inhabitants thereof, before the fourth day of June, instant, for the support of the minister, and shall be entitled to receive their rateable proportion, according to their polls and estates, of all the monies due and belonging to said town, or that may have been in the Treasury thereof on the said fourth day of June, instant, which has heretofore been appropriated to the support of the minister; and they shall specially appropriate their said proportion of such moneys when received, to the support of a Gospel Minister within the said parish.*

Clerk to keep record.

SECT. 3. *Be it further enacted, That the Clerk of said Society shall keep a fair record of the names of all persons who are members thereof, and when any member of said Society shall request a dismission therefrom, and shall signify the same in writing to the said Clerk, such Clerk shall make a record thereof, and such person shall thereupon be dismissed accordingly, but shall be held to pay his proportion of such money as shall have been previously granted by said Society, and shall become subject to taxation in the first parish or precinct in said town.*

How to become members.

SECT. 4. *Be it further enacted, That all those who shall be hereafter desirous of becoming members of said Society, being inhabitants of said town of Dracut, and shall signify the same in writing to the Clerk of the first parish or precinct in said town, thirty days at least previous to the annual meeting of the inhabitants of said first parish or precinct in said town, in the month of April, shall be considered in law as members of said Society: And any person or persons who shall leave any other religious Society in said town of Dracut,*
and

and join the Society incorporated by this Act, shall be holden to pay his proportion of all such money as shall have been previously granted by the Society which they shall leave as aforesaid.

SECT. 5. *Be it further enacted*, That *Ebenezer Bridge, Esq.* E. Bridge, Esq. to call first meeting. and he hereby is empowered and directed to issue his warrant to some principal member of said Society, requiring and empowering him to warn a meeting thereof, at such time and place as shall therein be set forth, for the choice of such officers as may be chosen by parishes in the month of *March* or *April* annually, and for the transacting of such other business as may be legally transacted in such meetings.

[This Act passed June 22, 1797.]

An ACT for altering the boundary Line between the Towns of *Needham* and *Natick*, and for permitting sundry Persons to annex themselves to certain Parishes.

WHEREAS it appears necessary for the reasonable accommodation of the inhabitants of the town of *Natick*, and of the west parish in the town of *Needham*, that certain persons, with their estates, should be set off from each of the said towns, and annexed to the other, and that license should be given to sundry persons hereafter named, to annex themselves to either of the parishes in the towns of *Needham*, *Dover* or *Sherburne*, at their option, within a limited time: Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the boundary line between the said towns of *Needham* and *Natick*, and between the counties of *Middlesex* and *Norfolk*, shall in future be as follows, viz. Beginning at the corner of *Ephraim Stevens'* farm, about forty rods westerly of the south-westerly corner of the town of *Weston*, marked W. on the map of said *Natick*, and running a straight line to a stake in a meadow at the south-westerly corner of said *Stevens'* farm, thence in a straight course until it strikes the line between the towns of *Dover* and *Natick*, in the bend of the river. And all the polls and estates west of this line, which heretofore belonged to the town of *Needham*, shall hereafter belong to and be part of the town of *Natick*; and that all the polls and estates east of the said line, which heretofore belonged to the town of *Natick*, shall hereafter belong to and be part of the town of *Needham*, and of the west parish in said town. New bounds.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the following inhabitants of the south-easterly part of *Natick*,

Persons permitted to join certain parishes.

Natick, viz. *Ebenezer Kimball, Moses Sawin, Abijah Stratton, jun. Timothy Smith, jun. Joshua Carter, Samuel Perry, Hezekiah Broud, Levi Sawin, Phares Sawin, Roger Whiting, Edward Russell, Eleazer Goulding, Enoch Draper, William Paine, Samuel Stow, Ezekiel Sawin, Elijah Estey, William Brown, Oliver Bacon, Daniel Morse, William Bigelow, Abijah Stratton, John Atkins, Thomas Sawin, Eliphalet Kingsbery, Asa Bacon, William Morse, Solomon Brackett, Henry Morse, Ebenezer Newell, Eliakim Morrill, John Bacon, Elijah Perry, Samuel Lawton, Joel Russell, and David Morse*, with their polls and estates, be, and they hereby are severally authorized and permitted to join either of the neighbouring parishes in the towns of *Needham, Dover* or *Sherburne*, as to them shall appear best, on or before the first day of January, in the year of our Lord one thousand seven hundred and ninety-eight; on or before which day, in case they join any other parish than that to which they now belong, they shall certify the same, both to the Clerk of the town of *Natick*, and to the Clerk of such other parish, and to the Secretary of the Commonwealth, in writing: And upon their respectively joining any of the aforementioned neighbouring parishes, and certifying the same within the time aforesaid, they and their estates and their successors in said estates, shall become parishioners thereof, and be subject to all duties, and entitled to all privileges as other parishioners are by law: *Provided nevertheless*, That nothing in this Act shall be construed to exempt any of the aforementioned persons or their estates from the payment of any taxes that may have been heretofore assessed upon them, or granted in the parish to which they now belong, nor which may be hereafter assessed upon them, or granted previous to their joining any other parish as aforesaid; nor to exempt any persons who may, by virtue of this Act, be set off from either of the towns of *Needham* or *Natick*, from paying such taxes as may have been assessed upon them or granted by such town previous to the present time; but all such taxes shall be paid in the same manner as though this Act had not been passed.

Taxes to be paid.

SECT. 3. *And be it further enacted by the authority aforesaid*, That in case any of the inhabitants aforesaid, who may hereby be set off from either of the said towns of *Needham* or *Natick*, to the other, are now or shall become poor and chargeable to the town for their support, that such poor inhabitants shall be maintained and supported by the town to which they are by this Act annexed.

Poor by whom to be supported.

SECT. 4. *And be it further enacted by the authority aforesaid*, That all persons set off from either of the said towns of *Needham* or *Natick*, shall have the benefit of schooling, and in case of their being poor, shall receive support from the towns from which they may be set off, until the taxes already granted for those purposes shall be expended; any thing in this law to the contrary notwithstanding.

Schooling to be continued.

[This Act passed June 22, 1797.]

An ACT to incorporate certain Persons by the Name of *The Second Religious Society in Biddeford.*

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Benjamin Hooper, Benjamin Staple, Dodivah Bickford, Noah Hooper, Robert Gilpatrick, Phinebas McIntire, Abraham Storer, Daniel Hooper, Samuel Emery, James Bradbury, Mathew Kiffick, Benjamin Hooper, jun. Jeremiah Hill, Theodore McIntire, William Freeman, Samuel Smith, Samuel Bradbury, Persia Bickford, jun. William Stephenson, jun. Ebenezer Hill, Enoch Smith, Paul Thompson, Patridge Richardson, Stephen Perkins, Edmund Perkins, Alexander Watson, Abraham Dearborn, Josiah Long, Robert Bragg, James Carlisle, jun. Robert Stevenson, Josiah Long, jun. Andrew Staple, John Wadlin, William Gilpatrick, Obed Emery, John Hooper, George Hooper, Donald Cummings, William Stephenson, Joseph Dunham, John Townson, William Sutherland, Moses Bradbury, Joseph Staple, Samuel Pierfon, William Haley, Aaron Gray, Moses Rhodes, Joseph Perkins, Nathaniel Cummings, Moses Wadlin, jun. Persia Bickford, David Currier, Thomas Burton, Benjamin Mason, jun. Noah Staple, Pike Gordon, Edmund Coffin, and Robert Patten, together with all those who being inhabitants of the said town of Biddeford, are or shall become members of the same Society, or shall unite with them in the same place of worship, within said town of Biddeford, together with their several polls and estates, lying within said town, be and hereby are incorporated into a Society by the name of *The Second Religious Society in Biddeford*, and by that name may sue and be sued, plead and be impleaded, defend and be defended in any proper Court or place whatever.

Persons incorporated.

Corporate name.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the members of said incorporation at any meeting of said Society duly notified and warned, shall have a right by a majority of votes to ordain and establish all such rules and regulations, and to appoint such officers for the government of said Society as shall not be repugnant to the laws and Constitution of the Commonwealth; and at any such meeting to vote such taxes and make such assessments thereof, as shall be necessary for the support of said Society, and the public teacher thereof.

Rules, &c. may be established.

SECT. 3. *And be it further enacted by the authority aforesaid*, That all male persons belonging to said Society and qualified to vote in town affairs, shall have a right to vote in all meetings of the said Society.

Persons qualified to vote.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the petitioners and all others, their associates in said Society, and their several estates lying in said town of Biddeford, shall not be liable to any tax or assessment which shall hereafter be granted

Members not liable to the ministerial taxes.

by

by the town of *Biddesford*, for the support of any other public teacher of piety, religion and morality, of whatever religious sect or denomination, but severally shall be held to pay their proportion of all taxes legally granted and agreed upon by said town before the passing of this Act.

How to become mem-
bers.

How to secede,

SECT. 5. *And be it further enacted by the authority aforesaid,* That all those who hereafter shall be desirous of becoming members of said Society, being inhabitants of said town, shall leave their names with the Town-Clerk of said town, twenty days at least previous to the first day of *April*, in any year hereafter, otherwise they shall not be considered in law as members of said Society; and if any member of said Society shall be desirous of a dismission therefrom, he shall leave his name with the Clerk thereof, twenty days before the first day of *April*, in any year, and thenceforward shall not be considered as a member of said Society, but shall be considered as a member of the other religious Society in the said town.

First meeting
how to be called.

SECT. 6. *And be it further enacted by the authority aforesaid,* That any five of the members of this incorporation may call a first meeting of said Society, at such time and in such place within said town of *Biddesford*, as they shall see fit, at which meeting the method of calling their future meetings shall be determined conformably to the laws of the Commonwealth.

[This Act passed *June 23, 1797.*]

An ACT to incorporate certain Persons, Trustees to manage the Funds subscribed for the permanent Support of a Minister of the Congregational Denomination in the East Parish in *Granville*, in the County of *Hampshire*.

Preamble.

WHEREAS the inhabitants of the east parish in *Granville* aforesaid have raised by subscription a fund of *five thousand dollars*, for the support of a Congregational Minister in said parish, and have petitioned the Legislature for an Act of Incorporation of certain persons for the due management thereof:

Trustees appointed.

Power.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *William Cooley, Richard Dickenson, Jesse Munson, Nathaniel Bates, and Asa Seymour*, be, and they hereby are appointed Trustees to receive and hold the whole of the monies that are already or that may hereafter be subscribed for the purpose aforesaid, to the amount of *seven thousand dollars* in the whole, in trust for the use and benefit of said parish, and the permanent support of a gospel Minister of the Congregational order or denomination; and shall constitute a Body Politic and Corporate, to have perpetual succession for the due and faithful management of said trust, and shall be vested with all powers incident to Corporations, necessary or requisite for that purpose. SECT.

SECT. 2. *Be it further enacted,* That the Trustees before mentioned and their successors in office, be, and hereby are invested with sufficient power to receive all such subscriptions, donations, securities and monies as are now in the hands of the Treasurer of said parish, or any other person, or that may hereafter be made, given or subscribed for the purpose aforesaid, *provided* the same do not exceed *seven thousand dollars* in the whole; and place the same at interest on good security at their discretion, and apply the whole or so much as may be necessary of the interest arising therefrom, to pay the salary of such Ministers as aforesaid, as the majority of the church and congregation have or may settle, but not in any case to lessen or make use of any part of the principal; and in case the whole of said annual income and interest should be more than sufficient to pay the salary as aforesaid, then the surplus, if any there be, shall be appropriated for the support of schools in said parish, or for enlarging said fund, as the parish may from time to time order or direct; and if it shall so happen, that said Trustees shall become seised of lands or tenements by mortgage as security for the payment of any debts due to said Society or Corporation, or by levying executions on lands for the discharge of debts due said Trustees or parish, and the fee thereof shall in due course of law be vested therein, it shall be lawful for said Trustees, for the time being, to execute good and well authenticated warrantee deed of the same, provided that a sale thereof be concluded on at any legal meeting of said parish.

— to receive monies.

How to be appropriated.

SECT. 3. *Be it further enacted,* That said Trustees shall make an annual return in writing of their proceedings and disbursement, and lay the same before the parish at their annual meeting in *March* or *April*, for their inspection.

Trustees to make annual reports.

SECT. 4. *Be it further enacted,* That the inhabitants of said parish may, at any lawful meeting duly warned and called for that purpose, remove any of said Trustees from their said office and appoint others in their stead, and also in case of death, resignation or removal of said Trustees or their successors, to fill up any vacancy that may so happen from time to time.

Case of removal or death.

[This Act passed *June 23, 1797.*]

An ACT to incorporate a Number of the Inhabitants of the Town of *Uxbridge*, in the County of *Worcester*, into a Society for Religious Purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Moses Whitney, Robert G. Tillinghast, Gershom Chapin, Joseph Rist, Aaron Taft, jun. Ephraim Spring, Samuel Craggin, Jonathan Whipple, Benjamin Green, jun. Benjamin Adams, Daniel Carpenter, Nicholas Baylies, Manassa Baker, David*

Persons incorporated.

David Farnum, jun. Samuel Taft, Ebenezer Clap, William Hull, David Draper, jun. Elisha Murdock, Asa Thayer, Nebemiah Hall, jun. John Grout, Thaddeus Taft, Gideon Frost, John Seagreave, Edward Rawson, Benjamin Thwing, Peter White, Nathaniel Rist, Ezekiel Wood, Daniel Chronney, Abijah Keith, Comfort Keith, Ephraim Taft, Luther Taft, Chapin Keith, Noah Keith, Joseph White, Henry White, Moses White, Ezra White, Nabum White, Nathaniel Fish, Moses Chapin, Jacob Taft, Easman Taft, James Taft, Amariah Chapin, Samuel Allen, Jacob Taft, jun. Joseph Carpenter, Elibu Brown, Alpheus White, Samuel Willard, Gershom Taft, Leonard Taft, Cummings Taft, Joseph Taft, Noah Taft, David Taft, Joseph Taft, 3d. Joseph Morfe, Micajah Taft, Moses Taft, David Hall, Jesse Morfe, jun. Jonathan Hall, Joseph Adams, Abner Taft, Webb Taft, Calvin Taft, Darius Taft, William Jacobs, Baxter Hall, Samuel Reed, Caleb Farnum, Ebenezer Winslow, Stephen Williams, Alpheus Boylies, Ebenezer Read, Bezaleel White, Solomon Tyler, Joel Sibley, Baruck Bullard, Frederick Taft, Phineas Chapin, Asa White, Amariah White, Samuel Adams, Samuel Fechem, Zadoc Taft, Stephen Sibley, and Bezaleel Taft, members of the Congregational Society in said town of Uxbridge, (whereof the Rev. Samuel Judson is the present pastor) with their polls and estates, be, and hereby are incorporated into a Society by the name of *The First Congregational Society in Uxbridge*, and that they be, and hereby are invested with all the powers, privileges and immunities that parishes within this Commonwealth do or may by law enjoy.

Corporate name.

Other persons included in this Society.

Mode of withdrawing.

SECT. 2. *Be it further enacted*, That such other inhabitants of said town of Uxbridge as have hitherto been considered by said town as belonging to the Congregational Society therein, or who shall hereafter usually attend public worship with said incorporated Society, shall be deemed and taken, with their polls and estates, as belonging to and making part of said incorporation, to all intents and purposes, as though particularly named in this Act. *Provided notwithstanding*, That nothing in this Act shall affect the right of any one of the members of said Society withdrawing his relation therefrom, and becoming a member of and uniting with some other religious Society in said town; and in case any person or persons belonging to said incorporated Society, shall hereafter signify to the Clerk thereof his or their desire of becoming united with some other religious Society in said town, and shall produce and lodge with the Clerk of said incorporated Society, a certificate signed by the Minister or Clerk of such other religious Society, of such person or persons having usually attended public worship therein, and of having actually become united thereto, he or they shall, from and after lodging such certificate as aforesaid, be considered as belonging to such other Society: *Provided however*, That such person or persons shall be holden to pay his or their proportion of

of all taxes legally assessed, or monies voted to be raised in said incorporated Society previous to withdrawing his or their relation therefrom.

SECT. 3. *Be it further enacted*, That the said incorporated Society, from and after the passing of this Act, be, and hereby is invested with the privilege of improving and enjoying the Congregational meeting-house in said town (so called) for the purpose of assembling therein for public worship, in the same manner as the Congregational Society in said town hitherto has done, and of receiving and holding all such securities or monies as have heretofore been designated and known by the name of the ministerial securities or monies in said town, and of improving the same by appropriating the annual interest arising therefrom to the support of a public teacher of piety, religion and morality in said Society, so long as it shall remain a Corporate Body, and support public worship therein.

Place of worship.

Appropriation of funds.

SECT. 4. *Be it further enacted*, That *Bezaleel Taft*, Esq. be, and he hereby is authorized and directed to issue his warrant, directed to some principal inhabitant of said Society, requiring him to give notice to the inhabitants therein, qualified to vote in parish affairs, to assemble and meet at some convenient place in said Society for the purpose of choosing all such officers as parishes are by law required to choose in the month of *March* or *April* annually, and to transact all such matters and things as may be necessary to be done in said Society.

First meeting.

[This Act passed *June 23, 1797.*]

An ACT to incorporate certain Persons by the Name of the *First Congregational Society in Dudley.*

Additional Act, Feb. 9, 1793.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *John Chamberlain, Thomas Larned, Ezbon Carter, Aaron Tufts, Jonathan Bacon, Samuel Healy, Jonathan Day, Nathaniel Healey, Benjamin Lee, Timothy Foster, Mark Dodge, John Curtis, jun. Joseph Keith, Nathaniel Healy, jun. Abel Foster, Jonathan Bacon, 2d. Joseph Healy, William Fisher, Mark Elwell, Lemuel Healy, Eliphaz Perry, Josiah Howey, William Healy, Hezekiah Healy, John Worce, Simeon Wood, John Healy, John Foster, Edward Davis, Jephthab Bacon, Josiah Barnes, John Bowers, Moses Healy, Samuel Davis, Joseph Jewell, John Lawton, Jonathan Conant, David Nichols, David Nichols, jun. John Coda, Nathan Wood, Ephraim Upham, Joseph Brackett, Benjamin Mixer, Jabez Day, Benjamin Kidder, Aaron Davis, Joseph Davis, Benjamin Lee, jun. John Eliot Eaton, Ebenezer Ammidon, Josiah Conant, jun. Rufus Conant, Moses Jewell, Asa Curtis, Luther Chamberlain, Amassa Nichols, Stephen Healy, Joseph Allen, Eden Davis, Joseph Davis, jun. Josiah Perry, Augustus Eddy, Isaac*

Persons incorporated.

Isaac Lee, Paul Dodge, Eber Foster, Thomas Upham, Nathan Upham, and Benjamin Upham, together with all those inhabitants of the said town who shall join said Society and become members thereof, with their polls and estates, be, and they hereby are incorporated into a Society by the name of The First Congregational Society in Dudley, and by that name may sue and be sued, plead and be impleaded, defend and be defended in any Court whatsoever.

Corporate
name.

Rules, &c. to
be established.

SECT. 2. *Be it further enacted, That the members of said Corporation, at a meeting duly warned therefor, shall have power to make and establish all such rules and regulations, and appoint such officers for the government of said Society as may be necessary; also to grant such sums of money, and order assessment thereof, or to raise money by taxing the pews in the meeting-house, or by renting them out, as may be necessary or expedient for the support of public worship and other incidental charges in said Society.*

How to leave
the Society.

SECT. 3. *Be it further enacted, That the Clerk of said Society shall keep a fair record of the names of all persons who shall become members thereof; and when any member of said Society shall request a dismission therefrom, and signify the same in writing to the said Clerk, ten days before the first Monday in April in any year, such Clerk shall make a record thereof, and such person shall thereupon be dismissed accordingly: Provided he shall actually forthwith join some other religious Society, and produce a certificate from the Pastor or Clerk of such other Society to that effect, and lodge the same with the Clerk of said first named Society, but shall be holden to pay his proportion of such money as shall have been previously granted by said Society first named.*

First meeting
how to be called.

SECT. 4. *Be it further enacted, That John Chamberlain, Esq. be, and he hereby is empowered and directed to issue his warrant to some principal member of said Society, requiring him to warn a meeting thereof, at such time and place as shall therein be set forth, at which meeting the method of calling future meetings shall be determined.*

[This Act passed June 23, 1797.]

An ACT to incorporate certain Inhabitants of the Towns of *Freetown, Taunton and Berkely*, in the County of *Bristol*, by the Name of *The Baptist Society composed of Inhabitants of the Towns of Freetown, Taunton and Berkely.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Benjamin Porter, Charles Strange, Daniel Douglas,*

Douglas, Abner Smith, Darius Chase, William Pratt, Phillip Hatbeway, jun. Arthur Tinkham, Gilbert Hatbeway, Gilbert Chase, Oliver Grinwell, Michael Chase, jun. Joseph Winslow, Benjamin Chase, jun. Harding Payne, Oliver Winslow, Thomas Hatbeway, John Hatbeway, Samuel Hatbeway, Robert Porter, Job Pease, Richard Clark, Ebenezer Payne, Asa Clarke, John Terry, Solomon Payne, John Briggs, jun. William Haskins, John Strange, Abner Smith, jun. Abiel Smith, Israel Smith, and Edward Smith, together with such as may join said Society in the manner hereinafter directed, with their polls and estates, be, and they hereby are incorporated and made a parish by the name of *The Baptist Society, composed of Inhabitants of the Towns of Freetown, Taunton and Berkley,* with all the rights, privileges and immunities belonging to other parishes in this Commonwealth, and by that name may sue or be sued before any Court of proper jurisdiction therefor.

Persons incorporated.

Corporate name.

SECT. 2. *Be it further enacted,* That when any Proprietor of the meeting-house in which said Society usually assemble for public worship in *Freetown* aforesaid, whose name is not above mentioned, shall wish to become a member of said Corporation, he may signify his intention to the Clerk thereof; and when any other inhabitants of either of said towns may wish to become a member of said Corporation, and shall obtain the consent of said Corporation therefor, it shall be the duty of said Clerk to enter the name of any such Proprietor or other person, together with the time of such application or admittance, in a book to be kept for that purpose; and such Proprietor or other inhabitant with their polls and estates shall thereupon become a member of said Corporation, but shall nevertheless be holden to pay his proportion of all monies due from the religious Society to which he before might have belonged, at the time of such application or admittance, in the same manner as if he had still continued a member thereof.

How to become a member.

SECT. 3. *And be it further enacted,* That *Ephraim Winslow, Esq.* be, and he hereby is authorized to issue his warrant to some principal member of said Corporation, directing him to notify and warn all the members thereof qualified to vote in parish affairs, to assemble at some convenient time and place, to choose all such officers as parishes are by law authorized or required to choose in the month of *March* or *April* annually.

First meeting:

[This Act passed *June 23, 1797.*]

An ACT for incorporating a Charitable Association in the middle Parish in the Town of *Granville.*

WHEREAS divers persons in the town of *Granville,* have associated for the purpose of supporting the preaching of the Gospel in said parish, and are desirous of being enabled to raise and manage a common fund for that purpose:

Preamble.

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Z

SECT.

- Persons incorporated. *SECT. 1. Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Timothy Robinson, Esq. David Curtis, David Parsons, Elibu Adkins, John Bates, Jacob Bates, David Robinson, Jacob Baldwin, Seth Parsons, John Phelps, Amos Baldwin, and their associates shall be a Corporation and Body Politic, under the name of The Charitable Association, in the Middle Parish in the town of Granville, and shall have and possess all the rights and immunities incident to Corporations and Bodies Politic.*
- Title. *SECT. 2. Be it further enacted, That said Corporation may hold any estate real or personal, the Annual income of which shall not exceed one thousand dollars; and all donations or subscriptions shall be put out on interest on good security, and the interest applied, or so much as may be necessary, to pay the salary of such learned, orthodox, protestant teacher of piety, religion and morality as the majority of the church and congregation of said parish may from time to time ordain, or procure to be settled over them in the work of the ministry, and the overplus of the interest arising from the capital stock shall be applied for the benefit of a grammar school for said Corporation, in such place as they may hereafter agree upon in said parish, and for no other purpose whatsoever.*
- May hold estate. *SECT. 3. Be it further enacted, That any two of said persons above named, may call a meeting of said associates, at such time and place as they may think fit, in said middle parish in Granville, by posting up notifications of the time and place of meeting in two or more public places in said parish, at least fourteen days before the time for holding said meeting; at which meeting the said associates by a vote of the majority of those present, may choose a Clerk, and such other officers as they may deem proper, and agree upon a method of calling future meetings.*
- Appropriation of funds. *SECT. 4. Be it further enacted, That the votes, proceedings and transactions of the said Corporation, and a fair account of the state of their funds, receipts, expenditures, donations, subscriptions and legacies, shall be constantly kept and recorded in one or more books by the Clerk of said Corporation, who shall be sworn to the faithful discharge of his duty, and the same shall at all times be open to the inspection and examination of the Legislature, or any person or persons appointed by the Legislature to inspect the same.*
- First meeting. *[This Act passed June 23, 1797.]*
- To choose officers. *Regular books to be kept.*

An ACT to ascertain and establish the dividing Line between the Town of *Dunstable* and District of *Tyngsborough* in the County of *Middlesex*.

WHEREAS in the Act, entitled, "An Act for incorporat-^{Preamble.}
ing the easterly and southerly parts of the town of *Dunstable*, into a district by the name of *Tyngsborough*," the dividing line between said town and district on the southerly side of said town is so expressed as that doubts have arisen with respect to the same: Therefore,

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a line beginning at the south-east corner of said town of *Dunstable* at a place fifty rods distant from *John Cummings'* house, and fourteen rods west of a line drawn due south from said house, from thence running south sixty-three and a half degrees west, forty rods, thence north eighty-five degrees west, one hundred and two rods, thence south twelve degrees east, twenty-four rods, thence north eighty-two degrees west, sixty rods, thence south thirty-three degrees east, thirty-six rods, thence south sixty-three and a half degrees west, three hundred and thirty rods, thence north twenty-three degrees west, two hundred and five rods, thence south twenty-two and a half degrees west, one hundred and seventy rods, thence south eighty degrees west, one hundred and thirty rods, thence west five degrees south, thirty-three rods to *Massapog Pond*, so called, thence south sixty-two degrees west, to the line of the town of *Groton*, shall be and hereby is established and ascertained as the dividing line between the said town and district on the southerly side of said town; and that all that territory which before passing said incorporating Act, made a part of the town of *Dunstable*, and which lies to the southward of said line, and between the same and the towns of *Groton* and *Westford*, shall hereafter be and constitute a part of the district of *Tyngsborough*, in the same manner, and with the same duties and privileges arising therefrom, as if the said dividing line had been described in said incorporating Act, as it is hereby established. ^{Boundaries.}

[This Act passed *January 29, 1798.*]

An ACT to incorporate *Tobias Lord, Oliver Keating, Thacher Goddard*, and others, for the Purpose of keeping in repair, a Pier at the Mouth of *Kennebunk River*, and to grant them a Duty for reimbursing the Expence of erecting the same.

WHEREAS the building the Pier at the mouth of *Kennebunk River* has been found to be of great utility, by rendering

rendering the passage in and out of said river less difficult and dangerous; and whereas the said *Tobias Lord, Oliver Keating, and Thacher Goddard*, on behalf of themselves and associates, have petitioned this Court for an incorporation:

Incorporating
clause.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Tobias Lord, Oliver Keating, and Thacher Goddard, together with such others as now are, or who hereafter may become Proprietors of the said Pier, be, and they are hereby made and constituted a Body Politic and Corporate, by the name of The Proprietors of the Kennebunk Pier; and by that name may sue and be sued to final judgment and execution, and may do and suffer all matters and things which Bodies Politic may or ought to do and suffer; and may have and use a common seal, and the same break and alter at pleasure.*

Duty establish-
ed.

SECT. 2. *Be it further enacted, That for the purpose of reimbursing the said Proprietors the money by them expended or to be expended in building and supporting said Pier, a duty upon the tonnage of vessels employed in foreign trade, and a duty upon the licenses of vessels employed in the coasting trade and fisheries, be, and is hereby granted and established, for the sole benefit of the said Proprietors, not exceeding the rates following, viz. Upon all registered vessels passing out of said river, and bound to a foreign port, five cents per ton, to be paid at the time of clearance, to the Collector of said Proprietors for their use; and the sum of ten cents per ton, per annum, upon all vessels owned in said river, employed in the coasting trade and fisheries, to be paid said Collector, at the time of granting or renewing the licenses of said vessels; and two cents per ton, upon all vessels not owned in said river, which shall come into the same for the purposes of trade and commerce.*

Mode of call-
ing first meet-
ing.

SECT. 3. *Be it further enacted, That said Tobias Lord, Oliver Keating and Thacher Goddard, or any two of them, may, by posting up notifications in some public places in the towns of Arundell and Wells, warn and call a meeting of said Proprietors, to be holden at any suitable time and place after fourteen days from the posting up said notifications: And said Proprietors, by a majority of those present or represented at said meeting, accounting and allowing one vote to a single share in all cases: Provided, That no one Proprietor shall be allowed more than ten votes, shall choose a Clerk, who shall be sworn to the faithful discharge of his office. And the said Proprietors shall also agree upon the method of calling future meetings; and at the same, or any future meeting, may elect such officers, and make and establish such rules and by-laws, (not repugnant to the laws of this Commonwealth or of the United States) as they may think necessary for the regulation of said Corporation: And the same rules and by-laws may cause to be executed, and may annex penalties*

Officers to be
chosen, and by-
laws made.

penalties to the breach thereof not exceeding *ten dollars*: And all representations at any meetings of the said Corporation, shall be proved by writing, signed by the person to be represented, and filed by the Clerk; and all rules, regulations, by-laws and proceedings of the said Corporation shall be fairly and truly recorded by the Clerk, in a book or books to be provided and kept for this purpose.

SECT. 4. *Be it further enacted*, That any Proprietor's share or shares in said Pier may be transferred by deed, duly executed and recorded by the Clerk of said Corporation; and when any share or shares of said Pier shall be attached on *mesne process*, an attested copy of such process shall be left with the said Proprietors' Clerk at the time of such attachment, otherwise the same shall be void.

Shares transferable and attachable.

SECT. 5. *Be it further enacted*, That the duty herein granted to said Proprietors shall commence at the expiration of twenty days after the Congress of the United States shall have consented thereto; and shall continue to be in force for the benefit of said Proprietors, their heirs and assigns, for the space of ten years; subject then to be revised and altered by the Legislature of this Commonwealth; and said Pier shall be kept in good repair during the whole of said term.

Commencement and duration of this law.

[This Act passed *February 2, 1798.*]

An ACT to annex several Grants of Land, in the County of *Berkshire*, to the Town of *Becket*, within the said County.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the lands lying between *Louden, Blandford, Chester* and *Becket*, viz. Beginning at the south-east corner of *Becket*, on *Chester* line, and running southerly on *Chester* line, to *Blandford* north line, and continuing on *Blandford* north line to the north-east corner of *Louden*; thence westerly on *Louden*, to *Becket* south line; thence following *Becket* line to the bounds first mentioned, with all the inhabitants thereon, be, and they hereby are annexed to the same town of *Becket*.

Boundaries.

SECT. 2. *And be it further enacted*, That there shall be added *five cents* to the said town of *Becket's* proportion of each *thousand dollars*, that shall be raised by taxes in this Commonwealth, until a new valuation shall be taken.

Addition to the tax of *Becket*.

[This Act passed *February 3, 1798.*]

An

An ACT altering the Name of *William Gray*, the Fifth, to the Name of *William Shepard Gray*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, *William Gray*, the fifth, of *Salem*, in the county of *Essex*, son of *William Gray*, the third, of said *Salem*, shall be, and hereby is authorized and empowered to take, bear and use the name of *William Shepard Gray*, and shall be called and known by that name at all times hereafter.

[This Act passed February 5, 1798.]

An ACT to set off certain Land from the Town of *Groton*, and annex the same to the Town of *Shirley*.

Boundaries.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a tract of land at the south-western extremity of the town of *Groton*, bounded by a line beginning at a large white-oak stump, on the south-east side of *Nashua River*, being the north-west corner of the town of *Harvard*; thence running south-easterly on *Harvard* line, as the town bounds direct, till it comes to the stump of a pine tree lately fallen down, an ancient bound mark in said town line; thence northerly to a heap of stones by the road leading to *Harvard*, at *Simon Daby's* southerly corner; thence north-easterly on said *Simon Daby's* line to a pine tree marked; thence northerly to a heap of stones on a ledge of rocks; thence northerly on said *Simon Daby's* line to a heap of stones on a large rock; thence north-westerly still on said *Simon Daby's* line to a stake and stones in the roots of a pine tree, fallen down in a valley, said *Simon Daby's* north-east corner and *Samuel Chase's* southerly corner; thence northerly on said *Samuel Chase's* line, to the road leading to *Abel Morse's* mill, at a heap of stones on the north-easterly side of said road; thence north-easterly on said *Samuel Chase's* line by said road to a heap of stones; thence north-easterly on said *Chase's* line, to a stake and stones at the end of a ditch at a brook; thence down said brook to *Nashua River*; thence up said river to the bound first mentioned, together with the inhabitants thereof, be, and they are hereby set off from the town of *Groton* and annexed to the town of *Shirley*, there to do duty and receive privileges in the same manner as other lands and inhabitants of the said town of *Shirley*.

SECT. 2. *Provided nevertheless, and be it further enacted*, That the said tract of land and the inhabitants thereof shall be liable

to

to be taxed by the town of *Groton*, their full proportion in a tax to the amount of the debts now due from said town of *Groton*, in the same manner as if this Act had not been passed: *Provided* such tax be made and assessed within one year from the time of passing this Act; and shall also be liable to pay their proportion of all State taxes that may be assessed on the town of *Groton* until a new valuation be taken.

Direction respecting taxes.

[This Act passed February 6, 1798.]

An ACT to set off that Part of the Farm in Possession of *Jacob Cole*, which lies in the District of *New-Ashford*, to the Town of *Cheshire*.

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 farm possessed by *Jacob Cole*, of *New-Ashford*, in the county of *Berkshire*, as lies in the district of *New-Ashford*, be, and it hereby is, together with the said *Jacob* and his personal estate, set off from the said district and annexed to the town of *Cheshire*, in the said county, there to do duty and receive privileges.

[This Act passed February 6, 1798.]

An ACT for setting off the Northeasterly Part of the Town of *Sheffield*, in the County of *Berkshire*, and annexing the same to the Town of *New-Marlborough*, in the same County.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all that tract of land lying and being in said town of *Sheffield*, with the inhabitants thereon, contained within the following lines, viz. Beginning at a stake and stones in the west line of *New-Marlborough*, it being the north-east corner of a piece of land set off from *Sheffield* to *New-Marlborough*, June nineteenth, seventeen hundred and ninety-five; then running west twelve degrees fourteen minutes north one hundred rods, to a stake and stones; thence west four degrees forty minutes north sixty-three rods, to a stake and stones; thence running north two degrees west, a parallel with said town line, until it strikes *Great-Barrington* town line; thence easterly on *Great-Barrington* town line, until it strikes the west line of *New-Marlborough*; thence southerly on said line of *New-Marlborough* to the first mentioned bound, be, and hereby is set off from the said town of *Sheffield* and annexed to the town of *New-Marlborough*.

Boundaries.

SECT. 2. *And be it further enacted*, That all State, county and town charges which may be now due from the inhabitants of that

Direction respecting taxes.

that part of the town of *Sheffield* which is hereby set off, shall be assessed, collected and paid in the same manner as before the passing of this Act, and also their proportion of the State tax granted the present session of the General Court.

[This Act passed *February 7, 1798.*]

Jan. 28, 1792.

An ACT to empower the Inhabitants of the Town of *Middleborough*, in the County of *Plymouth*, to regulate the Price of the Fish called Alewives, taken in said Town, and for repealing all the Laws heretofore made, so far as they respect the Regulation of the Price of said Fish, taken in said Town.

Empowered to establish price.

Rate.

Former laws repealed.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, the inhabitants of the town of Middleborough aforesaid are hereby empowered, annually, at any town meeting legally warned for that purpose, to establish the price of said fish, taken in said town, provided said price be not above the rate of twenty-five cents per hundred.*

SECT. 2. *And be it further enacted, That all the laws heretofore made, so far as they respect the regulation of the price of said fish, taken in said town, be, and hereby are repealed.*

[This Act passed *February 8, 1798.*]

June 23, 1797.

An ACT in addition to an Act, entitled, "An Act incorporating certain Persons in the Town of *Dudley*, by the Name of *The First Congregational Society* in said Town."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing this Act, all the inhabitants of said town, who usually meet with said Society for public worship, and who do not belong to any other religious Society, together with their estates, be, and hereby are declared to belong to said Society, subject to all the burthens, and entitled to all the rights and immunities thereof.

[This Act passed *February 9, 1798.*]

An ACT to incorporate the Plantation called *New-Sandwich*, in the County of *Lincoln*, into a Town by the Name of *Wayne*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the following described tract of land, lying*

ing west of *Wintthrop*, in the county of *Lincoln*, and bounded as followeth: Beginning on the east line of the town of *Livermore*, on the northerly end of *Great Androscoggin Pond*; thence running north one mile and two hundred and twenty rods to the south line of *Fayette*, thence east two miles and one hundred and seventy rods to *Land's Pond*, thence east sixty-seven and an half degrees south, three hundred rods to the west line of the town of *Readfield*, thence south twenty-two and an half degrees west, six miles and two hundred and twenty-two rods to the south-west corner of *Wintthrop*, thence north sixty-seven and half degrees west, one mile and one hundred and eighty rods to a stake and stones, thence north, twenty-five degrees east to *Androscoggin Great Pond*, thence on the easterly side of said last mentioned pond to the stream running from *Wing's Pond* into said *Androscoggin Pond*, thence across said last mentioned stream and on the northerly end of said *Androscoggin Pond* to the bounds first mentioned, together with all the inhabitants thereon, be, and the same hereby are incorporated into a town by the name of *Wayne*; and the said town is hereby vested with all the powers, privileges and immunities, which other towns within this Commonwealth do or may by law enjoy.

Boundaries.

SECT. 2. *And be it further enacted by the authority aforesaid*, That *Robert Page*, Esq. be, and he is hereby authorized to issue his warrant, directed to some suitable inhabitant of said town, requiring him to warn the inhabitants thereof, qualified to vote in town meetings, to meet at such time and place as shall be expressed in said warrant for the purpose of choosing all such town officers as other towns within this Commonwealth are required to choose within the month of *March* or *April* annually.

First meeting.

[This Act passed February 12, 1798.]

An ACT to incorporate the Proprietors of Mills on *Charles River*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Simon Elliot, Jonathan Bixby, Luke Bemis, Ephraim Jackson, Francis Faulkner, William Payne, and Andrew Craige*, together with such other Proprietors of one or more mills upon *Charles River*, below the Upper Falls, as are, or may hereafter become members of the Corporation, shall be, and hereby are constituted a Body Politic and Corporate, by the name of *The Proprietors of Mills on Charles River*, and by that name may sue and be sued, and have and enjoy all the rights and immunities which are by law incident to Bodies Politic and Corporate.

Persons incorporated.

SECT.

— may hold
property.

SECT. 2. *And be it further enacted*, That the said Corporation may purchase, acquire and hold any personal estate, the annual income whereof shall not exceed *one hundred dollars*; and shall have power at any legal meeting, to assess and collect such sums of money from the Proprietors of said Mills, and to pursue such lawful measures as may be deemed necessary for protecting, defending or recovering their common rights.

Meetings how
to be called.

SECT. 3. *And be it further enacted*, That any Justice of the Peace in the county of *Middlesex*, shall have power, on application, from any three of the Proprietors aforesaid, to issue his warrant to any one of them, requiring him to notify and warn a meeting of said Proprietors, at such time and place as he shall judge most convenient, and for the purposes to be expressed in said warrant, by posting up copies of said warrant, with the notification thereon, in some public places in the towns of *Newton* and *Watertown*, and by publishing the same in the *Massachusetts Mercury*, fourteen days before the time for holding said meeting: And at such meeting, the Proprietors aforesaid may, by a vote of the majority of those present, choose a Moderator and Clerk, who shall be sworn to the faithful discharge of their duty, and agree upon a method of calling future meetings; and it shall be the duty of said Clerk to keep a fair record of all the votes and transactions of said Corporation in one or more books, which shall always be kept open to the inspection of the Legislature of this Commonwealth, or any Committee by them appointed for that purpose.

[This Act passed *February 12, 1798.*]

See Appendix.

An ACT in addition to and for explanation of an Act, passed in the Year of our Lord One thousand seven hundred and seventy-four, for dividing the Town of *Springfield*, and erecting the western Part thereof into a separate Town by the Name of *West-Springfield*.

Preamble.

WHEREAS provision is made in and by the said Act, that the lands in the great and general field in said *West Springfield*, south of the road leading from the ferry over *Connecticut River*, to *Agawam River*, should be taxed by the inhabitants of the town of *Springfield* when owned there, and many controversies have arisen respecting the said provision and the operation thereof, and frequent applications have been made to the Legislature touching the same: For remedy whereof,

SECT.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the provision aforesaid be, and is hereby limited and restricted to the lands lying in said field, of which the said inhabitants were owners and proprietors on the last day of *December* last past, and shall not hereafter extend to any other lands in the said field which may hereafter be purchased or in any other way be owned by any inhabitant of said *Springfield*.

Restriction of
tax.

SECT. 2. *And be it further enacted,* That in case after the expiration of three years from the said last day of *December*, any lands of the said inhabitants of the town of *Springfield* in the said field shall be improved for settlement, and any dwelling-house be then standing thereon, or any building shall afterwards be erected on any of the said lands, then such buildings and the lot or lots on which the same shall stand or afterwards be erected, shall forever be taxed by the said town of *West-Springfield*, and the right of the town of *Springfield* to tax the same shall thenceforth cease and be determined.

West-Spring-
field to assess
the taxes.

SECT. 3. *And be it further enacted,* That whenever any person, other than an inhabitant of said *Springfield*, shall hereafter become sole owner or proprietor of any lot of land in the said field which belonged to any inhabitant of *Springfield*, on the said last day of *December*, or sole owner or proprietor of any separate or distinct part or parts of any such lot or lots, and shall so continue to be for nine calendar months, then and not before the right of the said town of *Springfield* to tax the same shall cease and determine, and the said town of *West-Springfield* shall have the sole right of taxing the same forever after: *Provided however,* That if any of the said lands owned by any inhabitant of said *Springfield*, on the said last day of *December*, shall be taken by execution in favour of any person other than an inhabitant of said *Springfield*, and the said land so taken shall be redeemed within the time by law prescribed, then such land shall continue to be taxed by the inhabitants of said *Springfield*, while owned there, any thing herein to the contrary notwithstanding.

When an in-
habitant shall
be taxed.

Provide.

[This Act passed February 13, 1798.]

An ACT for establishing a Toll for the Purpose of repairing and maintaining the great Bridge over the River *Parker*, in the Town of *Newbury*, and County of *Essex*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That a toll be and hereby is granted and established, for the purpose of repairing and maintaining the great Bridge

Bridge over the river *Parker*, in the town of *Newbury*, in the county of *Essex*, to be paid by the passengers over said Bridge, from the first day of *May* to the last day of *October*, in each and every year hereafter, according to the rates following, viz. For each foot passenger, *one cent*; for one person and horse, *three cents*; for each cart or carriage drawn by one horse, with one driver, *six cents*; for each chaise, chair or sulkey with the travellers therein, *ten cents*; for each coach, chariot, phaeton or curricule with the travellers therein, *twenty cents*; for each other wheel carriage, drawn by more than one beast, and having but one driver, *ten cents*; for neat cattle and horses not ridden nor in teams or carriages, *two cents* each; and for swine and sheep, *six cents* for each dozen, and after the same rate for a greater or less number; and in all cases the same toll shall be paid for each carriage, vehicle and team, whether loaded or not loaded; and no toll shall be demanded upon the Lord's day.

Rates of toll.

Trustee to be appointed.

Toll-gatherer.

Penalty for neglecting duty.

— for violence in passing the bridge.

SECT. 2. *Be it further enacted*, That the Court of General Sessions of the Peace in and for said county of *Essex*, be, and hereby are authorized and empowered to appoint, from time to time, some suitable person as Trustee, to manage and receive said toll, and therewith to repair such parts of said Bridge, as now do, or may hereafter need it; and he and his successors in that office, upon his or their giving bond with sufficient surety in the opinion of the Justices of the Court of Sessions for the county aforesaid, for the faithful discharge of the duties of his office of Trustee as aforesaid, are hereby authorized and empowered to erect and keep up a gate across said Bridge, to agree with and appoint, from time to time, a suitable person to attend the same and receive said toll, and to take security to him and his successors, that he will faithfully attend his duty at said gate, at such hours as shall be agreed on between them, to receive said toll and permit travellers to pass; and that he will account with him or his successors upon oath, if required, and pay him or them, weekly, all monies received by said toll: And if said toll-gatherer shall neglect attendance at the hours agreed upon by him and the Trustee, or refuse to open the gate for travellers to pass, on tender of the lawful toll, or shall receive or demand a greater toll in any case than is appointed by this Act, he shall forfeit and pay the sum of *four dollars*, to be recovered with costs, by action of debt, before any Justice of the Peace in and for the said county, by any person who will sue for the same; and if any person shall pass, or attempt to pass through said gate by force, and without paying the lawful toll, he shall forfeit and pay a like sum of *four dollars* to the toll-gatherer, to be recovered in like manner, and be moreover liable to be prosecuted for the offence at common law; but at all times when the toll-gatherer shall not attend, the gate shall be left open.

SECT.

SECT. 3. *Be it further enacted*, That the Court of General Sessions of the Peace, in and for the county of *Essex*, shall from time to time require the Trustee by them appointed, to render his account upon oath, annually in the month of *October*, of all monies received by said toll, and of his expenses of repairing said Bridge, and may order any sum then in his hands, more than sufficient for the then necessary repairs of said Bridge, to be paid into the Treasury of said county, and to be let out by the Treasurer at interest, and to be appropriated by order of said Court from time to time, as there may be occasion, to the repairing of said Bridge, and for no other use whatever. And any Trustee for the time being, who shall refuse or neglect to account or pay over as aforesaid, when required as aforesaid, shall forfeit and pay for each offence the sum of *two hundred dollars*, to be sued for and recovered by the Treasurer of said county, with costs, by action of debt, in any Court proper to try the same; and said forfeitures when recovered shall be appropriated, by order of said Court, for the repairs of said Bridge; and said Court may also proceed against any Trustee for his refusal or neglect to account or pay over as aforesaid when duly required, by way of attachment, as for a contempt.

Trustee to account annually.

Penalty for neglect.

SECT. 4. *Be it further enacted*, That the Trustee of said Bridge for the time being may, by the name of *The Trustee of Parker River Bridge*, in *Newbury*, in the county of *Essex*, demand of, and if need be, sue for and recover of any former Trustee, if living, or the executors or administrators of any one deceased, any monies, such living or deceased Trustee may have received by said toll, and not accounted for as aforesaid, as for monies had and received to their use, in any Court proper to try the same; and shall be accountable for the same when received, as for other monies received by said toll.

Trustee may sue.

SECT. 5. *Be it further enacted*, That *Jonathan Poor, Daniel Hale, Amos Hale, Samuel Plumer, John Thurston, Benjamin Thurston, Mark Plumer, David Plumer, Stephen Poor, and Simeon Plumer*, and their families, or the occupants of their estates contiguous to said Bridge, and their Minister and Physician, be, and they hereby are exempted from paying the toll required by this law, so long as they shall keep in good repair, in the judgment of the Trustee of said Bridge, the whole of the abutment of said Bridge, from the south shore to the first arch, including the caps and railing.

Exemption from toll.

[This Act passed February 13, 1798.]

An

An ACT for incorporating certain Persons for building a Bridge over *Chickapee River*, between *Wilbraham* and *Ludlow*, and for supporting the same.

Preamble.

WHEREAS the erecting a Bridge over the river between *Wilbraham* and *Ludlow* will be of public utility, and *Samuel Fisk Merrick* and others have petitioned this Court for that purpose:

Persons incorporated.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Samuel Fisk Merrick, Gideon Burt, Elisha Shepard, jun. Jason Chapin, William Buel, Benjamin Phillips, Joel Lyman, Charles Wiley, John Stickney, James Warner, Azriel Warner, William Brewer, Aaron Graves, Leonard Miller, Solomon Charles, David Worriner, Thomas Jones, Reuben Sikes, Oliver Bliss, Silas Bliss, James Shaw, Moses Bartlet, Elisha Shepard, David Hitchcock and Ephraim Moore, together with those who may hereafter associate with them, be, and they are hereby constituted a Corporation and Body Politic, by the name of The Wilbraham Bridge Company, for the purpose of building and supporting a Bridge over Chickapee River, between Wilbraham and Ludlow, and as such they may sue and be sued, and may appoint one or more agents or attorneys to prosecute or defend them, and may have and keep one common seal, which they may alter, break or change at pleasure.*

Toll established.

SECT. 2. *And be it further enacted, That for reimbursing to the said Samuel Fisk Merrick, and others before named, and their associates, the money that may be expended in building and supporting said Bridge, a toll be, and hereby is granted and established for the sole benefit of the said Samuel Fisk Merrick, and others before named, and their associates, according to the rates following, viz. For each foot passenger, one cent and a half; for each person and a horse, five cents; for each horse and chaise, riding chair, or fulkey, twelve cents and a half; for each sleigh, sled or cart, drawn by one horse, eight cents; for each sleigh, drawn by more than one horse, twelve cents and a half; for each sled, cart or waggon, or other carriage drawn by more than one beast, with one driver, twelve cents and a half; for each coach, or other four wheel carriage, for the conveyance of persons, twenty-five cents; for neat cattle in a drove, each one cent; for horse kind, in a drove or led, one cent each; for swine or sheep, each half a cent. And in all cases, the same toll shall be paid for all carriages and vehicles passing said Bridge, whether the same be loaded or not.*

Bridge how to be built.

SECT. 3. *And be it further enacted, That the said Bridge shall be well built, of good and suitable materials, at least thirty*

ty feet wide, with sufficient rails on each side: And the said Proprietors or Corporation shall keep the said Bridge in good, safe and passable repair during the time they shall be Proprietors of the same. And if the said Proprietors or Corporation shall unreasonably neglect or refuse to keep said Bridge in good repair as aforesaid, on such refusal or neglect being made to appear to the Justices of the Court of General Sessions of the Peace, in the county of *Hampshire*, it shall be in the power of said Court to prohibit the Proprietors aforesaid from receiving toll from any person or persons passing said Bridge, until it shall be put by them in such repair as shall be deemed sufficient: And the toll shall commence whenever the said Bridge shall be fit and safe for carriages to pass over it, and shall continue to the said Corporation and their successors forever; subject, however, to alteration of the General Court, after the term of twenty years: And at the place where the toll shall be received, there shall be erected a sign-board, with the rates of toll fairly and legibly written thereon.

— to be kept in repair.

SECT. 4. *And be it further enacted*, That if the said *Samuel Fiske Merrick* and others before named, and their associates, shall neglect, for the term of three year's after passing this Act, to build said Bridge, then this Act shall be void.

— when to be built.

[This Act passed *February 16, 1798.*]

An ACT for incorporating certain Persons for the Purpose of building a Bridge over *York River*, at a Place called *Trafton's Ferry*.

Proprietors authorized to receive toll by Act June 23, 1804.

WHEREAS the erecting a Bridge over the said river, in the town of *York*, at the place aforesaid, will be of great public utility, and *Esaias Prebble*, and *William Frost*, Esquires, *Alexander Rice*, *Abel Moulton*, *Josiah Chase*, and *John Main* and others have petitioned this Court for an Act of incorporation, to empower them to build the said Bridge:

Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the said *Esaias Prebble*, *William Frost*, *Alexander Rice*, *Abel Moulton*, *Josiah Chase*, and *John Main*, so long as they shall be Proprietors in a fund to be raised for the purpose of building said Bridge, together with all those who shall hereafter become Proprietors in the said fund, shall be a Corporation and Body Politic, under the name of *The Proprietors of York Bridge*; and by that name may sue and prosecute and be sued and prosecuted to final judgment and execution, and do and suffer all other matters and things which Bodies Corporate may or ought to do and suffer; and the said Corporation

Persons incorporated.

May sue and be sued.

poration shall have full power to build a Bridge over said river at the place aforesaid; with authority to make, have and use a common seal, and the same to break, alter and renew at pleasure.

SECT. 2. *Be it further enacted*, That the said *Esaias Prebble, William Frost, Alexander Rice, Abel Moulton, Josiab Chase, and John Main*, or any three of them, may, by advertisement in the *Eastern Herald and Gazette of Maine*, printed at *Portland*, warn or call a meeting of the said Proprietors, to be holden in *York*, at any suitable time after fifteen days from the publication of said advertisement: And the said Proprietors, by a vote of the majority of those present or represented at the said meeting, accounting and allowing a vote to each share in all cases, shall choose a Clerk, who shall agree on a method of calling future meetings; and at the same, or any subsequent meeting, may make and establish any rules and regulations that shall be necessary or convenient for regulating said Corporation, for effecting, completing and executing the purposes aforesaid; and the same rules and regulations may cause to be kept and executed; and for the breach thereof may order and enjoin fines or penalties, not exceeding *ten dollars*; *Provided* the rules and regulations are not repugnant to the laws and Constitution of this Commonwealth: And the said Proprietors may also choose and appoint any other officer or officers of the said Corporation that they may deem necessary; and all representations at the said meeting shall be proved by writing, signed by the person appointing his representative; which shall be filed with, or recorded by the Clerk, in a book or books for that purpose provided and kept.

SECT. 3. *Be it further enacted*, That the said Bridge shall be well built, at least twenty-five feet wide, and shall be four feet at least above the water in a common tide, at high water, of sound and suitable materials, with a convenient draw or passage-way, at least thirty feet wide, and at proper place for the passage of vessels, well constructed, with substantial piers on each side, and well planked on the top and sides, with plank proper for such a bridge, and suitable rails on each side; and the same shall be kept in good, safe and passable repair, for the term of twelve years from the passing of this Act.

SECT. 4. *Be it further enacted*, That if the said Proprietors shall refuse or neglect, for the space of three years after the passing of this Act, to build and complete the said Bridge, then this Act shall be void and of no effect.

[This Act passed February 17, 1798.]

An ACT for incorporating a Number of the Inhabitants of *Becket*, in the County of *Berkshire*, into a Society, for Religious Purposes.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Ebenezer Walden, Martin Kinsley, Joseph Higley, Alpheus Streeter, Solomon King, Nathaniel Kinsley, Oliver Brewster, John Scott, James Rudd, George Conant, Jeremiah Lyman, Thomas Stevens, John Soley, Thatcher Conant, Comfort Barnes, Elijah Alford, Isaac Clark, Simeon Luce, jun. Ozias Higley, Dillingham Clark, John Austin, John Austin, jun. Isaiab Kingsley, Ebenezer Balch, Peter d'Wolf, Oliver Millard, Joseph Atwell, Horace d'Wolf, Jared Phelps, Ephraim Perkins, Enos Kinsley, Nathan Birchard, Asabel Alford, James Birchard, jun. Duncan Shaw, Marcus Carter, Jonathan Loomis, Abner Eames, Thomas Chaffee, Thomas Chaffee, jun. Benjamin Chaffee, Joshua Bowen, Stephen Nichols, Ichabod Buel, William Johnson, John Lester, Levi Snow, Elijah Ormsby, James Austin, James Birchard, David Titus, Jesse Rudd, David Brown, Orsemus Gilbert, Billey Messenger, Abel Dewey, Thomas Merryfield, and Ebenezer Adams,* be, and hereby are incorporated into a Society, by the name of *The First Congregational Society in the Town of Becket*, and that they be veited with the powers, privileges and immunities, and subject to the duties and obligations hereafter in this Act specified.

Persons incorporated.

Corporate name.

SECT. 2. *Be it further enacted*, That the said Corporation may hold any real or personal estate, the annual income of which shall not exceed *one thousand dollars*, and shall have power to sue and be liable to be sued in their corporate capacity; and all donations of personal property or subscriptions shall be put on interest on good security; and such interest shall be paid on the first Monday in *January*, annually, and applied, or so much thereof as may be necessary, to pay the salary of such learned orthodox Pedobaptist teacher of piety, religion and morality as the majority of the said Society, and others entitled to a vote in the choice of a Minister, may from time to time order or procure to be settled over them in the work of the ministry; and the overplus of the interest arising from the capital stock shall be applied from time to time, either to increase the stipulated salary of the settled Minister, or relieve such of the Society as may be burdened beyond their abilities for his support, or such other pious purpose as the majority of the members of the said Society, at any lawful meeting of the same, may agree and order.

May hold estate, and receive donations.

Interest how to be appropriated.

SECT. 3. *Be it further enacted*, That the said Society be, and they hereby are empowered, at the first lawful meeting thereof

thereof which shall be holden by virtue of this Act, to choose a Clerk and a Treasurer of the said Society, who, and as well also every other Clerk and Treasurer thereof thereafter chosen, shall be sworn to the faithful discharge of the duties of their respective offices, and a certificate thereof, made by the Justice who administers the oath, which shall be returned to and recorded by the Clerk of the said Society: And also to choose five or seven of their body for Trustees, whose duty it shall be to manage the funds and other prudential matters of the Society, and also to receive donations and subscriptions for the uses and purposes aforesaid: And the said Society are hereby further empowered, at any future lawful meeting called for that purpose, to dismiss any of their above mentioned officers and elect others in their room; and in case of a vacancy or vacancies, by death or otherwise, at any such meeting to fill up the same.

Clerk and Treasurer to be chosen.

Trustees.

Treasurer may sue.

SECT. 4. *Be it further enacted*, That the Treasurer of the said Society first chosen by virtue of this Act, shall be, and hereby is empowered, under the order and by direction of the Trustees of the said Society, or the major part of them, to demand, sue for and recover, as well from the several persons above-named, their heirs, executors and administrators, the sums they have respectively subscribed for the purposes above mentioned, or the interest of the same only, as the Trustees may judge best, as from any person who shall hereafter subscribe a sum for the use of the said Society, his heirs, executors and administrators; and that the Treasurer of the said Society, for the time being, shall be, and hereby is vested with a like power to demand, sue for and recover any sum subscribed, or that shall hereafter be subscribed for the uses aforesaid, under the order and direction of the Trustees, or the major part of the Trustees for the time being.

How to be admitted a member.

SECT. 5. *Be it further enacted*, That whenever any person shall request to become a member of the said Society, and shall signify the same to any one of the Trustees for the time being, it shall be his duty to lay the same before the Society at their next meeting, for their consideration; and in case such person shall be admitted a member of the Society at such meeting, by a major vote of those present, his or her name shall be entered on the records of the Society, and he or she shall thenceforward be entitled to all the privileges and rights enjoyed by any original member thereof.

Persons incapable of paying may vote notwithstanding.

SECT. 6. *Be it further enacted*, That any person who is or shall be a member of the Pedobaptist church in the said town of Becket, and who, in the judgment of the said Society, shall not be able, by donation or subscription, to become a member of the aforesaid Society, shall have a right to give his vote in the choice of a Minister.

SECT.

SECT. 7. *Be it further enacted,* That any two of the persons above named may call a meeting of the said Society, at such time and place, before the first of *May* next, as they may think proper, in the town of *Becket*, by posting up notifications of the time, place and purpose in general of the said meeting, in two or more public places in the said town, fourteen days before the time for holding such meeting, at which meeting the said Society shall not only choose the officers mentioned in this Act, but may also at the said meeting, and at any future legal meeting, choose any other officers they shall deem necessary the better to effect the ends of their institution; and may also agree upon a method of calling future meetings.

First meeting
how to be called.

SECT. 8. *Be it further enacted,* That the votes, proceedings and transactions of the said Society, and a fair and true account of the state of their funds, receipts, expenditures, donations, subscriptions and legacies, shall be constantly kept and recorded in one or more book or books by the Clerk of said Corporation; and the same shall be open at all times to the inspection and examination of the Legislature, or any person or persons appointed by the Legislature to inspect the same, and to the Trustees of said Society, for the time being, or a Committee of the said Society appointed at any lawful meeting thereof to inspect and examine the same.

Books to be
free for inspection.

[This Act passed *February 17, 1798.*]

An ACT altering the Name of *Peter Greene* to *Peter W. Greene*.

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, *Peter Greene*, of *Boston*, Merchant, (son of *Richard Greene*, late of *Warwick*, in the State of *Rhode-Island*, deceased) shall be, and he hereby is authorized and empowered to take, bear and use the name of *Peter W. Greene*, and shall be called and known by that name at all times hereafter.

[This Act passed *February 19, 1798.*]

An ACT to incorporate the Plantation called *Otisfield*, in the County of *Cumberland*, into a Town by the Name of *Otisfield*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Plantation of *Otisfield*, in the county of *Cumberland*, bounded as follows, viz. Beginning at the north-west corner of *Raymond Town* Plantation, thence running north

Boundaries;

forty-five

forty-five degrees east, two thousand and nine hundred thirteen rods, to a corner marked, thence running north twenty-five degrees west, two thousand five hundred and twenty rods, on *Philip's Gore*, so called, or *Hebron*, thence south sixty-five degrees west, one hundred and ninety-five rods, thence north twenty-five degrees west, five hundred and forty rods, thence south sixty-five degrees west, twelve hundred and ninety-six rods, on the foot line of *Waterford*, thence south twenty-five degrees east, three thousand one hundred sixty-nine rods, on *Bridgtown* east line, thence south sixty-five degrees west, one thousand four hundred and eighty rods on the southerly line of *Bridgtown*, thence south forty degrees east, nine hundred and thirty rods, on *Flintstown*, to the first bounds, with the inhabitants thereon, be, and they hereby are incorporated into a town by the name of *Otisfield*. And the said town is hereby vested with all the powers, privileges and immunities which other towns in this Commonwealth do or may by law enjoy.

First meeting
how to be called.

SECT. 2. *Be it further enacted*, That *Enoch Parley*, Esq. be, and he hereby is empowered to issue his warrant, directed to some suitable inhabitant within said town, requiring him to warn a meeting of the inhabitants thereof, at such time and place as shall be expressed in said warrant, for the purpose of choosing such town officers as other towns are empowered to choofe in the month of *March* or *April* annually.

[This Act passed *February 19, 1798.*]

An ACT to prevent Damage being done on the Meadows and Beaches lying in and adjoining on the north-east Part of the Town of *Dennis*, between *Quivit-Harbour* on the east, and *Sessuit-Harbour* on the west.

Preamble.

WHEREAS many people frequently drive numbers of neat cattle, horses, sheep and swine, to feed upon the beaches, meadows and shores adjoining to the north-east of *Dennis*, lying between *Quivit-Harbour* on the east, and *Sessuit-Harbour* on the west, whereby the ground and beach is much broken and damaged, and the sand blown on said adjoining meadows and upland, to the great damage not only of sundry private persons, but of the whole propriety in general :

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this Act, no person or persons shall presume to turn any neat cattle, horse-kind, sheep or swine to or upon any of the beaches, meadows or shores that lie on the north-east part of the town of *Dennis*, between *Quivit-Harbour* on the east, and *Sessuit-Harbour* on the west, at any time between the

the first day of *April* and the last day of *October*, yearly, during the continuance of this Act, on penalty of paying for each offence *eighty-four cents* a head for neat cattle or horses of one year old or upwards, and *seventeen cents* a head for each sheep or swine, that shall be turned or found on said beaches, meadows or shores within the limits aforesaid; which penalty shall be recovered by any person, that shall inform of and sue for the same; the one half of said forfeiture to him or them that shall inform and sue for the same, and the other half to be to and for the use of the poor of said town.

Penalty for turning cattle, &c. on the beaches, &c.

SECT. 2. *Be it further enacted*, That if any neat cattle, horse-kind, sheep or swine shall at any time hereafter be found feeding on the said beaches, meadows or shores, that lie between said *Quivit-Harbour* and said *Sessuit-Harbour*, in said *Dennis*, it shall and may be lawful for any person or persons to impound the same, immediately giving notice thereof, to the owners thereof, if known, otherwise to give public notice thereof by posting the same up in some public place in said town and the two next adjoining towns; and the impounder shall relieve the said creatures with suitable meat and water while impounded; and if the owner thereof appear to redeem his impounded creatures, he shall pay *twenty-five cents* to the impounder for each neat beast and horse kind; *eight cents* for each sheep and swine, and the reasonable cost of relieving, besides the pound-keeper's fees, as by law appointed for such creatures; and if no owner appear within the space of six days to redeem the said cattle, horse-kind, sheep or swine so impounded, and pay the cost and damage occasioned by impounding the same, then, and in every such case, the person impounding such cattle or horse-kind, sheep or swine, shall cause the same to be sold at public vendue, and pay the cost and charges arising about the same; public notice of the time and place of such sale to be given in the said town of *Dennis*, and in the towns of *Yarmouth* and *Harwich*, forty-eight hours beforehand; and the overplus, if any there be, arising by such sale, to be returned to the owner of such cattle, horse-kind, sheep or swine, at any time within twelve months next after, upon his demanding the same; but if no owner appear within the said twelve months, then the said overplus shall be one half to the party impounding such cattle, horse-kind, sheep or swine, and the other half to the use of the poor of the said town of *Dennis*. *Provided*, That nothing in this Act shall be construed to prevent the owner or owners of such beach or meadows, or any improving under them, from turning on the horses they ride, or cattle they improve in their teams, to feed on said beach or meadows, while they are cutting or carting their salt hay off said beach or meadows: *Provided also*, That the owners of the said meadows shall keep up and maintain their fences pursuant to former agreements.

Cattle, &c. may be impounded.

Pounder's fees.

Proviso.

[This Act passed *February 22, 1798.*]

An ACT to set off that Part of the Town of *Sydney* which lies west of *West Pond*, and to annex the same to the Town of *Belgrade*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the part of *Sydney* lying west of *West Pond*, bounded as followeth, viz. Beginning on the west side of said *West Pond*, on the southerly line of *Winslow*, and from thence running west-north-west about one mile and one half of a mile, to the north-east corner of *Belgrade*; thence south-south-west about two miles and one half of a mile, to *West Pond* aforesaid; thence northerly on the westerly side of said pond, to the bounds begun at, with the inhabitants thereon, be, and hereby are set off from the said town of *Sydney*, and annexed to and made a part of the town of *Belgrade*.

[This Act passed February 23, 1798.]

An ACT for incorporating the Owners of certain Lands in *Long Meadow*, in the County of *Hampshire*, for the Purpose of managing the same as a Common and General Field.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all that tract of land lying in the town of *Long Meadow*, included within the following bounds, to wit: Beginning on *Connecticut River*, near the north end of said town, at a place called the Eddy; from thence northwardly on said river bank, to the house of *Ellis Russell*; thence in an easterly course up *Pecowick Hill*, as the fence now runs, to the county road; thence by said road, to *Enfield* bounds; thence westwardly by *Enfield* line, to *Connecticut River*, be, and hereby is made a Common and General Field; and the Proprietors of the lands lying within said bounds, their heirs and assigns, be, and hereby are incorporated and invested with all the powers and privileges with which the Proprietors of Common and General Fields are by law vested.

[This Act passed February 23, 1798.]

An ACT to incorporate the Township Number Two, in the first Range of Townships, north of and adjoining to the *Plymouth Patent*, on the east Side of *Kennebeck River*, in the County of *Lincoln*, into a Town by the Name of *Cornville*.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the following described tract of land, with the inhabitants thereon, be, and hereby are incorporated into a town by the name of *Cornville*: Beginning at the north-east corner of township Number One, at an hemlock tree; thence running east six miles, to a beach tree marked; thence south six miles and a quarter, to a spruce tree marked, on the *Plymouth Company's* line; thence west on said line six miles, to a stake; thence north six miles and a quarter, to the bounds begun at; and the said town is hereby vested with all the powers, privileges and immunities which other incorporated towns within this Commonwealth do or may by law enjoy.

Boundaries.

SECT. 2. *And be it further enacted*, That *Nathaniel Dummer*, Esq. be, and he is hereby empowered to issue his warrant, directed to some suitable inhabitant of said town of *Cornville*, requiring him to warn the inhabitants thereof to meet at some convenient time and place to choose all such officers as towns are by law required to choose in the month of *March* or *April* annually.

First meeting.

[This Act passed February 24, 1798.]

An ACT to incorporate the Plantation called Number Eight, in the County of *Washington*, in the Bay of *Passamaquoddy*, into a Town by the Name of *Eastport*.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the plantation called Number Eight, in the Bay of *Passamaquoddy*, bounded as follows, viz. Southerly by the Bay of *Fundy* or *Atlantic Ocean*; easterly by a line as delineated in a plan of said plantation, taken by *Rufus Putnam*, Esq. and others, in the months of *June* and *July*, in the year one thousand seven hundred and eighty-five, and drawn from the eastern point of *West Quoddy Head*; northerly through the narrows into *Passamaquoddy Bay*, and between *Moose Island* and *Deer Island*; northerly by a line delineated as aforesaid; and from the middle of the passage called the gut, between *Pleasant Point* and *Burnt Island*, running westerly and south-westerly through *Cobscook Bay*, to the middle of the *Ship Chan-*

Boundaries.

nel

nel between *Crawford's* or *Denbow's Neck*, and *Fall Island*; westerly by a line running southerly through said *Ship Channel*, and up *Strait Bay* to a white pine tree at its head, marked one thousand seven hundred and eighty-five, N. E. N. W. from thence by line trees south nine degrees thirty minutes east, four miles three hundred and twelve rods to a spruce tree on the northerly shore of *Haycock's Harbour*, marked one thousand seven hundred and eighty-five S. W. S. E. and from thence through the middle of said harbour to the *Bay of Fundy*, including *Moose Island*, *Burnt Island*, *Dudley's Island*, *Frederick Island*, *the Isle of Patmos*, and all other islands within the said boundaries, as described in said plan, together with all the inhabitants thereon, be, and hereby are incorporated into a town by the name of *Eastport*. And the said town is hereby vested with all the powers, privileges and immunities which towns within this Commonwealth do or may by law enjoy.

First meeting.

SECT. 2. And be it further enacted by the authority aforesaid, That *John Allan*, Esq. be, and hereby is empowered to issue his warrant to some suitable inhabitant of said town, requiring him to warn the inhabitants thereof to meet at such time and place as he shall therein set forth, to choose all such officers as towns are by law required and empowered to choose in the month of *March* or *April* annually.

[This Act passed February 24, 1798.]

An ACT for incorporating the Plantation of *Little Falls*, in the County of *York*, into a Town by the Name of *Phillipsburg*.

Preamble.

WHEREAS the inhabitants of the said plantation labour under many inconveniences in their present state, and are desirous of being incorporated into a town:

Boundaries.

SECT. 1. Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the plantation in the county of *York*, called *Little Falls*, with the inhabitants thereon, bounded as follows, viz. North-westerly by *Limington*, north-easterly by *Saco River*, south-easterly by *Biddeford*, and south-westerly by *Arundell*, *Coxhall*, and *Waterborough*, (excepting a tract of land containing about two thousand acres, bounded north-easterly by *Saco River* aforesaid, and north-westerly by *Little Ossipee River*, now owned by *Abner Chase*, *John Gilkey*, *James Davis*, *John Davis*, *Edward Nason*, *Nicholas Nason*, and *Elisha Cobb*, which is hereby annexed to the town of *Limington* aforesaid) be, and hereby is incorporated into a town by the name of *Phillipsburg*: And the said town of *Phillipsburg* is hereby vested with all the powers, privileges and immunities which other towns in this Commonwealth do or may by law enjoy.

SECT.

SECT. 2. *And be it further enacted*, That *Jahn Low*, Esq. be, and he hereby is empowered to issue his warrant, directed to some principal inhabitant of the said town of *Phillipsburg*, requiring him to notify and warn the inhabitants thereof to meet at such time and place as he shall therein appoint, to choose all such officers as towns are by law empowered to choose at their annual town meeting, in the month of *March* or *April*. First meeting.

[This Act passed *February 27, 1798.*]

An ACT to incorporate the Township Number One, on the west Side of *Kennebeck River*, in the first Range north of and adjoining to the Line of *Plymouth Ckaim*, in the County of *Lincoln*, into a Town by the Name of *Anson*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the plantation No. One, as described within the following boundaries, together with the inhabitants thereon, be, and they are hereby incorporated into a town by the name of *Anson*. Beginning at the point where the north line of the *Plymouth Company's* land shall touch the west bank of *Kennebeck River*; thence running west, and bounded by said line, six miles to a rock-maple tree marked Q and T 1, and T 2, for the south-west corner of township No. One, and the south-east corner of township No. Two; thence north, six miles and a quarter to a rock-maple tree marked in like manner, for the north-west corner of township No. One, and the north-east corner of township No. Two; thence east, eight miles and sixty rods to *Kennebeck River*, to a hemlock tree marked for the north-east corner of township No. One; thence southerly, by the west side of *Kennebeck River*, to the bounds first mentioned: And the said town is hereby vested with all the powers, privileges and immunities, which other corporate towns within this Commonwealth do or may by law enjoy. Boundaries.

SECT. 2. *And be it further enacted*, That *Nathaniel Dummer*, Esq. be, and he is hereby directed to issue his warrant, directed to some suitable inhabitant of the said town of *Anson*, requiring him to warn the inhabitants thereof to meet at such time and place as he shall therein appoint, to choose all such officers as towns are by law required and empowered to choose in the months of *March* or *April* annually. First meeting.

[This Act passed *March 1, 1798.*]

Nov. 25, 1796.
Feb. 13, 1799.

An ACT in addition to an Act, entitled, "An Act in addition to and for the amendment of the Act passed the eleventh Day of June, One thousand seven hundred and ninety-six, establishing *The First Massachusetts Turnpike Corporation*, and for other Purposes herein mentioned."

Certain toll re-
pealed.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That so much of the clause of the original Act of incorporation as relates to the toll which the said Corporation is entitled to receive for every curricule, for every chaise, chair or other carriage drawn by one horse, for every sleigh drawn by two or more horses, for all oxen, horses and neat cattle, led or driven, besides those in teams and carriages, be, and hereby is repealed.

New toll estab-
lished.

SECT. 2. *Be it further enacted,* That the said Corporation be, and hereby is entitled to receive from each passenger and traveller the following rate of toll, to wit: For every curricule, *sixteen cents*; for every chaise, chair or other carriage drawn by one horse, *twelve cents and five mills*; for every sleigh drawn by two horses, *six cents*; and if drawn by more than two, an additional sum of *two cents* for each horse; for all oxen, horses and neat cattle, led or driven, besides those in teams and carriages, *one cent and five mills*.

Additional
Turnpike
Road.

SECT. 3. *Be it further enacted,* That the said Corporation be, and hereby is authorized and empowered to lay out and make a Turnpike Road, communicating with the former, from the house of Major *Aaron Graves*, in *Palmer*, to the house of Col. *Reuben Sikes*, in *Wilbraham*, both in the county of *Hampshire*; and when the same shall be sufficiently made, and shall be so allowed and approved by the Justices of the Supreme Judicial Court, at any term thereof in any county in this Commonwealth, then the said Corporation shall be authorized to erect a Turnpike Gate on the same, in such manner as shall be necessary and convenient, and shall be entitled to receive from every traveller and passenger the following rate of toll, to wit: For every coach, phaeton, chariot or other four wheel carriage, drawn by two horses, *sixteen cents*; and if drawn by more than two horses, an additional sum of *two cents* for each horse; for every cart, waggon or sled, drawn by two oxen or horses, *five cents*; and if by more than two, an additional sum of *two cents* for every such ox or horse; for every curricule, *twelve cents and five mills*; for every sleigh drawn by two horses, *five cents*; and if drawn by more than two, an additional sum of *two cents* for each horse; for every chaise, chair or other carriage, drawn by one horse, *eight cents*; for every man and horse, *three cents*; for all oxen,

The toll.

oxen, horses and neat cattle, led or driven, besides those in teams and carriages, *one cent* each; for all sheep and swine, *two cents* by the dozen; and in the same proportion for a greater or less number, but in no case less than *one cent*: *Provided*, That nothing in this Act shall extend to entitle the said Corporation to demand toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse, team or cattle, or on foot, to or from his common labour on his farm, or to or from any mill, or on the common and ordinary business of family concerns within the same towns.

SECT. 4. *And be it further enacted*, That the said Corporation be, and hereby is vested with all the powers, rights and privileges, and subjected to the same duties, requisitions and limitations, in respect to the Turnpike Road which the said Corporation is hereby authorized to make, in the same manner as it would have been, had the same been included in the original Act of incorporation: *Provided however*, That the said Corporation may demand toll for said Turnpike Road, mentioned in this Act, where the same shall be made on a public highway now existing, and erect gates thereon, although the same is not discontinued by the Court of General Sessions of the Peace.

The new Turnpike to be under the same regulations with the old.

[This Act passed *March 1, 1798.*]

An ACT incorporating *The Massachusetts Mutual Fire Insurance Company.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Moses Michael Hays, David Townsend, James White, Paul Revere, Henry Jackson, William Eustis, Nathan Bond, James Sullivan, Samuel Salisbury, John Sweetser, Edward Tuckerman, George R. Mintz, William Parsons, Charles Miller, Joseph Pope, and Elisha Ticknor*, and their associates, being owners of buildings within this Commonwealth, shall be a Corporation, together with all those who may become members thereof, under the name of *The Massachusetts Mutual Fire Insurance Company*, and enjoy all privileges and powers incident to Corporations.

Names.

SECT. 2. *And be it further enacted*, That for the well ordering and governing of the affairs of the said Corporation, they shall have power to choose a President, Treasurer and fifteen Directors, (ten of whom shall reside in *Boston*) to manage the concerns of the said Corporation, and such other officers as they may deem necessary: *Provided nevertheless*, That no policy of insurance shall be made by the said Corporation, until the sum subscribed by the associates to be insured shall amount to *two millions of dollars*; and at all meetings of the said Corporation every matter shall be decided by a majority of votes, each member

Directors to be chosen.

Capital.

ber

Right of vot- ber having as many votes as he has policies, with the right of
ing. voting by proxy.

SECT. 3. *And be it further enacted*, That the said Corpora-
May hold real tion may purchase and hold such real estate as may be necessary
estate. to be by them occupied for transacting the concerns of the said
Proviso. Corporation: *Provided*, That the amount thereof shall not ex-
ceed the sum of *twenty thousand dollars*.

SECT. 4. *And be it further enacted*, That the said Corpora-
tion may, (as soon as the said *two millions of dollars* shall be sub-
scribed to be insured) and they are hereby authorized to insure
May insure for for the term of seven years, any mansion house or other build-
seven years. ing within this Commonwealth, against damage arising to the
same by fire, originating in any cause except that of design in
the insured, and to any amount not exceeding four-fifths of the
value of any building; and in case any member should sustain
damage by fire over and above the then existing funds of the
said Corporation, the Directors may assess such further sum or
Assessments to be made in ex- sums upon each member as may be in proportion to the sum by
tra cases. him insured, and the rate of hazard originally agreed on: *Pro-
vided however*, That no member, during the term of seven years,
shall be held to pay by way of assessment, more than *two dollars*
Proviso. for each dollar by him advanced as premium and deposit.

SECT. 5. *And be it further enacted*, That the monies ad-
vanced by each person insured, shall, within sixty days after such
Capital to be advancement, be vested either in the securities of the *United
States* or of this State, or in the stock of some incorporated bank,
secured. at the discretion of the President and Directors, and the pro-
ceeds of the same shall be appropriated and applied to pay the
damages or loss that any member may sustain by fire, to defray
the expenses of the Corporation, and to raise a reserved fund of
ten thousand dollars; and each of the insured shall at the expira-
tion of his policy or policies, have a right to demand and receive
from the Corporation his share of the remaining funds, in pro-
portion to the sum or sums by him actually paid.

SECT. 6. *And be it further enacted*, That five of the Direc-
tors being present at any meeting, shall form a quorum for pro-
ceeding in business, and that there shall be a meeting of the
said Corporation annually, on the first Tuesday of *June*, at such
place as the Directors may appoint, and twenty-five members
being present shall form a quorum.

SECT. 7. *Be it further enacted*, That when any member of
the said Corporation so insured shall sustain any loss for which
the same Corporation shall be held to indemnify him, and he
shall recover judgment therefor against it, he shall have a right
to levy his execution issued on such judgment on any of the
funds of the said Corporation; and when he shall not find suf-
ficient funds to satisfy the same, and all costs thereon, and the
said Directors shall neglect or refuse, for the space of thirty
days

Corporation
may be sued.

days from rendering such judgment, to make an assessment agreeable to the principles herein expressed, and to collect the same according to the due forms of law, and to satisfy such execution as far as the said funds and assessments may extend, then and in that case it shall be lawful for such judgment creditor to levy and extend his said execution on the private property of any of the said Directors, to the amount damages and costs he shall be entitled to recover and receive on such execution. And any Director whose estate, real or personal, shall be so taken, may recover compensation therefor by an action on the case against the said Corporation.

Directors' estates may be taken.

SECT. 8. *And be it further enacted,* That any two of the aforementioned associates may, as soon as they deem proper, call a meeting of the said Corporation, to be held at such time and place as they may judge convenient, by a notification printed in any *Boston* newspaper, seven days previous to the time of holding such meeting, in order that the said Corporation may organize themselves, and proceed in the business of the association.

First meeting.

[This Act passed *March 1, 1798.*]

An ACT to prevent the Destruction of Fish in *Concord River*, in the County of *Middlesex*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That if any person or persons after the first day of *April* next shall take or catch any fish in *Concord River*, in the county of *Middlesex*, or in any pond or stream which empties into the same, after sun-set, and before sun-rise, with the use of either torch or spear, every person so offending shall forfeit and pay for each offence a sum not exceeding *five dollars*, nor less than *two dollars*, to be recovered in an action of debt, one half to him who shall sue for the same, and the other half to the town in which the fish shall be so caught or taken.

Fishing in Concord River prohibited.

SECT. 2. *And be it further enacted,* That if any person or persons shall erect any wear across any of said waters, and thereby take any of said fish, or obstruct them in their passage through the same, every person so offending shall forfeit a sum not less than *three dollars*, nor more than *ten*, for each offence, to be recovered in manner, and to the use aforesaid.

No wear to be erected.

[This Act passed *March 1, 1798.*]

An

AN ACT for the Preservation of the Fish called Alewives in *Weveantit River*, in the County of *Plymouth*, and for regulating the taking said Fish, and for repealing all Laws heretofore made for that Purpose.

Fish Committee to be chosen.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the several towns of *Rochester*, *Wareham* and *Carver* shall, at their town meeting in the fall of the year annually, respectively choose a Committee of three persons in each town, whose duty it shall be in the month of *March*, annually, to sell at public vendue the privilege of taking said fish at such places not exceeding three in said towns, and on such days, not exceeding three in each week, as said Committee shall agree upon and publish in their conditions of sale, in which conditions said Committee shall also express the price at which it may be lawful for said purchasers to sell said fish when taken, not exceeding the rate of *twenty-five cents* for one hundred of said fish; and said Committee, before they enter upon the execution of their office, shall be sworn to the faithful and impartial performance of their duty in the same manner as other town officers.

Places of meeting to be notified.

SECT. 2. *Be* it further enacted, That the Committee of the town of *Rochester* the first year, the Committee of the town of *Wareham* the second year, and the Committee of the town of *Carver* the third year, and so in rotation forever, shall notify the town-clerks of the other towns concerned in said fishery, of the time and place in which said Committee shall meet; said notice to be served ten days at least before the time of meeting; at which meeting as well as all subsequent meetings, the majority present shall have the power and authority of the whole Committee.

Fine for fishing without authority.

SECT. 3. *Be* it further enacted, That all persons except the purchaser or purchasers, or those employed by them who shall take any of said fish in *Weveantit River*, or in any pond or stream having communication therewith, *Sippican River* excepted, shall forfeit and pay the sum of *twenty dollars*.

Penalty for neglect of duty.

SECT. 4. *Be* it further enacted, That if either of the towns of *Rochester*, *Wareham* or *Carver* shall neglect to choose their proportion of said Committee, as they are required by this Act, or if the Committee when chosen whose duty it shall be to notify the clerks of the other towns, of the proposed time for the whole Committee to meet as aforesaid, shall neglect to give such notice, the town or Committee offending as aforesaid, shall for each offence forfeit and pay to the use of the town or towns performing the duties required by this Act, the sum of *one hundred dollars*.

SECT.

SECT. 5. *Be it further enacted*, That the owner or occupier of any dam on said river shall annually, betwixt the first day of *April* and twenty-fifth day of *May* following, for such term and in such manner as said Committee shall direct, open a sufficient sluice-way for the passage of said fish, and the owner or occupier of such dam neglecting to open, or to continue open a sluice-way as aforesaid, shall forfeit and pay the sum of *fifty dollars*: And the Committee aforesaid shall have power to open such dam when neglected as aforesaid, at the expense of the owner or occupier.

Sluice-way to be opened.

SECT. 6. *Be it further enacted*, That if any person shall make any wear or other obstruction to the free passage of said fish, or shall make use of any seine in said river or in any pond or stream communicating therewith, the person offending shall forfeit and pay the sum of *fifty dollars*; and said Committee shall have authority to remove such wear or obstruction at the expense of the person causing the same, and also to seize any seine used as aforesaid, and to dispose of the same for the use of said towns.

No wear to be erected.

SECT. 7. *Be it further enacted*, That the Treasurers of the aforesaid towns respectively are hereby empowered, upon the complaint of any of the Committee aforesaid, to sue for the recovery of any forfeitures incurred by the breach of any of the regulations provided in this Act, and also of such further regulations as may from time to time be provided by the Committee aforesaid: And all fines and forfeitures recovered for any breaches aforesaid, except such as are mentioned in the fourth section of this Act, shall together with the proceeds of said fishery be equally divided between the aforesaid towns; and the Treasurers aforesaid respectively may in behalf of their respective towns, recover in an action on the case, of any person or persons, Corporation or Corporations holding the same, one third part thereof, in any Court proper to try the same.

Treasurers to sue.

SECT. 8. *Be it further enacted*, That the purchasers of the right of taking said fish, shall in all respects conform themselves to such regulations as the Committee aforesaid shall publish in their conditions of sale, and for each offence in breaking said regulations shall forfeit and pay the sum of *twenty dollars*.

Purchasers of right to fish to conform to regulations.

SECT. 9. *Be it further enacted*, That any of the Committee aforesaid may be admitted as witnesses in any prosecution for the breach of any regulations respecting said fishery, and said Committee shall receive for their services out of the proceeds of said fishery, *seventy cents* to each person for each day's service.

Committee to be paid.

SECT. 10. *Be it further enacted*, That all laws heretofore made respecting said river be, and the same hereby are repealed, excepting so far as may respect any penalties already incurred for the breach of said laws.

Former la repealed.

[This Act passed *March 1, 1798.*]

An

Repealed as to
 Mile Stream,
 Feb. 5, 1799...
 Additional
 Acts, Jan. 16,
 1800, March
 1, 1800... Muf-
 congus River
 exempted,
 March 4, 1800.
 ...Sheepscot
 River exempt-
 ed, with excep-
 tions, June 14,
 1800... Re-
 pealed as to Pe-
 fumpscot River,
 June 13, 1801.
 ...Repealed as
 to a stream in
 Winflow, June
 23, 1802.

No mill-dam,
 &c. to be with-
 out a passage-
 way for the
 fish.

Passage-way to
 be sufficient.

Period to keep
 open passage-
 way.

An ACT for the Preservation of the Fish called Sal-
 mon, Shad and Alewives, in the Rivers, Streams
 and Waters within the Counties of *Lincoln* and
Cumberland, and for repealing all other Laws here-
 tofore made for that Purpose, so far as respects
 their Operation in the said Counties.

SECT. 1. *BE it enacted by the Senate and House of Representa-*
tives, in General Court assembled, and by the author-
ity of the same, That if any person or persons shall make, build,
 or erect any mill-dam, wear, obstruction or incumbrance, or
 if any person or persons interested or concerned in any mill-
 dam, wear, obstruction or incumbrance that is already made,
 or shall be hereafter made, shall suffer and continue the
 same in, across, or upon any river, stream, bay, cove, pond
 or water within the counties of *Lincoln* and *Cumberland*, in,
 up or through which the said Fish called Salmon, Shad or
 Alewives or either of them, do or have been used and wont
 to go and pass in the ponds and lakes, annually, to cast their
 spawn, before the erection of such dam or obstruction, with-
 out making and providing a sufficient passage or sluice-way
 for said Fish to pass up and down in their season of going
 up to spawn, and of returning, shall forfeit and pay as a fine,
 a sum not exceeding *two hundred dollars* nor less than *twenty*,
 and the said dam or obstruction shall be considered and ad-
 judged to be a nuisance, and be abated as such.

And whereas the preservation of the fisheries in said coun-
 ties of *Lincoln* and *Cumberland*, are of great importance to
 the public, and the existence of the same depend on securing
 proper passages or sluice-ways for the Fish to pass by mill-dams
 and other obstructions :

SECT. 2. *Be it further enacted by the authority aforesaid,*
 That no passage or sluice-way shall be deemed sufficient,
 within the meaning and intent of this Act, unless the same
 shall be so constructed and made as that any of the Fish afore-
 said can, and do actually pass through or over the same with
 ease and convenience, and unless such passage or sluice-way is at
 or so near the passage, rout or place in which such Fish, prior
 to the erection of such dams or obstructions, used to pass, as
 that said Fish do find such way.

SECT. 3. *Be it further enacted by the authority aforesaid,*
 That such passage or sluice-way shall be opened and kept
 open, and the stream below such dams or obstructions shall
 be so opened and kept open, and clear of slabs or other obstruc-
 tion, as not to impede the passing of said Fish, from the first
 day of *May*, to the fifth day of *July*, annually : And if any
 person or persons, owning and improving, interested or con-
 cerned in such mill-dam or any part thereof, or other ob-
 struction,

struction, shall neglect, refuse, omit or fail so to open, and keep open, or cause to be opened and kept open, such passage or sluice-way, and the stream below, as is in this Act before provided, he or they shall forfeit and pay as a fine a sum not exceeding *forty dollars*, nor less than *ten*, for each and every day he or they shall so offend. Penalty.

SECT. 4. *Be it further enacted*, That if any person or persons shall take or catch any Salmon, Shad or Alewives, in any of the waters within the counties of *Lincoln* and *Cumberland*, between the twentieth day of *April*, and the fifth day of *July*, annually, at any other time than between sun-rise on *Monday*, and sun-rise on *Saturday*, in each week, he or they so offending, shall forfeit and pay as a fine for each and every Salmon so taken, a sum not exceeding *four dollars*, nor less than *one dollar*; for each and every Shad, a sum not exceeding *two dollars*, nor less than *fifty cents*; and for each and every Alewife, a sum not exceeding *twenty cents*, nor less than *five cents*. Time for taking the fish.

SECT. 5. *Be it further enacted*, That if any person or persons shall set any net or seine or other machine for the purpose of catching or taking any of said fish, or shall actually take any of said fish thereby in any of the waters within the said counties of *Lincoln* and *Cumberland*, between the twentieth day of *April* and the fifth day of *July* annually, at any other time than between sun-rise on *Monday* and sun-rise on *Saturday*, he or they so offending shall pay as a fine, beside the fine aforesaid, for each fish so taken, a sum not exceeding *ten dollars*, nor less than *five*. Seines, &c. not to be set except as directed.

SECT. 6. *Be it further enacted*, That if any person or persons shall fish with or use any net or seine or other machine in catching or attempting to catch any of said fish, that shall reach or extend more than one-third of the way across the streams or waters where the same shall be so used or set, at the time and place of using or setting such net, seine or other machine, he or they for so doing shall pay as a fine a sum not exceeding *twenty dollars*, nor less than *five*. Size of seine, &c. limited.

SECT. 7. *Be it further enacted*, That if any person or persons shall fish for or attempt to catch or take any of said fish, within four rods of any passage or sluice-way at any time when the same is or by law ought to be open, he or they so offending shall pay as a fine a sum not exceeding *ten dollars*, nor less than *five*, and the further sum or fine mentioned in the fourth section of this Act for each fish he or they may so take. Penalty for endeavouring to take fish at improper times.

SECT. 8. *Be it further enacted*, That no person or persons shall take, catch or destroy any of said fish, at any time between the last day of *July* and the first day of *December* annually; When fish must not be taken.

nually; and if any person or persons shall so offend, he or they shall forfeit and pay as a fine a sum not exceeding *ten dollars*, nor less than *five*, and the further sum or fine aforementioned in the fourth section of this Act for each fish he or they may so take.

Passage-way to
be opened in
autumn.

SECT. 9. *Be it further enacted*, That a passage or sluice-way sufficient for the safe, easy and convenient passing down of said fish, both old and young, shall be provided, opened and kept opened, from the twentieth day of *August* to the last day of *September* annually, over or by such dam or obstruction; and if any person or persons, making, erecting, interested or concerned in such dam, mills or other obstruction, shall offend in this particular, he or they shall pay a fine for each and every day he or they shall so offend, a sum not exceeding *twenty dollars*, nor less than *five*.

Fish-wardens
to be chosen.

SECT. 10. *Be it further enacted*, That every town and plantation within the counties of *Lincoln* and *Cumberland*, bordering upon or adjoining any of the waters within said counties, through, up, by, or into which the said fish or any of them usually pass, or have previous to any obstruction been known to pass, annually, to cast their spawn, shall at their annual meeting in *March* or *April*, in every year, choose a number, not exceeding nine, nor less than five, of suitable persons for fish-wardens, who shall not be interested or concerned in any mills or dams or other obstruction, and who shall be freeholders, and so situated in such town or plantation as to be best able with convenience to detect in the most effectual manner any breaches of this Act; and it shall be the duty of the Selectmen of such town, and the Assessors of such plantation, to assign to each fish-warden so chosen his ward or district within the same; and if any such town or plantation shall neglect or refuse so to choose such suitable persons for fish-wardens, such town or plantation shall forfeit and pay a fine of *two hundred dollars*; and the said Selectmen, or the said Assessors, shall forthwith appoint such suitable persons, being freeholders as aforesaid, to be fish-wardens, and assign to each his ward or district; and such persons so chosen or appointed, shall be under oath faithfully and impartially to discharge the duties required of them by this Act, and shall be notified and sworn in the same manner as other town officers are: And if any person so chosen or appointed, being present, shall neglect or refuse to accept or to declare his acceptance or refusal, or being absent, shall neglect or refuse to accept such office, and to qualify himself accordingly within seven days from the time he shall receive notice of such choice, he or they shall pay a fine for the use of such town or plantation, not exceeding *ten dollars*, nor less than *five*; and the said town or plantation, and in case of their neglect, the said Selectmen or said Assessors shall forthwith

Selectmen to
appoint when
inhabitants ne-
glect.

Penalty for
non-accept-
ance.

with choose or appoint some other such suitable person in his place, and so on, as often as such neglect or refusal shall happen: And if the said Selectmen or the said Assessors shall neglect or refuse to do and perform the duties required of them by virtue of this Act, each and every such Selectman or Assessor shall pay a fine not exceeding *twenty dollars*, nor less than *ten*, for the use of such town or plantation, for every week they shall so neglect their duty after the first day of *May* annually: *Provided always,* Proviso. That no person shall be obliged to serve as fish-warden more than one year in three.

SECT. 11. *Be it further enacted,* That it shall be the duty of every such fish-warden to examine and inspect his ward or district, and he shall also have full authority to examine and inspect any other ward, district or place; and it shall be his duty to give information of all breaches of this Act that shall come to his knowledge. And it shall be the duty of all Grand Jurymen, and all Justices of the Peace within said counties, of the Sheriffs and their Deputies, of all Coroners and Constables within said counties, to observe and give information of all breaches of this Act that shall come to his or their knowledge. Duty of a fish-warden.

SECT. 12. *Be it further enacted,* That all fines incurred by the breach of this Act, shall be recovered by presentment of the Grand Jury, or by action of debt, in the name of a fish-warden; one moiety of which shall enure to the use of the county, and the other moiety to the use of the informer or plaintiff, excepting the fines before appropriated, which may be sued for by the Treasurer of the town or plantation to which such fines enure where he is not personally interested, and where he is by the County Treasurer. Recovery of fines.

SECT. 13. *Be it further enacted,* That no person shall be debarred from being admitted as a witness on any presentment of the Grand Jury by reason of his being entitled to any part of said fines. Title to fines not to exclude a witness.

SECT. 14. *Be it further enacted,* That this Act shall operate from and after the fifth day of *July* next, and not before; and that from and after the said fifth day of *July* next, all laws heretofore made for the preservation of said fish, so far as respects the counties of *Lincoln* and *Cumberland*, be, and hereby are repealed: *Provided nevertheless,* That all prosecutions, actions and processes now pending, or that may be pending before the fifth day of *July* next, shall and may proceed to final judgment and execution, in the same manner as if this Act had never passed.

[This Act passed *March 1, 1798.*]

AN ACT for the better Preservation of the Fish called Alewives, in *Mill River*, so called, in *Taunton*, in the County of *Bristol*, and for regulating the taking of said Fish in said River.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this Act, the Selectmen of the said town of *Taunton*, for the time being, shall be, and they are hereby constituted inspectors of the said *Mill River*; whose duty it shall be within ten days after being chosen to their said office of Selectmen, to take an oath for the faithful discharge of their said trust, as inspectors, before some Justice of the Peace for said county of *Bristol*, or the Clerk of the said town of *Taunton*, and also within the same ten days, to post up at some public places in said town, near said river, an advertisement under the hands of the major part of them, pointing out the time, manner and place, in which said fish may be taken in said river (provided that the time of taking said fish shall not exceed three days in each week :) And if any person shall pull down or deface such advertisement, he or she shall forfeit and pay the sum of *one dollar*: And if any person shall presume to take any of said fish in said river at any other time or place, or in any other manner, than those mentioned in said advertisement, he or she so offending shall forfeit and pay for each offence, a sum not less than *one dollar*, nor more than *twenty dollars*.

SECT. 2. *Be it further enacted,* That the inhabitants of said town, at any town-meeting legally warned for that purpose, may, in such manner as they shall think proper, sell the exclusive right of taking said fish in said river under such regulations as they may judge necessary: *Provided always,* That no one sale shall be for more than one year, and that the purchasers of said right shall not be allowed to sell said fish for more than *twenty-five cents* per hundred.

SECT. 3. *Be it further enacted,* That in any year when the said inhabitants shall sell the exclusive right of taking said fish as aforesaid, the said inspectors shall post up their advertisement as aforesaid, forbidding all persons other than the said purchasers or their agents, to take any of said fish, in said river, at any time or place whatever; and also forbidding the said purchasers to take any of said fish, save at the times and places, and in the manner mentioned in the conditions of sale.

SECT. 4. *Be it further enacted,* That the said inspectors, or the major part of them, be, and they are hereby authorized and empowered, to open any dam, or the sluice of any mill or other water-works erected or that may be erected on or over the

Selectmen empowered.

Penalty for illegally taking the fish.

Right of taking fish may be sold.

Advertisement to be posted.

Dams may be opened.

the said river, so that there shall be a passage-way of such width (not exceeding twelve feet,) and depth as shall be sufficient for the passing of said fish up said river, at the expense of the owner or owners of such dam or sluice: *Provided* such owner or owners shall neglect to open the same when thereto required by the said inspectors or the major part of them; and the dam or sluice that may be so opened, shall continue open for so long a time in the months of *April* and *May* annually, as the said inspectors or the major part of them may judge necessary; and if any person or persons shall obstruct the passage-ways allowed or ordered by the said inspectors or the major part of them, in any dam or sluice-way, or shall obstruct the passage of said fish in any other part of said river, than shall be permitted by the said Selectmen, conformably to this Act, such person or persons so offending, shall forfeit and pay a sum not exceeding *three hundred dollars*, nor less than *ten dollars*.

SECT. 5. *Be it further enacted*, That all penalties incurred by the breach of this Act, may be sued for and recovered by any of said inspectors in any Court in the county of *Bristol* proper to try the same; and all sums so recovered, shall be one half to the use of the prosecutor and the other half to the use of the said town of *Taunton*: And in case any minor or minors shall offend against any part of this Act, and thereby incur any of the penalties aforesaid, in all such cases, the parents, masters or guardians of such minor or minors, shall be answerable therefor, in an action to be brought against such parents, masters or guardians as for his or their personal offence.

Recovery of penalties.

SECT. 6. *Be it further enacted*, That the several laws heretofore passed, authorizing the Proprietors of the sitting-mills, standing on the said river, to stop the water and make use of the same, three days in each and every week during the months of *April* and *May* annually, be, and the same are hereby repealed.

Former laws repealed.

[This Act passed *March 2, 1798.*]

An ACT authorizing *Daniel Goulding* to conduct Water in subterraneous Pipes from a certain Spring in his own Land, within the Town of *Worcester*, for the Accommodation of himself and some other Inhabitants of the said Town.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Daniel Goulding*, of *Worcester*, in the county of *Worcester*, and his heirs and assigns, be, and they are hereby authorized and empowered to sink, place, renew, alter and repair,

repair, from time to time, as may become necessary, such pipes or conduits of water from the said spring, to such of the inhabitants of the said town as the same may convene, for the purpose of supplying them with water; and the said *Goulding*, and his heirs or assigns are hereby authorized to place the said pipes in the land of such Proprietors as may, by some proper instrument in writing, grant him or them the privilege thereof, as also on and under such public highways, roads or land as may become necessary for the purposes aforesaid, and with the least inconvenience to the public: *Provided nevertheless*, That the Selectmen of the said town for the time being may, as they shall judge it expedient, for the purposes of extinguishing fire, or as a precaution, or a security against the calamitous effects thereof, and under such regulations as they may think reasonable, from time to time, make and place conductors to any part of the said pipes or conduits, for the purpose of supplying water when necessary for the extinguishment of fires as aforesaid.

D. Goulding
authorized.

Proviso.

Penalty for in-
juring.

Travelling not
to be impeded.

SECT. 2. *And be it further enacted*, That if any person or persons shall destroy, displace, injure or remove said water-works, or any part thereof, or stop, divert, draw, disturb, or soil the water running to, through, or issuing from any part of said water-works, without license therefor, or shall be guilty of any trespass thereon, he shall be liable, on conviction thereof, in any Court of record proper to try the same, on which trial this Act may be given in evidence under the general issue, to pay to the party injured treble damages occasioned by such a trespass.

SECT. 3. *And be it further enacted*, That nothing in this Act shall be considered as an excuse for any unnecessary exposure, damage, delay, disturbance or inconvenience to passengers, carriages or cattle, passing or re-passing over any of said highways or public land, but the same shall be considered as a nuisance or trespass in the same manner as if this Act had never been made.

[This Act passed March 2, 1798.]

An ACT to prevent the Destruction and to regulate the Catching of the Fish called Alewives in the Rivers and Streams in the Town of *Falmouth*, in the County of *Barnstable*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the town of *Falmouth* shall be, and hereby are empowered and directed, at their meeting for the choice of town-officers in *March* or *April* annually, to choose five or more persons, being freeholders in the said town, to see that this Act be duly observed; and each person so chosen shall be sworn faithfully to discharge the duties required of him by this Act: And the said Committee shall meet together annually, on or before

Fish Commit-
tee to be ap-
pointed.

before the thirtieth day of *March*, at such place as they or a majority of them shall appoint; and the major part of the Committee present at such meeting, being not less than three in number, are hereby authorized and empowered to order the times when, (which shall not exceed three days in a week,) the places where, and the manner in which said fish may be taken; and shall notify the inhabitants thereof by posting up notifications in several public places in the said town of *Falmouth*, within ten days after their being chosen as aforesaid; and the said Committee or the major part of them are hereby fully authorized and empowered to cause the natural course of the streams through which the said fish pass to be kept open and without obstruction, to remove any such as may be found therein, and shall have authority for those purposes to go on the land or meadow of any person through which such streams run, without being considered as trespassers; and shall open or cause to be opened any sluice-way through any dam now erected, or that may be hereafter erected on or over any of the said rivers or streams, (between the ponds where said fish usually cast their spawns and the sea,) at the expense of the said town of *Falmouth*: *Provided*, the owner or owners of any such dam shall neglect to open the same when thereto required by the said Committee: And the dam or sluice so opened shall continue open in every year to such depth and width as shall be necessary for a passage-way for said fish; and for such term of time, between the first day of *April* and the tenth day of *June*, as the major part of the said Committee shall judge necessary; and if any person or persons shall molest or hinder the said Committee or either of them in the execution of his or their said office, or shall obstruct the passage-ways or sluice-ways allowed or ordered by the said Committee, or the major part of them, each person so offending shall, on conviction before any Justice of the Peace for the county of *Barnstable*, pay a fine for every such offence, not exceeding *ten dollars*, nor less than *three dollars*.

Their duty.

Penalty for molesting them.

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

— for disobeying Committee.

SECT. 3. *And be it further enacted*, That if the Committee aforesaid, or either of them, shall detect any person or persons in taking any of the said fish, at any time, in any place, or in any

Persons to
prove how
they obtained
fish.

any manner otherwise than is allowed by the said Committee, or shall find such fish with such person or persons, such person or persons shall be deemed to have taken the said fish unlawfully, and shall be subject to the penalties of this Act accordingly; unless such person or persons can make it appear, on trial, that they came by the said fish in some other way.

Appropriation
of fines.

SECT. 4. *And be it further enacted,* That all the forfeitures incurred by virtue of this Act shall be to the use of the said town of *Falmouth*, to be recovered by an action on the case in any Court proper to try the same, to be brought by the Treasurer thereof.

[This Act passed *March 2, 1798.*]

An ACT authorizing the Inhabitants of the Towns of *Watertown, Weston and Waltham*, in the County of *Middlesex*, to regulate the taking of the Fish called *Shad* and *Alewives*, within the Limits of the said Towns.

Authorized to
sell the right of
fishing in those
towns.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the ninth day of *February*, which will be in the year of our Lord seventeen hundred and ninety-nine, it shall be lawful for the inhabitants of the towns aforesaid, to sell the right, and regulate the times, places and manner of taking the said fish, within the limits of said towns, not exceeding in point of time three days in each week; and the inhabitants of said towns respectively, at their annual meeting in *March*, are hereby authorized and empowered to appoint agents, whose duty it shall be to carry into execution the purposes of this Act.

May appoint
agents.

The different
agents to meet.

SECT. 2. *Be it further enacted by the authority aforesaid,* That there shall be a meeting of the agents of said towns, holden annually on the last Monday in *March*, at two of the clock in the afternoon, at the public house in said *Watertown*, which may be situated the nearest the bridge in the same town, over *Charles River*; at which meeting the agents so chosen may agree on the place of holding and the manner of calling any intermediate meeting; may choose a Clerk, whose duty it shall be to record in a book to be kept for that purpose, all votes, regulations and orders which may be passed by said agents, or the major part of them, during the period for which they are chosen, and at the end of said period, it shall be the duty of said Clerk to transfer said book to the person who may be chosen to succeed him in said office.

Business to be
done.

SECT. 3. *Be it further enacted by the authority aforesaid,* That the agents aforesaid, at any meeting established by this Act, or called

called pursuant to any agreement of said agents, may, in behalf of said towns, and for their use and benefit, sell the right and regulate the times, places and manner of taking said fish within the towns aforesaid, not exceeding the time aforesaid, and the proceeds of the sale of said right shall, from time to time, be divided between said towns, according to the sums which they shall respectively pay towards the maintenance of the bridge in said *Watertown*, over *Charles River*; and the said agents shall forthwith, after establishing such rules and regulations, and determining by whom said fish may be taken, cause a copy thereof under their hands, to be posted in some public place in each of said towns; and if any person or persons, other than those to whom said right shall be sold as aforesaid, shall take any fish of the description aforesaid, within the towns aforesaid; or if any person to whom said right shall be sold as aforesaid, shall take any of said fish at any other time, in any other place, or in any other manner than shall be expressed in the conditions of the sale to him, such person so offending shall forfeit and pay treble the value of such fish so taken, to be recovered in an action on the case, to the use of any person who may sue for the same.

The agents may sell the right to fish in said towns.

Appropriation.

Regulations, &c. to be posted.

Penalty for breach of rules.

Meeting to be good, though all the agents may not attend.

SECT. 4. *Be it further enacted by the authority aforesaid*, That if the agents of either of the towns aforesaid, shall neglect to attend at any meeting called as aforesaid or appointed by this Act, the votes passed, and the orders and regulations established by the major part of the agents who shall attend said meeting, shall be as binding on said towns, and as good and valid to all intents and purposes, as they would be were the whole of said agents present at said meeting: And in deciding any question which may come before said agents, in executing the duty assigned them by this Act, one vote only shall be allowed to each town.

[This Act passed March 2, 1798.]

An ACT to incorporate a Gore of Land lying North of *Adams*, in the County of *Berkshire*, into a Town by the Name of *Clarksburg*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the tract of land hereafter described, viz. Beginning at the north-east corner of *Williamstown*, and thence running east on the line between this Commonwealth and the State of *Vermont*, seven miles; thence south to the line of *Bernardston Grant*, about two miles and an half; thence west on said line to the east line of *Adams*; thence north on said line to the north-east corner of *Adams*; thence on the north line of *Adams* to the east line of *Williamstown*; thence on said line north

Boundaries.

TO

to the first mentioned bound, with the inhabitants thereon, be, and they are hereby incorporated into a town by the name of *Clarksburg*, and vested with all the powers, privileges and immunities which towns in this Commonwealth do or may enjoy by the Constitution or laws of the same.

SECT. 2. *And be it further enacted*, That *Israel Jones*, Esq. be, and he is hereby authorized and empowered to issue his warrant to some principal inhabitant of the said town of *Clarksburg*, requiring him to notify and warn the inhabitants thereof to meet at some convenient time and place in said town, to choose all such officers as towns are by law required to choose, in the month of *March* or *April* annually.

[This Act passed *March 2, 1798.*]

An ACT to incorporate the Proprietors of Mills on *Mill-Creek* in *Dedham*, and *Neponset River* in *Dorchester* and *Milton*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Joseph Whiting, Moses Whiting, Joseph Lewis, Jonathan Avery, Joseph Whiting, jun. Hugh McLean, J. Smith Boies, Michael McCahey, Samuel Leeds, Daniel Vose, William Sumner, John Preston, Benjamin Peirce, and Joshua Witherle*, together with such other Proprietors of one or more mills on either of said streams as are or may hereafter become members of the Corporation, shall be, and hereby are constituted a Body Politic and Corporate by the name of *The Proprietors of Mills on Mill-Creek and Neponset River*, and by that name may sue and be sued, and have and enjoy all the rights and immunities which are by law incident to Bodies Politic and Corporate.

SECT. 2. *Be it further enacted*, That the said Corporation may purchase, acquire and hold any personal estate, the annual income whereof shall not exceed *one hundred dollars*; and shall have power at any legal meeting to assess and collect such sums of money from the Proprietors of said Mills, and to pursue such lawful measures as may be deemed necessary for protecting, defending or recovering their common rights.

SECT. 3. *Be it further enacted*, That any Justice of the Peace in the county of *Norfolk* shall have power, on application from any three of the Proprietors aforesaid, to issue his warrant to any one of them, requiring him to notify and warn a meeting of said Proprietors, at such time and place as he shall judge most convenient, and for the purposes to be expressed in said warrant, by posting up copies of said warrant, with the notification thereon, in some public places in the towns of *Dedham*,

ham, Dorchester, and Milton, and by publishing the same in the *Massachusetts Mercury*, fourteen days before the time for holding said meeting. And at such meeting the Proprietors aforesaid may, by a vote of the majority of those present, choose a Moderator and Clerk, who shall be sworn to the faithful discharge of their duty, and agree upon a method of calling future meetings; and it shall be the duty of said Clerk to keep a fair record of all the votes and transactions of said Corporation in one or more books, which shall always be kept open to the inspection of the Legislature of this Commonwealth, or any Committee by them appointed for that purpose.

[This Act passed March 3, 1798.]

An ACT for establishing an Academy in the Town of Milton, by the Name of *Milton Academy*.

WHEREAS *Edward H. Robbins* and others have subscribed *three thousand dollars* for the purpose of erecting and supporting an Academy in the town of *Milton*, in the county of *Norfolk*, and it appears that the said town is a suitable place for such an institution: Preambls.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there be and hereby is established in the town of *Milton*, in the county of *Norfolk*, an Academy by the name of *Milton Academy*, for the purpose of promoting piety, religion and morality, and for the education of youth in such languages, and in such of the liberal arts and sciences, as the Trustees of the said Academy shall direct, and that *Fisher Ames, William Aspinwall, Samuel Bass, Esq's. The Rev. Nathanael Emmons, Rev. Thaddeus Mason Harris, Rev. Zachariah Howard, Rev. Joseph McKean, Rev. George Morey, the Rev. Eliphalet Porter, and the Rev. Thomas Thatcher, the Hon. Stephen Metcalf, John Read, Edward H. Robbins and Ebenezer Thayer, Esquires,* be, and hereby are incorporated into a Body Politic, by the name of *The Trustees of Milton Academy*, and that they and their successors shall be and continue a Body Politic and Corporate by the same name forever. Persons incorporated.

SECT. 2. *Be it further enacted,* That all the monies, lands or other property and things already given, or which shall be hereafter given, granted, devised, bequeathed, transferred or assigned to the said Trustees, for the purpose aforesaid, shall be confirmed to the said Trustees and their successors in that trust, forever: And that the said Trustees may have and hold in fee simple, by gift, grant, devise, bequest or otherwise, any lands, tenements, hereditaments or other estate real or personal: *Provided* the annual income thereof shall not exceed the sum of *five thousand dollars*; and may sell and dispose of the same, — may hold estate.

same, and apply the rents and profits thereof in such manner as that the end and design of the said institution may be promoted.

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

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

May sue, &c.

Number of Trustees. SECT. 5. *Be it further enacted*, That the number of the said Trustees shall not, at one time, be more than fifteen nor less than nine; five of whom shall constitute a quorum to do business; and that a majority of said Trustees shall consist of men who are not inhabitants of the said town of *Milton*.

Township granted. SECT. 6. *Be it further enacted*, That there be, and hereby is granted to the said Trustees and their successors forever, for the use of the said Academy, one half a township of six miles square, of the unappropriated lands belonging to this Commonwealth, in the *District of Maine*, excepting the ten townships on *Penobscot River*, to be laid out and assigned by the Committee for the sale of eastern lands, under the restrictions and reservations made in similar grants.

First meeting. SECT. 7. *And be it further enacted*, That the Hon. *Seth Bullard*, Esq. be, and hereby is authorized to fix the time and place for holding the first meeting of said Trustees, and to notify them thereof.

[This Act passed March 3, 1798.]

An ACT for incorporating *Israel Waters*, and others, Inhabitants of the Town of *Charlton*, into a Religious Society, by the Name of *The Proprietors of the New Congregational Centre Meeting-House in Charlton*, and for repealing two Acts heretofore made for incorporating the Congregational Church in said Town.

Additional Act,
June 16, 1801.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Israel Waters*, *Salem Town*, *John Spurr*, *Jonas Ward*, *Jonathan Dennis*, *Ebenezer H. Phillips*, *Samuel Dunbar*, *Amasa Davis*, *John White*, *Jonathan Pratt*, *Elijah Ward*, *Thomas Fosket*, *Asa Dresser*, *Tamison Tucker*, *Thomas Farnum*, *Isaac Williams*, *William Weld*, *Samuel Stetson*, *Hervey Conant*, *William P. Rider*, *Josiah Town*, jun. *Alpheus Coburn*, *Thomas Edward*, *Levi Gates*, *Ebenezer Stone*, *Sibley Barton*, *Amos Gould*, *Jonathan Winslow*, *Benjamin Douty*, *Free Comings*, *David Rich*, *John Alldis Haven*, *Artemas Ward*, *Daniel Williams*, 2d. *Reuben Comins*, jun. *Paul Rich*, *Ezra Mixer*, *Timothy Morfe*, *Daniel Williams*, *James Comins*, *John Coburn*, jun. *Ebenezer White*, *Jabez Willes*, *Moses Hammond*, *Nathan McIntire*, jun. *Lemuel Marcey*, *Daniel Needham*, *Alpheus Williams*, *Simon Ward*, *Clement Coburn*, *Simcon Waters*, *Walter Merrit*, *Peter Stevens*, *John Edwards*, *Stephen Clemons*, *Samuel Lamb*, sen. *David Bacon*, *Barnabas Comins*, *Sampson Stone*, *Jeel Parker*, *Edmund Eddy*, *William Needham*, *Joseph Blood*, and *Caleb Fitts*, be, and they are hereby incorporated into a Religious Society, by the name of *The Proprietors of the New Congregational Centre Meeting-House in Charlton*, and that they and their successors, and such other persons as shall be legally admitted by them, shall be and continue a Body Politic and Corporate by that name forever.

Persons in-
corporated.

Corporate
name.

SECT. 2. *BE* it further enacted, That the members of said Proprietary shall have power to choose annually, a Treasurer, Clerk, Assessors, Collectors, and such other officers as shall be necessary to transact the business thereof; and the said Proprietors, by the name aforesaid, may sue and be sued, prosecute and defend suits to final judgment and execution.

Officers to be
chosen.

May sue, &c.

SECT. 3. *BE* it further enacted, That the said Proprietors shall have power to make by-laws for governing the business and property of said Proprietary, not repugnant to the laws and Constitution of this Commonwealth.

May
make
laws.

SECT. 4. *BE* it further enacted, That said Proprietors, at any regular meeting called for that purpose, may, by a major vote of the Proprietors, voting by shares, (no share having more than one vote) raise such sum of money as they shall judge necessary for the maintenance of public worship and other

Raise money.

other exigencies; and may assess the same on the real and personal estate of the Proprietors, according to the valuation by which the town and State taxes are assessed, next preceding such assessment, and each Proprietor holding more than one share shall be assessed to the full amount of his estate, real and personal for each share; and if any Proprietor shall neglect, for the space of sixty days beyond the time appointed for the paying such assessment, he shall forfeit his share or shares, right or rights, so neglected, to be disposed of according to the laws of said Proprietors, and at the pleasure of the same.

Delinquent shares may be sold.

SECT. 5. *Be it further enacted*, That the said Proprietors shall have power to dispose of the pews among the members of the Proprietary, and others, in such way and manner as they shall deem best.

Pews to be disposed of.

SECT. 6. *Be it further enacted*, That no person shall retain more than one share, if a sufficient number of persons appear who shall wish to become members; and the shares in the Proprietary may be conveyed by deed or devise.

One share only to be holden.

SECT. 7. *Be it further enacted*, That all legal contracts made by said Proprietors respecting the support of their minister and building a meeting-house, shall, in their operation, include not only the persons who contracted, but also all persons who hereafter shall become members of said Proprietary.

Contracts.

SECT. 8. *Be it further enacted*, That *Salem Town*, Esq. be, and he hereby is authorized and requested to issue his warrant, directed to some principal member of said Proprietary, authorizing and requiring him to notify the members thereof to meet at such time and place as shall be therein set forth, to choose all such officers as are necessary for transacting the business of said Proprietary, and to transact all such matters and things as may be necessary and legally done therein.

First meeting.

SECT. 9. *Be it further enacted*, That an Act passed the twenty-sixth day of *October*, in the year of our Lord one thousand seven hundred and eighty-four, entitled, "An Act for incorporating the Congregational Church in the town of *Charlton*, with certain other inhabitants of the said town, into a distinct parish," and one other Act in addition thereto, passed in the year of our Lord one thousand seven hundred and eighty-six, be and hereby are repealed.

Former Acts repealed.

[This Act passed *March 3, 1798.*]

An ACT to incorporate certain Persons as Trustees of the Funds raised by Subscription for the Support of Religion, Piety and Morality, in the Town of *Raynham*, in the County of *Bristol*.

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

ity of the same, That *Mason Shaw, Zephaniah Leonard, Josiah Dean, Abiel Williams, Oliver Washburne, Gamaliel Leonard, Jonathan Shaw, Abraham Hathaway, and Stephen Dean*, be, and they are hereby appointed Trustees to manage such funds as are or shall be raised and appropriated to the uses aforesaid, in and for the town aforesaid; and for that purpose they are hereby incorporated into a Body Politic, by the name of *The Trustees of the Funds appropriated to the Support of Religion, Piety and Morality, in the Town of Raynham*, and they and their successors in said office are hereby vested with full power to receive into their hands all subscriptions, donations, securities for real or personal estate, and monies already subscribed, given or raised, or which may hereafter be subscribed, given or raised for that purpose, and to put the same to use or interest for the purpose aforesaid: *Provided*, That the same fund shall never exceed the sum of *seven thousand dollars*; to choose a *Treasurer and Clerk* of said Corporation; to sue and be sued, and to have, use and exercise all necessary powers in prosecuting or defending any action to which they may be a party.

Persons incorporated.

Corporate name.

May hold property.

Officers.

May sue, &c.

SECT. 2. *Be it further enacted*, That whenever any vacancy happens amongst the said Trustees, either by death, resignation or removal, the said town of *Raynham*, at any town-meeting legally warned for that purpose, shall fill up said vacancy within three months after it shall happen; and if the said town neglect so to do within that time, then the said Trustees, by a major vote, shall have power to fill up such vacancy.

Vacancies to be filled.

SECT. 3. *Be it further enacted*, That the proceeds of such fund, whether it be interest or rent, shall be appropriated and applied to the support of a public teacher of religion, piety and morality, who shall preach in the meeting-house near the centre of the said town: *Provided always*, That no application shall be made of such proceeds until they shall amount to *two hundred dollars* annually.

Minister to be supported.

SECT. 4. *Be it further enacted*, That the said town shall have full power, from time to time, to call said Trustees to an account for their conduct in managing said fund; and the estate of each Trustee shall be liable to be taken in execution on any judgment against such Trustees, recovered by the said town, which is hereby authorized to commence and prosecute an action against said Trustees, or any of them, for any embezzlement or neglect of refunding monies in their hands; and the debt or damage recovered by the said town in any such judgment, shall be to and for the use aforesaid.

Trustees to be responsible.

SECT. 5. *Be it further enacted*, That if judgment shall be recovered against the said Trustees, or any of them, for embezzlement or neglect as aforesaid, such Trustee or Trustees shall by that fact vacate his or their said office, and the vacancy shall be filled up in the manner before provided.

Trustee who embezzles to be removed.

[This Act passed March 3, 1798.]

An ACT to incorporate certain Proprietors of Meadow Lands lying on each Side of *Neponset River*, in the Towns of *Dedham, Milton* and *Canton*, and for drawing off the stagnant Waters, and for the better improving said Meadow Lands.

SECT. I. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing this Act, all the Proprietors of certain meadow lands lying on each side of *Neponset River*, in the towns of *Dedham, Milton* and *Canton*, in the county of *Norfolk*, included between two parallel lines crossing said river and meadow lands, the upper line being in the same direction, and coinciding with the divisional line between *Canton* and *Sharon*, and the other line crossing said river and meadows at *Paul's Bridge*, so called, be, and hereby are incorporated into a Body Politic, by the name of *The Proprietors of the Neponset River Meadows*, and by that name may sue and be sued, and do and suffer such acts and things as Bodies Corporate may or ought to do or suffer: *Provided however*, That this Act shall not include in this incorporation the following description of meadow lands lying between said parallel lines, to wit, the meadow lands owned by *Elijah Dunbar*, Esq. and others Proprietors of a Common Field in *Canton*, those belonging to the heirs of *Nathaniel Fisher*, to *Henry Baily*, *Isaac Billing*, *Roger Billing*, *Nathaniel Sheppard*, *Jonathan Billing*, *John Taunt*, *Henry Crane*, *Israel Bailey*, *Ezekiel Fisher*, *William Crane*, *Lemuel Fisher*, also the meadow lands belonging to the heirs of Doct. *John Sprague*, also all meadow lands belonging to any inhabitant of the town of *Milton*, also the Common Field in *Purgatory Meadow*, so called, and also all meadow lands lying north of a line drawn from and in the same direction easterly with the fourth line of said Common Field last mentioned, to the upland: *Provided nevertheless*, That it may be lawful for any of the meadow lands aforesaid to be included in said incorporation, whenever the owner or owners shall become Proprietors of said incorporation, upon such terms and in such manner as said Proprietors shall hereafter establish.

SECT. 2. *Be it further enacted*, That upon application of ten or more of said Proprietors, made in writing to any Justice of the Peace for said county of *Norfolk*, said Justice is hereby authorized and empowered to issue his warrant, directed to one of said Proprietors, to notify and warn a meeting of said Proprietors, at such time and place and for such purposes as shall be expressed in said warrant, which warrant and notification thereon shall be published in one of the *Boston* news-papers, and shall also be posted up in some public place in each of the towns of

Dedham

Corporate name.

May sue, &c.

Proviso.

A Justice to authorize a meeting.

Dedham and *Canton*, each publication aforesaid to be at least fourteen days before the time of meeting.

SECT. 3. *Be it further enacted*, That said Proprietors, at any legal meeting, may agree upon the mode of calling future meetings, and shall have power and authority to vote, assess, collect and appropriate monies for the purpose of draining and improving said meadow lands, and may also choose a Clerk, Treasurer, Assessors and Collectors, who shall be sworn to the faithful discharge of their duty, and shall continue in office until others shall be chosen and sworn in their stead; which officers, when sworn as aforesaid, may exercise the same power and authority in performing the duties of their appointment as town officers of the like description.

[This Act passed *March* 3, 1798.]

An ACT to incorporate the Plantation called *East-Butterfield*, in the County of *Cumberland*, into a Town by the Name of *Hartford*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the plantation of *East-Butterfield*, in the county of *Cumberland*, bounded as follows, viz. Beginning at the north-east corner of *Buckfield*, thence running north, twenty-six degrees east, two miles and three hundred rods, to the north-west corner of *Turner*; thence north, three miles and two hundred and sixty rods; thence north, eighty-one degrees west, four miles and one hundred and sixty rods; thence north, sixty-five degrees west, one mile and two hundred and twenty-eight rods, to the middle of the east branch of *Twenty-Mile River*, so called; thence down the middle of said river to the north line of *Buckfield*; thence south, eighty-one degrees east, three miles and two hundred and sixty-six rods, adjoining *Buckfield*, to the first bound, with the inhabitants thereon, be, and they hereby are incorporated into a town by the name of *Hartford*; and the said town is hereby vested with all the powers, privileges and immunities which other towns in this Commonwealth do or may by law enjoy.

Boundaries.

SECT. 2. *Be it further enacted*, That *Isaac Sturdivant*, Esq. be, and he hereby is empowered to issue his warrant, directed to some suitable inhabitant within said town, requiring him to warn a meeting of the inhabitants thereof, at such time and place as shall be expressed in said warrant, for the purpose of choosing such town officers as other towns are empowered to choose in the month of *March* or *April* annually.

First meeting.

[This Act passed *June* 13, 1798.]

An

An ACT to incorporate the Plantation called *West-Butterfield*, in the County of *Cumberland*, into a Town by the Name of *Sumner*.

Boundaries.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the plantation of *West-Butterfield*, in the county of *Cumberland*, bounded as follows, viz. Beginning at the north-west corner of *Buckfield*, on *Paris* line; thence running north thirteen degrees west, four miles and one hundred and eighty-four rods; thence north one mile and two hundred and twenty rods; thence north eighty degrees east, four miles and forty rods; thence south sixty-five degrees east, two hundred and twelve rods, to the middle of the east branch of *Twenty-Miles River*; thence down the middle of said river, until it comes to *Buckfield* north line; thence north eighty-one degrees west, on *Buckfield* north line, four miles and two hundred and fifty-four rods to the bounds first-mentioned, with the inhabitants thereon, be, and they hereby are incorporated into a town by the name of *Sumner*: And the said town is hereby vested with all the powers, privileges and immunities which other towns in this Commonwealth do or may by law enjoy.

First meeting.

SECT. 2. *Be* it further enacted, That *Isaac Sturdivant*, Esq. be, and he hereby is empowered to issue his warrant, directed to some suitable inhabitant within said town, requiring him to warn a meeting of the inhabitants thereof at such time and place as shall be expressed in said warrant, for the purpose of choosing such town-officers as other towns are empowered to choose in the month of *March* or *April* annually.

[This Act passed *June 13, 1798.*]

An ACT to incorporate *John Worthington*, Esq. and others, for conveying Water in subterraneous Pipes in *Springfield*.

Persons incorporated.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *John Worthington*, *Samuel Lyman*, *Chauncy Brewer*, and *John Hooker*, Esquires, *Joseph Stebbins*, and *Zebina Stebbins*, with such others as are or may be associated with them, and who shall hereafter possess the estates where they now dwell, be, and hereby are constituted a Corporation, by the name of *The Proprietors of the Springfield Aqueduct*, and by that name may sue and be sued: *Provided*, That nothing in this Act shall authorize said Proprietors to enter on or use private property without consent of the owner.

Title.

SECT.

SECT. 2. *And be it further enacted,* That any three of the above persons may, by notification posted up at the house of *Moses Church*, in said *Springfield*, call a meeting of the said Proprietors, to be holden in said *Springfield*, seven days at least after posting such notification; and the said Proprietors at such meeting may choose a Clerk, who shall make true record of all the votes, acts and doings of the said Proprietors; and may also choose other proper officers for effecting the object of their incorporation, and agree upon the mode of calling future meetings, and make any rules, regulations or by-laws, for ordering the transactions and concerns of the said Corporation, and the welfare and interest of the same, which they may think expedient, and impose any fines and forfeitures not exceeding *twelve dollars*, and for the recovery thereof have and maintain an action of debt before any Justice of the Peace in said county: *Provided,* That the rules, regulations and by-laws aforesaid shall not be repugnant to the Constitution or laws of this Commonwealth.

Calling of meetings.

Officers to be chosen.

Laws to be made.

SECT. 3. *And be it further enacted,* That the said Proprietors shall have power from time to time to make assessments of such sums of money as the Proprietors shall deem necessary, on the several Proprietors, according to their shares and interest in said Aqueduct, as the same shall be ascertained and recorded in the books of the said Corporation; and upon neglect or refusal of any Proprietor to pay the sum or sums which shall be so assessed on him by the time specified in such vote of assessment, the said Proprietors may have and maintain an action of debt against such delinquent Proprietor for the recovery thereof, before any Court proper to hear and try the same.

Assessments.

SECT. 4. *And be it further enacted,* That the said Proprietors may enter on and dig up any highway for sinking and repairing the pipes of said Aqueduct as may be necessary, provided they do not thereby impede the passing of travellers; and at any time hereafter may enter on the land of any of the Proprietors, or of any other persons who already have or hereafter shall consent and agree with said Proprietors for their laying said pipes through the lands occupied by them for the purpose of repairing such pipes; the said Proprietors paying such persons for such damage as they shall do by means thereof.

May dig up highways, &c.

SECT. 5. *And be it further enacted,* That any person injuring the said Aqueduct shall be subject to the same penalties as are provided in the second section of the Act, entitled, "An Act for the more effectually preventing trespasses in divers cases;" and shall also be liable to make good all damages so done to the said Proprietors.

Case of injury.

[This Act passed *June 14, 1798.*]

An ACT for assessing and collecting Taxes on the Pews in the Meeting House where the Rev. *John Tompson* officiates, in the First or South Parish in *Berwick*, for the Repair and Amendment of said House.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That it shall and may be lawful for the Assessors of the said parish for the time being, (after being duly sworn faithfully and impartially to discharge the duties of said office,) and they are hereby empowered to assess the several pews in said house, their several parts and proportions according to the value said Assessors shall set the said pews at, of all such sums of money as the said parish shall vote to raise and appropriate for the payment of the labour and materials that have been expended in repairing said house, in the year one thousand seven hundred and ninety-seven; and also for such further sums as may, in the opinion of the parishioners, be necessary to complete the repairing already commenced: And in case at a future period the same house shall need repairing, the Assessors of said parish, for the time being, may assess the said pews in manner aforesaid, such sums for the repair thereof as the parishioners shall determine and vote needful for that purpose: And the assessments thus made shall commit to such Collector as may by the parish be appointed to collect the same, with directions to collect and pay in the same to the Parish Treasurer, in ninety days after the assessment shall be committed to him: And the Parish Treasurer shall keep an account separate and distinct from other parish monies, of the sums thus received, and the manner in which they are expended: And shall have the same power and authority to enforce the payment of the sums from the said Collector, in case he should be deficient in his duty as are by law provided for parish taxes.

SECT. 2. *Be it further enacted,* That if the owner or Proprietor of a pew shall refuse or neglect to pay the sum assessed thereon as aforesaid, for the space of thirty days after notice of the assessment shall have been posted up on the door of the said house, and in two other public places in the said parish as the Assessors shall in writing direct, it shall be lawful for said Collector to sell said pew at public vendue to the highest bidder, first giving fifteen days' notice of the time and place of sale, by putting up notifications thereof at the said meeting-house door, and at two other public places in said parish; and the overplus money, besides the tax and the necessary charges of notifying and selling, he shall pay over to the former owner or Proprietor, if known and residing within the said South parish,

in

Assessors
levy taxes for
repair.

How to be col-
lected and ac-
counted for.

Delinquent
Proprietors'
pews to be
sold.

in ten days after the sale : But if the Proprietor be unknown, or a non-resident of said parish, he may, within ten days next after the sale, pay over the said surplus to the Parish Treasurer, for the use of the former Proprietor of the pew: And the mode of transferring pews sold by the Collector for the non-payment of taxes as aforesaid, shall be by deed under hand and seal acknowledged before a Justice of the Peace: But a record of the deed thus made, in the records of the parish by the Clerk thereof, within six months after passing the same, or a copy from thence, certified by the Parish Clerk, shall be evidence of the transfer, as well as the original thus recorded: *Provided always*, That if the former Proprietor of a pew thus sold and transferred shall, within one full year from the time of sale at vendue as aforesaid, tender and pay to the purchaser, or his assignee in case of assignment, the true sum said pew sold for, with an addition of *fifteen per cent.* it shall be the duty of the purchaser or assignee to re-convey the same; and upon his refusing thus to do, said Proprietor may have like remedy for obtaining the title and possession of the same pew as mortgagors of real estate now have in the Courts of this Commonwealth.

SECT. 3. *Be it further enacted*, That it shall be the duty of the Clerk of said first or fourth parish, upon the payment of *thirty three cents*, to record at large in the said parish books a deed of a pew in said house, that may be brought to him for that purpose, and to note and certify thereon, as well as in the record, the time when the deed was received for that purpose.

[This Act passed June 14, 1798.]

An ACT providing Compensation for Services of the Sheriff of the County of Hancock.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Justices of the Court of General Sessions of the Peace for the county of *Hancock*, be, and they are hereby authorized and required to ascertain and determine annually, what sum of money shall be allowed the Sheriff of said county as a reasonable compensation, as well for extra services as on account of the particular difficulties and inconveniences attending the discharge of the duties of the said office in said county; and the sum so allowed shall be paid out of the Treasury of the said county: And the said Justices are also hereby authorized to allow the present Sheriff of the said county such sum of money as they may deem reasonable on account of any extra services by him already performed for the same county, and the sum so allowed shall be paid out of the Treasury of that county.

[This Act passed June 19, 1798.]

March
1797.

11,

An ACT in further explanation of and addition to an Act, entitled, "An Act for incorporating a certain Part of the Town of *Lee*, into a School District, by the Name of *The Hopland School District.*"

School taxes
how to be af-
fessed and col-
lected.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That whenever the rents and incomes of the school lands, and other property belonging to the said district, shall be insufficient for the purpose, the said district may, at any district meeting regularly called and warned therefor, from time to time, grant such school taxes as may be necessary and sufficient, together with such rents and incomes, to build and repair a suitable school-house or school-houses for said district, and to provide and support a suitable school or schools within and for said district; which taxes shall be assessed by the Assessors of said district, or by the Assessors of the said town of *Lee*, for the time being, upon application of said district, upon the polls and estates belonging to said district, and shall be collected by the Collectors of the said district, or by the Collectors of said town of *Lee*, for the time being, upon application of said district, in the same manner and under the same regulations and penalties as town school taxes by law are assessed and collected.

District pow-
ers.

SECT. 2. *Be it further enacted by the authority aforesaid,* That the said district shall be understood and construed to be capable of suing and being sued, and of appearing in Court to prosecute or defend, and of possessing, improving and leasing, from time to time, the school lands belonging to said district, by a Committee or agents thereto, duly appointed at any meeting regularly called and warned therefor.

Lands may be
exchanged.

SECT. 3. *Be it further enacted by the authority aforesaid,* That the said district shall have power to exchange any parts or parcels of the school lands belonging to said district, for other lands lying within said district, to be holden in the same manner and to the same uses as the lands so exchanged.

Donations may
be received.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the said district shall be capable of taking any estate, real or personal, to the amount of *five thousand dollars*, which may hereafter voluntarily be bequeathed, granted or given to said district for the use and support of a school or schools, and of holding the same for the use of schools within said district.

[This Act passed *June 19, 1798.*]

An ACT in addition to an Act, entitled, "An Act to incorporate the east Part of *Greenfield*, in the County of *Hampshire*, into a Town by the Name of *Gill*,"
 Sept. 28, 1793.
 Feb. 26, 1794.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Bridge over *Fall River*, so called, between *Stevens'* mills, shall in future be built, supported and maintained wholly by the town of *Greenfield*, so long as the road over the same shall be continued; and that the Bridge over said river, near the mouth thereof, shall be built, supported and maintained wholly by the town of *Gill*, so long as the road over the same shall be continued; any thing in the Act to which this is an addition to the contrary notwithstanding.

Greenfield to maintain upper bridge.

Gill the lower.

[This Act passed June 19, 1798.]

An ACT in addition to and explanatory of an Act passed in the Year of our Lord One thousand seven hundred and seventy-eight, entitled, "An Act for dividing and setting off the westerly Part of the Town of *Newton*, in the County of *Middlesex*, into a separate Precinct by the Name of *The West Precinct*."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all the lands lying on either side of the divisional line of the precincts of said town, as described in said Act of division, which are owned or possessed, or which hereafter shall be owned or possessed by persons other than those who were the owners and occupiers of such lands at the time of the passing of the Act to which this is an addition, shall be taxed and assessed in the precinct where such lands lie; any thing in the Act of division aforesaid to the contrary notwithstanding.

Lands to be taxed in the precinct where they lie.

[This Act passed June 20, 1798.]

An ACT to incorporate certain Persons in the Town of *Wrentham*, for the Purpose of conducting Water by subterraneous Pipes in said Town.

SECT. I. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *John Hall*, *Samuel Crowell*, *Philip Blake*, *Madey*

Persons incor-
porated.

Madey Decoubians, John Madey, Cyrus Bean, Ebenezer Foster, Oliver Farrington, Luther Fisher, Lemuel Brown, William Brown, and Daniel Shaw, with such others as are now, or may hereafter be associated with them or their successors, be, and they are hereby constituted a Corporation, by the name of *The First Aqueduct Company in Wrentham*, and by that name may sue and be sued: *Provided*, That nothing in this Act shall authorize the said Proprietors to enter on, or to make use of private property, without the consent of the owner.

Restriction.

Meeting how
called.

SECT. 2. *Be it further enacted*, That the first meeting of the said Corporation may be called and notified by any three of said Proprietors, by a written notification posted up at the first meeting-house in said *Wrentham*, seven days at least previous to the meeting, which notification shall set forth the purposes and the time and place of said meeting, to choose a Clerk and such other officers as they may think necessary, to agree upon a mode of calling future meetings, to establish rules and regulations not repugnant to the laws of this Commonwealth, and to transact such other business as shall be necessary to effect the object of their incorporation: And the said Proprietors, by a major vote of those present, accounting one vote to each share, (*provided* that no Proprietor has more than five votes,) may impose any fines and forfeitures not exceeding *ten dollars*, and levy the same in due course of law.

Officers to be
chosen.

Highway may
be dug up.

SECT. 3. *And be it further enacted*, That the said Proprietors may dig up any public or town way for conducting water as aforesaid; *provided* they do not obstruct the rightful use of the same. And any person wilfully injuring the said Aqueduct shall be subject to the same pains and penalties as are provided in the second section of the Act, entitled, "An Act for the more effectually preventing of trespasses in divers cases," and shall also be liable to make good all damages so done to the said Aqueduct or Proprietors.

Penalty for
damaging
Aqueduct.

[This Act passed June 21, 1798.]

An ACT to set off *Richard Rogers*, of *Kittery*, in the County of *York*, from the first Parish of *Kittery*, and to annex him and his Estate to the third Parish in said Town.

Set off.

Proviso.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Richard Rogers*, of *Kittery*, in the county of *York*, with his estate, be, and is hereby set off from the said first parish and annexed to the third parish in said town: *Provided*, the said *Rogers* shall pay his proportion of parish charges due from him to the said first parish prior to the date of this Act.

[This Act passed June 21, 1798.]

An

An ACT in addition to an Act, entitled, "An Act regulating the taking of the Fish called Alewives, in the Town Brook, so called, in the Town of Plymouth," passed the twentieth Day of June, in the Year of our Lord One thousand seven hundred and eighty-nine. June 20, 1789.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Act to which this is an addition, and all parts, clauses and provisions thereof, shall extend to include one other brook in said town of Plymouth, known by the name of *Fresh Pond Brook*, in the second precinct of said town; and the taking of the fish aforesaid in said *Fresh Pond Brook*, is hereby authorized in the same manner, and under the same rules, regulations and restrictions, in every respect, as the same is authorized in and by the Act to which this is an addition, in the aforesaid town brook, and no otherwise; anything in said former Act notwithstanding: *Provided nevertheless,* That the inhabitants of the town of *Plymouth* may, at their annual meeting in *March* or *April*, fix and determine at what place in *Fresh Pond Brook* said fish may be taken. Fresh Pond Brook included. Proviso.

[This Act passed June 25, 1798.]

An ACT in addition to the several Acts respecting the Proprietors of *Middlesex Canal*. June 22, 1793.
Feb. 28, 1795.

WHEREAS by an Act passed on the twenty-eighth day of *February*, in the year of our Lord one thousand seven hundred and ninety-five, it is provided and enacted, that the Corporation of the *Middlesex Canal* shall have power to receive and hold real estate as appendant to the same Canal, and for the purpose of facilitating the business of the same, to the value of *thirty thousand pounds*, over and above the value of the Canal itself: And the Proprietors of said Canal having expressed their doubts whether, in virtue of said Act, they may erect and hold mills on the same Canal, and on the waters with which it is or shall be connected: Preamble.

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Corporation of the *Middlesex Canal*, or the Proprietors of the said Canal, in their corporate capacity, shall have power to purchase and hold any mill-seats on the waters connected with the same Canal, and lands to accommodate the same, and thereon to erect mills; and that all such lands or mill-seats so held by the said Corporation, shall be liable to be taxed as real estate May hold mill-seats, &c.

Provisc.

in the towns where the same shall be, according to the laws in being for assessing taxes: *Provided nevertheless*, That nothing herein shall be construed to repeal or annul the restrictions under which the said Proprietors and Corporation are laid by former Acts, respecting the waters of *Sbarusbine River*, or the ponds, brooks or streams emptying their waters into the same: *And provided also*, That all the mill-seats and land, purchased or received by the said Corporation, shall not exceed the sum of *one hundred and thirty thousand dollars*.

[This Act passed June 25, 1798.]

An ACT to incorporate certain Persons Trustees to manage the Funds for the permanent Support of a Pedobaptist Congregational Minister, that may officiate in the Meeting-House near the four Corners, in the southerly Part of *Dighton*, in the County of *Bristol*.

Preamble.

WHEREAS two tracts of land have been conveyed by deeds of the late *Sylvester Richmond*, Esq. and *Joseph Atwood*, to certain persons as feoffees in trust to and for the use of the congregation usually assembling at the meeting-house aforesaid; and a fund of about *one thousand dollars* having been raised by the sale of the wood growing on these lands, and otherways, for the support of such officiating minister, and the present feoffees in trust having petitioned the Legislature for an Act of incorporation, for the better management thereof and the lands so conveyed:

Persons incorporated.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *William Balies*, *Sylvester Richmond*, *John Hathaway*, *Hodijah Baylies*, *Joseph Atwood*, *Sylvester Atwood*, jun. *David Andrews*, *George Ware*, and *Thomas Baylies Richmond*, all of the said town of *Dighton*, be, and they are hereby appointed Trustees to receive and hold the above mentioned fund, and all other money for the purpose aforesaid however accruing, to the amount of *eight thousand and five hundred dollars*, in trust for the use and benefit of said congregation, and the permanent support of the Pedobaptist Congregational Minister that shall preach to them in the meeting-house aforesaid; and shall constitute a Body Politic and Corporate, to have perpetual succession for the due and faithful management of said trust, and shall be vested with all powers incident to Corporations, necessary or requisite for that purpose.

Accounts fund.

of

Annual meeting.

SECT. 2. *Be it further enacted*, That the Trustees before-mentioned shall forever hereafter hold a meeting in the town of *Dighton*, in the month of *June* annually, the time and place of

of said meeting to be notified by the major part of the Trustees, by posting an advertisement thereof in some public place in said town, seven days at least before the time of said meeting: At such meeting the major part of the Trustees present may annually choose a Treasurer, with whom the money or securities for money constituting the funds may be deposited, and who shall, under the control and by the order of the Trustees, or the major part of them, receive in, deliver up or pay out such money or securities: And the person so chosen shall give bond, if required, at the discretion of the Trustees, for the faithful performance of his duty; and the major part of the Trustees present at such meeting are also empowered to choose a Clerk annually, to keep a record of the proceedings and doings of the Trustees: And the Trustees are further empowered, from time to time, at any of their meetings called in the manner aforesaid, to fill up the vacancies occasioned by the death, resignation or removal of any of the Trustees.

Treasurer to be chosen.

Clerk to be chosen.

Trustees to be elected.

SECT. 3. *Be it further enacted,* That the said Trustees be, and hereby are empowered to sell the tracts of land aforesaid, for the most the same will fetch, either at private sale or public vendue, and place the proceeds at interest, which are to be considered as belonging to the fund: And the said Trustees are also hereby empowered to make legal and authentic conveyances of the pews in the aforesaid meeting-house to any person who has or may purchase the same.

Land to be sold.

Trustees to convey pews.

SECT. 4. *Be it further enacted,* That the Trustees before-mentioned, and their successors in office, be, and hereby are invested with sufficient power to receive all subscriptions, grants, appropriations and donations, whether real or personal, that may hereafter be made for the purpose of supporting a Pedo-baptist Congregational Minister, that does or shall officiate in the aforesaid meeting-house: *Provided,* These shall not exceed, when added to the above-mentioned fund, the sum of eight thousand five hundred dollars; and place all the money that shall be in their hands, as Trustees, at interest on good security, at their discretion, and apply the whole of the interest arising therefrom, or any part thereof, to pay the salary of such minister, officiating in the meeting-house aforesaid, or for enlarging said fund, as the said congregation shall from time to time order or direct; but not in any case to lessen or make use of any part of the principal: And should the interest of the fund at any time hereafter be more than sufficient to pay the salary of the aforesaid minister, the surplus shall be applied to the support of schools for the benefit of said congregation.

May receive donations, &c.

Proviso.

Appropriation.

SECT. 5. *Be it further enacted,* That the Trustees, or the major part of them, be, and hereby are empowered to call a meeting of the said congregation at any time for the purpose of giving directions relative to the applications of the interest of the

Meeting to be called.

the

Annual state-
ment to be
made.

the fund, by posting a notification thereof in some public place in *Dighton*, seven days at least previous to the time appointed for said meeting; and at such meeting the said Trustees shall annually lay before the said congregation in writing an account of their proceedings, disbursements, and the state of the fund.

[This Act passed June 25, 1798.]

An ACT to incorporate a Number of Inhabitants in each of the Towns of *Marshfield*, *Scituate*, *Duxborough*, *Pembroke* and *Hanover*, into a separate Religious Society, by the Name of *The Baptist Religious Society in Marshfield*.

Persons incor-
porated.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *William Curtis*, *James Curtis*, *James Poord*, *William Curtis*, jun. *Briggs Hatch*, *William Church*, *James Erwell*, *Seth Joyce*, *David Joyce*, *Thomas Macumber*, *Thomas Macumber*, jun. *Ebenezer Sherman*, *Joseph Sherman*, *Asa Thomas*, *Thomas Joyce*, jun. *Gershom Erwell*, *Stephen Stetson*, *Stephen Stetson*, jun. *Jonathan Joyce*, *Prince Hatch*, *John Hilland*, *Ichabod Sherman*, *Elisha Sherman*, *Jedidiah Erwell*, *John Trowant*, *Alafon Carver*, *Aaron Sherman*, *Elisha Barker*, *Ezekiel Jones*, *Zaccheus Lambert*, *Benjamin Thomas*, *Abner Curtis*, *Joshua Magowan*, and *Robert Howland*, members of the said Religious Society, together with their polls and estates, be, and they hereby are incorporated by the name of *The Baptist Religious Society in Marshfield*, with all the privileges, powers and immunities which parishes in this Commonwealth by law enjoy.

How to be-
come a mem-
ber.

SECT. 2. *BE* it further enacted by the authority aforesaid, That any person in the said towns of *Marshfield*, *Scituate*, *Duxborough*, *Pembroke* and *Hanover*, in the county of *Plymouth*, who may at any time hereafter actually become a member of and unite in religious worship with said Baptist Religious Society, and give in his or her name to the Clerk of the parish to which he or she did heretofore belong, with a certificate signed by the Minister or Clerk of said Society, that he or she hath actually become a member of and united in religious worship with said Baptist Religious Society in *Marshfield*, fourteen days previous to the parish meeting therein, to be held in the month of *March* or *April* annually, shall, from and after giving such certificate, with his or her polls and estate, be considered as a member of said Society: *Provided* however, That such person shall be held to pay his or her proportion of all monies assessed or voted in the parish to which he or she belonged previous to that time.

Proviso.

SECT. 3. *BE* it further enacted by the authority aforesaid, That when any member of said Society shall see cause to leave the same

same and unite in religious worship with any other Religious Society in the town or parishes in which he or she may live, and shall give in his or her name to the Clerk of the Baptist Religious Society aforesaid, signed by the Minister or Clerk of the parish or other incorporate Religious Society with which he or she may unite, that he or she hath actually become a member of and united in religious worship with such other parish or other incorporate Religious Society, fourteen days previous to their annual meeting in *March* or *April*, and shall pay his or her proportion of all monies voted in said Society to be raised previous thereto, shall, from and after giving such certificate, with his or her polls and estate, be considered as a member of the Society to which he or she may so unite.

SECT. 4. *And be it further enacted*, That *John Turner, Esq.* First meeting to be called. be, and he is hereby authorized to issue his warrant, directed to some suitable member of said Society, requiring him to warn the members of said Society qualified to vote in parish affairs, to assemble at some suitable time and place in said town of *Marlshfield*, to choose such parish officers as are by law required to be chosen in the months of *March* or *April* annually, and to transact all other matters and things necessary to be done in said Society.

[This Act passed June 25, 1798.]

An ACT for setting off a certain Tract of Land, belonging to the Town of *Hancock*, in the County of *Berkshire*, and annexing the same to the District of *New-Ashford* in said County.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the land belonging to *Hancock*, with the inhabitants thereon, contained within the boundary lines hereafter mentioned and described, *to wit*: Beginning at a stake and stones eleven rods north, eighty degrees west from *Benjamin Shearwood's* north-east corner, standing in the south line of *Williamstown*; thence running the same course, on *Williamstown* line, three hundred and eighty-nine rods; thence south nineteen degrees west, nine hundred and fifty rods to *Nathan Baxter's* south-west corner; thence east nineteen degrees south, two hundred and forty-one rods, to the north-west corner of town of *Langsbrough*; thence north thirty-one degrees east, nine hundred and ninety rods to the first mentioned bounds, be, and hereby is set off from the town of *Hancock*, and annexed to the district of *New-Ashford*, and shall forever hereafter be considered as belonging to, and making part of the said district of *New-Ashford*: *Provided nevertheless*, That nothing in this Act shall in any manner effect or discharge the taxes already assessed or ordered

ordered to be assessed in the town of *Hancock*; but the inhabitants aforesaid shall be considered as held to pay all such taxes which remain due and unpaid to said town of *Hancock*.

[This Act passed June 26, 1798.]

An ACT authorizing *James Bayley* and others to conduct Water in subterraneous Pipes, within the Town of *Amesbury*.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *James Bayley, David Lowell, Joseph Morse, Joseph Hoyt, Nathan Long, Eli Gale, and Willibee Hoyt*, all of *Amesbury*, in the county of *Essex*, with such other persons as may become Proprietors in the said water-works, be, and they hereby are incorporated a body politic, for the purpose of conveying water by pipes within the town of *Amesbury*, by the name of *The Proprietors of Amesbury Ferry Aqueduct*, and by that name may sue and be sued to final judgment and execution, and do and suffer all matters, acts and things, which bodies politic may or ought to do or suffer: *Provided*, That nothing in this Act shall authorize said Corporation to enter upon or use for that purpose, the land of any person without license therefor first had of the Proprietors of such land.

SECT. 2. *Be* it further enacted, That any three of the persons above-named may, by notification to be posted up at the house of *Ezra Worthen*, innholder in *Amesbury*, call a meeting of the said Proprietors, to be holden at any suitable time and place within said town of *Amesbury*, seven days at least after posting up such notification; and the said Proprietors, by a major vote of those present, accounting one vote to each share, shall choose a Clerk, agree upon a mode of calling future meetings of said Proprietors, and may also elect any other officers which to them shall appear necessary for carrying into effect the object of their incorporation, may enjoin and order fines and penalties for the breach of any of their rules and by-laws, not exceeding *ten dollars* for any one breach thereof: And all persons appearing at any of said meetings, to represent any of said Proprietors, shall have an appointment in writing, signed by the person so to be represented, which shall be filed with or recorded by the Clerk of the Corporation, whose duty it shall be fairly and truly to enter and record in a book to be kept for that purpose, this Act, and all rules and by-laws, votes and proceedings of said Corporation. And the Clerk chosen as aforesaid shall be sworn to the faithful discharge of the duties of his office.

SECT. 3. *Be* it further enacted, That the said Proprietors be, and they are hereby authorized to enter upon and dig up

up any high way for the purpose of placing such pipes as may be necessary to complete said Aqueduct, or for repairing the same: *Provided*, They do not thereby in the least impede the passing of travellers.

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

SECT. 5. *And be it further enacted*, That any share or shares in said property shall be liable to attachment on *mesne process*; and such attachment shall be made by leaving an attested copy of such process with the Proprietors' Clerk at the time of such attachment: And such share or shares may be sold on execution, in the same manner as is or may be provided for in the sale of personal property by execution; the officer making sale leaving a copy of the execution, with his return on the same, with the Clerk of the Proprietors, within ten days after such sale.

SECT. 6. *And be it further enacted*, That the mode of selling or transferring shares in said corporate property shall be by deed, and acknowledged before a Justice of the Peace, and recorded by the Clerk of said Proprietors, in a book kept for that purpose.

[This Act passed June 27, 1798.]

An ACT in addition to the Act establishing the Third Massachusetts Turnpike Corporation.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the said Corporation may make a Turnpike Road from the west line of *Pittsfield* to the west line of *Hancock*, near *Lebanon Springs*, so called; and when the said road shall be sufficiently made, and shall be so allowed and approved by the Justices of the Court of General Sessions of the Peace for the county of *Berkshire*, or a Committee by the said Court to be appointed, then the said Corporation shall be authorized to erect one Turnpike Gate on the same, at such place as the said Court shall from time to time direct, and shall be allowed to receive from each traveller and passenger at said gate, the same rates of toll as they now are or hereafter may be allowed by law to take and receive at either of the other gates already established: *Provided*, That the General Court shall have authority, at any time within ten years from the passing of this Act, to regulate the toll to be taken at the gate, to be set up in *Hancock*,

Highways may be dug up.
Proviso.

Persons injuring Aqueduct.

Shares attachable.

Transfer.

March 9, and June 17, 1797.

New Turnpike Road from Pittsfield to Hancock.

Toll allowed.

Proviso.

should

should it be found on experiment to be set too high : *Provided also*, That said Corporation may at any time demand and receive a less rate of toll than is provided in the Act to which this is in addition.

Toll for cattle,
chaife, &c.

SECT. 2. *And be it further enacted*, That the said Corporation shall not in future demand and receive for any oxen, horses and neat cattle, led or driven over the said road, besides those in teams and carriages, more than *one cent* each ; and for every chaife, chair, or other carriage drawn by one horse, the said Corporation may demand and receive *twelve cents and five mills* ; any thing in the said Act to the contrary notwithstanding.

Conditional
commutation
of toll.

SECT. 3. *And be it further enacted*, That the said Corporation may, if they see fit, commute the rate of toll with any person, or with the inhabitants of any town, through which the said road passes, by taking of him or them any certain sum annually, to be mutually agreed on in lieu of the toll established in and by said Act.

Westhampton
to be agreed
with annually.

SECT. 4. *And be it further enacted*, That the said Corporation may, if requested in writing by the inhabitants of the town of *Westhampton*, agree once in every three years on three men, who, or the major part of whom, shall award and determine what sum of money shall be paid by the inhabitants of the said town annually to the said Corporation, in lieu of toll at the east gate : Which three men, if no choice can be mutually agreed on, shall be appointed in manner following : That is to say, the said Corporation shall appoint one person, the said inhabitants shall appoint a second person, and those two persons thus appointed, shall choose the other ; and the said award and determination shall be made in writing and delivered to each of the parties ; and if the said inhabitants shall, on the first day of *January*, or within ten days after, in each year, pay such sum of money to the Treasurer of the said Corporation as shall be so awarded, it shall not be lawful for the said Corporation to receive any toll of any inhabitant of the said town at said east gate, during one year then next following said first day of *January* ; and if the President and Directors of the said Corporation shall not, when requested by the agent or agents of the said town, within twenty days, agree in one of the modes aforesaid on the appointment of three men to make such award and determination, it shall be unlawful for the said Corporation to demand or receive any toll of any inhabitant of that town, until the said Directors shall agree to such appointment, and until such award and determination shall be made ; and every such request from the said inhabitants shall be in writing, and signed by their agent or agents, and delivered to the President or one of the Directors ; and such award or determination, so made, shall be binding on said parties for the term of three years only, unless said inhabitants and the said Corporation shall be satisfied therewith ; but if
either

either of the parties are not satisfied and request it, a new appointment shall be made once in three years, and another determination had.

SECT. 5. *And be it further enacted*, That the said Corporation may, if they see fit, demand and receive a less toll for the passing of carts and carriages with broad wheels, than that prescribed in the Act to which this is in addition.

Commutation
of toll on carts
allowed.

[This Act passed June 27, 1798.]

An ACT to secure the Town of *Boston* from Damage by Fire. Additional Act,
Feb. 9, 1803.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That every meeting-house, school-house, and every other public building, and every distill-house, brewery, malt-house or livery-stable, which shall be erected in the town of *Boston*, from and after the first day of *September* next, shall have the external walls of the same, except so much as may be necessary for doors and windows, composed entirely of brick or stone, and the roof thereof covered entirely with slate, tile, or some incombustible composition, and the eaves and gutters effectually secured against fire.

Buildings con-
templated to be
of brick, &c.

SECT. 2. *And be it further enacted*, That all dwelling houses, and all other buildings, more than fourteen feet high, from the ground to the highest point of the roof thereof, which shall be erected in said town, after the first day of *September* next, shall have one of the largest sides thereof, or any two sides or ends, if equal to one of the largest sides, composed entirely of brick or stone, except so much as may be necessary for doors and windows; and the roofs of said dwelling-houses and buildings shall be entirely covered with slate, tile, or some incombustible composition, and the eaves and gutters secured as before directed: And no brick or stone wall shall be deemed sufficient within the meaning of this Act, unless the same shall be at least twelve inches thick in the lower story and eight inches thick above the lower story, and the partition walls of all double houses or other buildings shall be built entirely of brick or stone, of at least the thickness last mentioned, and shall rise in battlements, at least three feet above the roof: And all additions which shall be made to buildings already erected, and all buildings which shall be erected on old foundations, in part or in whole, shall be deemed and considered within the restrictions and regulations of this Act: *Provided however*, That upon any wharf, marsh or other place, where no sufficient foundation can be obtained without unreasonable expense, on permission of the Firewards of said town,

Dwelling-
houses how to
be built.

Provide.

town, or any nine of them, in writing, wooden buildings of not more than two stories high may be erected, which shall be covered on all sides with slate, tile or lime-mortar, and the roofs, eaves and gutters shall be secured as before directed.

Penalty for al-
tering house
contrary to
law.

SECT. 3. *And be it further enacted*, That every person who shall erect or add to, or cause to be erected or added to, any building in said town of *Boston*, contrary to the true intent and meaning, and against the provisions of this Act, shall forfeit and pay a fine, not less than *fifty dollars*, nor more than *five hundred dollars*, according to the nature and aggravation of the offence, to be recovered by information in the Supreme Judicial Court in the county of *Suffolk*, which it shall be the duty of the Attorney-General to file, in all cases which may come to his knowledge, or by indictment before said Court.

Yearly penalty
for suffering
improper
buildings
stand. to

SECT. 4. *And be it further enacted*, That in addition to the fines abovementioned there shall be laid and assessed upon every house or other building, which shall be erected contrary to the provisions of this Act, the sum of *fifty dollars*, annually and every year, until a brick or stone wall shall be erected, of the dimensions above provided, and until the same shall be effectually secured against fire, according to the provisions of this Act: And it shall be the duty of the Firewards of the said town of *Boston* to return to the Assessors of said town annually, a list of all such houses or other buildings erected against the provisions of this Act, together with attested copies of the record of the conviction of the person or persons who erected the same, before the said Judicial Court; and thereupon it shall be the duty of the said Assessors to assess upon the owner or owners of such building or buildings, for the time being, the said sum of *fifty dollars*, in addition to his, her or their other taxes, which shall be recovered in the same way and manner as other taxes are or shall be collected; and the same remedy is hereby given to the Collector or Collectors of taxes for the recovery thereof: *Provided nevertheless*, That no such building or buildings shall be subjected to such annual tax until an attested copy of said conviction shall have been duly recorded in the office of the Register of Deeds for the county of *Suffolk*, whose duty it shall be to receive and record the same.

Rope-maker's
tar-kettles.

SECT. 5. *And be it further enacted*, That every tar-kettle which shall be made use of in said town for the purpose of boiling tar for the use of any rope-walk, shall be so fixed as to prevent all communication whatsoever between the tar and the fire, and that the fire-place under every such kettle shall be constructed with an arch built over the same, and secured by an iron door, in such manner as to inclose the fire therein.

SECT. 6. *And be it further enacted*, That every person who shall carry any fire through the streets, lanes, or on any
wharves

wharves in said town, except in some covered vessel; or shall smoke, or have in his or her possession any lighted pipe or segar, in any street, lane or passage-way, or on any wharf in said town, shall forfeit and pay, for each and every offence, the sum of *two dollars*; to be recovered of the person so offending, or of his parent, guardian, master or mistress, before any Justice of the Peace of the county of *Suffolk*, upon complaint made upon oath.

Penalty for smoking, or carrying fire uncovered in the streets, &c.

SECT. 7. *And be it further enacted*, That if any person shall have in his or her possession in any rope-walk within said town, any fire, lighted pipe or segar, candle or lamp, he shall forfeit and pay for each offence a sum not exceeding *one hundred dollars*, nor less than *five dollars*, to be recovered in any Court proper to try the same.

— for having fire in a rope-walk.

SECT. 8. *And be it further enacted*, That it shall be the duty of each and every Fireward in the town of *Boston*, and they and each of them are hereby required to inquire after and give information to the Attorney-General of all offences which may be committed against the true intent and meaning of this Act, cognizable before the Supreme Judicial Court or Court of General Sessions of the Peace; and to some Justice of the Peace for all offences committed against this Act, and cognizable by a Justice of the Peace.

Firewards to file complaints.

SECT. 9. *And be it further enacted*, That the Act, entitled, "An Act to secure the town of *Boston* from damage by fire," be, and the same is hereby repealed from and after the said first day of *September* next, excepting that such parts thereof as may be necessary to recover all fines and penalties incurred upon the Act aforesaid shall still remain in full force.

Former law repealed.

SECT. 10. *And be it further enacted*, That all the fines, penalties and assessments which shall be recovered by force of this Act, shall accrue and enure one half to the use of the poor of the town of *Boston*, to be paid to the Overseers thereof, and the other half to the Firewards of said town.

Appropriation of fines, &c.

[This Act passed June 27, 1798.]

An ACT for incorporating a Number of the Inhabitants of the Towns of *Harwich*, *Dennis* and *Chatham*, in the County of *Barnstable*, into a distinct and separate Religious Society.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Job Chase*, *Zebulon Gage*, *Isiah Chase*, *Nathan Ellis*, *Anthony Gage*, *Benjamin Nickerson, jun.* *Anthony Kelley*, *William Eldridge*, *Jeremiah Walker*, *Edward Small*, *James Coburn*, *Nathaniel Chase*, *Zenas Chase*, *Ebenezer Snow*, *Jeremiah Ellis*,

Persons incorporated.

*Ellis, George Phillips, Levi Ellis, Reuben Weeks, Anthony Chase, Samuel Bassett, Ezra Baker, William Rider, Enoch Chase, David Eldridge, Seth Walker, James Chase, Job Chase, jun. Obed E. Smith, Lot Chase, Lot Chase, jun. Joseph Chase, Thomas Chase, jun. Abner Chase, Jeremiah Baker, Owen Chase, Nathaniel Downs, Phinebas Nickerson, Archelaus Chase, Sylvanus Baker, William Chase, Joseph Kelley, Harvy Crowell, Amos Crowell, Godfrey Tripp, James Crowell, Elnathan Eldridge, Joseph Gage, Samuel Tripp, Samuel Smith, Jonathan Clark, Reuben Small, Benajah Crowell, David Bassett, Jabez Crowell, jun. Jabez Crowell, Small Phillips, Edward Small, jun. Baruch Eldridge, Nathaniel Bassett, John Bassett, Obadiab Eldridge, Watson Nickerson, Daniel Bassett, John Diar, and Solomon Nickerson, members of the said Religious Society, together with their polls and estates, be, and they are hereby incorporated, by the name of *The Baptist Religious Society in Harwich*, with all the privileges, powers and immunities which parishes in this Commonwealth are by law entitled to.*

Corporate
name.

How to become
a member.

SECT. 2. *Be it further enacted by the authority aforesaid*, That any and every person in the towns of *Harwich, Dennis and Chatham*, in said county of *Barnstable*, who may at any time hereafter actually become a member of, and unite in religious worship with said Society in said *Harwich*, and give in his or her name to the Clerk of the parish to which he or she belongs, with a certificate signed by the Minister or Clerk of said Society, that he or she hath actually become a member of, and united in religious worship with said Baptist Religious Society in *Harwich*, fourteen days previous to the parish meeting therein, to be held in the month of *March* or *April* annually, shall, from and after giving such certificate, with his or her polls and estate, be considered as a member of said Society: *Provided however*, That such person shall be held to pay his or her proportion of all monies, assessed or voted in the parish to which he or she belonged previous to that time.

Proviso.

How to with-
draw from the
Society.

SECT. 3. *Be it further enacted by the authority aforesaid*, That when any member of said Society shall see cause to leave the same, and unite in religious worship with any other Religious Society in the town or parish in which he or she may live, and shall give in his or her name to the Clerk of said Baptist Religious Society, with a certificate signed by the Minister or Clerk of the parish, or other incorporated Religious Society, with which he may unite, that he hath actually become a member of, and united in religious worship with such other parish, or other incorporated Religious Society, fourteen days previous to their annual meeting in *March* or *April*, and shall pay his or her proportion of all monies voted in said Society to be raised previous thereto, shall, from and after giving such certificate, with his or her polls and estates, be considered as a member of the Society to which he or she hath so united.

SECT.

SECT. 4. *Be it further enacted by the authority aforesaid, That Ebenezer Broadbrooks, jun. Esq. be, and he is hereby authorized to issue his warrant, directed to some principal member of the said Society, requiring him to warn the members of the said Society, qualified to vote in parish affairs, to assemble at some suitable time and place in said town of Harwich, to choose such parish officers as are by law required to be chosen in the month of March or April annually, and to transact all matters and things necessary to be done in said Society.*

First meeting how to be called.

[This Act passed June 27, 1798.]

An ACT to incorporate a Part of the First Precinct in Rochester, in the County of Plymouth, into a separate Precinct, by the Name of *The Fourth Congregational Precinct in Rochester.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the easterly part of the said first precinct in Rochester, lying within the following lines, viz. Beginning at the bridge over Sippican River, near the dwelling-house of Caleb Mendall, in said Rochester; thence running south-westerly, such a course as will strike half way between the dwelling-houses of Benjamin Dexter and Noah Dexter; thence south, such a course as will strike William Negro's house; and from thence to the line of the second precinct in Rochester; thence southerly, in the line of the said second precinct, until it comes to the sea; thence turning to the left by the sea shore, until it comes to the mouth of said Sippican River; and thence up the said stream to the bridge before-mentioned, together with all the inhabitants thereon, be, and they hereby are incorporated into a separate precinct, by the name of The Fourth Congregational Precinct in Rochester, with all the powers, privileges and immunities, which other precincts in this Commonwealth are or may be entitled to by law.*

Limits.

Corporate name.

SECT. 2. *Be it further enacted, That Abraham Holmes, Esq. be, and he is hereby authorized and empowered to issue his warrant, directed to some principal inhabitant within the said fourth precinct, requiring him to notify and warn the inhabitants of said fourth precinct, qualified by law to vote in precinct meetings, to assemble at some suitable time and place in said fourth precinct, to choose such officers as precincts are empowered to choose in the months of March or April annually, and to transact all matters and things necessary to be done in said precinct.*

First meeting

[This Act passed June 27, 1798.]

An

An ACT to incorporate certain Persons in the Town of *Hopkinton* for the Purpose of conducting Water from a certain Spring in said Town, for the Use of a Number of Inhabitants thereof, by subterraneous Pipes.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Dr. *Thomas Bucklin*, *Samuel Haven*, jun. *Phillip Briggs*, *Aaron Claxlin*, *John Gouldon*, *Samuel Welch*, *Benjamin Norcross*, jun. *Thomas Freeland*, and *Isaac Claxlin*, with such others as are or may be joined or associated with them or their successors, be, and they hereby are incorporated by the name of *The Proprietors of the Aqueduct in Hopkinton*, and by that name may sue and be sued: *Provided*, That nothing in this Act shall authorize the said Proprietors to enter on, or to make use of private property without consent of the owner.

SECT. 2. *Be* it further enacted, That the said Proprietors, at any meeting warned as by this Act is (or as by the said Proprietors in legal meeting shall be) directed, may elect and choose a Clerk and other officers proper for a Corporation to choose and have, for effecting the object of their incorporation. And the Clerk so chosen shall be duly sworn, and shall make true record of all the votes, acts and doings of the said Corporation. And the said Proprietors, in meeting as aforesaid, may make any rules, regulations or by-laws respecting the calling and governing the meetings, and ordering the transactions and concerns of the said Corporation, and the welfare and interest of the same, which they may think expedient, and impose any fines or forfeitures, not exceeding *ten dollars*, and levy the same in due form of law: *Provided always*, That the said rules, regulations and by-laws aforesaid, shall not be repugnant to the Constitution or laws of this Commonwealth. And any three of the persons before named, may call the first meeting of said Proprietors, to be holden in said *Hopkinton*, at any suitable time and place, seven days after notification thereof is posted up at the meeting-house or some other public place in the said town.

SECT. 3. *And* be it further enacted, That the said Proprietors may dig up any public or town way for conducting water as aforesaid; *Provided*, they do not obstruct the rightful use of the same; and any person wilfully injuring the said Aqueduct, shall be subject to the same pains and penalties as are provided in the second section of the Act, entitled, "An Act for the more effectually preventing of trespasses in divers cases," and shall also be liable to make good all damages so done to the said Aqueduct or Proprietors.

[This Act passed June 27, 1798.]

An ACT to set off *William Watson* and *James Watson*, with their Estates, from the Town of *Warren*, in the County of *Lincoln*, to the Town of *Thomastown*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *William Watson* and *James Watson*, of *Warren*, in the county of *Lincoln*, together with their real estate within the following metes and bounds, to wit: Beginning at a stake at the head of the *Narrows*, so called; thence east-south-east to *St. George's River*; thence northerly up said river, to the first bounds, be, and hereby are set off from said town of *Warren*, and annexed to the town of *Thomastown* in said county: *Pro-* Provido.
vided, That the said *William* and *James* shall pay all taxes heretofore assessed upon them and their estates by the town of *Warren* aforesaid: *Provided also*, That the said *William* and *James* shall be assessed and held to pay all their respective State taxes hereafter to be assessed upon them and their estates, in and to the said town of *Warren*, until the next valuation of this Commonwealth, in the same manner as though this Act had never been passed.

[This Act passed June 28, 1798.]

An ACT for the Preservation of the Fish called Alewives, in *Agawam* and *Half-Way Pond Rivers*, in the County of *Plymouth*, and for the regulating the taking said Fish, and for repealing all Laws heretofore made for that Purpose.

SECT. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the towns of *Plymouth* and *Wareham* shall annually, at their meetings in the fall of the year; respectively choose a Committee of not more than three persons each, whose duty it shall be, in the month of *March* annually, to sell by public vendue the privilege of taking said fish at such places, not exceeding two in said towns, and on such days, not exceeding three in each week, as said Committee shall agree upon and publish in their conditions of such sale, wherein said Committee shall also express the price at which the purchasers shall sell said fish, *provided* it do not exceed *twenty-five cents* per hundred, and also the manner of taking and disposing of the same.

A committee to sell privilege of fishing.

SECT. 2. Be it further enacted, That the Committee of the said town of *Plymouth* the first year, and the Committee of the said town of *Wareham* the second year, and so on alternately forever, shall notify the Town-Clerk of the other town concerned

Time of Committee's meeting to be notified.

in

in said fishery, of the time and place in which said Committee shall meet, ten days at least before the time of meeting; and the majority present at any such meeting shall have the power of the whole Committee.

Penalty for neglecting to choose Committee.

SECT. 3. *Be it further enacted*, That if either of said towns shall neglect to choose their respective Committees aforesaid, or if either of such Committees shall neglect to give notice as above required, they shall severally forfeit and pay to the use of the town which shall choose such Committee, for each offence the sum of *one hundred dollars*.

Fine for unauthorized fishing.

SECT. 4. *Be it further enacted*, That all persons except the purchaser or purchasers as aforesaid, or those employed by them, who shall take any of said fish in said rivers, or in any pond or stream having communication therewith, *Sippican River* excepted, shall forfeit and pay a sum not less than *one dollar* nor more than *twenty*.

Dams to be opened.

SECT. 5. *Be it further enacted*, That the owner or occupier of any dam on said river, shall annually, between the first day of *April* and first day of *June* following, for such term and in such manner as said Committee shall direct, open a sufficient passage for said fish through said dam; and on failure or neglect of opening such passage, or of continuing the same as aforesaid, shall forfeit and pay the sum of *one hundred dollars*; and the said Committee shall have power to open such dam, when neglected as aforesaid, at the expense of the Proprietor; *provided*, no more damage is thereby done the owner than is necessary to effect said purpose.

Penalty for obstructions.

SECT. 6. *Be it further enacted*, That if any person shall make any wear or other obstruction to the free passage of said fish, or shall make use of any seine to take said fish in said river, or in any pond or stream communicating therewith, the person so offending shall forfeit and pay a sum not less than *one dollar* nor more than *twenty*: And said Committee shall have power, and it shall be their duty to remove such wear or obstruction at the expense of the person causing the same, and also to seize to the use and disposal of said towns any seine used as aforesaid.

Recovery of fines.

SECT. 7. *Be it further enacted*, That the Treasurers of the aforesaid towns respectively, are hereby empowered, upon the complaint of any of the Committee aforesaid, to sue for the recovery of any forfeitures incurred by the breach of any of the regulations provided in this Act, and also of such further regulations as may from time to time be provided and established by said Committee: And all fines and forfeitures recovered for any breaches aforesaid, except such as are mentioned in the

Appropriation.

third section of this Act, shall, together with the proceeds of said fishery, be equally divided between said towns; and the Treasurers aforesaid respectively may, in behalf of their respective

tive towns, recover in an action on the case, of any person or persons, Corporation or Corporations withholding the same, one half part thereof, in any Court proper to try the same.

SECT. 8. *Be it further enacted*, That the purchasers of the privilege of taking said fish as aforesaid, shall in all respects conform themselves to such regulations and conditions as said Committee shall publish in their conditions of sale as aforesaid, and on failure thereof shall forfeit and pay for each offence a sum not exceeding *twenty dollars* nor less than *one dollar*. Fine for not performing contract.

SECT. 9. *Be it further enacted*, That any of the Committee aforesaid may be admitted as competent witnesses in any prosecution for the breach of any regulations as aforesaid; and said Committee, previous to entering upon the execution of their office, shall be sworn to the faithful discharge of their duty, as other town officers are sworn, and shall receive out of the proceeds of said fishery the sum of *seventy cents* each, for each day's service. Committee to be evidence. — to be sworn.

SECT. 10. *And be it further enacted*, That all laws heretofore passed respecting said fishery in said rivers, be, and the same are hereby repealed, excepting so far as may respect any penalties already incurred for the breach of said laws. Former laws repealed.

[This Act passed June 28, 1798.]

An ACT in addition to an Act, entitled, "An Act for incorporating certain Persons for the Purpose of building a Bridge over the River between Salem and Beverly, and for supporting the same." Nov. 17, 1787.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That it shall be lawful for the Proprietors of the said Bridge to make the leaves of the draw thereof eighteen feet long instead of thirty-two feet, the present length of said leaves. Length of leaves.

SECT. 2. *Be it further enacted*, That if any person or persons shall cart or carry on wheels any load over the said Bridge, weighing more than forty-five hundred weight, he or they shall pay *twenty-five cents* toll for every hundred said load shall weigh more than forty-five hundred. Toll for more than 4500 wt.

SECT. 3. *Provided nevertheless, and be it further enacted*, That before the said Proprietors shall make any alteration in the length of said draw, or shall take any benefit of the provision in the second section of this Act, they shall be held to reduce the rates of toll which they are now entitled by law to receive on Lord's days, to the same rates which they are entitled to receive on other days; and the privileges granted in the — on Lord's days reduced.

the first and second sections of this Act, shall be held only upon condition that said Proprietors shall make the reduction aforesaid.

[This Act passed June 29, 1798.]

An ACT in addition to an Act, which passed on the twenty-sixth Day of *February*, in the Year of our Lord One thousand seven hundred and ninety-four, entitled, "An Act to incorporate a Society, by the Name of *The Trustees of the Baptist Education Fund.*"

Preamble.

WHEREAS, in and by the last clause of the Act aforesaid, it is declared, "That the said Society shall meet in the town of *Boston*, annually, on the day next after the last Wednesday in *May*, and at such other times and places, within this Commonwealth, as the Society shall judge proper:"

To meet the last Wednesday in May.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so much of the said clause as is afore recited, be repealed, and that the said Society shall hereafter meet in the town of *Boston* annually, on the last Wednesday in *May*, and at such other times and places, within this Commonwealth, as the Society shall judge proper.

[This Act passed January 22, 1799.]

March 1783.

13. An ACT in addition to an Act for confirming the Records of a Plantation called *Bridgeton*.

Preamble.

WHEREAS the book of records of the Proprietors of *Bridgeton*, wherein were recorded all past votes and proceedings of said Proprietors in carrying forward the settlement of said plantation, on the night of the second day of *October*, one thousand seven hundred and eighty, was consumed by fire, by means whereof great loss and damage may ensue to individuals, unless prevented by the Legislature; and it being made to appear, by a declaration of said Proprietors, that in consideration of certain services, therein mentioned to have been performed by *Jacob Stevens* and *Benjamin Kimball*, they had previously voted the said *Jacob Stevens* five acres of land, to be laid out in such manner as would best accommodate his mills, also the lot number eight in the fifteenth range, together with the eighty-third right in said township, he paying the taxes on said right: and that the said Proprietors had also voted to the said *Benjamin Kimball* the sixty-first right in said *Bridgeton*:

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the several votes of the Proprietors of *Bridgeton*, before mentioned,

ed, shall be held to be good and valid in law, so as to secure to the said *Jacob Stevens* and *Benjamin Kimball*, their heirs and assigns, the lands therein described, as fully as they might and would have been by the original records had they been preserved.

Messrs. Stevens and Kimball's titles to land confirmed.

[This Act passed January 29, 1799.]

An ACT to incorporate a Number of the Inhabitants in each of the Towns of *Sydney*, *Belgrade* and *Augusta*, in the County of *Lincoln*, into a distinct Religious Society, by the Name of *The First Baptist Society in Sydney*.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Asa Wilbur*, *Caleb Leonard*, *William Decker*, *Jethro Weeks*, *James Stedman*, *William Holloway*, *John Ward, jun.* *Othobiel Hammond*, *John Hammond*, *Nathaniel Blake*, *John Ward*, *William Ward*, *Benjamin Bisbee*, *Eleazer Cummings*, *John Jackson, jun.* *David Fish*, *Joseph Lumbart*, *Jeduthun Hammond*, *Samuel Jackson*, *Isaac Cottle*, *Jonas Sawtell*, *James Bacon*, *Caleb Trask*, *Daniel Champney*, *Hezekiah Sawtell, jun.* *Amos Page*, *Daniel Masber, jun.* *James Hutchinson*, *Timothy Reynolds*, *Benjamin Dyer*, *Edmund Hayward*, *Anthony Fought*, *Frederick Fought*, *David Reynolds*, *Nathaniel Reynolds, jun.* *Samuel Hovey*, *George Andros, jun.* *Robert Townsend*, *Joel Procter*, *Aaron Fall*, *Samuel Fall*, *Isaiab Chase*, *Jeremiah Robinson, jun.* *Joshua Ellis*, *Daniel Wilbur*, *Ebenezer Trask*, *Abiezer Trask*, *Jacob Goding*, *William Smiley*, *Alexander Smiley*, *John Bragg*, *Flint Barton*, *Jesse Scudder*, *John Sawtell*, and *Benjamin Branch*, with their families and estates, together with such others as have or may hereafter associate themselves for the same purpose, in the manner hereinafter described, be, and hereby are incorporated into a Religious Society, by the name of *The first Baptist Society in Sydney*, with all the powers, privileges and immunities to which other parishes in this Commonwealth are by law entitled.

Persons incorporated.

Corporate name.

SECT. 2. *Be* it further enacted, That any person in either of the towns of *Sydney*, *Belgrade*, or in the north parish of *Augusta* aforesaid, being of the Baptist denomination aforesaid, who may at any time hereafter actually become a member of, and unite in religious worship with the Society aforesaid, and give in his or her name to the Clerk of the town or parish to which he or she belongs, with a certificate signed by the Minister or Clerk of said Society, that he or she has actually become a member of, and united in religious worship with the aforesaid Baptist Society in *Sydney*, fourteen days previous to the town

Mode of association.

Proviso.]

town or parish meetings therein, to be held in the month of *March* or *April*, annually, shall, from and after giving such certificate, with his or her polls and estates, be considered as a member of said Society: *Provided however*, That such person shall be held to pay the proportion of all money assessed in the town or parish to which he or she belonged previous to that time.

Mode of separation.

SECT. 3. *Be it further enacted*, That when any member of said Baptist Society shall see cause to leave the same, and unite in religious worship with any other religious Society, and shall give in his or her name to the clerk of the said Baptist Religious Society, with a certificate signed by the Minister or Clerk of the parish, or other incorporated religious Society, with which he or she may unite, that he or she has actually become a member of, and united in religious worship with such other parish or other incorporate religious Society, fourteen days previous to their meeting in *March* or *April*, and shall pay his or her proportion of all money assessed in said Society previous thereto, such person shall, from and after giving such certificate, with his or her polls and estate, be considered as a member of the Society to which he or she has so united.

First meeting.

SECT. 4. *And be it further enacted*, That *Samuel Weston*, Esq. be, and he is hereby authorized and empowered to issue his warrant, directed to some suitable member of the said Society, requiring him to notify and warn the members of the said Society, to meet at such time and place as shall be appointed in said warrant, to choose such officers as parishes in this Commonwealth are by law entitled to choose in the month of *March* or *April* annually.

[This Act passed *February 1, 1799.*]

An ACT to incorporate fundry Inhabitants of the Town of *Blanford*, in the County of *Hampshire*, and of the Towns adjoining thereto, into a Religious Society, by the Name of *The Protestant Episcopal Society in Blanford*.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Sandford Thomson*, *Jedediah Smith*, *Russell Atwater*, *Timothy Hatch*, *Samuel Sloper*, *William Knox*, 3d. *William Thomson*, *David Hamilton*, *Josiah Harvey*, *David Butler*, *John Webster*, *James Beard*, *James Sinnet*, *Luke Osburn*, *Jonathan Frary*, *Nathan Stewart*, *Frederick Fally*, *John Morton*, *James Slade*, *Theda Garret*, *David Hannan*, *James Hamilton*,
William

William Montgomery, Charles Plum, Perry Button, George Smith, Francis Hamilton, Benjamin Herrington, Samuel Moor, George Nies, Thomas Moor, Ezekiel Cannon, Benjamin Bowers, John Bowers, Newel Bowers, Oliver Knox, Abijah Babcock, Jacob Plum, Jonas Johnson, William Mitchel, David C. Osburn, Roger Parks, David Knox, 2d. Matthew Blair, Seth Webster, William Woolbridge, Phinebas Ashman, Timothy Linus Hatch, Nathan Gibbs, Samuel Sloper, jun. and John Frost, be, and hereby are incorporated into a Religious Society, by the name of *The Protestant Episcopal Society in Blanford*, with all the powers and privileges which parishes in this Commonwealth are by law vested with.

Corporate name.

SECT. 2. *Be it further enacted by the authority aforesaid,* That any person being an inhabitant of the said town of *Blanford*, or of any town adjoining thereto, may, at any time hereafter, become a member of the said Society, by giving in his or her name to the Clerk of the parish to which he or she may at that time belong, together with a certificate, signed by the Minister or Clerk of said Society, that he or she hath actually united and joined with the said Society, fourteen days at least previous to the parish meeting therein, to be held in the month of *March* or *April* annually: And from and after thus giving in his or her name and such certificate, such person, with his or her polls and estate, shall, to all intents and purposes, be considered as belonging to said Society. *Provided nevertheless,* That such person shall be held to pay his or her proportion of all monies voted or assessed by the parish to which he or she did belong previous to that time. And any person being a member of said Society, and having a desire to leave the same, and to join with the parish in which he or she may reside or be an inhabitant, may at any time hereafter become a member of such parish, by giving in his or her name to the Clerk of said Society, together with a certificate signed by the Minister or Clerk of such parish, fourteen days, at least, previous to the annual meeting of said society in the month of *March* or *April*; and from and after thus giving in his or her name and such certificate, such person, with his or her polls and estate, shall, to all intents and purposes, be considered as belonging to such parish. *Provided nevertheless,* That such person shall be held to pay his or her proportion of all monies voted or assessed by said society previous to that time.

Mode of association.

Mode of separation.

SECT. 3. *Be it further enacted by the authority aforesaid,* That the said Protestant Episcopal Society be, and they hereby are empowered to raise and establish a fund, in such way and manner as they may see fit, the income or interest of which, or so much thereof as shall be found necessary, shall be appropriated and applied to the support of a Protestant Episcopal Minister of said Society.

Fund to be raised.

SECT.

Trustees.

SECT. 4. *Be it further enacted by the authority aforesaid, That Sanford Thomson, Jedidiah Smith, Timothy Hatch, Russell Atwater, and William Knox, 3d. be, and they hereby are constituted Trustees of said Society; and they, and their successors in office, are hereby vested with full power and authority to receive all such donations, subscriptions, monies and securities, and also all such grants and appropriations, either of real or personal property, for the use aforesaid, as may hereafter be made to the said Society: Provided, That the whole amount of such donations, subscriptions, monies, securities, grants and appropriations, do not exceed the sum or value of twelve thousand dollars.*

Sum limited.

Accounts to be annually examined.

SECT. 5. *Be it further enacted by the authority aforesaid, That the said Trustees, for the time being, shall, from time to time, at the said annual meeting of the said Society, and as much oftener as they shall be thereto required by a major vote of said Society at any meeting legally warned and held for that purpose, lay before the said Society a fair statement, in writing, of the debts, credits, money and other property of the said Society, in the hands of the said Trustees, together with all the disbursements and expenses which may have been incurred.*

First meeting.

SECT. 6. *And be it further enacted by the authority aforesaid, That Samuel Fowler, Esq. be, and he is hereby authorized and empowered to issue his warrant, directed to some principal member of said Society, requiring him to warn the members of the said Society, qualified to vote in parish affairs, to assemble at some suitable time and place in said town of *Blanford*, to choose such officers as parishes are by law required to choose in the month of *March* or *April* annually, and to transact such other business as may be proper and necessary in said Society.*

[This Act passed *February 2, 1799.*]

An ACT repealing the fourth enacting Clause of an Act, passed *June*, One thousand seven hundred and ninety-six, entitled, "An Act for incorporating certain Persons for the Purpose of building a Bridge over *Acuishnet River*, in the Town of *New-Bedford.*"

Free toll on the Lord's day not to continue longer.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the clause in the Act aforesaid, providing "that no toll shall be required of those who have occasion to pass said Bridge on the Lord's day, in order to attend public worship, nor of children crossing said Bridge, on either side of the river in said town, in going to and from school," be, and the same is hereby repealed.

[This Act passed *February 4, 1799.*]

An

An ACT in addition to an Act, entitled, "An Act for incorporating certain Persons for the Purpose of building a Bridge over *Kennebeck River*, at *Fort Western*, in the Town of *Hallowell*." Feb. 8, 1796.

WHEREAS the Proprietors of the *Kennebeck Bridge* have represented to the General Court, that the compensation they derive from the present toll is inadequate, and prayed for an enlargement of the toll over said bridge :

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the clause in the Act to which this is in addition, establishing the rates of toll for passing said bridge, be, and the same hereby is repealed, and that the following rates of toll be, and hereby are granted to, and established for the benefit of the said Proprietors ; that is to say,—For each foot passenger, *two cents* ; for each horse with one rider, *ten cents* ; for each single horse-cart, sled, or sleigh, *twelve cents and an half* ; for each wheel-barrow, hand-cart, and every other vehicle capable of carrying a like weight, *four cents* ; for each team including cart, sled or sleigh, drawn by more than one beast, and not exceeding four, *twenty-five cents* ; and for every additional beast above four, *four cents* each ; for each single horse and chaise, chair or fulkey, *twenty cents* ; for each coach, chariot, phaeton or curricle, *thirty-five cents* ; neat cattle, exclusive of those rode on or in carriages or in teams, *four cents* for each ; sheep and swine, *one cent* for each. This Act to be in force for the term of *twenty-five* years from the passing thereof, and no longer. New toll.

Duration of this Act.

[This Act passed February 5, 1799.]

An ACT exempting *Mile Stream*, in the Towns of *Vassalborough*, *Winslow* and *Harlem*, from the Operation of all Laws regulating the Salmon, Shad and Alewife Fisheries in said Towns.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all laws heretofore made, which regulate the Fishery of Salmon, Shad and Alewives in *Mile Stream*, so called, within the towns of *Vassalborough*, *Winslow* and *Harlem*, in the county of *Lincoln*, or that respect any mill-dam across said stream, be so far repealed, that from and after the passing this Act, they shall cease to operate or have any effect within the towns aforesaid, so far as respects said *Mile Stream* or any part thereof.

Towns exempted from the law.

[This Act passed February 5, 1799.]

An ACT to incorporate *John D. Dennis*, and others, into a Society by the Name of *The Marblehead Marine Society*.

Preamble.

WHEREAS *John D. Dennis*, and others, have petitioned to be incorporated into a Society, for the laudable purposes of promoting the knowledge of navigation and seamanship, of giving relief to decayed and disabled seamen, and to the indigent widows and orphans of deceased seamen, and of others who may be members of said Society.

Incorporating clause.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John D. Dennis, John Prince, Thomas Haskell, and Nicholson Broughton, together with all others who now are, or hereafter may be associated with them, be, and they hereby are constituted a Body Politic and Corporate forever, by the name of The Marblehead Marine Society, and by that name may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, in all actions, real, personal and mixed, and may do all and singular other matters and things that to it shall or may appertain to do: And the said Corporation shall have full power and authority to make, have and use a common seal, and the same to break, alter and renew at pleasure.*

May hold property.

SECT. 2. *Be it further enacted, That the said Corporation be, and hereby is made capable in law of having, purchasing and holding in fee simple, or any less estate, by gift, grant, devise, or otherwise, any lands or tenements, or other estate, real or personal: Provided, That the annual income of the same shall not exceed the sum of six thousand dollars; and also to sell, alien or dispose of the same.*

May appoint officers, and make laws.

SECT. 3. *And be it further enacted, That said Corporation may elect such officers, and may make, establish and put in execution, such laws and regulations as the members thereof may judge necessary for its government: Provided, That the same shall be in no respect repugnant to the laws and Constitution of this Commonwealth.*

[This Act passed February 11, 1799.]

An ACT for changing the Name of *Isaac Vose* to that of *Isaac D. Vose*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by authority of the same, That from and after the passing of this Act the said Isaac Vose, son of Joseph Vose, of Milton, Esq. shall be allowed to take the name of Isaac D. Vose, and by that name, instead of his present
Christian

christian and surnames, shall be known and called, and that the same shall, to all legal intents and purposes, be hereafter considered as the only and proper name of the said *Vase*, and shall avail him accordingly.

[This Act passed February 12, 1799.]

An ACT in addition to the Acts establishing the First Massachusetts Turnpike Corporation. June 11, 1796.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Corporation be, and is hereby empowered to commute the rate of toll with any person, or with the inhabitants of any town, through which their turnpike road is made, by taking of him or them any certain sum annually, or for a less time, to be mutually agreed on, in lieu of the toll established in and by said Acts.

An annual sum for toll may be accepted.

SECT. 2. *And be it further enacted*, That said Corporation is hereby empowered to grant monies to such persons as rendered services to the Proprietors, in exploring the route of the turnpike road or otherwise, previously to the Act of incorporation.

May grant monies.

[This Act passed February 13, 1799.]

An ACT to set off that Part of the Estate of *Simeon Cutler*, which lies in *Medway*, in the County of *Norfolk*, and to annex the same to the Town of *Holliston*, in the County of *Middlesex*, for the Purpose therein expressed.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That that part of the land now owned by the said *Simeon Cutler*, which lies in the said town of *Medway*, be, and hereby is set off from the said town of *Medway*, and annexed to the said town of *Holliston*, for the purpose of being subjected to taxation, in all future taxes in parish or ministerial charges to the said town of *Holliston*.

[This Act passed February 13, 1799.]

An ACT to incorporate *Stephen Higginson* and others, into a Company by the Name of *The Boston Marine Insurance Company*. Sect. 10 repealed, March 7, 1804.

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

and all such persons as have already, or hereafter shall become Stockholders in said Company, being citizens of the *United States*, be, and hereby are incorporated into a Company and Body Politic, by the name of *The Boston Marine Insurance Company*, for and during the term of twenty years after the passing of this Act; and by that name may sue or be sued, plead or be impleaded, appear, prosecute and defend to final judgment and execution, and have a common seal, which they may alter at pleasure; and may purchase, hold and convey any estate, real or personal, for the use of said Company, subject to the restrictions hereinafter mentioned.

Shares. *SECT. 2. And be it further enacted by the authority aforesaid,* That a share in the capital stock of the said Company shall be *one hundred dollars*; and the number of shares shall not be less than five thousand, nor more than eight thousand two hundred: And if the said number of shares are not already filled, subscriptions shall be kept open, under the inspection of the President and Directors of the said Company, until the same shall be filled; and the whole capital stock, estate or property, which the said Company shall be authorized to hold, shall never exceed *eight hundred and twenty thousand dollars*, exclusive of premium notes or profits arising from said business; of which capital stock or property, *twenty thousand dollars* only shall be invested in real estate.

Capital stock. *SECT. 3. And be it further enacted,* That the stock, property, affairs and concerns of the said Company shall be managed and conducted by twelve Directors, one of whom shall be the President thereof, who shall hold their offices for one year, and until others shall be chosen, and no longer; which Directors shall, at the time of their election, be Stockholders and citizens of this Commonwealth, and shall be elected on the first Monday in *January*, in each and every year, at such times of the day, and at such place in the town of *Boston*; as a majority of the Directors for the time being shall appoint; of which election public notice shall be given in at least two of the newspapers printed in the town of *Boston*, and continued for the space of ten days immediately preceding such election. And such election shall be holden under the inspection of three Stockholders, not being Directors, to be appointed previous to every election by the Directors, and shall be made by ballot by a majority of votes of the Stockholders present, allowing one vote to each share in the capital stock; *provided*, that no Stockholder shall be allowed more than fifty votes. And the Stockholders not present may vote by proxy, under such regulations as the said Company shall prescribe: And in case of 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 another day, in manner herein prescribed.

SECT.

SECT. 4. *And be it further enacted,* That the Directors, so chosen, shall meet as soon as may be, after every election, and shall choose out of their body one person to be President, who shall preside for one year, and be sworn faithfully to discharge the duties of his office; and in case of the death, resignation, or inability to serve, of the President or any Director, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a special election for that purpose, to be held in the same manner as is herein before directed, respecting annual elections for Directors and President.

President to be chosen.

SECT. 5. *And be it further enacted,* That the President and 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, touching the management and disposition of the stock, property, estate and effects of said Company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks and servants employed, and the election of Directors, and all such matters as appertain to the business of insurance, and shall also have power to appoint a Secretary and so many clerks and servants for carrying on the said business, and with such salaries and allowances to them and to the President, as to the said board shall seem meet: *Provided,* That such by-laws, rules and regulations shall not be repugnant to the Constitution or laws of this Commonwealth.

Quorum of Directors.

To make regulations, &c.

SECT. 6. *And be it further enacted,* That there shall be stated meetings of the Directors, at least once in every month, and as often within each month as the President and Board of Directors shall deem proper: And the President and a Committee of three of the Directors, to be by him appointed in rotation, shall assemble daily, if need be, for the dispatch of business; and the said Board of Directors, and the Committee aforesaid, at and during the pleasure of the said Board, shall have power and authority, on behalf of the Company, to make insurances upon vessels, freight and goods, and against captivity of persons, and on the life of any person during his absence by sea, and in cases of money lent upon *bottomry* and *respondentia*, and to fix the premiums and terms of payment; and all policies of insurance by them made, shall be subscribed by the President, or in case of his death, sickness, inability, or absence, by any two of the Directors, and countersigned by the Secretary, and shall be binding and obligatory upon the said Company, and have the like effect and force as if under the seal of said Company; and the assured may thereupon maintain an action upon the case against the said Company; and all losses duly arising under any policy, so subscribed, may be adjusted and settled by the President

Directors to meet monthly or oftener.

President to attend daily.

Property, &c. to be insured.

Policies to be signed by the President or two Directors in certain cases: Countersigned by the Secretary.

dent and Board of Directors, and the same shall be binding on the Company.

SECT. 7. *And be it further enacted,* That it shall be the duty of the Directors, on the second Monday of *June* and *December*, in every year, to make dividends of so much of the interest arising from their capital stock, and the profits of the said Company, as to them shall appear adviseable; but the monies received and notes taken for premiums on risks, which shall be undetermined and outstanding at the time of making such dividends, shall not be considered as part of the profits of the Company; and in case of any loss or losses, whereby the capital stock of the Company shall be lessened, each Proprietor or Stockholder's estate shall be held accountable for the deficiency that may be due on his share or shares at the time of said loss or losses taking place, to be paid into the said Company by assessments, or such other mode, and at such time or times as the Directors shall order; and no subsequent dividend shall be made until a sum equal to such diminution shall have been added to the capital; and that once in every three years, and oftener, if required by a majority of the votes of the Stockholders, the Directors shall lay before the Stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends.

SECT. 8. *And be it further enacted,* That the said Company shall not, directly nor indirectly, deal or trade in buying or selling any goods, wares, merchandize or commodities whatsoever; and the capital stock of said Company, after being collected at each instalment, shall, within one hundred and twenty days, be invested, either in the funded debt of the *United States*, or of this Commonwealth, or in the stock of the *United States Bank*, or of any incorporated Bank in this Commonwealth, at the discretion of the President and Directors of said Company, or of other officers which the Proprietors shall for such purpose appoint.

SECT. 9. *And be it further enacted,* That *thirty dollars* on each share in said Company shall be paid within twenty days after the first meeting of said Company, and the remaining sum due on each share, within one year afterwards, at such equal instalments, and under such penalties, as the said Company shall direct; and no transfer of any share in said Company shall be permitted or be valid until all the instalments on such share shall have been paid.

SECT. 10. *And be it further enacted,* That no person, being either singly or as partner with one or more persons, a member of any other Company, carrying on the business of marine insurance, shall be eligible as a Director of the Company by this Act established.

SECT.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the property of any member of said Company, vested in the stock of said Company, shall be liable to attachment, and to the payment and satisfaction of his just debts to any of his *bona fide* creditors, in manner following, viz. In addition to the summons by law prescribed to be left with the defendant, a like summons shall be left with the Secretary of said Company; and the debtors' shares in the said Company's funds, together with the interest and profits due, growing thereon, or so much thereof as shall be sufficient, shall thereby be held to respond said suit according to law; and all transfers of the debtors' shares, not noted in the books of the Company, previous to the delivery of such summons, shall be barred thereby, and execution may be levied upon the property of any Stockholder in said Company, and his share or shares therein exposed to sale in the same manner as is by law prescribed where personal estate is taken in execution; and it shall be the duty of the officer who extends such execution to leave an attested copy thereof, with his doings thereon, with the Secretary of said Company; and the purchasers shall thereupon be entitled to the reception of all dividends and stocks which the debtor was previously entitled to: And upon any attachment being made, or execution levied on any shares in said Company, it shall be the duty of the Secretary of said Company to expose the books of the Company to the officer, and to furnish him with a certificate under his hand, in his official capacity, ascertaining the number of shares the debtor holds in said Company, and the amount of the dividends thereon due.

Shares may be taken for debt.

Form of process.

SECT. 12. *And be it further enacted,* That in case of any loss or losses taking place, that shall be equal to the amount of the capital stock of the said Company; and the President or Directors, after knowing of such loss or losses taking place, shall subscribe to any policy of insurance, their estates jointly and severally shall be accountable for the amount of any and every loss that shall take place under policies thus subscribed.

President and Director's property liable in certain cases.

SECT. 13. *And be it further enacted,* That the President and Directors of said Company shall, previous to their subscribing to any policy, and once in every year after, publish in two of the newspapers printed in the town of *Boston*, the amount of their stock, against what risks they mean to insure, and the largest sum they mean to take on any one risk.

State of capital to be published, and amount to be insured on one risk, &c.

SECT. 14. *And be it further enacted,* That the President and Directors of said Company shall, when and as often as required by the Legislature of this Commonwealth, lay before them a statement of the affairs of said Company, and submit to an examination concerning the same, under oath.

State of Company's affairs to be submitted to the Legislature.

SECT. 15. *And be it further enacted,* That *Stephen Higginson, William Parsons, and William Smith, Esquires,* or any two of

Persons authorized to call first meetings.

of them, are hereby authorized to call a meeting of the members of said Company, as soon as may be, in *Boston*, by advertising the same for three weeks successively in two of the newspapers printed in said town, for the purpose of their electing a first Board of Directors, who shall continue in office until the first Monday of *January*, one thousand and eight hundred.

[This Act passed *February 13, 1799.*]

An ACT to change the Name of *Gideon Thayer* to
Gideon Latimer Thayer.

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, *Gideon Thayer*, of *Braintree*, in the county of *Norfolk*, son' of the Honorable *Ebenezer Thayer*, of said town, be, and he hereby is authorized and allowed to take, use and bear the name of *Gideon Latimer Thayer*, and by that name to be hereafter known and called in all processses and records whatever.

[This Act passed *February 16, 1799.*]

An ACT in addition to an Act, entitled, "An Act for dividing and separating the Interest or Propriety in the Locks and Canals opening and proposed to be opened on *Connecticut River*, in the County of *Hampshire*, called the Upper and Lower Canals.

Feb. 27, 1794.

WHEREAS the provision contained in the aforesaid Act for enforcing the payment of taxes assessed on the shares in said Corporation, appears to be inadequate to the purpose intended by the same: Therefore,

Preamble.

SECT. 1. Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That wherever the Treasurer of said Proprietors already has, or hereafter shall have advertised, and exposed to sale at public vendue, any share or shares in said Locks and Canals on which the taxes due are not paid in the manner directed and required by the Act aforesaid for enforcing the payment of the taxes assessed and payable on such share or shares, and no persons have or shall appear to purchase the same, and the taxes assessed thereon are or shall remain due and unpaid, that in such case the Treasurer of said Proprietors shall and may notify the owners of such share or shares, describing the same by their numbers, of his doings therein, by publishing the same in a newspaper printed in *Northampton* and *Springfield*, and shall therein mention, that unless the taxes assessed and due thereon, together with the costs of such advertisements, are paid

Sales at vendue made legal.

Proprietors to be notified.

paid to said Treasurer, within four calendar months from the first publication of such notice, such share or shares will be vacated and extinguished, and the certificates thereof of no validity; and that all monies paid thereon will accrue to and be for the use of the Corporation.

SECT. 2. *Be it further enacted by the authority aforesaid, That whenever the said Treasurer shall have pursued the measures pointed out in the foregoing section, and the taxes assessed on such share or shares and the said costs are not paid to said Treasurer before the expiration of said four months, and the said Treasurer shall have given the Clerk of said Proprietors a true copy of such advertisements, with a certificate of all his doings thereon, which shall by said Clerk be entered at large on the Proprietors' book of records, such share or shares shall then be vacated and extinguished; and the certificates thereof shall not afterwards entitle the holder or owner thereof to any right, interest or privilege in the said Locks and Canals, and all monies paid thereon shall accrue and be to the use of the said Corporation; and all the toll or income of said Locks and Canals shall be divided to and among the Proprietors holding the remaining shares; any law heretofore made to the contrary notwithstanding.*

The shares of delinquents to be sold after notice in newspapers, unless arrears are paid in four months. Proprietors' Clerk to erase from the books those who shall neglect to pay the assessments after legal notice, and their shares to become common stock.

[This Act passed February 19, 1799.]

An ACT in addition to an Act, entitled, "An Act for regulating the taking of Shad, Alewives, and other Fish in *Neponset River*, and the several Streams from the Ponds called *Punkapog* and *Massapog*."

March 16, 1797.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the town of Stoughton, in the county of Norfolk, may choose a Committee to inspect the fishery in Neponset River and the streams aforesaid, in the same manner, and who shall be under the same regulations, subject to the same duties, and have the same powers, as the like Committees for the several towns adjoining the aforesaid river and streams: And said town of Stoughton shall have their proportionable part with the town of Canton of all profits arising from said fishery; and also of all fines and forfeitures incurred by the breaches of the Act to which this is an addition, in the same manner and to the same extent it would have had, had the Act, passed the twenty-third day of February, in the year of our Lord one thousand seven hundred and ninety-seven, entitled, "An Act to divide the town of Stoughton, in the county of Norfolk, and to incorporate the northerly part thereof into a town by the name of Canton," never have been passed; any thing in either of the aforesaid Acts to the contrary notwithstanding.

Stoughton to choose Committee.

Stoughton to share with Canton.

[This Act passed February 19, 1799.]

Additional Act,
Feb. 10, 1801.

An ACT concerning the Proprietors of *Lebanon*.

Preamble.

WHEREAS the Proprietors of *Lebanon* have represented to this Court that judgment has been recovered by *William Rogers*, Esq. against said Proprietors, for the sum of eighteen hundred and twenty-four dollars and thirty-three cents, damages, and fifty-two dollars and eighty-two cents, costs; and that they are not authorized by law to vote, levy and collect said sums of and upon the Proprietors of said *Lebanon*, in manner as is provided by a law of this Commonwealth, entitled, "An Act in addition to, and to explain an Act passed the tenth day of *March*, in the year of our Lord one thousand seven hundred and eighty-four, entitled, "An Act for the better managing of lands, wharves, and other real estate, lying in common," by reason of the final division of their lands for more than ten years before the judgment aforesaid was recovered :

Authorized to
act in corpo-
rate capacity.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Proprietors may, and they are hereby authorized and empowered to act in their corporate capacity for the term of two years from the time of passing this Act, for the purpose of doing and suffering all such matters and things as they might have done and suffered by virtue of the first section of the Act aforesaid; any thing in the proviso of said Act to the contrary notwithstanding.

[This Act passed *February 19, 1799.*]

An ACT to alter the Name of *Jeremiah Williams* to the Name of *Jeremiah Wadsworth Williams*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing this Act, *Jeremiah Williams*, of *Dalton*, in the county of *Berkshire*, shall be, and he hereby is authorized and empowered to take, bear, and use the name of *Jeremiah Wadsworth Williams*, and shall be called and known by that name forever hereafter.

[This Act passed *February 21, 1799.*]

An ACT to incorporate a Number of the Inhabitants in the Town of *Wrentham*, in the County of *Norfolk*, into a Religious Society, by the Name of *The Congregational Society in Wrentham*.

WHEREAS a number of the inhabitants of *Wrentham* aforesaid, have petitioned this Court, setting forth, that

that they have raised by subscription *three thousand eight hundred and sixty dollars*, for the purpose of establishing a fund, the interest of which is to be appropriated for the support of a Congregational Minister for said Church and Society, who usually assemble for the public worship of God in the central meeting-house in *Wrentham*, and praying to be incorporated for the purpose of holding and managing said fund for the purpose aforesaid :

Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Petitioners, viz. Ralph Day, Lewis Whiting, Samuel Cowell, Benjamin Day, James Mann, Comfort Robbins, Jason Mann, Andrew Blake, John George, Elias Ware, Calvin Fisher, Ebenezer Hawes, jun. Thaddeus Whiting, John Guild, Daniel Blake, Beriah Brossow, Theodore Gerald, Philip Blake, Benjamin Hawes, Benjamin Hawes, jun. David Fisher, jun. George Hawes, Abijah Fisher, Timothy Metcalf, Richard Guild, jun. Richard Fisher, Jonathan Reed, Job Colman, Elias Haven, David Metcalf, Ebenezer Fisher, jun. John Beleber, Daniel Shaw, Cornelius Kollock, John Messenger, jun. Nathan Robinson, Eli Messenger, Samuel Fisher, James Fairbanks, Cyrus Bean, James Ide, Isaac Bennett, Luther Fisher, Jeremiah Day, Jeremiah Pond, John Hawes, Oliver Ware, jun. Jerusha Norton, David Fisher, John Hall, Robert Blake, Benjamin Shepard, Nathan Blake, Thomas George, Lemuel Brown, Amos Walton, Lemuel Brown, jun. William Brown, Jonathan Felt, Jeremiah Mann, jun. Joseph Gay, Nathan Hawes, Paul Ware, Ezra Blake, Timothy Fisher, Samuel Fales, Amariah Hall, Josham Davis, Eliphalet White, Richard Guild, John Blake, Jason Blake, Whiting Guild, James Gilmore, Noah Butterworth, Jacob Blake and Amos Archer, be, and are hereby incorporated into a Society by the name of *The Congregational Society in Wrentham*, and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution.*

Persons incorporated.

Corporate name.

SECT. 2. *And be it further enacted, That said Society, at any legal meeting thereof, shall have power to admit, within three months from the passing of this Act, any person or persons, inhabitants of said *Wrentham*, living within the bounds of the north parish, and who have heretofore usually congregated, and do now congregate at the central meeting-house, and who shall within three months subscribe to the fund aforesaid; whereupon such person or persons so admitted, shall become incorporated with said Society, and shall be entitled to all the privileges which the persons herein beforementioned are entitled to by virtue of this Act.*

Persons who are to be admitted.

SECT. 3. *And be it further enacted, That said Society, at any legal meeting thereof, shall at any future time, have pow-*

er

Further persons who may be admitted. er to admit any person or persons, inhabitants of said *Wrentham*, living on the south side of the boundary line of the north parish; whereupon such person or persons so admitted, shall become incorporated with said Society, and shall be entitled to all the privileges thereof; and said Society, at any legal meeting, shall have power to dismiss any member thereof, returning withal, the capital of his subscription, after which he shall no longer be entitled to any privilege in said incorporation.

May dismiss members.

Fund appropriated to support a minister.

SECT. 4. *And be it further enacted*, That the income, or annual interest of the sum already subscribed, or which may be hereafter subscribed, or given to said fund, or so much thereof as may be necessary, shall be appropriated to the support of a gospel minister, of the congregational denomination, to preach in the public meeting-house, near the centre of the town.

Donations, &c. may be received.

SECT. 5. *And be it further enacted*, That the said Society shall be, and hereby are made capable in law, of receiving and holding any grants or devises of lands or tenements, in fee simple, and any donations and bequests of money, or other personal estate, from any person or persons whatsoever, and to use and improve the same for the purpose abovementioned: *Provided*, That the rents of the real, together with the income of the personal estate of said Society, shall not annually exceed the sum of *nine hundred dollars*.

Proviso.

Trustees.

SECT. 6. *And be it further enacted*, That *David Fisher, Benjamin Hawes, Benjamin Shepard, Samuel Cowell, and Lewis Whiting* be, and are hereby nominated and appointed Trustees of said Society, to continue in office until others are chosen and have accepted to serve in their room; and that the Trustees aforesaid, and their successors in said office, be, and they are hereby empowered and directed to call a meeting of said Society annually forever, in the month of *September*, to choose Trustees, Treasurer, Clerk, and all such other officers and agents as may be found necessary, and to make and establish such rules and regulations, not repugnant to the Constitution and laws of this Commonwealth, as they shall think necessary and convenient for the orderly management of the affairs of said Society. And said Trustees are also hereby empowered to call meetings of said Society, at any other times beside the annual meetings when there shall be occasion therefor.

Annual meetings to be held.

Treasurer.

SECT. 7. *And be it further enacted*, That *George Hawes* be, and is hereby appointed Treasurer of said Society, to continue in office until another may be chosen in his room, and shall accept the office; and he and his successors in said office, are hereby empowered to receive for the use of said Society, all monies and other property, real and personal, which may belong to the Society; and under the direction of the Trustees of

of said Society, or the major part of them, to demand, sue for and receive from the several persons abovementioned, subscribers to said fund, and those who may hereafter become subscribers, or their heirs, executors and administrators, the sums they have respectively subscribed, or which may be subscribed for the purpose abovementioned, and also all other debts which may become due to said Society, by bond, note, donation, or any other way; and the said *George Hawes* and his successors in said office, are to keep for said Society, a fair, just and regular book, with the state of the fund, and an account of all the income, donations, subscriptions, legacies and emoluments of whatever kind, and also of all expenditures of the same, which are to be paid by order, signed by the Trustees, or a major part thereof; and he and his successors in said office shall be sworn to the faithful discharge of their duty.

Record to be kept.

SECT. 8. *And be it further enacted*, That *James Mann* be, and he is hereby appointed Clerk of the said Society, and he and his successors in said office, shall keep a fair record, in a book for that purpose, of all the votes, proceedings and transactions of said Society, and he and his successors in said office shall be sworn to the faithful discharge of their duty.

Clerk.

SECT. 9. *And be it further enacted*, That nothing in this Act shall be construed to affect the rights of property of any individual or Society, or any arrears, or just debts which have become due previous to this incorporation.

Rights of property not to be affected.

SECT. 10. *And be it further enacted*, That any Justice of the Peace, in the county of *Norfolk*, on application made to him in writing, by three or more subscribers to said fund, be, and hereby is authorized to issue his warrant, directed to some suitable person, being a member of the Congregational Society in *Wrentham*, and a subscriber to their fund, requiring him to warn a meeting of the members of said Society, at such time and place, and to transact such matters as shall be expressed in said warrant.

Special meetings.

[This Act passed February 21, 1799.]

An ACT to incorporate the Inhabitants of the northerly Part of the Town of *Wrentham*, in the County of *Norfolk*, into a separate Parish.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the inhabitants of the northerly part of *Wrentham*, in the county of *Norfolk*, excepting as is hereinafter excepted, with their polls and estates, north of a line drawn as follows, viz. Beginning at *Walpole* line, one hundred and fifty rods north of the *Dedham Rock*, (so called;) from thence running

Inhabitants incorporated.

ning twenty rods south of the house of Deacon *Jacob Pond*; from thence twenty rods south of the house of *Charles Dupee*; jun.; from thence fifty rods north of the house of *Benjamin Ware*; from thence the same course to *Franklin*, be and they are hereby incorporated into a separate parish, by the name of *The North Parish in Wrentham*, with all the powers, privileges and immunities which other parishes are entitled to by the Constitution and laws of this Commonwealth.

Corporate
name.

Persons may
join the Con-
gregational So-
ciety.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the inhabitants living north of the aforesaid line, who have heretofore and are now considered as congregating at the centre meeting-house, in said *Wrentham*, with their heirs and assigns, and who shall choose to belong to the Congregational Society, convening at the centre meeting-house, and shall subscribe to the fund which is for the benefit of the Congregational Society in *Wrentham*, within three months after the passing of this Act, shall be exempted from taxation in said north parish.

Persons from
the south par-
ish may join
the north.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the inhabitants living south of the aforesaid line, and who are now considered as congregating at the north meeting-house, and wish to belong to the aforesaid north parish, shall be entitled to all parochial powers, privileges and immunities, and shall be equally subject to taxation as those who live in the said north parish: *Provided,* They shall give in their names to the Clerk of the said north parish within three months from the passing of this Act.

Members' ef-
tates, where-
ver situated in
Wrentham, to
be taxed for
ministerial pur-
poses.

SECT. 4. *Be it further enacted,* That at the expiration of six months from the passing of this Act, the real estates of the members of each Society, on which side soever of said line the same may be situated, shall appertain to the Society to which the owner shall then belong, and shall remain liable to taxation for ministerial and parochial purposes in said Society forever.

Rights of prop-
erty not to be
affected.

SECT. 5. *And be it further enacted,* That nothing in this Act shall be construed to affect the rights of property of any Society or individual within the town of *Wrentham*, or any arrears, or just debts which have become due previous to this incorporation.

Justices
Peace to issue
warrant for
meeting.

SECT. 6. *And be it further enacted by the authority aforesaid,* That any Justice of the Peace in the county of *Norfolk*, upon application made to him in writing, by two or more of the inhabitants of said north parish, be, and hereby is authorized to issue his warrant, directed to some suitable inhabitant within the said north parish, requiring him to warn the inhabitants thereof, qualified by law to vote in parish affairs, to meet at some convenient time and place, to choose such officers as parishes are empowered to choose in the months of *March* or *April* annually, and to transact all matters and things necessary and lawful to be done in the said parish.

[This Act passed February 26, 1799.]

An ACT to incorporate a Society by the Name of
The Roxbury Charitable Society.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Honorable *John Lowell*, Esquire, *Persons incor-*
Mr. *William Lambert*, Reverend *Eliphalet Porter*, Honorable *John Read*, Esquire, *Nathaniel Ruggles*, Esquire, Deacon *Joshua Felton*, and Mr. *John Williams*, with such others as have associated themselves for this purpose, be, and they hereby are constituted a Society and Body Politic and Corporate, by the name of *The Roxbury Charitable Society*; and that they and their successors, and such other persons as shall be legally elected by them, shall be and continue a body politic and corporate by that name forever. *Corporate name.*

SECT. 2. *And be it further enacted by the authority aforesaid,* That the members of said Society shall have power to elect a President and all other necessary officers; and that the said Society shall have a common seal, and the same may break, change and renew at pleasure; and that the said Society, by the name aforesaid, may sue and be sued, prosecute and defend suits to final judgment and execution. *To choose a President, have a seal, &c.*

SECT. 3. *And be it further enacted,* That the said Society may make all proper and necessary orders and by-laws for the government of its members and property, not repugnant to the laws of this Commonwealth. *May make orders and by-laws.*

SECT. 4. *And be it further enacted,* That the said Society shall have power to make and establish rules for the election of its members and officers, and for the times and places of holding meetings, and the same at pleasure to change, and shall be capable to hold real and personal estate, by gift, grant, devise or otherwise, and the same to sell, alien and convey; *Provided however,* That the real estate which said Society shall hold shall never exceed the value of *twenty thousand dollars*; and that the personal property thereof shall not exceed the sum or value of *thirty thousand dollars*. *May regulate their elections, assign meetings, hold estate, &c.*

SECT. 5. *And be it further enacted,* That the Honorable *John Read*, Esquire, be, and he hereby is authorized and empowered to warn the first meeting of said Society, at such time and place as he shall think proper. *First meeting.*

[This Act passed February 26, 1799.]

An ACT to set off a Tract of Land from the Towns of *Athol* and *Gerry*, and to annex the same to the Town of *Royalston*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a tract of land bounded as followeth, viz. Beginning on *Royalston*

Boundaries.

Royalston line at a heap of stones, thence running south fifty-three degrees thirty minutes west, sixteen rods and sixteen links to a heap of stones by a large white pine stump on the bank of *Miller's River*; thence running south, crossing said river, into the town of *Gerry*, nine rods and nineteen links, to a large stone with a hole drilled in the top; thence south seventy degrees, east three rods, to a heap of stones on the bank of said river; thence north four rods and nineteen links, to the middle of said river, being the line between *Athol* and *Gerry*; thence up the middle of said river to *Royalston* line; thence north five degrees, west seventeen rods, to the bounds first mentioned, be, and hereby is set off from the towns of *Athol* and *Gerry*, and annexed to the town of *Royalston*.

Annexed
to
Royalston.[This Act passed *February 26, 1799.*]

An ACT to confirm the Sales by the South Parish in *Scituate*, in the County of *Plymouth*, of certain Lands given for the Use of the Ministry in said Parish, and to incorporate certain Persons as Trustees to manage the Funds raised by said Sales for the permanent Support of the Gospel Ministry in said Parish.

Preamble.

WHEREAS the inhabitants of the south parish in *Scituate* aforesaid, by agreement with and consent of the Rev. *David Barnes*, their present Minister, sold and conveyed their parsonage lands, given as aforesaid for the purpose of raising a fund for the support of their present Minister and his successors as Gospel Ministers, legally settled by said parish in succession forever; the proceeds from the said sales having been loaned to the public, and raised a fund of *seven thousand three hundred and forty-seven dollars and thirty-three cents*; and said parish having appropriated the annual interest of the said fund for the purpose aforesaid, and having petitioned the Legislature for an Act to confirm the said sales, and to incorporate certain persons for the due management of said fund:

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said sales be, and are hereby confirmed; and that *Elijah Turner, Elisha James, Charles Turner, jun. Samuel Tolman, and Jeshua Jacobs*, all of said *Scituate*, be, and they are hereby appointed and incorporated Trustees for the due management of the said fund, to receive and hold the whole of the monies and securities appropriated as aforesaid, to the amount of *seven thousand three hundred and forty-seven dollars and thirty-three cents*, in trust for the use and benefit of said parish, and

Sale confirmed.
Trustees ap-
pointed.

and the permanent support of a Gospel Minister; and shall constitute a Body Politic and Corporate to have perpetual succession, for the due and faithful management of said trust, and shall be vested with all powers incident to Corporations, necessary or requisite for that purpose.

SECT. 2. *Be it further enacted,* That the Trustees before mentioned, and their successors in office, be, and hereby are vested with sufficient power to receive all such securities and monies as are now in the hands of the Treasurer of said parish, or any other person, or that may be made, given or subscribed to the use aforesaid, *provided* the same do not exceed *eight thousand dollars* in the whole; and continue or place the same at interest on good security at their discretion, and apply the whole, or so much as may be necessary, of the interest arising therefrom; to pay the salary of such Minister as aforesaid, as the majority of the Church and Congregation in said parish have or may settle; but not in any case to lessen or make use of any part of the principal; and in case the whole of the said annual income and interest should be more than sufficient to pay the salary as aforesaid, then the surplus shall be appropriated to pay other necessary charges of said parish, as said parish may from time to time order and direct: And if it shall so happen that said Trustees shall become seized of lands or tenements by levying executions for the discharge of debts due to said Trustees or parish, or as security for the payment of debts due to said Corporation, and the fee thereof shall, in due course of law, be vested in them, it shall be lawful for the said Trustees, for the time being, to make and execute good and well authenticated warrantee deeds of the same: *Provided* the sale thereof be concluded on at any legal meeting of said parish.

Fund limited.

Interest appropriated to support a minister.

Case of possession of lands.

SECT. 3. *Be it further enacted,* That said Trustees shall make annual return in writing of their proceedings and disbursements, and lay the same before said parish at their annual meeting in *March* or *April* for their inspection.

Trustees to make an annual statement.

SECT. 4. *Be it further enacted,* That when any vacancy happens among the said Trustees or their successors, either by death, resignation or removal, the said south parish, at any parish meeting legally warned for that purpose, shall fill up said vacancy within three months after it shall happen, and if the said parish neglect so to do within that time, then the said Trustees, by a major vote, shall have power to fill up such vacancy.

Vacancy among the Trustees how to be supplied.

[This Act passed February 26, 1799.]

An ACT to set off Part of the Town of *Dighton*, in the County of *Bristol*, and to annex the same to the Town of *Berkley*, in said County.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all the lands called *Assonet Neck* lying within the following bounds, now belonging to the town of *Dighton*, in the county of *Bristol*, viz. Beginning at the head of a cove called *Smith's Cove*, a bound between the said towns of *Dighton* and *Berkley*, and running south-westerly by said cove on the line between the towns aforesaid, to the *Great River*; then running down stream by said river till it comes to *Assonet River*; then up stream on *Assonet River* till it comes to the line of the town of *Freetown*; then running north-easterly on said *Freetown* line till it comes to the line of said town of *Berkley*; then north-westerly on said *Berkley* line to the place of beginning at the head of the cove, with the inhabitants thereon, be, and the same are hereby set off from said town of *Dighton*, and annexed to said town of *Berkley*: *Provided*, That the inhabitants living on said tract of land shall be holden to pay their proportion of all legal taxes which have been assessed, ordered or voted to be laid on said *Dighton* by the inhabitants thereof, or by the General Court, in the same manner as though this Act had never passed.

Boundaries.

Set off from
Dighton and
annexed to
Berkley.
Proviso.

SECT. 2. *Be* it further enacted, That the inhabitants set off as aforesaid, shall be holden to support *Phyllis Ware*, a negro woman, one of the poor of said town of *Dighton*, from and after the fourteenth day of *April* next, for their proportion of the poor of said town of *Dighton*.

Phyllis Ware.

SECT. 3. *And be* it further enacted, That in all State taxes which shall hereafter be granted by the General Court of this Commonwealth, until a new valuation shall be settled, one eighth part of the taxes which would have been set to the town of *Dighton*, according to the last valuation, shall be taken therefrom, and set to the said town of *Berkley*.

Berkley's proportion of taxes.

[This Act passed February 26, 1799.]

An ACT altering the Name of *William Roberts* to *William Leate Roberts*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, *William Roberts*, of *Boston*, in the county of *Suffolk*, son of *John White Roberts*, late of said *Boston*, deceased, be, and hereby is authorized and empowered

empowered to take, use and bear the name of *William Leate Roberts*, and by that name to be hereafter known and called in all processses and records whatsoever.

[This Act passed *February 26, 1799.*]

An ACT for establishing an Academy in the South Precinct of *Bridgewater*, by the Name of *Bridgewater Academy*.

WHEREAS the Rev. *Zedekiah Sanger* and others have subscribed the sum of *three thousand dollars* for the purpose of erecting and supporting an Academy in the south precinct of *Bridgewater*, in the county of *Plymouth*, and it appears that said precinct is a suitable place for such an institution : Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there be, and hereby is established in the south precinct of *Bridgewater*, in the county of *Plymouth*, an Academy by the name of *Bridgewater Academy*, for the purpose of promoting piety, religion and morality, and for the education of youth in such languages, and in such of the liberal arts and sciences as the Trustees hereinafter named shall direct : And that the Rev. *Zedekiah Sanger*, the Rev. *Gad Hitchcock*, the Rev. *Joseph Barker*, the Rev. *Samuel Niles*, the Rev. *Ephraim Briggs*, the Hon. *William Sover*, the Hon. *Nathan Cushing*, the Hon. *George Partridge*, the Hon. *Josua Thomas*, the Hon. *Isaac Thompson*, the Hon. *Beza Hayward*, the Hon. *Ephraim Spooner*, the Hon. *Daniel Howard*, *Abraham Holmer*, *Elisha Ruggles*, *Nehemiah Fearing*, *Kilborn Whitman*, *Daniel Howard, jun.* *John Nelson*, *Benjamin Whitman*, *Elijah Bisbee*, *Nehemiah Cobb*, *Charles Turner*, *Nehemiah Bennett*, and *Nubum Mitchell*, Esquires, Dr. *Isaac Winslow* and Mr. *William Davis*, be, and hereby are incorporated into a Body Politic by the name of *The Trustees of Bridgewater Academy*, and that they and their successors shall be and continue a Body Politic and Corporate by the same name forever. Trustees.
Corporate name.

SECT. 2. *Be it further enacted,* That all the monies, lands or other property and things already subscribed and given, or which shall be hereafter given, granted, devised, bequeathed, transferred or assigned to the said Trustees for the purposes aforesaid, or either of them, shall be confirmed to the said Trustees and their successors in that trust forever ; and that the said Trustees may have and hold in fee simple, by gift, grant, devise, bequest or otherwise, any or all lands, tenements, hereditaments and other estate, real or personal ; *provided* the annual income thereof shall not exceed the sum of *five* May hold estates.

five thousand dollars, and may sell and dispose of the same, and apply the rents, issues and profits thereof in such manner as the end and design of the said institution in their discretion may require.

Trustees may appoint officers. Remove Trustee. Regulate their elections.

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

May have a seal. May sue and be sued.

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

Number of Trustees limited.

SECT. 5. *Be it further enacted,* That the number of the Trustees of said Academy shall not, at any one time, exceed the number herein incorporated as aforesaid, nor be less than fifteen; eight of whom shall constitute a quorum for doing business.

Land granted.

SECT. 6. *Be it further enacted,* That there be, and hereby is granted to said Trustees and to their successors for the purposes aforesaid, one half a township of six miles square, of the unappropriated lands belonging to this Commonwealth in the District of *Maine*, excepting the townships on *Penobscot River*; to be laid out and assigned to them by the Committee for the sale of eastern lands, under the restrictions and reservations made in similar grants.

First meeting.

SECT. 7. *And be it further enacted,* That the Hon. *Beza Hayward*, Esq. be, and hereby is authorized to fix the time and place for holding the first meeting of said Trustees, and to notify them thereof.

[This Act passed February 26, 1799.]

An ACT to annex the Township Number Four, in the First Range, north of the *Waldo* Patent, to the County of *Kennebeck*.

WHEREAS the said township now lies partly in the county of *Kennebeck*, and partly in the county of *Hancock*, and many inconveniences may arise therefrom :

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That township Number Four, in the first range, north of the *Waldo* patent, be, and hereby is annexed to the county of *Kennebeck*.

[This Act passed February 28, 1799.]

An ACT to prohibit the taking of Stones, Gravel or Sand, from the Beaches in the Town of *Chelsea*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this Act, it shall not be lawful for any person or persons to take, carry away or remove, by land or by water, any stones, gravel or sand, from any of the beaches or shores in the said town of *Chelsea*, excepting that part of the beach, which is included between the point of pines, so called, and a cedar post, standing on the beach, about three hundred and fifty rods south-west from said point of pines.

Removal of
stones, &c. pro-
hibited.

Exception.

SECT. 2. *And be it further enacted by the authority aforesaid,* That any person or persons, who, contrary to the intent of this Act, shall take, carry away or remove any stones, gravel or sand, from any of the beaches or shores in said town of *Chelsea*, excepting the portion of beach between the point of pines and the post aforesaid, shall forfeit and pay *two dollars* for each and every ton of stones, gravel or sand so taken and carried away, and in proportion for a greater or less quantity; one moiety of said penalty to the use of the prosecutor, and the other moiety to the use of said town, to be recovered by action of debt in any court proper to try the same.

Penalty.

[This Act passed February 28, 1799.]

An ACT to set off Part of the Town of *Woburn*, in the County of *Middlesex*, and to incorporate it into a Town by the Name of *Burlington*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the north-westerly part of the town of *Woburn*, comprehending a part of the two parishes in said town, contained

Boundaries in-
corporated.

contained within the following described line, viz. Beginning at the most southwardly angle of the town of *Wilmington*, at a stake and heap of stones near Cold Spring Bridge, so called; from thence running south about two degrees west, about three hundred and ninety rods to a white oak tree marked, at the south-east corner of *Isaac Marion's* birch pasture, so called; from thence south nine degrees thirty minutes west, one hundred and seventy rods, to a heap of stones at the south-west corner of land, which Deacon *Timothy Winn* now owns, purchased of *Jonathan Wyman's* heirs; from thence south sixty-six degrees west, thirty-four rods and seven-tenths, crossing a road, to a heap of stones at the north-east corner of a yard north of *Joseph Winn's* barn; thence south fourteen degrees thirty minutes east, sixty-five rods and five-tenths to a wall in said *Joseph Winn's* land; thence south seventy-six degrees west, two hundred and twenty rods to a heap of stones at the south-west corner of *Josiah Walker's* field; thence south eight degrees thirty minutes east, five rods fifteen links to the south-east corner of *Ezra Wyman's* land; thence south fifty degrees west, thirty-eight rods on said *Wyman's* land to a bend in a stone wall; thence south seventy-eight degrees thirty minutes west, twenty-nine rods by said *Wyman's* land to a stone wall; thence south sixty-seven degrees west, thirty-two rods to the county road in front of said *Wyman's* dwelling-house; thence the same course until it intersects the present established line between the two parishes in said *Woburn*, supposed to be about eight rods; thence on said established line four hundred and nine rods to *Lexington* line; thence all other ways as the said second parish is bounded by the towns of *Lexington, Bedford, Billerica,* and *Wilmington*, until it comes to the first-mentioned bounds, together with the inhabitants thereon, be, and they hereby are incorporated into a town by the name of *Burlington*; and the said town is hereby invested with all the powers, privileges and immunities which other towns in this Commonwealth do or may enjoy.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said town of *Burlington* shall pay all the arrears of taxes which have been assessed upon them by the town of *Woburn*: And the inhabitants of said town of *Burlington* shall pay their proportion of all debts now due from the town of *Woburn*, and shall be entitled to receive their proportion of all debts and monies now due to said town of *Woburn*, and also their proportionable part of all other property of the said town of *Woburn*, of what kind or description soever, and also shall take and support their proportionable part of the paupers that now belong to the said town of *Woburn*.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the county roads now laid out within the said towns of *Woburn*

Taxes.

Debts.

Property.

Paupers.

Roads.

Woburn and *Burlington*, and not opened, shall be divided into equal proportions agreeable to the last valuation: And said towns of *Woburn* and *Burlington* shall, at their own expence, open, clear out, bridge, causeway, and put in good passable repair, for teams and carriages, their said proportion of the said roads within the time limited by the Court of General Sessions of the Peace for the county of *Middlesex*; and in case of any disagreement between the said towns of *Woburn* and *Burlington*, with respect to the division of said roads, the said Court of General Sessions of the Peace for said county may, on application from either party, make or order such division: *Provided however*, That when the said roads shall be put in repair as aforesaid, the said towns of *Woburn* and *Burlington* shall maintain and keep in repair the roads lying within their respective boundaries,

SECT. 4. *And be it further enacted by the authority aforesaid*, That until a new general valuation is taken, the State taxes Valuation. which may be called for from said towns of *Woburn* and *Burlington*, shall be levied in such proportions as shall be agreed on by the inhabitants of the said towns; and if the said towns shall not agree, then, unless one of the said towns shall exhibit to the General Court evidence that the proportion ought to be otherwise established, the proportion of the said town of *Burlington* shall be at the rate of one-third of the sum which, by the last valuation, is set to the whole of the said town of *Woburn*.

SECT. 5. *And be it further enacted*, That *John Walker*, Esq. be, and hereby is authorized and directed to issue his warrant, directed to some principal inhabitant of said town of *Burlington*, requiring him to warn and give notice to the inhabitants of said town to meet at some suitable time and place in the said town, to choose all such officers as towns are required by law to choose Officers. at their meeting in *March* or *April* annually.

[This Act passed *February 28, 1799.*]

An ACT to regulate the taking of the Fish called Alewives, in *Monatiquot River*, in the Town of *Braintree*.

SECT. 1. *BE it enacted by the Senate and House of Representatives*, in General Court assembled, and by the authority of the same, That the town of *Braintree*, at their meeting in *March* or *April* annually, may, and they are hereby authorized to regulate the taking of the fish called alewives, in *Monatiquot River*, by fixing upon the times, places and manner of taking said fish, and the price at which said fish when taken may be sold, not exceeding *twenty-five cents* for one hundred fish; and also to direct their Committee to farm out or sell Inhabitants authorized.

Regulations to
be adopted.

Fish Commit-
tee.

Dams to be o-
pened.

Penalty for il-
legally taking
the fish.

The Commit-
tee may be
evidence.

Appropriation
of fines.

Committee to
be compensa-
red.

sell the privilege of taking said fish : which regulations when made, shall remain in force for one year next ensuing, and afterwards until new regulations in manner aforesaid, shall be adopted by the town : And it shall be the duty of said town, at their aforesaid meeting annually, to choose three discreet persons, whose duty it shall be to inspect said river, to cause the regulations respecting said fishery to be carried into effect, and to prosecute all violations thereof that shall come to their knowledge, and who shall also be sworn to the faithful performance of their duty, in like manner and under like penalties as other town officers.

SECT. 2. *Be it further enacted,* That the owners or occupiers of dams across said river shall, during the time said fish are passing up, open a passage through, over, or round their respective dams, sufficient for the passage of said fish, in the opinion of the Committee, under penalty of *ten dollars* for each and every twenty-four hours that they shall neglect to open a passage as aforesaid, from and after said owner or occupier has been notified and required in writing, by said Committee, for the space of two days, so to do.

SECT. 3. *Be it further enacted,* That if any person shall make any wear across said river, or cause any obstruction to the free passage of said fish, or if any person shall presume to take any of said fish, except at the places and on the days allowed by the town, or if any person other than the purchasers or farmers of the said privilege, or those employed by them, shall presume at any time to take any of said fish, or if the person taking said fish, shall sell them at a higher rate than what the town shall allow, the person so offending shall, for each offence, forfeit and pay a sum not more than *five dollars*, nor less than *one dollar*, at the discretion of the Justice before whom the same may be tried.

SECT. 4. *Be it further enacted,* That all penalties incurred by a breach of any regulations respecting said fishery, may be sued for before any Justice of the Peace for the county of *Norfolk*, by the Treasurer of said town; and the Committee aforesaid may be competent witnesses in any prosecution for a breach of this Act, notwithstanding they may be complainants in said prosecution.

SECT. 5. *Be it further enacted,* That all fines recovered for the breach of this Act shall be for the use of the town of *Braintree*.

SECT. 6. *Be it further enacted,* That the Committee chosen by virtue of this Act, shall be compensated for their service by the town of *Braintree*, at such rate as the town shall agree upon at the time they are chosen.

[This Act passed *March 1, 1799.*]

An ACT for establishing an Academy in the Town of Framingham, by the Name of *Framingham Academy*.

WHEREAS it appears that sundry well-disposed persons Preamble. have erected a convenient building in *Framingham*, in the county of *Middlesex*, and appropriated it to the use of an Academy; to effect which generous design more fully, it is necessary to establish a Body Politic:

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there be, and hereby is established in the town of *Framingham*, in the county of *Middlesex*, an Academy by the name of *Framingham Academy*, for the purpose of promoting piety, religion and morality, and for the education of youth in such of the liberal arts and sciences as the Trustees shall direct; and that the Rev. *David Kellog*, Rev. *Josiah Bridge*, Rev. *Josiah Bigelow*, *Artemas Ward*, jun. *Jonathan Maynard*, *Jonathan Hale*, *Samuel Frost*, *Peter Cloyes*, and *David Brewer*, Esqrs. Trustees. be, and hereby are nominated and appointed Trustees of said Academy; and they are hereby incorporated into a Body Politic by the name of *The Trustees of Framingham Academy*; and they and their successors shall be and continue a Body Politic by the same name forever.

SECT. 2. *And be it further enacted,* That the said Academy be endowed with a tract of land equal to one half of a Land granted. township of six miles square, of any of the unappropriated lands within either of the counties of *Lincoln*, *Hancock*, or *Washington*, excepting the lands on *Penobscot River*, to be laid out by the Committee for the sale of eastern lands; and that all the lands and monies heretofore given or subscribed, or which for the purpose aforesaid shall be hereafter given, granted and assigned unto the said Trustees, shall be confirmed to the said Trustees and to their successors in that trust forever, for the uses which in such instruments shall be expressed: *Provided,* Proviso. Their annual income shall never exceed *three thousand dollars*. And they shall ever apply the rents, issues and profits thereof, in such a manner as that the institution of the Academy may be most effectually promoted.

SECT. 3. *Be it further enacted,* That the said Trustees shall have full power from time to time, as they shall determine, to elect such officers of said Academy as they shall judge necessary and convenient, and fix the tenures of their respective offices; to remove any Trustee from the Corporation, when, in their opinion, he shall be incapable, through age or otherwise, of discharging the duties of his office; to fill all vacancies Trustees to elect officers.

May make by-laws.

cies by electing such persons for Trustees as they shall judge best; to determine the times and places of their meetings; the manner of notifying said Trustees; the method of electing or removing Trustees; to ascertain the powers and duties of their several officers; to elect Preceptors and Ushers of said Academy; to determine the duties of their offices; to ordain reasonable rules, orders and by-laws, not repugnant to the laws of this Commonwealth, with reasonable penalties for the good government of the Academy, and to ascertain the qualifications of students requisite to their admission; and the same rules, orders and by-laws at their pleasure to repeal.

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

Trustees may sue and be sued.

SECT. 5. *Be it further enacted,* That the number of said Trustees and their successors shall not at any time be more than nine, nor less than seven, five of whom shall constitute a quorum for transacting business; and a majority of members present at a legal meeting, shall decide all questions proper to come before the Trustees.

Number of Trustees limited.

SECT. 6. *Be it further enacted,* That *Jonathan Maynard, Esq.* be, and hereby is authorized to fix the time and place for holding the first meeting of the said Trustees, and to notify them thereof.

First meeting.

[This Act passed *March 1, 1799.*]

An ACT for changing the Name of *William Boardman* to that of *William Henderson Boardman.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, the said *William Boardman*, son of *William Boardman*, of *Chelsea*, shall be allowed to take the name of *William Henderson Boardman*, and by that name, instead of his present Christian and surnames, shall be known and called; and that the same shall to all legal intents and purposes be hereafter considered as the only and proper name of the said *Boardman*, and shall avail him accordingly.

[This Act passed *March 1, 1799.*]

An ACT in addition to and for the amendment of an Act, entitled, " An Act to prevent the destruction and to regulate the catching of the Fish called Alewives in the Rivers and Streams in the Town of *Falmouth*, in the County of *Barnstable*." March 2, 1793.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Committee to be chosen conformably to the Act to which this is in addition, be, and they hereby are authorized to permit the taking of said fish five days in a week, if they see fit, during the period provided by said Act for said rivers and streams to be kept open; any thing in said Act to the contrary notwithstanding.

[This Act passed *March 1, 1799*.]

An ACT regulating the taking of the Fish, called Alewives, in *Island Creek Brook*, so called, in the Town of *Duxbury*.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the fish, called alewives, may be taken from two rods below the bridge over said brook, and as far up said brook as the width of the road, commonly called *Plymouth road*, and shall not be taken in any other part thereof, and at such times only as the Committee, who may be appointed by said town as is hereafter provided, may direct. Place and time of taking the fish.

SECT. 2. *Be* it further enacted by the authority aforesaid, That the inhabitants of said town of *Duxbury*, at their meeting for the choice of town-officers in *March* or *April* annually, be, and they hereby are authorized and directed to appoint three or five persons, a Committee to oversee the taking said fish as aforesaid, which Committee shall distribute the fish taken by them, or under their direction, as equally as circumstances will admit, to such of the inhabitants of said town as may apply for the same; and for the fish so supplied and delivered, the Committee aforesaid shall demand and receive of the person or persons applying therefor, payment at such rate or rates as the inhabitants of the said town at their annual meeting in *March* or *April* may direct, excepting of such poor persons as may be named in a list to be annually made out by the Selectmen of said town, and who, in the opinion of the Selectmen, are unable to pay for the same, which list shall be given to the Committee, and the person or persons borne Fish Committee to be appointed.
Payment for fish to be exacted.

Committee to
be compensa-
ted.

borne on the same shall be supplied with such quantities of said fish, gratis, as the Committee may think expedient: And the Committee aforesaid shall have such allowance for their services as the inhabitants of said town, at the time of appointing said Committee shall determine; and shall annually, in the month of *September* next following their appointment exhibit their accounts to the Selectmen of said town for settlement and allowance, and pay the balance remaining in their hands, if any, to the Treasurer of the town of *Duxbury*, for the town's use.

— may open
sluice-ways,
&c.

SECT. 3. *Be it further enacted by the authority aforesaid*, That the said Committee, or the major part of them, be, and are hereby authorized and empowered to open any dam, or the sluice of any mill or other water-works erected, or that may be erected, on or over said brook, at the expense of the owner or owners of such dam or sluice, provided such owner or owners shall neglect to open the same when thereto required by said Committee, or the major part of them as aforesaid; and the dam or sluice that may be so opened, shall continue open to such depth and width, and for so long a time as the said Committee or the major part of them may judge necessary; and if any person or persons shall obstruct the passage-ways, allowed or ordered by said Committee or a major part of them, in any dam or sluice-way, or shall obstruct the passage of said fish in any other part of said brook than is permitted by this Act, such person or persons so offending shall forfeit and pay a sum not exceeding *one hundred and fifty dollars*, nor less than *thirty dollars*.

Penalty for
fishing without
authority.

SECT. 4. *Be it further enacted by the authority aforesaid*, That if any person or persons, other than the said Committee, or such persons as shall be by them employed, shall take any of the said fish in the said brook, or any part of it, at any time, or by any means whatsoever, each person so offending shall forfeit and pay a sum not exceeding *ten dollars*, nor less than *two dollars* for every such offence.

Appropriation
of fines.

Case of minors
violating this
law.

SECT. 5. *Be it further enacted by the authority aforesaid*, That all penalties incurred by the breach of this Act, may be sued for and recovered by the Treasurer of the town of *Duxbury*, for the time being, in any Court in the county of *Plymouth* proper to try the same; and all sums, so recovered, shall be appropriated to the use of said town; and in case any minor or minors shall offend against any part of this Act, and thereby incur any or either of the penalties aforesaid, in all such cases, the parents, masters or guardians of such minor or minors shall be answerable therefor; and in case of a prosecution of such minor or minors for any offence, the action shall be commenced against the parent, master or guardian of such minor or minors, respectively, and judgment be rendered against any parent, master or guardian in such case, in the same manner as for his or their personal offence.

SECT.

SECT. 6. *Be it further enacted by the authority aforesaid,* That no person, by reason of being an inhabitant of said town, or one of said Committee, shall be hereby disqualified from being a witness in any prosecution for a breach of this Act. Committee men may be witnesses.

SECT. 7. *And be it further enacted by the authority aforesaid,* That all laws heretofore made and provided, for regulating the alewife fishery on said brook, be, and the same are hereby repealed. Former laws repealed.

[This Act passed *March 1, 1799.*]

An ACT establishing *The Williamstown Turnpike Corporation.* Additional Acts, June 22, 1799, March 8, 1802, Feb. 28, 1804.

WHEREAS the highway leading from the west side of *Hoosuck Mountain* through the north part of *Adams* and *Williamstown* is rocky, mountainous and circuitous, and the expense of making, straightening and repairing the same in such a manner as to make it convenient for travellers with horses and carriages, would be much greater than ought to be required of the said towns: Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Samuel Sloane, Samuel Porter, Burrel Sutton, Elias Mather, William Starkweather, Oliver Barrett, George Reab, Benjamin Skinner, David Jobson, Lemuel Stewart, David Noble, William Young, Daniel Dewey, William Towner, Remembrance Sheldon, Ezra Baker, Jonathan Danforth, Deodatus Noble, Zadock Ford, John Maulk, Solomon Wolcot, jun. Samuel Mackay, Tompson J. Skinner, jun. Ezekiel Bacon, and Ira Baker,* and all such persons as shall be associated with them and their successors, be, and they hereby are constituted a Corporation by the name of *The Williamstown Turnpike Corporation,* for the purpose of laying out and making a Turnpike Road from the west side of *Hoosuck Mountain*: Beginning where the Turnpike made by *Asaph White* and *Jesse King* ends; thence running through the north part of the town of *Adams* and *Williamstown* to the west line of *Massachusetts*, adjoining upon the town of *Petersburgh*, in the county of *Ranfseleer*, and State of *New-York*, and for keeping the same in repair in such place or places as the said Corporation shall choose for the same; which road shall not be less than four rods wide, and the path to be travelled on not less than eighteen feet width in any place: And that when said Turnpike Road shall be sufficiently made, and shall be allowed and approved by the Justices of the Court of Sessions of the county of *Berkshire*, at any term thereof, then the said Corporation shall be authorized to erect a Turnpike Gate on the same in such manner and in such place as the said Court shall Persons incorporated. Corporate name. Description of road.

shall direct, and shall be entitled to receive from each traveller and passenger the following rate of toll, to wit: For every coach, phaeton, chariot or other four wheel carriage, drawn by two horses, *twenty-five cents*; and if drawn by more than two horses, the additional sum of *four cents* for each horse; for every cart or waggon, drawn by two oxen or horses, *twelve cents and five mills*; and *three cents* for each additional ox or horse; for every sled or sleigh, *nine cents*; and for each additional ox or horse, *three cents*; for every curricule, *sixteen cents*; for every chaise, chair or other carriage, drawn by one horse, *twelve cents and five mills*; for every man and horse, *five cents*; for all oxen, horses and neat cattle, led or driven, besides those in teams and carriages, *one cent* each; for all sheep and swine, *three cents* by the dozen; and in that proportion for a greater or less number: *Provided*, That no toll shall be taken of any person passing said road on military duty.

Proviso.

SECT. 2. *And be it further enacted*, That the said Corporation may purchase and hold any land over which they make the said road; and the Justices of the Court of Sessions of the Peace in the county of *Berkshire*, are hereby authorized, on application from the said Corporation, to lay out such road, or any part thereof, within their jurisdiction, as with the consent of the said Corporation they may deem proper; and the said Corporation shall be holden to pay all damages which shall arise to any person by taking his land for such road, where it cannot be obtained by voluntary agreement, to be estimated by a Committee appointed by the Court of General Sessions of the Peace for the said county of *Berkshire*, saving to either party the right of trial by Jury, according to the law which makes provision for the recovery of damages happening by laying out public highways.

Persons whose lands are taken to be indemnified.

Penalty for delays and extortion.

Corporation how to be sued.

SECT. 3. *And be it further enacted*, That if the said Corporation, their toll-gatherers, or others in their employ, shall unreasonably delay or hinder any traveller or passenger at said gate, or shall demand or receive more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding *ten dollars*, nor less than *one dollar*, to be recovered before any Justice of the Peace for said county of *Berkshire*, by any person injured, delayed or defrauded, in a special action on the case; the writ in which shall be served on the said Corporation by leaving a copy of the same with the Treasurer, or with some individual member of the Corporation living within the county where the action may be brought, or reading the contents thereof to the said Treasurer or individual member, at least seven days before the day of trial: And the Treasurer of said Corporation, or individual member, shall be allowed to defend the same suit in behalf of the Corporation.

tion. And the Corporation shall be holden to pay all damages which shall happen to any person from whom toll is by this Act demandable, for any damages which shall arise from defect of bridges or want of repairs within the same way, and shall also be liable to a fine, or presentment of the Grand Jury, for not keeping the same way or bridges thereon in good repair.

SECT. 4. *And be it further enacted,* That if any person shall cut, break down, or destroy the said Turnpike, or shall forcibly pass or attempt by force to pass the same without having first paid the legal toll at said gate, such person shall forfeit and pay a fine not exceeding *fifty dollars*, nor less than *two dollars*, to be recovered by the Treasurer of the Corporation to their use in action of trespass: And if any person shall, with his team, cattle, carriage or horse turn out of the said road to pass the said turnpike gate on ground adjacent thereto, and again enter on said road, with intent to avoid the toll due by virtue of this Act, such person shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the Treasurer of the said Corporation to the use thereof, in an action of debt on the case: *Provided,* That nothing in this Act shall extend to entitle the said Corporation to demand toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse, team or cattle, or on foot to or from his common labour on his farm, or to or from mill in the same town, or on the common and ordinary business of family concerns within the same town.

SECT. 5. *And be it further enacted,* That the shares in the same turnpike road shall be taken, deemed and considered to be personal estate to all intents and purposes, and shall and may be transferable; and the mode of transferring said shares shall be by deed acknowledged before any Justice of the Peace, and be recorded by the Clerk of the Corporation in a book to be kept for that purpose; and when any of said shares shall be attached on *mesne process*, an attested copy of such process shall, at the time of the attachment, be left with the Clerk of said Corporation, otherwise such attachment shall be void. And such shares may be sold on execution in the same manner as is or may by law be provided for the sale of personal property by execution; the officer making sale, or the judgment creditor leaving a copy of the execution and of the officers return on the same, with the Clerk of the said Corporation within ten days after such sale, and paying for the recording of the same.

SECT. 6. *And be it further enacted,* That a meeting of the said Corporation shall be held at the house of *George Reah*, innholder in *Williamstown* aforesaid, on the last Monday of *March* next, for the purpose of choosing a Clerk and such other officers

Penalty for forcibly passing:

— for evasion.

Provide.

Shares are personal estate.

— may be taken for debt.

First meeting.

cers as may then and there be agreed upon by the said Corporation for regulating the concerns thereof; and the said Corporation may then and there agree upon such method of calling meetings in future, as they may judge proper.'

SECT. 7. *And be it further enacted,* That the books of the said Corporation shall, at all times, be subject to be inspected and examined by a Committee to be appointed by the General Court, or to the inspection of the Governor and Council, when called for.

SECT. 8. *Be it further enacted,* That whenever any Proprietors shall neglect or refuse to pay any tax or assessment duly voted and agreed upon by the Corporation to their Treasurer within sixty days after the time set for the payment thereof, the Treasurer of said Corporation is hereby authorized to sell at public vendue the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray said taxes and the necessary incidental charges, after duly notifying in the newspapers printed in *Pittsfield* and *Stockbridge*, the sum due on any such shares, and the time and place of sale, at least twenty days previous to the time of sale; and such sale shall be a sufficient transfer of the share or shares so sold to the person purchasing, and on producing a certificate of such sale from the Treasurer to the Clerk of said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of the said Corporation; and such person shall be considered to all intents and purposes, the Proprietor thereof, and the overplus if any there be, shall be paid on demand by the Treasurer to the person whose shares were thus sold.

SECT. 9. *And be it further enacted,* That the said Corporation shall, at the place where the said toll shall be collected, erect and keep constantly exposed to view a sign or board, with the rates of toll and all the tollable articles fairly and legibly written thereon in large or capital characters.

SECT. 10. *And be it further enacted,* That the said Corporation shall, within six months after the said road is completed, lodge in the Secretary's office an account of the expenses thereof; and that the said Corporation shall annually exhibit to the Governor and Council a true account of the income or dividend arising from said toll, with their necessary annual disbursements on said road.

SECT. 11. *And be it further enacted,* That if any person shall draw any log, tree or stick of timber on or over the said turnpike road, except in the months of *January* and *February*, unless such log, tree or stick of timber is loaded on a cart or sled, or one end thereof is raised on a sled, cart or other suitable carriage, he shall forfeit and pay to the said Corporation

Corporate
name.

Road describ-
ed.

Turnpike
gates.

Rates of toll.

Annual sum
may be receiv-
ed.

Massachusetts Turnpike Corporation, and shall by that name sue and be sued, and shall have a common seal, and enjoy all the privileges and powers which are by law incident to Corporations for the purpose of laying out and making a turnpike road from Capt. *Elisha Hunt's*, in *Northfield* aforesaid, through *Warwick, Orange, Athol, Gerry, Templeton* and *Gardner*, to *Westminster* meeting-house; from thence to *Jonas Kendall's* tavern, in *Leominster*; and also from *Calvin Munn's* tavern, in *Greenfield*, through *Montague*, and up *Muller's River* through unincorporated land, so as to intersect the road aforesaid in *Athol*, and making the same in such place or places as the said Corporation shall choose, and for keeping the same in repair; which road shall not be less than four rods wide, and the path to be travelled in not less than eighteen feet wide in any place; and that when said turnpike road shall be sufficiently made and approved of by a Committee appointed by the Court of General Sessions of the Peace for the respective counties of *Worcester* and *Hampshire*, for that purpose, then the said Corporation shall be authorized to erect five turnpike gates on the same, in such manner as the said Corporation shall judge necessary and convenient for collecting the toll, one of which gates shall be near the house where *David Mayo* keeps a tavern in *Warwick*; one other near the house where *Samuel Sweetser* now keeps a tavern, in *Athol*; one other to be near the line between *Gardner* and *Westminster*; one other near the house where *Jonas Kendall* keeps a tavern, in *Leominster*; the other one gate where the Corporation may judge most convenient on the road from *Greenfield* to *Athol* aforesaid, and shall be entitled to receive of each traveller or passenger, at each of the said gates, the following rate of toll, viz. For every coach, phaeton, chariot or other four wheel carriage, drawn by two horses, *twenty-five cents*, and if drawn by more than two horses, an additional sum of *four cents* for each horse; for every cart or waggon drawn by two oxen or horses, *twelve and an half cents*, and if drawn by more than two oxen or horses, an additional sum of *three cents* for each ox or horse; for every curricule, *sixteen cents*; for every chaise, chair or other carriage, drawn by one horse, *twelve and an half cents*; for every man and horse, *five cents*; for every sled or sleigh, drawn by two oxen or horses, *nine cents*, if drawn by more than two oxen or horses, an additional sum of *three cents* for each ox or horse; for every sled or sleigh, drawn by one horse, *eight cents*; for all horses, mules, oxen or neat cattle, led or driven, besides those in teams and carriages, *one cent* each; for all sheep or swine, at the rate of *three cents* for one dozen: *Provided*, That said Corporation may, if they see fit, commute the rate of toll with any person or persons, by taking of him or them a certain sum annually, to be mutually agreed on in lieu of the toll aforesaid.

SECT. 2. *And be it further enacted by the authority aforesaid,* That said Corporation may purchase and hold land, over which they may make said road; and the Justices of the Court of General Sessions of the Peace, in the county where said road is, are hereby authorized, on application of said Corporation, to lay out such road, or any part thereof within their respective jurisdictions, as with the consent of said Corporation they shall think proper: And the said Corporation shall be liable to pay all damage that shall arise to any person by taking his land for such road, where the same cannot be obtained by voluntary agreement, to be estimated by a Committee appointed by the Court of General Sessions of the Peace, in the county where such damage shall arise, saving to either party the right of trial by Jury, according to the law which makes provision for the recovery of damages arising from the laying out of highways.

Justices of the Sessions to aid.

Persons whose lands are taken to be indemnified.

SECT. 3. *And be it further enacted by the authority aforesaid,* That if said Corporation, or their toll-gatherer, or others in their employ, shall unreasonably delay or hinder any traveller or passenger at either of said gates, or shall demand or receive more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *two dollars*, to be recovered before any Justice of the Peace of the county where the offence shall be committed, by any person injured, delayed or defrauded in a special action of the case; the writ in which shall be served on said Corporation by leaving a copy of the same with the Treasurer, or with some individual member of said Corporation living in the county where the action may be brought, or by reading the same to the Treasurer or individual member, at least seven days before the day of trial: And the Treasurer of said Corporation, or individual member, shall be allowed to defend the same suit in behalf of the said Corporation: And the said Corporation shall be liable to pay all damages that shall happen to any person from whom the toll is demandable, for any damage which shall arise from defect of bridges or want of repairs in said way, and shall also be liable to presentment by the Grand Jury for not keeping the same way in good repair.

Penalty for delay and extortion.

Process of a suit.

SECT. 4. *And be it further enacted by the authority aforesaid,* That if any person shall cut, break down, or otherwise destroy any of said turnpike gates, or shall dig up or carry away any earth from said road, or in any manner damage the same, or shall forcibly pass or attempt to pass by force the said gates without having first paid the legal toll at such gate, such person shall forfeit and pay a fine not exceeding *fifty dollars* nor less than *ten dollars*, to be recovered by the Treasurer of said Corporation to their use, in an action of trespass or of the case: And if any person with his team, cattle or horse, turn out of said road

Penalty for injuring road; and forcible passage.

road

road to pass any of the turnpike gates, and again enter the said road, with intent to evade the toll due by virtue of this Act, such person shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the Treasurer of said Corporation to the use of the same, in an action of debt on the case: *Provided*, That nothing in this Act shall extend to entitle the said Corporation to demand and receive toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse, team or cattle, to or from his common labour on his farm, or to or from any grist-mill, or on the common or ordinary business of family concerns, or from any person or persons passing on military duty.

Exemption on certain occasions.

Shares are personal property.

How to transfer shares.

Process of attachment.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the shares in the same turnpike road shall be taken, deemed and considered to be personal estate, to all intents and purposes, and shall and may be transferable: And the mode of transferring said shares shall be by deed acknowledged before any Justice of the Peace, and recorded by the Clerk of the Corporation in a book to be kept for that purpose: And when any share shall be attached on *mesne process*, an attested copy of such process shall, at the time of the attachment, be left with the Clerk of the Corporation; otherwise the attachment shall be void; and such shares may be sold on execution in the same manner as is or may by law be provided for making sale of personal property on execution, the officer making the sale, or the judgment creditor, leaving a copy of the execution and the officer's return on the same, with the Clerk of said Corporation within fourteen days after such sale, and paying for the recording the same, shall be deemed and considered as a sufficient transfer of such share or shares in the said turnpike road.

Organization of the Society.

SECT. 6. *And be it further enacted by the authority aforesaid*, That a meeting of the said Corporation shall be held at the house of *Oliver Chapin*, innholder in *Orange*, on the tenth day of *April* next, at ten of the clock in the forenoon, for the purpose of choosing a Clerk, who shall be sworn to the faithful discharge of the duties of said office, and such other officers as may then and there be agreed upon by said Corporation: And said Corporation may then establish such rules and regulations as the said Corporation shall judge necessary; *provided* the same are not repugnant to the laws of this Commonwealth, for regulating the concerns thereof; and the said Corporation may then and there agree upon such method of calling meetings in future as they shall judge proper.

SECT. 7. *And be it further enacted by the authority aforesaid*, That the said Corporation shall, within six months after the said road is completed, lodge in the Secretary's office an account

count of the expenses thereof, and that the said Corporation shall annually exhibit to the Governor and Council a true account of the income or dividend arising from the said toll, with their necessary annual disbursements on said road, and that the books of the said Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, or to the inspection of the Governor and Council, when called for.

Books to be
subject to in-
spection.

SECT. 8. *And be it further enacted*, That whenever any Proprietor shall neglect or refuse to pay any tax or assessment duly voted and agreed upon by the Corporation, to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of said Corporation is hereby authorized to sell at public vendue the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray said taxes and necessary incidental charges, after duly notifying in the news-papers printed at *Greenfield, Worcester*, and in the paper printed by the printer of the General Court at *Boston*, the sum due on any such shares, and the time and place of sale, at least thirty days previous to the time of sale, and such sale shall be a sufficient transfer of the share or shares so sold to the person purchasing; and on producing a certificate of such sale from the Treasurer to the Clerk of said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of the said Corporation, and such person shall be considered, to all intents and purposes, the Proprietor thereof; and the overplus, if any there be, shall be paid on demand by the Treasurer to the person whose shares were then sold.

Shares of delin-
quents may be
fold.

To be adver-
tised, &c.

SECT. 9. *And be it further enacted*, That the said Corporation shall, at all places where the said toll shall be collected, erect and keep constantly exposed to view a sign or board, with the rates of toll of all the tollable articles fairly and legibly written thereon in large or capital characters.

Sign-board to
be erected.

SECT. 10. *And be it further enacted*, That the General Court may dissolve said Corporation whenever it shall appear to their satisfaction that the income arising from the said toll shall have fully compensated the said Corporation for all monies they may have expended in purchasing, repairing and taking care of the said road, together with an interest thereon at the rate of *twelve per centum* by the year, and thereupon the property of the said road shall be vested in this Commonwealth, and be at their disposal: *Provided*, That if the said Corporation shall neglect to complete the said turnpike road for the space of four years from the passing of this Act, the same shall become void and of no effect.

Corporation
may be dissolv-
ed.

[This Act passed March 1, 1799.]

An ACT to set off a Tract of Land, commonly called the *Elbows*, in *Springfield*, in the County of *Hampshire*, and to annex the same to the Town of *Wilbraham*.

Boundaries.

Taxes.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the tract of land belonging to *Springfield*, commonly called the *Elbows*, bounded westerly on *Chicopee River*, north and east on the town of *Palmer*, and southerly on the town of *Wilbraham*, with all the inhabitants thereon, be, and hereby is set off from the town of *Springfield*, and annexed to the town of *Wilbraham*, and shall forever after be considered as making part of the same: *Provided nevertheless*, That the said lands, with the inhabitants thereon, shall be holden to pay all taxes already assessed upon them by the town of *Springfield*, and shall also be assessed and taxed by the assessors of said town of *Springfield*, in all State taxes, until another State valuation shall be taken, in the same manner as if this Act had not been passed.

[This Act passed June 11, 1799.]

An ACT altering the Name of *Oliver Pond* 3d. to *Oliver N. Pond*.

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, *Oliver Pond*, the third of that name of *Franklin*, in the county of *Norfolk*, be, and he hereby is authorized and allowed to take, use and bear the name of *Oliver N. Pond*, and by that name be hereafter known and called in all processes and records whatever.

[This Act passed June 14, 1799.]

An ACT to enable the Proprietors of a certain Piece of Salt Marsh, situate in the Town of *Ipswich*, in the County of *Essex*, to make and maintain a Dike, for the better improving the same.

Boundaries.]

WHEREAS *Nathaniel Wells, Asa Smith, Joshua Smith, Stephen Choate, John Choate, Anslice Cogswell, and Jonathan Patter*, Proprietors of Salt Marsh in *Ipswich*, containing about sixty acres, lying within the line hereafter described, viz. Beginning at *Hovey's Island*, so called, from thence running by said island, southerly to land of *Joshua and Asa Smith*,

Smith, and by said Smith's land, southerly, westerly and northerly, to land of the heirs of Francis Cogswell deceased, and by said Cogswell's land westerly, thence northerly across said Cogswell's marsh, to and across marsh of the Honorable Stephen Choate, Esq. to said Choate's farm, thence easterly by said farm, to the bounds first mentioned; having requested the General Court to authorize them to make a Dike, for the purpose of preventing its being flowed by salt-water, and it appearing to this Court that improvements might thereby be made in said marsh to the benefit of the Proprietors, as well as the public :

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

That the said Nathaniel Wells and others, Proprietors of the marsh aforesaid, their heirs and assigns, be, and they are hereby allowed and empowered to raise, by an assessment or tax to be made and levied on all the Proprietors of said marsh, lying within the Dike to be made as aforesaid, according to the interest they severally have therein, such sum or sums for defraying the charges of making and maintaining said Dike, as shall be agreed upon by the said Proprietors, their heirs and assigns, or the major part of such of them as shall be assembled at any legal meeting to be called for that purpose; the meetings of the said Proprietors to be called and conducted in the same manner as those of common lands, prescribed by an Act passed the tenth day of *March*, in the year one thousand seven hundred and eighty-four, relating to lands, wharves and other real estate, undivided and lying in common, and the said Proprietors are hereby authorized and empowered to choose all such officers, as may be necessary for managing the business aforesaid, in the same manner as Proprietors of common lands are by law empowered to choose officers at their legal meetings.

Dike authorized.

Money to be raised.

Meeting of Proprietors how to be called.

SECT. 2. *And be it further enacted,* That if any Proprietors of the said marsh shall neglect or refuse to pay the sum or sums of money duly assessed on him therefor, for the space of six months, after such money shall have been granted, and for the space of one month after his assessment shall have been shewn him, or a copy thereof left at his usual place of abode, then the said Proprietors, for the purpose of collecting the monies in such assessment, are hereby fully empowered, from time to time at public vendue, to sell and convey so much of such delinquent Proprietor's part of said marsh, as will be sufficient to pay and satisfy the sum or sums assessed upon such delinquent Proprietors as aforesaid, and all reasonable charges attending such sale, to any person that will give the most for the same; notice of such sale, and of the time and place thereof, being given, by posting an advertisement thereof in some public

Neglect to pay assessment.

Delinquent's property may be sold.

lic

lic place in the town of *Ipswich*, six weeks before the time of such sale; and the said Proprietors may by their Clerk, or a Committee chosen for that purpose, execute a good deed or deeds of conveyance of the part of the said marsh so sold, unto the purchaser thereof to hold in fee simple: *Provided nevertheless*, That the Proprietor or Proprietors, whose part or share shall be sold as aforesaid, shall have liberty to redeem the same at any time within one year after such sale, by paying the sum such part or share sold for, and charges, together with the sum of *six dollars* for every *hundred dollars* produced by such sale, and so in proportion for a greater or less sum.

Right of redemption.

Proprietors authorized.

SECT. 3. *And be it further enacted*, That the said Proprietors hereby are empowered to order and manage all affairs relative to the making and maintaining of the Dike aforesaid, in such way and manner as shall be concluded and agreed on, by the major part of those who are therein interested, present at a legal meeting; the votes to be collected according to the interest of the said Proprietors.

[This Act passed June 15, 1799.]

An ACT to incorporate *William Bartlet*, and others, into a Company by the Name of *The Newburyport Marine Insurance Company*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the said *William Bartlet* and others, and all such persons as have already or hereafter shall become Stockholders in said Company, being citizens of the *United States*, be, and hereby are incorporated into a Company and Body Politic, by the name of *The Newburyport Marine Insurance Company*, for and during the term of twenty years after the passing of this Act; and by that name may sue or be sued, plead or be impleaded, appear, prosecute and defend to final judgment and execution, and have a common seal, which they may alter at pleasure; and may purchase, hold and convey any estate, real or personal, for the use of said Company, subject to the restrictions hereinafter mentioned.

Corporate name.

Privileges, &c.

SECT. 2. *And be it further enacted by the authority aforesaid*, That a share in the capital stock of the said Company shall be *five hundred dollars*; and the number of shares shall not be less than two hundred, nor more than eight hundred: And if the said number of shares are not already filled, subscriptions shall be kept open, under inspection of the President and Directors of the said Company, until the same shall be filled; and the whole capital stock, estate or property, which the

Shares.

the said Company shall be authorized to hold, shall never exceed *four hundred thousand dollars*, exclusive of premium notes ^{Capital.} or profits arising from said business; of which capital stock or property, *fifteen thousand dollars* only shall be invested in real estate.

SECT. 3. *And be it further enacted*, That the stock, property, affairs and concerns of the said Company shall be managed and conducted by twelve Directors, one of whom shall be the President thereof, who shall hold their offices for one year, and until a new choice be made, and no longer; which Directors shall, at the time of their election, be Stockholders and citizens of this Commonwealth, and shall be elected on the first Monday in *January*, in each and every year, at such times of the day, and at such place in the town of *Newburyport*, as the Directors for the time being shall appoint; of which election public notice shall be given in the newspaper or newspapers printed in the town of *Newburyport*, and in one of the newspapers printed in the town of *Boston*, and continued for the space of ten days immediately preceding such election: And such election shall be holden under the inspection of three Stockholders, not being Directors, to be appointed previous to every election by the Directors, and shall be made by ballot by a majority of votes of the Stockholders present, allowing one vote to each share in the capital stock; *provided*, that no Stockholder shall be allowed more than ten votes: And the Stockholders not present may vote by proxy, under such regulations as the said Company shall prescribe: And if, by reason of 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 another day, in manner herein prescribed.

SECT. 4. *And be it further enacted*, That the Directors, so chosen, shall meet as soon as may be, after every election, and shall choose out of their body one person to be President, who shall preside for one year, and be sworn faithfully to discharge the duties of his office; and in case of the death or resignation of the President or any Director, or of his or their inability to serve, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a special election for that purpose, to be holden in the same manner as is herein before directed, respecting annual elections for Directors and President.

SECT. 5. *And 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, touching the management and disposition

fition of the stock, property, estate and effects of said Company, and the transfer of shares, and touching the duties and conduct of the several officers, clerks and servants employed, and the election of Directors, and all such matters as appertain to the business of insurance; and shall also have power to

Secretary, &c. appoint a Secretary and so many Clerks and servants for carrying on the said business, and with such salaries and allowances to them and to the President, as to the said Board shall seem meet:

Provido. *Provided*, That such by-laws, rules and regulations shall not be repugnant to the Constitution or laws of this Commonwealth.

SECT. 6. *And be it further enacted*, That there shall be stated meetings of the Directors, at least once in every month, and as often within each month as the President and Board of Directors shall deem proper: And the President and a Committee of three of the Directors, to be by him appointed in rotation, shall assemble daily, if need be, for the dispatch of business; and the said Board of Directors, and the Committee aforesaid, at and during the pleasure of said Board, shall have power and authority, on behalf of the Company, to make insurance upon vessels, goods, effects and freight, and against captivity of persons, and on the life of any person or persons during his or their absence by sea, and in cases of money lent upon *bottomry* and *respondentia*, and to fix the premiums and terms of payment; and all policies of insurance by them made, shall be subscribed by the President, or in case of his death, sickness, inability, or absence, by any two of the Directors, and countersigned by the Secretary, and shall be binding and obligatory upon the said Company, and have the like effect and force as if under the seal of said Company; and the assured may thereupon maintain an action upon the case against the said Company; and all losses duly arising under any policy, so subscribed, may be adjusted and settled by the President and Board of Directors, and the same shall be binding on the Company.

Directors authorized to make insurance. Signing of policies.

SECT. 7. *And be it further enacted*, That it shall be the duty of the Directors, on the second Monday of *June* and *December*, in every year, to make dividends of so much of the interest arising from their capital stock, and the profits of the said Company, as to them shall appear adviseable; but the monies received and notes taken for premiums on risks, which shall be undetermined and outstanding at the time of making such dividends, shall not be considered as part of the profits of the Company; and in case of any loss or losses, whereby the capital stock of the Company shall be lessened, each Proprietor or Stockholder's estate shall be held accountable for the deficiency that may be due on his share or shares at the time of said loss or losses taking place, to be paid in to the said Company by assessments, or such other mode, at such time or times as the Directors shall order;

Dividends. Capital to be kept good.

order ; and no subsequent dividend shall be made until a sum equal to such diminution shall have been added to the capital ; and that once in every three years, and oftener, if required by a majority of the votes of the Stockholders, the Directors shall lay before the Stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends.

Triennial statement to be made to the Stockholders.

SECT. 8. *And be it further enacted,* That the said Company shall not, directly nor indirectly, deal or trade in buying or selling any goods, wares, merchandizes or commodities whatsoever ; and the capital stock of said Company, after being collected at each instalment, shall be invested, either in the funded debt of the *United States*, or of this Commonwealth, or in the stock of the *United States Bank*, or of any incorporated Bank in this Commonwealth, in either or all of them, and in such proportions as may be most for the interest of said Company, at the discretion of the President and Directors of said Company, or of such other person or persons as said Stockholders shall for such purpose at any meeting appoint.

Company not to trade.

Security of capital.

SECT. 9. *And be it further enacted,* That one hundred and fifty dollars on each share in said Company shall be paid within twenty days after the first meeting of said Company, and the remaining sum due on each share, within one year after said meeting, at such equal instalments, and under such penalties, as the said Company shall direct ; and no transfer of any share in said Company shall be permitted or be valid until all the instalments on such share shall have been paid.

Period in which shares are to be paid for.

SECT. 10. *And be it further enacted,* That no person being either singly or as a partner with one or more persons, a member of any other Company, carrying on the business of marine insurance in said *Newburyport*, shall be eligible as a Director of the Company by this Act established.

Members of other companies cannot be Directors in this.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the property of any member of said Company, vested in the stock of said Company, shall be liable to attachment, and to the payment and satisfaction of his just debts to any of his *bona fide* creditors, in manner following, viz. In addition to the summons by law prescribed to be left with the defendant, a like summons shall be left with the Secretary of said Company ; and the debtors' share in the said Company's funds, together with the interest and profits due, or growing due thereon, or so much thereof as shall be sufficient, shall thereby be held to respond the judgment which may be recovered in said suit according to law ; and all transfers of the debtors' shares, not noted in the books of the Company, previous to the delivery of such summons, shall be barred thereby, and execution may be levied up-

Shares liable for debt.

Process.

OR

on the property of any Stockholder in said Company, and his share or shares therein exposed to sale in the same manner as is by law prescribed where personal estate is taken in execution; and it shall be the duty of the officer who extends such execution to leave an attested copy thereof, with his doings thereon, with the Secretary of said Company; and the purchaser shall thereupon be entitled to the said debtor's share or shares in said stock, and the reception of all dividends and profits which the debtor was previously entitled to: And upon any attachment being made, or execution levied on any shares in said Company, it shall be the duty of the Secretary of said Company to expose the books of the Company to the officer, and to furnish him with a certificate under his hand, in his official capacity, ascertaining the number of shares the debtor holds in said Company, and the amount of the dividends thereon due.

Secretary to
shew the books.

SECT. 12. *And be it further enacted,* That in case any loss or losses shall take place, which shall be equal to the amount of the capital stock of the said Company; and the President or Directors, after knowing 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 that shall take place under policies thus subscribed.

President and
Directors' of-
fices liable in
certain cases.

SECT. 13. *And be it further enacted,* That the President and Directors of said Company shall, previous to their subscribing any policy, and once in every year after, publish in the newspaper or newspapers printed in said town of *Newburyport*, and in one of the *Boston* newspapers, the amount of their stock, against what risks they mean to insure, and the largest sum they mean to take on any one risk.

Amount of
stock, &c. to
be advertized.

SECT. 14. *And be it further enacted,* That the President and Directors of said Company shall, when and as often as required by the Legislature of this Commonwealth, lay before them a statement of the affairs of said Company, and submit to an examination concerning the same, under oath.

Statement to
be made to the
Legislature.

SECT. 15. *And be it further enacted,* That *William Bartlet, Ebenezer Stocker* and *Richard Pike*, or any two of them, are hereby authorized to call a meeting of the members of said Company, as soon as may be, in *Newburyport*, by advertising the same for three weeks successively in the newspaper or newspapers printed in said *Newburyport*, and in one of the *Boston* newspapers, for the purpose of their electing a first Board of Directors, who shall continue in office until the first Monday in *January*, one thousand and eight hundred.

First meeting.

[This Act passed *June 18, 1799.*]

An ACT to empower the Town of *Boston* to choose a Board of Health, and for removing and preventing Nuisances.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the freeholders and other inhabitants of the town of *Boston*, qualified to vote for town officers, shall, on the first Wednesday of *April* annually, meet in their respective

wards, at such time and place as may be appointed by the present and succeeding Boards of Health of said town, and published in two of the newspapers printed in said town seven days previously to the time of meeting, and choose one able and discreet person, who shall be a freeholder and resident within the ward for which he shall be chosen, to be a member of a Board of Health, which shall consist of one person from each ward, chosen by a majority of the voters present and by ballot:

Members to be chosen annually, and how.

And the members of the Board of Health, for the time being, shall preside, each in his respective ward, at such meetings, and on the neglect of either of them, a Committee chosen by the ward shall preside until a Clerk is chosen by a majority of the voters present, whose duty it shall be to preside at future meetings of said ward for the ensuing year, to call for the votes, receive, count and declare the same in open meeting; and in case it shall appear that no choice has been made, the ballot shall be repeated until a person shall be elected, at whose dwelling-house the Clerk shall on the same day leave a written notification of his being chosen as aforesaid, and upon his refusal or non-acceptance, within four days after notice as aforesaid, the Clerk shall summon a new meeting of the inhabitants of his ward, at a time and place to be specified in two of the newspapers aforesaid, three days at least before the intended meeting: *Provided however,* in case of the refusal of the person chosen at the time he is elected, the ward may forthwith proceed to a new choice:

Existing members to preside at the annual choice, with provision.

And upon the acceptance of the person chosen, it shall be the duty of the said Clerk, within twenty-four hours after the same, to notify the choice to the President of the Board of Health for the time being, and the said Board are hereby authorized to continue their functions until a Secretary for their successors shall be chosen and sworn: And the members of the Board of Health, so long as they act in that capacity, shall be exempted from all the services and duties from which the Selectmen and Overseers of the Poor of the town aforesaid are or may be exempted.

New choice provided for.

The Board to be informed of persons chosen.

Privileges.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the President of the Board of Health for the time being, or in his absence the eldest member thereof present, shall, within

five

five days after the returns made to him by two-thirds of the Clerks aforesaid, in case two thirds of said members shall be chosen, notify the new members returned and chosen, to meet at the usual place of the meeting of the said Board, and shall at such meeting preside until a President and Secretary is chosen for the new Board: And he is hereby authorized to administer to such Secretary an oath, to make a faithful record of all the votes, proceedings and regulations of the said Board, and faithfully perform the duties of his said office during his continuance therein; which oath shall be entered and subscribed on the records of the Board, and attested by the person who shall administer the same: And the said President or eldest member shall then deliver over to such Secretary the books, records and other papers of the said Board of Health: And the records and proceedings of the said Board may be given in evidence touching any matter in dispute between the members of the same, their agents and servants, and any other person or persons.

Existing Prefident to officiate till new Board is organized.

Secretary to be sworn.

Records may be brought as evidence.

Nuisances to be examined into.

Rules to be established.

Forcible entry may be made.

No civil process to be executed by any officer at such entry.

SECT. 3. *And be it further enacted,* That it shall be the duty of the said Board, or of any member thereof, to examine into all nuisances, and such sources of filth as may be injurious to the health of the inhabitants of said town, whether the same shall proceed from stagnant waters, cellars, drains, common sewers, slaughter-houses, tan-yards, fish, fish-houses, fishing-boats, fish-boxes, oysters, oyster-boats, hogs, hog-sties, docks, necessaries, livery and other stables, putrid animal and vegetable substances, vessels, scows or boats, or any other cause of any nature or kind whatsoever, which in their opinion may be injurious to the health of the inhabitants aforesaid, and the same to destroy or remove, as the case may require: And the said Board, or a majority of them, are hereby fully authorized and empowered, from time to time, to make such rules and regulations, to have effect within the limits of said town, as to them shall appear necessary to remove and prevent the aforesaid nuisances and sources of filth: And the said members, or any two of them, shall have power, having first obtained a warrant from a Justice of the Peace, in due form of law, predicated upon a complaint under oath, directed to the Sheriff of said county or his Deputy, forcibly to enter and search all houses, stores, cellars, vessels and boats, between the hours of sun-rise and sun-set, where they may have just cause to suspect any of the aforesaid nuisances or sources of filth to exist, and the same to remove or destroy, as the case may require: *Provided however,* That no Sheriff or Deputy-Sheriff shall execute any civil process, either by arresting the body or attaching the goods and chattels of any person or persons under colour of any entry made for the purposes aforesaid, unless such service could by law have been made without such entry; and all services so made,

made, under colour of such entry, shall be utterly void, and the officer making such service shall be considered as a trespasser to all intents *ab initio*: And any person or persons who shall resist such search, shall forfeit and pay the sum of not more than *one hundred* nor less than *twenty dollars*, to be recovered in manner hereinafter provided: And it shall be the duty of the Board of Health, or any two of them, upon discovering any of the nuisances aforesaid, or other sources of filth, injurious to the health of the said inhabitants, to cause the same to be removed; and the person or persons in whose possession the same was found, shall forfeit and pay the sum of *ten dollars*, and the costs of removal; and any Justice of the Peace within said town, upon complaint made to him on oath by one or more members of the said Board, briefly therein stating the facts, together with the costs of such removal, shall issue his warrant thereupon, directed to the Sheriff of the county of *Suffolk*, his Deputy, or any Constable of said town, commanding him to notify the person or persons in whose possession or upon whose estate such nuisance or other source of filth aforesaid was found, his or their agent or agents, attorney or attorneys respectively, forthwith to appear before such Justice; and if such person or persons, after the service and return of said warrant, shall neglect to appear as aforesaid, or appearing, shall not shew cause to the satisfaction of the Justice, why judgment should not be rendered against him or them, for the fine of *ten dollars* herein beforementioned, and for all the costs of removal as aforesaid, then the said Justice shall render judgment against such person or persons for the said fine, costs of removal, and double costs of prosecution, notwithstanding the said fine and costs of removal may exceed the sum of *thirteen dollars, thirty-four cents*; and the said Justice shall thereupon issue his warrant of distress, directed as aforesaid, commanding the officer to whom it may be directed to levy the sums therein mentioned, with the expenses of levying, together with his own fees upon the goods and estate, and for want thereof, upon the body of such person or persons; and any party aggrieved at any judgment that may be rendered upon such complaint, may appeal to the Court of General Sessions of the Peace next to be holden within and for said county, and shall, before his appeal is granted, recognize in such reasonable sum as the Justice shall order, with sufficient surety or sureties to prosecute his appeal, and shall be held to produce, at the Court appealed to, copies of the whole process, the said appeal to be claimed on the day of rendering judgment as aforesaid; and the said Court shall proceed to hear and try said cause with or without the intervention of a Jury, as the case may require, and shall render such judgment, and issue such warrant of distress as a Justice of the Peace within the town aforesaid is hereby

Penalty for resistance.

Nuisances to be removed.

Process for recovery of penalty.

Appeal allowed.

hereby authorized to do, and no appeal from the judgment of said Court shall be allowed.

SECT. 4. *And be it further enacted by the authority aforesaid,* That any person or persons who shall disobey or violate the rules and regulations of said Board, that shall be made as aforesaid, after the expiration of three days from the publication of the same in two of the newspapers aforesaid, shall forfeit and pay the sum of *five dollars*, to be sued for and recovered in the manner pointed out in the foregoing section.

Penalty for disobeying rules, &c.

—for possessing tainted meat, &c.

Packers to give information.

Meat not to be packed in Boston for certain time.

Packers to be sworn.

SECT. 5. *And be it further enacted,* That any person who shall offer for sale in the town of *Boston*, or who shall have in his possession any tainted or putrid salted meat or pickled fish, which shall be so deemed by any two members of the said Board, upon conviction thereof in manner last mentioned, shall forfeit and pay the sum of *two dollars*, for each and every such barrel by him so offered for sale, or found in his possession: And it shall be the duty of every licensed packer of provisions and pickled fish within said town, forthwith to give information to the said Board, or some member thereof, of any such meat or fish that shall come to his knowledge; and every packer of salted provisions throughout this Commonwealth, is hereby prohibited from re-packing any such meat or fish that shall be putrid or tainted; and no salted meat or fish shall be hereafter re-packed within said town of *Boston*, between the fifteenth day of *June* and the first day of *October*, unless upon some island, and with the permission in writing of the Board aforesaid, or any three of them: And every packer aforesaid, who shall neglect to give information as aforesaid, or who shall re-pack as aforesaid, contrary to the true intent and meaning of this Act, shall, upon conviction thereof in manner aforesaid, forfeit and pay for each and every barrel containing meat or fish tainted or putrid, which he shall so neglect to give information of, the sum of *three dollars*, and for each and every barrel so re-packed, the sum of *four dollars*: And the said packers within said town shall be sworn before the said Board, or any member thereof; and the packers in the other towns in this Commonwealth, before the Clerks of their respective towns, faithfully to discharge their duty as packers of salted meat and provisions according to the true intent and meaning hereof: And the said Board, and the respective members thereof, and the several Clerks of said towns are hereby severally empowered to administer said oath: And the packers aforesaid, and every of them, who shall neglect to take the said oath as soon as may be, after passing this Act, and who shall neglect to mention in each certificate by him issued, after taking said oath, his having been sworn as aforesaid, shall be liable to be removed from his office of packer aforesaid, on complaint made to the Governor and Council, and shall be disqualified

disqualified from executing or performing the office or employment of a packer as aforesaid, for the space of three years then next coming.

SECT. 6. *And be it further enacted,* That no untanned hides shall hereafter be stored or kept in the town of *Boston*, between the first day of *May*, and the first day of *December*, and that all such hides, found in said town within the time so prohibited, shall be forfeited, unless removed without the limits of said town, by the owner or possessor thereof, within twenty-four hours after notice given him by any member of said Board, and such hides so forfeited shall and may be seized by any two of the said Board of Health, and shall and may be labelled and tried in the same way and manner, and by the same process as is provided for the trial of gun-powder seized according to law.

Untanned hides.

SECT. 7. *And be it further enacted,* That all masters of vessels, or other persons being on board the same, who shall throw, or suffer to be thrown into any of the docks of said town, without permission from the Board of Health, any filth or sweepings of vessels' holds, or land or suffer to be landed any suspected cloaths or bedding, or in anywise contravene the rules and regulations of said Board, that may be made as aforesaid, contrary to the true intent and meaning of this Act, shall severally forfeit and pay for every such offence, not more than *thirteen*, nor less than *five dollars*, according to the nature and aggravation of the offence, to be sued for and recovered in manner pointed out in the third section of this Act.

Throwing filth into docks, and landing suspected clothes prohibited.

SECT. 8. *And be it further enacted by the authority aforesaid,* That whenever it shall appear to the said Board of Health, that the safety of the inhabitants of the town of *Boston* requires that any vessel or vessels which shall arrive within the harbour of *Boston*, from any port or place, should perform quarantine, the said Board are hereby required and empowered to cause such vessel or vessels to perform quarantine, under such restrictions, regulations and qualifications as they may judge expedient; and any owner, master, supercargo, officer, seamen, consignee or other person, who shall neglect or refuse to obey the directions, rules, regulations, restrictions and qualifications of the said Board of Health, respecting said quarantine, and shall be thereof convicted upon indictment or information before the Supreme Judicial Court, or Court of General Sessions of the Peace, held in the said county of *Suffolk*, shall be fined a sum not exceeding *five hundred dollars*, or be imprisoned for a term of time not exceeding six months, or both, at the discretion of the Court having cognizance of such offence.

The Board may direct quarantine.

Penalty for breach of.

SECT. 9. *And be it further enacted,* That whenever the said Board of Health shall think it necessary to order all vessels, which

which shall or may arrive at the said port of *Boston*, from any particular port or ports, to perform quarantine, and shall give notice of such order to the pilots of the said port of *Boston*, it shall be the duty of such pilots to make known the said order to the captains or masters of all vessels which they shall board; and if any pilot, after notice given to him as aforesaid, shall neglect to make known the said order, or shall pilot any vessel to any place in the harbour of *Boston*, except to *Rainsford's Island*, he shall forfeit and lose his branch, and shall be disqualified from doing and performing the duty of a pilot for the term of twelve months then next ensuing.

Pilots directed.

SECT. 10. *And be it further enacted*, That any master or commander of any vessel, who shall enter the said harbour of *Boston*, with his said vessel, after notice given to him, by any person or persons whomsoever, that a quarantine has been directed by the said Board of Health, for all vessels coming from the port or place from which such master or commander shall have arrived, or who shall falsely or fraudulently attempt to elude the directions of the said Board of Health, by false and unfounded declarations of the port or place from whence he came, or who shall land, or suffer to be landed, from his vessel, any person or persons, or goods, apparel, bedding or merchandise whatsoever, without the permission of the said Board of Health, every such master or commander shall, upon conviction thereof, in manner and form pointed out in the eighth section of this Act, forfeit and pay a sum not exceeding *five hundred dollars*, or suffer imprisonment for a term not exceeding six months, or both, at the discretion of the Court having cognizance of such offence.

Penalty for evading quarantine orders.

SECT. 11. *And be it further enacted*, That every keeper of a boarding or lodging house, within the town of *Boston*, between the first day of *May* and the first day of *November* in each year, shall, within twelve hours after any seafaring man or other lodgers becomes sick in such boarding or lodging house, within the town of *Boston*, report in writing the name of such diseased person to the Board of Health, or to a member of said Board, and the nature of his disorder: And no master of a vessel shall remove any sick or diseased person from any vessel lying at any of the wharves within the harbour of *Boston*, before the name of such sick person has been reported to the Board of Health, or a member thereof, and a written permit obtained from at least two of them, authorizing such removal, which permit shall express the time, place and manner of such removal: And every person, whether keepers of boarding or lodging houses, or masters of vessels, who shall refuse or neglect to comply with either of the aforesaid directions, shall, on conviction before the Court of General

Keepers of boarding-houses directed.

Masters of vessels not to remove sick.

ral Sessions of the Peace, in said county, forfeit and pay a fine not exceeding *one hundred dollars*, or suffer imprisonment not exceeding two months, or both, at the discretion of said Court.

SECT. 12. *And be it further enacted*, That whenever the visiting Physician of the said Board of Health shall think it necessary that any vessel should be purified and cleansed, and perform quarantine, he shall direct the master or commander of such vessel, to proceed to anchor near *Rainsford's Island*, within the outer harbour of *Boston*, for the purpose of purification; and it shall be the duty of said Physician to apply to the Board of Health, to direct the time and manner in which said purification shall take place, and the expenses thereof shall be defrayed by the master, commander, owner or consignee of every such vessel, to be recovered by an action of the case, in the name of the President of the said Board of Health: And each and every master, commander, owner or consignee of every such vessel, who shall neglect or refuse to comply with such directions, shall, on conviction thereof before the Court of General Sessions of the Peace, be fined not exceeding *one thousand dollars*, or suffer imprisonment for a term not exceeding six months, or both, at the discretion of the Court.

Physician authorized.

Penalty for disobeying the Physician.

SECT. 13. *And be it further enacted*, That every diseased mariner, or other person sent to *Rainsford's Island* by the said Board of Health, shall be there kept and maintained at his or their own cost and expense, or his or their parents or masters, if able, otherwise at the charge of the town or place to which they belong, and in case such person or persons have no legal settlement in any town or place within this State, then at the charge of this Commonwealth; and every person sent to *Rainsford's Island*, for the purpose of purification as aforesaid, by the said Board of Health, shall be subject to the same restrictions as are provided by the seventh section of an Act of this Commonwealth, passed the twenty-second day of *June*, one thousand seven hundred and ninety-seven, entitled, "An Act to prevent the spreading of contagious sickness."

Diseased mariners to defray expenses, if able; with provision when not able.

SECT. 14. *And be it further enacted*, That the Board of Health for the town of *Boston* shall provide, at the expense of said town, a suitable number of red flags, of two yards at least, in length, and whenever they shall order a vessel or vessels to *Rainsford's Island*, for the purpose of purification, they shall direct the keeper of said island to hoist on a flag-staff, to be erected for the purpose, one of said flags; and the master of every vessel ordered there to perform quarantine, shall hoist one of said flags on the head of the main-mast, there to be kept during the day time, so long as said vessel or vessels shall remain at said island, for the purpose of purification; and during the

Red flags to be provided.

Persons not to go on board vessels riding quarantine, &c. the time that any vessel is performing quarantine, no person shall go on board thereof, except those employed by, or under the Board of Health, nor shall any person go within a line to be designated upon the land on *Rainsford's Island*, and every person who shall transgress in either of these cases, shall be considered as contaminated with infection, and held to undergo purification in the same manner, and under the same regulations and restrictions, as those performing quarantine on said island, and shall there remain until discharged by the visiting physician; and the said physician, or the keeper of the said island, or any person employed thereon, may forcibly detain him for the purpose aforesaid.

Vessels-subject to quarantine passing the castle to be sent back. SECT. 15. *And be it further enacted*, That if any ship or vessel, subject to quarantine, shall pass by the castle, and enter within the inner harbour of *Boston*, it shall be the duty of the Board of Health for said town, or any two of them, to order the master of the said vessel to proceed forthwith, with her crew, passengers and cargo, to *Rainsford's Island*; and in case the said master shall refuse or neglect so to do, for the space of one hour after said order, he shall, on conviction before the Supreme Judicial Court, or Court of General Sessions of the Peace in said county, forfeit and pay a fine not exceeding *one thousand dollars*, or suffer imprisonment not exceeding six months, or both, at the discretion of the Court; and the said Board of Health, on any neglect or refusal as aforesaid, shall have full power and authority forcibly to enter on board such vessel, and to call to their assistance, one or more of the pilots for the harbour of *Boston*, and such other persons as may be necessary, to proceed with said vessel, her crew, passengers, and cargo, to *Rainsford's Island*, the expense of which removal shall be paid by the owner of such vessel, which shall and may be recovered by action of the case, in any Court competent to try the same; and any pilot or other person, who shall refuse to give his assistance, when required, shall pay a fine of *thirteen dollars*, to be recovered upon conviction before any Justice of the Peace for the county of *Suffolk*, who shall issue his warrant of distress against the goods and estate, and for want thereof, against the body of such person who shall be convicted as aforesaid.

Force may be used. Pilots to give assistance under penalty.

Certain powers transferred from the Selectmen to the Board of Health. SECT. 16. *And be it further enacted*, That all the powers and duties which are given to, and required of the Selectmen of the town of *Boston*, by a certain law of this Commonwealth, passed the twenty-second day of *June*, one thousand seven hundred and ninety-seven, entitled, "An Act to prevent the spreading of contagious sickness," shall be, and they are hereby transferred to, and made the duty of the Board of Health of the town of *Boston*, any thing in said law to the contrary notwithstanding.

SECT. 17. *And be it further enacted,* That the Board of Health for the town of *Boston* shall, and they hereby are empowered from time to time, to choose a suitable and discreet person, who has been approved of by some Medical Society within this Commonwealth, to act as a visiting Physician to said Board, whose duty it shall be to visit all vessels coming from any place or places, in which the said Board shall think that any contagious sickness prevails, and such Physician shall be under the directions of said Board, and may be removed by them whenever they shall see cause: And the said Board of Health shall have authority to appoint scavengers for the town of *Boston*, and such other officers to assist them in the execution of their office, as they shall judge proper and necessary; for payment of whom, and of all necessary expenses which may arise in the exercise of their office, said Board shall be authorized to draw upon the Town-Treasurer, and the accounts of said Board shall be examined by the Committee of Accounts, annually chosen by the town for that purpose, who shall report a state of them to the town accordingly, and the same shall be paid by the Treasurer of the said town.

Board to appoint visiting Physician.

Scavengers.

Board to draw upon the Town Treasurer.

And whereas by the eleventh section of the Act of this Commonwealth, entitled, "An Act to prevent the spreading of contagious sickness," it is enacted, "That each town or district in this Commonwealth may, at their meeting held in *March* or *April* annually, or at any other meeting legally warned for that purpose, when they shall judge it to be necessary, choose and appoint a Health Committee," in the manner and for the purposes in said eleventh section mentioned:

SECT. 18. *Be it further enacted,* That so much of said law as respects the future appointment of a Health Committee for the town of *Boston*, be, and the same is hereby repealed; and that the Board of Health appointed, and to be appointed by virtue of this present law, be, and they hereby are, and shall be, *The Health Committee for the town of Boston*, and invested with all the powers and duties, as is herein in said eleventh section defined, any thing in said eleventh section to the contrary notwithstanding.

Part of a former law repealed.

And whereas by virtue of an Act of this Commonwealth, passed the last session of the General Court, (*February* the thirteenth, one thousand seven hundred and ninety-nine) entitled, "An Act to empower the inhabitants of the town of *Boston* to choose a Board of Health, and for removing and preventing nuisances in said town," the inhabitants did, in their several wards, choose a Board of Health for the present year:

SECT. 19. *Be it further enacted,* That the present members of the Board of Health for the town of *Boston*, chosen by virtue of said law, be, and they hereby are declared to be the members

Board under a former law recognized.

members of the Board of Health, for the said town, for the present year, and shall remain in office until a new Board of Health shall be chosen, agreeably to the first section of this present law; and they and each of them shall have full power and authority to act in said capacity, agreeably to the spirit and meaning of this Act, any thing herein to the contrary notwithstanding.

Disposal
fines.

SECT. 20. *And be it further enacted*, That all penalties and forfeitures arising from this Act, except in those cases in which it is herein otherwise provided, shall accrue to the use of the said town of *Boston*, and shall be prosecuted and recovered by action of debt, in the name of the President of the said Board of Health, or by information in any Court competent to try the same: And it shall be the duty of the Board of Health, and each of them, to pursue and enforce the due execution of the foregoing law, and prosecute all offenders for all penalties and forfeitures which may accrue under the same.

Warrant to be
issued for
choice of new
members.

SECT. 21. *And be it further enacted*, That on the death, resignation, or removal from the ward of which he is a member, of any of the Board of Health, it shall be the duty of the President of the said Board to issue a warrant to the Constable of the ward, commanding him to warn, by leaving a printed notification at the houses of the inhabitants of the ward, the inhabitants to meet at the place and time mentioned in said warrant, for the purpose of choosing a new member, and the Clerk of said ward shall preside at such meeting.

Wards.

SECT. 22. *And be it further enacted*, That the wards mentioned in this Act shall be the same pointed out in a certain Act passed in the eighth and ninth years of the reign of George the Second, entitled, "An Act for employing and providing for the poor of the town of *Boston*."

Former law re-
pealed.

SECT. 23. *And be it further enacted*, That an Act, entitled, "An Act to empower the inhabitants of the town of *Boston* to choose a Board of Health, and for removing and preventing nuisances in said town," be, and the same is hereby repealed; except so far as the same may be necessary for the prosecution and final recovery of any fines, penalties, forfeitures, or actions, which may have been incurred prior to the repeal of said Act.

Putrid meat,
&c. not to be
removed to
towns without
permission of
Selectmen.

SECT. 24. *And be it further enacted by the authority aforesaid*, That no untanned hides, or putrid or tainted meat, or fish, shall be removed from the town of *Boston*, or from any vessel within the harbour of said town, by virtue of this Act, to any town within this Commonwealth, without permission from the Selectmen of the town to which such hides, meat or fish are proposed to be removed; and that all untanned hides so removed without permission as aforesaid, shall be forfeited to the use

use of the town to which they shall be removed, and shall and may be proceeded against in manner pointed out in the sixth section of this Act.

[This Act passed *June 20, 1799.*]

An ACT in addition to an Act, entitled, "An Act to incorporate a Number of Inhabitants in the County of *Berkshire* into a Religious Society by the Name of *The First Baptist Society in the Town of Sandisfield.*" Feb. 25, 1794.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That if any person belonging to either of the towns of *Sandisfield, Tyringham* or *New-Marlborough*, in the county of *Berkshire*, being of the Baptist denomination, shall unite in religious worship with said Society, and shall leave a certificate, signed by the Minister or Clerk thereof, with the Clerk of the Religious Society to which he belongs, fourteen days previous to the annual meeting of said Religious Society, to be holden in the months of *March* or *April*, that he has actually become a member of and united with said Baptist Society, such person shall, from and after giving such certificate, be considered, together with his polls and estate, as belonging to said Baptist Society: *Provided however*, That such person shall pay his proportion of all monies that shall have been previously voted in the Society to which he belongs.

Persons of *Tyringham* or *New Marlborough* may join this Society.

SECT. 2. *Be* it further enacted, That when any person belonging to said Baptist Society shall see cause to leave the same, and unite with any other Religious Society, and shall leave with the Clerk of said Baptist Society, a certificate of the same, signed by the Minister or Clerk of the Parish, or other incorporated Religious Society with which he has united, fourteen days previous to the annual meeting of said Baptist Society in the months of *March* or *April*, and shall pay his proportion of all monies that shall have been previously voted therein, shall be considered, together with his polls and estate, as belonging to the Society to which he has so united.

Persons may leave this Baptist Society.

[This Act passed *June 20, 1799.*]

An ACT to empower the Inhabitants of the Town of *Salem* to choose a Board of Health, and for removing and preventing Nuisances in said Town. Additional Act,
June 16, 1800.

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

the

Authorized to
choose a Board
of nine persons.

President and
Clerk to be e-
lected.

Board to ex-
amine into
nuisances.

Justice of
Peace to issue
warrant for re-
moval.

Civil Procceses
not to be exe-
cuted under
plea of entry
for nuisances.

Board to cause
nuisances to be
removed, and
Justices to issue
warrants for
costs.

the town of *Salem*, qualified to vote for town officers, may, on the first Monday of *April* annually, or at any other meeting legally called for the purpose, choose a Board of Health, consisting of nine persons, not less than two of whom shall be chosen out of each ward in said town; the members of which Board of Health shall elect a President and a Clerk, whose duty it shall be to record the votes and doings thereof; and in case of the death or resignation of any one of the members of said Board, the said freeholders or other inhabitants may, at any meeting legally called for the purpose, elect a member out of the same ward to supply his place.

SECT. 2. *Be it further enacted,* That it shall be the duty of the Board of Health, and each member thereof, to examine into all nuisances and other causes injurious to the health of the inhabitants; whether the same shall be caused by stagnant waters, drains, common sewers, slaughter-houses, tan-yards, fish, fish-houses, docks, necessaries, hog-sties, putrid animal or vegetable substances, or any other cause of whatever kind, which in his or their opinion may be injurious to the health of the inhabitants as aforesaid: And upon complaint on oath being made to any Justice of the Peace by any member of said Board of Health, or other person, that he suspects any of the nuisances or cause aforesaid to exist in any dwelling-house, cellar, store, other building, ship or vessel, it shall be the duty of such Justice to issue his warrant, directed to the Sheriff of the county of *Essex*, or his deputies, or to any Constable of the town of *Salem*, commanding him or them forcibly to enter, and together with a member of said Board of Health to search the same in the day time, and upon the discovery of such nuisance or other cause injurious to the health of the inhabitants, to remove the same: *Provided however,* That no Sheriff or Deputy-Sheriff or Constable, shall execute any civil process, either by arresting the body or attaching the goods and chattels of any person or persons, under colour of any entry made for the purposes aforesaid, unless such service could by law have been made without such entry; and all services so made under colour of such entry shall be utterly void, and the officer making such service shall be considered as a trespasser to all intents *ab initio*: And any person or persons who shall resist such search shall forfeit and pay the sum of *twenty dollars*, to be recovered in manner hereinafter provided: And it shall be the duty of the Board of Health, upon the discovery of any such nuisance or other cause injurious to the health of the inhabitants of the said town, forthwith to remove the same; and upon complaint to any Justice of the Peace within the said town or in said county, made upon oath by one or more of said Board of Health, briefly therein stating the facts, to-
gether

gether with the costs of such removal, such Justice shall grant a warrant, therein expressing the substance of the said complaint, directed to the Sheriff of the county of *Essex*, or his Deputy, or any Constable of the town of *Salem*, commanding him to notify and require the person or persons in whose possession, or upon whose estate such nuisance or other cause aforesaid existed, or in case of his absence, his agent or attorney, to appear forthwith before such Justice; and if such person or persons shall neglect then and there to appear, or appearing shall not shew good cause, to the satisfaction of said Justice, why judgment should not pass against him or them, the said Justice shall then and there adjudge, that such person or persons shall pay a fine of *thirteen dollars*, and the costs of such removal and double costs of prosecution; and shall thereupon issue his warrant, directed to the Sheriff of the county of *Essex*, or his Deputy, or any Constable of the town of *Salem*, thereby commanding him to levy the expense of said removal, together with said fine and double costs, on the goods and estate, and for want thereof, on the body of the said occupier or proprietor of the house, land, cellar, docks, store or vessel in which said nuisance existed; and said fine shall be paid over to the Town-Treasurer for the use of the said town: *Provided always*, That any person or persons aggrieved at any judgment of a Justice passed against him or them as aforesaid, shall have a right to appeal therefrom to the Court of General Sessions of the Peace, then next to be holden within and for the county of *Essex*, who shall hear and determine on such complaint with or without the intervention of a Jury, as the case may require, and thereupon render such judgment as the Justice is herein before authorized to do in an original complaint to him, with additional costs; and the judgment of said Court thereon shall be final: *Provided nevertheless*, That no such appeal shall be granted, unless the respondent shall claim the same on the day on which the Justices' judgment shall be rendered, and shall enter into recognizance, with two sufficient sureties, to prosecute said appeal with effect: And said Board shall have authority to appoint scavengers, and such other officers to assist them in the execution of their office, as they shall judge necessary; for payment of whom, and all necessary expenses which may arise in the exercise of their office, the said Board shall be authorized to draw upon the Treasurer of said town.

Appeal allowed.

Proviso.

Board to appoint certain officers; and may draw upon Town-Treasurer.

SECT. 3. *Be it further enacted*, That any person who shall offer for sale in the town of *Salem*, or shall have in possession any tainted or putrid salted meat or pickled fish, which shall be so deemed by any two of the Board of Health, upon conviction thereof in manner aforesaid, shall forfeit the sum of *two dollars* Penalty for possessing putrid meat, &c.

Packers direct-
ed and restrict-
ed.

Packing pro-
visions in cer-
tain months
prohibited.
with an excep-
tion.

Killing and
selling sheep
and lambs reg-
ulated.

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

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

SECT.

SECT. 5. *Be it further enacted,* That no untanned hides shall be stored or kept in the town of *Salem* afore said, between the first day of *May* and the first day of *December*, except in such place or places as the Board of Health shall direct and appoint, and that all such hides, found in any other place or places in said town within the times last mentioned, shall be forfeited, unless removed to such place as the Board of Health shall direct, without the limits of said town, by the owner thereof, within twenty-four hours after notice given him by the said Board of Health, or any two of them; and such hides so forfeited shall and maybe seized by any two of said Board of Health, and shall and may be libelled and tried in the same way and manner, and by the same process as is provided for the trial of gun-powder seized according to law: And any person or persons who shall throw upon the wharves or stores, or into any of the docks in the town, any putrid meat, fish, or any other putrid or offensive substance, or any thing contrary to the order or regulations of the Board of Health, shall forfeit and pay for each offence a sum not less than *two dollars* nor more than *thirteen dollars*, at the discretion of the Court which may have cognizance of such offence; that all masters of vessels who shall throw upon the wharves or shores, or into any of the docks of said town, without permission from the Board of Health, any filth or sweepings of the vessel's hold, shall forfeit a sum not less than *five dollars* nor more than *fifty dollars* for each offence.

Untanned
hides not to
be stored in
town for cer-
tain months.

Filth not to be
thrown on
wharves, &c.

SECT. 6. *Be it further enacted,* That whenever it shall appear to the said Board of Health, that the safety of the inhabitants of the town of *Salem* requires that any vessel or vessels which shall arrive within the harbour of *Salem* from any port or place, should perform quarantine, the said Board are hereby required and empowered to cause such vessel or vessels to perform quarantine at such place as they shall appoint, and under such restrictions, regulations and qualifications as they may judge expedient; and any owner, master or supercargo, officer, seaman or consignee of any vessel, or any other person, who shall neglect or refuse to obey the orders, directions, rules, regulations, restrictions or qualifications of the said Board of Health respecting said quarantine, and shall be thereof convicted upon indictment or information before the Supreme Judicial Court, or Court of General Sessions of the Peace, held in said county of *Essex*, shall be fined a sum not exceeding *five hundred dollars*, or be imprisoned for a term of time not exceeding *six months*, or both, at the discretion of the Court having cognizance of such offence.

Board of
Health author-
ized to direct
quarantine.

SECT. 7. *Be it further enacted,* That any master or commander of any vessel, who shall enter the said harbour of *Salem* with his said vessel, after notice given to him by any person or persons

persons whomsoever, that a quarantine has been directed by said Board of Health for all vessels coming from the port or place from which such master or commander shall have arrived, or who shall falsely or fraudulently attempt to elude the directions of the said Board of Health, by false and unfounded declarations of the port or place from whence he came, or who shall land, or suffer to be landed from his vessel, any person or apparel, bedding, goods or merchandize whatsoever, without the permission of the said Board of Health, every such master or commander shall, upon conviction thereof in manner and form pointed out in the sixth section of this Act, forfeit and pay a sum not exceeding *five hundred dollars*, or suffer imprisonment for a term not exceeding six months, or both, at the discretion of the Court having cognizance of such offence.

Penalty for attempt to elude quarantine.

SECT. 8. *Be it further enacted,* That no master of a vessel, or other person, shall remove from any vessel in the harbour, or lying at any of the wharves in *Salem*, any sick or diseased persons, before the name of such sick or diseased person has been reported to the Board of Health, and a written permit obtained from at least two of them authorizing such removal, and expressing the manner thereof, the time when, and the place to which such person shall be removed: And any master of a vessel, or other person, who shall remove such sick or diseased person without first obtaining such permit therefor, or contrary to the tenor and directions thereof, shall, on conviction before the Court of General Sessions of the Peace in said county, be fined a sum not exceeding *one hundred dollars*, or suffer imprisonment not exceeding two months, or both, at the discretion of said Court.

Captains and others not to remove sick without permission.

SECT. 9. *Be it further enacted,* That whenever the visiting physician of the Board of Health shall think it necessary that any vessel should be purified and cleansed, and perform quarantine, he shall direct the master or commander of such vessel to proceed to and anchor at such place as the said Board of Health shall have appointed for cleansing and purifying vessels; and it shall be the duty of said physician to apply to the Board of Health, to direct the time and manner in which such purification shall take place, and the expenses shall be defrayed by the master, commander, owner or consignee of such vessel, to be recovered by an action of the case in the name of the President of the Board of Health: And each and every master, commander, owner or consignee of every such vessel who shall neglect or refuse to comply with such directions, shall, on conviction thereof before the Court of General Sessions of the Peace, be fined not exceeding *one thousand dollars*, or suffer imprisonment for a term not exceeding six months, or both, at the discretion of the Court.

Visiting physician to direct purification, & quarantine, in certain case.

SECT.

SECT. 10. *Be it further enacted,* That every diseased mariner or other person who shall be removed or sent to any hospital or other place by the said Board of Health, shall be there kept and maintained at his or their own cost and expense, or his or their parents or masters, (if able,) otherwise at the charge of the town or place to which they belong; and in case such person or persons have no legal settlement in any town or place within this State, then at the charge of this Commonwealth; and every person sent to any hospital or place for the purpose of purification as aforesaid, shall be subject to the same restrictions as are provided by the seventh section of an Act of this Commonwealth, passed the twenty-second day of *June*, one thousand seven hundred and ninety-seven, entitled, "An Act to prevent the spreading of contagious sickness."

Diseased mariners, &c. at hospitals, by whom to be maintained.

SECT. 11. *Be it further enacted,* That no person, excepting those employed by or under the Board of Health, shall go on board any vessel during the time she is performing quarantine, nor shall any person go within a line designated upon the land at the place appointed for cleansing and purifying vessels; and every person who shall transgress in either of these cases shall be considered as contaminated with infection, and held to undergo purification in the same manner, and under the same regulations and restrictions, as those performing quarantine at such place, and shall there remain until discharged by the visiting physician; and the said physician, or the person employed by the Board of Health to superintend such place, may forcibly detain such person.

Persons not to go on board vessels riding quarantine.

SECT. 12. *Be it further enacted,* That if any vessel subject to quarantine shall come into the harbour of *Salem*, it shall be the duty of the Board of Health, or any two of them, to order the master or person having the command of said vessel, immediately to proceed with her crew, passengers and cargo, to the place by them appointed for cleansing and purifying vessels; and in case the said master or person having the command of said vessel shall refuse or neglect so to do for the space of one hour after said order, he shall, on conviction before the Supreme Judicial Court or Court of General Sessions of the Peace, forfeit and pay a fine not exceeding *one thousand dollars*, or suffer imprisonment not exceeding six months, or both, at the discretion of the Court; and the said Board of Health, or any two members thereof, on any neglect or refusal as aforesaid, shall have full power and authority forcibly to enter on board such vessel, and to require the assistance of as many persons as they shall judge necessary, and proceed with said vessel, her crew, passengers and cargo, to the place appointed for cleansing and purifying vessels; the expense of which removal shall be paid by the owner of such vessel, and shall

Penalty for disobeying orders to proceed to place of quarantine.

Force may be used.

shall and may be recovered by an action of the case in any Court competent to try the same; and any person who shall refuse to give his assistance when required, shall forfeit *thirteen dollars*, to be recovered by an action of debt.

Certain powers transferred from the Selectmen to the Board of Health. SECT. 13. *Be it further enacted*, That all the powers and duties which are given to and required of the Selectmen of the town of *Salem* by a certain law of this Commonwealth, passed the twenty-second day of *June*, one thousand seven hundred and ninety-seven, entitled, "An Act to prevent the spreading of contagious sickness," shall be, and they hereby are transferred to and made the duty of the said Board of Health; any thing in said law to the contrary notwithstanding.

Visiting physician to be appointed. SECT. 14. *Be it further enacted*, That the said Board of Health be, and they hereby are empowered from time to time to choose a suitable and discreet person to act as a visiting physician to said Board; whose duty it shall be to visit all vessels coming from any place or places in which the said Board shall think any contagious sickness prevails; and such physician shall be under the direction of said Board, and may be removed by them whenever they shall see cause.

And whereas by the eleventh section of the Act of this Commonwealth, entitled, "An Act to prevent the spreading of contagious sickness," it is enacted, that each town and district in this Commonwealth may, at their meeting held in *March* or *April* annually, or at any other meeting legally warned for that purpose, when they shall judge it to be necessary, choose and appoint a Health Committee, in the manner and for the purposes in said eleventh section mentioned:

Board of Health to be the Health Committee. SECT. 15. *Be it enacted*, That so much of said law as respects the future appointment of a Health Committee for the town of *Salem*, be, and the same is hereby repealed; and that the Board of Health to be appointed by virtue of this Act, be, and they hereby are made and shall be the Health Committee for the town of *Salem*, and be invested with all the powers and duties which are granted to or imposed upon said Health Committee in and by said Act.

Recovery and appropriation of fines. SECT. 16. *Be it further enacted*, That all penalties and forfeitures arising from this Act, except in those cases in which it is herein otherwise provided, shall accrue to the use of the town of *Salem*; and shall be prosecuted and recovered by action of debt in the name of the President of the said Board of Health, or by information in any Court competent to try the same. And it shall be the duty of the Board of Health, and of each member thereof, to pursue and enforce the due execution of the foregoing law, and prosecute all offenders for all penalties and forfeitures which may accrue under the same.

[This Act passed *June 21, 1799.*]

An ACT for changing the Name of *Samuel Flagg* the third, to that of *Samuel H. Flagg*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, the said *Samuel Flagg*, the third of that name, of *Worcester*, and son of *Francis Flagg*, of *Worcester*, in the county of *Worcester*, shall be allowed to take the name of *Samuel H. Flagg*, instead of his present christian and surname, and shall be known and called thereby; and that the same shall, to all legal intents and purposes, be hereafter considered as the only proper name of the said *Flagg*, and shall avail him accordingly.

[This Act passed June 21, 1799.]

An ACT in addition to the several Acts for incorporating certain Persons for the purpose of building a Bridge over *Merrimack River*, between the Towns of *Haverhill* and *Bradford*, in the County of *Essex*, and for supporting the same.

Feb. 22, 1793.

Feb. 12, 1797.

WHEREAS the Proprietors of the *Haverhill* Bridge have represented to the General Court, that the compensation they derive from the present toll is inadequate, and pray for an enlargement of the toll over said Bridge:

Preamble.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the following rates of toll be, and hereby are established for the benefit of said Proprietors, in addition to the rates of toll established by an Act passed *February*, one thousand seven hundred and ninety-seven, entitled, an Act in further addition to an Act, entitled, an Act for incorporating certain persons for the purpose of building a Bridge over *Merrimack River*, between the towns of *Haverhill* and *Bradford*, in the county of *Essex*, and for supporting the same, passed *March*, one thousand seven hundred and ninety-three: For each foot passenger, *one cent*; for each horse and rider, *one cent five mills*; for each additional rider, *one cent*; for each cart or other carriage of burthen drawn by one beast, *two cents five mills*; for each waggon, cart or other carriage of burthen drawn by two beasts, *seven cents five mills*; for each additional beast, *one cent*; for each coach, chariot, phaeton or other four wheel carriage for passengers, *seven cents*; for each curricule, *three cents*; for each horse or neat cattle, exclusive of those rode on or in carriages, *one cent*; for each sheep or swine, *five mills*; for a wheel-barrow

Additional toll.

Proviso.

wheelbarrow or hand-cart with one person, *one cent* ; for each horse and chaise, chair or sulkey, *four cents five mills* : *Provided nevertheless*, That the increase of toll granted by this Act shall and may from time to time be regulated by the Legislature of this Commonwealth at their discretion.

[This Act passed June 21, 1799.]

An ACT to set off sundry Persons from the Town of *Carver*, and annex them to the First Parish in *Middleborough*, in the County of *Plymouth*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *John Sampson, Isaac Shaw, Isaac Morse, jun. John Bryant, Joshua Perkins, and Elkanah Shaw*, inhabitants of *Middleborough*, in the county of *Plymouth*, who were formerly set off from said *Middleborough*, to the town of *Carver*, for parochial purposes only, be, and they hereby are set off from the said town of *Carver*, and again annexed to the first parish in the town of *Middleborough*, together with their polls and estates, and shall in future be considered as belonging to said first parish in *Middleborough*, to all intents and purposes, as though they never had been set off therefrom : *Provided nevertheless*, That they pay all taxes already legally assessed upon them in the same manner as though this Act had not passed.

[This Act passed June 21, 1799.]

An ACT for setting off *Cyrus Buck* and *Levi Stockwell*, and their Families, and Part of their Estates, from the Town of *Chester*, and annexing them to the Town of *Worthington*, 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 said *Cyrus Buck*, and *Levi Stockwell*, together with their families, and that part of their estates known and distinguished by lots, Number Twenty-Eight and Twenty-Nine, in the second division of lots in said town of *Chester*, be and the same are hereby set off from the said town of *Chester*, and annexed to the town of *Worthington*, there to enjoy town privileges, and to pay town charges that may arise therein : *Provided*, that the said *Cyrus* and *Levi* be held to pay their just proportion of all taxes and debts now due from the town of *Chester*, in the same manner as they would have done had this Act not have been made.

[This Act passed June 21, 1799.]

An ACT for establishing a Corporation by the Name
of *The Sixth Massachusetts Turnpike Corporation.*

WHEREAS the highway leading from *Amherst*, through *Pelham, Greenwich, Hardwick, New-Braintree, Oakham, Rutland, Holden, and Worcester*, to the great road in *Shrewsbury*, which leads from *New-York* to *Boston*, is rocky and mountainous, and the expence of making and maintaining the same, so that it may be convenient for horses and carriages, is much greater than reasonably ought to be required of the inhabitants of said towns:

SECT. I. *Be it therefore enacted by the Senate and the House of Representatives, in General Court assembled, and by the authority of the same, That Jonathan Warner, Samuel Parkman, Josiah Knapp, Edward Blake, jun. Aaron and Charles Davis, Spencer Field, Stephen Rice, William Cutler, Paul Mandell, Moses Mandell, Francis Blake, Moses White, Richard Kelly, Jonas Howe, jun. Ebenezer Mattoon, jun. Medad Dickerson, Daniel Walker, Thomas Powers, Roger West, Robert Field, Nehemiah Hinds, John Rankin, William Conkey, Isaac Abercrombie, Artemas Howe, Jesse Allen, Joseph Chadwick, Timothy Parker, Isaac Hobart, John Dodds, Jonathan Danforth, William Henry, Abner Conant, James Lawton, Seth Peirce, and Jason Mixer, and all such persons as shall be associated with them and their successors, be, and they hereby are constituted a Corporation by the name of The Sixth Massachusetts Turnpike Corporation, for the purpose of laying out and making a turnpike road from the east line of Amherst, on the county road, near William Breton's house, through said towns, to the great road in Shrewsbury aforesaid, and making the same in such place or places as the said Corporation shall choose, and for keeping the same in repair; which road or turnpike shall not be less than four rods wide, and the path for travelling not less than eighteen feet wide in any place: And that when said turnpike road shall be sufficiently made, and so approved of by a Committee appointed by the respective Courts of General Sessions of the Peace for the counties of Worcester and Hampshire, for that purpose, then the said Corporation may, and shall be authorized to erect five turnpike gates on the same, in such manner and form as the said Corporation shall judge necessary and convenient for collecting toll, one of which gates shall be near the dwelling-house of Mr. Christopher Patten, in Pelham; one other near the dwelling-house of Zephaniah Spooner, in Hardwick; one other in Oakham; one other near the dwelling-house of Daniel Bartlett, in Rutland, and the other in such place as said Corporation shall choose: And shall be entitled to receive of each traveller or passenger, at each of said gates, the following*

Additional
Acts, March 4,
1800, Nov. 15,
1800, March 4,
1805.

Preamble.

Persons associ-
ated.

Width of road.

Road to satisfy
Committee of
Courts of Sci-
fions.

Toll-gates.

Toll. following rate of toll, viz. For every coach, phaeton, chariot or other four wheel carriage, drawn by two horses, *twenty-five cents*, and if drawn by more than two horses, an additional sum of *four cents* for each horse; for every cart or waggon drawn by two oxen or horses, *twelve and a half cents*, and if drawn by more than two oxen or horses, an additional sum of *three cents* for each horse or ox; for every curricule, *sixteen cents*; for every chaise, chair or other carriage, drawn by one horse, *twelve and a half cents*; for every man and horse, *five cents*; for every sled or sleigh, drawn by two oxen or horses, *nine cents*, if drawn by more than two oxen or horses, an additional sum of *three cents* for each horse or ox; for every sled or sleigh, drawn by one horse, *six cents*; for all horses, mules, oxen or neat cattle, led or driven, besides those in teams and carriages, *one cent* each; for all sheep or swine, at the rate of *three cents* for one dozen: **Proviso.** *Provided*, That said Corporation may, if they see fit, commute the rate of toll with any person or persons, by taking of him or them a certain sum annually, to be mutually agreed on in lieu of the toll aforesaid.

Corporation may hold land. **Justices of the Sessions directed.** **Corporation to be liable for damages in taking lands.** **Penalty for delaying passengers or exacting extra toll.** **Process for recovery.** **SECT. 2.** *Be it further enacted*, That said Corporation may purchase and hold land, over which they may make said road; and the Justices of the Court of General Sessions of the Peace, in the county where said road may be, are hereby authorized, on application of said Corporation, to lay out such road, or any part thereof within their respective jurisdictions, as with the consent of said Corporation they shall think proper: And the said Corporation shall be liable to pay all damage that shall arise to any person by taking his land for such road, where the same cannot be obtained by mutual agreement, to be estimated by a Committee appointed by the said Court of General Sessions of the Peace, saving to either party the right of trial by Jury, according to the law which makes provision for the recovery of damages arising from the laying out of highways.

SECT. 3. *Be it further enacted*, That if the said Corporation, or their toll-gatherer, or others by them employed, shall unreasonably delay or hinder any traveller or passenger at either of said gates, or shall demand or receive more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *two dollars*, to be recovered before any Justice of the Peace of the county where the offence may be committed, by any person injured, delayed or defrauded, in a special action of the case; the writ in which shall be served on said Corporation by leaving a copy of the same with the Treasurer, or with some individual member of said Corporation living in the county where said action may be brought, or by reading the same to the said Treasurer or individual member, at least seven days before the day of trial:
And

And the Treasurer of said Corporation, or individual member, shall be allowed to defend the same suit in behalf of said Corporation: And the said Corporation shall be liable to pay all damages that shall happen to any person from whom the toll is demandable, for any damage which shall arise from the defect of bridges or want of repairing said ways, and shall also be liable to presentment by the Grand Jury for not keeping the same in good repair.

Corporation to be liable for damages by defects in their bridges or road.

SECT. 4. *Be it further enacted*, That if any person shall cut and break down, or otherwise destroy any of the said gates, or shall dig up or carry away any earth from said road, or in any manner damage the same, or shall forcibly pass or attempt to pass by force said gates, without having first paid the legal toll at such gate, such person shall forfeit and pay a fine not exceeding fifty dollars and not less than ten, to be recovered by the Treasurer of said Corporation to their use, in an action of trespass of the case: And if any person with a team, cattle or horses, turn out of said road to pass any of the turnpike gates aforesaid, and again enter said road, with an intent to avoid any toll established as aforesaid, such person shall forfeit and pay three times as much as the legal toll at such gate or gates established as aforesaid, to be recovered by the Treasurer aforesaid, to the use aforesaid, by an action of debt: *Provided*, That nothing within this Act shall extend to entitle the said Corporation to demand or receive toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse, team or cattle, to or from his common labour, or to or from any mill, or on the common or ordinary business of family concerns within the said town, or from any person or persons passing on military duty.

Penalty for damaging road, or forcibly passing.

Penalty for evading toll.

Provision in favour of passengers on certain occasions.

SECT. 5. *Be it further enacted*, That the shares in said road shall be taken and considered as personal estate to all intents, and shall be transferable by deed duly acknowledged before any Justice of the Peace, and recorded by the Clerk of said Corporation in a book to be kept for that purpose: And when any such share shall be attached on *mesne process*, an attested copy of such process shall be left, at the time of the attachment, with the Clerk of said Corporation, otherwise the same shall be void: And such shares may be taken and sold by execution, in the same manner as other personal estate; and the officer or judgment creditor leaving a copy of such execution, with the return thereon, with such Clerk, within fourteen days after such sale, and paying for the recording thereof, shall be deemed a sufficient transfer of the same.

Shares to be considered personal estate.

Process of attachment, &c. for debt.

SECT. 6. *Be it further enacted*, That the first meeting of said Corporation shall be holden at the house of *Jenathan Warner*, in *Hardwick* aforesaid, on the tenth day of *September* next,

First meeting.

next, at ten of the clock in the forenoon, for the purpose of choosing all such officers and establishing such rules as said Corporation may think proper.

Account of expenses to be lodged in Secretary's office. Statement of income to be submitted to Governor and Council.

SECT. 7. *Be it further enacted,* That the said Corporation shall, within six months after the said road is completed, lodge in the Secretary's office an account of the expenses thereof; and that the said Corporation shall annually exhibit to the Governor and Council a true account of the income or dividend arising from said toll, with the necessary annual disbursements on said road, and that the books of said Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, or to the inspection of the Governor and Council, when called for.

Proprietor refusing to pay taxes.

Delinquent's shares to be sold.

SECT. 8. *Be it further enacted,* That whenever any Proprietor shall neglect or refuse to pay any tax or assessment duly voted and agreed upon by the said Corporation, to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of said Corporation is hereby authorized to sell at public vendue the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray said taxes and necessary incidental charges, after duly notifying in the newspapers printed at *Worcester* and *Northampton*, and in the paper printed by the printers of the General Court in *Boston*, the sum due on any such shares, and the time and place of sale, at least thirty days previous to the time of sale; and such sale shall be sufficient transfer of such share or shares so sold to the person purchasing the same; and on producing a certificate from the Treasurer to the Clerk of said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of said Corporation, and such person shall be considered, to all intents, the Proprietor thereof; and the overplus, if any there be, shall be paid on demand by the Treasurer to the person whose shares were then sold.

Sign-board to be erected.

SECT. 9. *Be it further enacted,* That the said Corporation shall, at all places where the said toll shall be collected, erect and keep constantly exposed to view a sign or board, with the rates of toll of all the tollable articles fairly and legibly written thereon in large or capital characters.

Corporation may be sued; have a seal, &c.

— may be dissolved.

SECT. 10. *And be it further enacted,* That said Corporation may sue and be sued by said name of incorporation, and may have a common seal, and enjoy all the powers and privileges, and shall be subject to all the duties and requisitions incident to such a Corporation; and the General Court may dissolve said Corporation whenever it shall appear to their satisfaction that the income arising from said toll shall have fully compensated the said Corporation for all monies they may have expended in purchasing, repairing and taking care of the said road, together with

with an interest thereon at the rate of *twelve dollars* in the *hundred* for a year, from the time of the expenditure of the same; and thereupon the interest in said road shall vest in this Commonwealth: *Provided*, That if the said Corporation shall neglect to complete said turnpike road for the space of four years from the passing of this Act, the same shall be void and of no effect.

Time for completing turnpike limited.

[This Act passed June 22, 1799.]

An ACT in addition to an Act, entitled, an Act in addition to an Act, entitled, "An Act for incorporating certain Persons for the Purpose of building a Bridge over *Merrimack River*, in the County of *Essex*, at *Bodwel's Falls*, between *Andover* and *Methuen*, and for supporting the same, passed in the Year of our Lord, One thousand seven hundred and ninety-three.

March 19.

WHEREAS the Proprietors of *Andover* Bridge have represented to this Court the inadequate compensation they derive from the established toll, and pray for an enlargement of the rates thereof, and also for the right of said Bridge and the toll forever, as from the destruction of a great part of said Bridge, they are now called upon for additional and heavy expenditures for the repair of said Bridge:

Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the following additional rates of toll of said Bridge, be and hereby are established for the benefit of said Proprietors, viz. For each foot passenger, *one cent*; for each horse and one rider, *one cent and five mills*, and for each additional rider *one cent*; for each horse and chaise, chair or sulkey, *four cents and five mills*; for each cart, sled, or other carriage of burthen, or riding sleigh drawn by one beast, *two cents and five mills*; for each waggon, cart, sled, or other carriage of burthen, drawn by two beasts, and not exceeding four beasts, *seven cents and five mills*; and for each additional beast above four, *one cent*; for each coach, chariot, phaeton, or other four wheel carriage for passengers, *seven cents*; for each curricule, *three cents*; for each horse or neat cattle, exclusive of those rode or in carriages, *one cent*; for sheep or swine, *five mills* each; for each wheelbarrow or hand-cart, with one person, *one cent*: *Provided nevertheless*, That after the expiration of twenty-five years from the passing of the Act originally incorporating the said Proprietors, the rates of toll of said Bridge shall be subject to the regulation of the Legislature of this Commonwealth.

Additional toll.

SECT.

SECT. 2. *And be it further enacted,* That the said Bridge, and the lawful toll thereof be, and are hereby vested in said Proprietors, their heirs, successors and assigns forever, any law to the contrary notwithstanding.

[This Act passed June 22, 1798.]

Named Lisbon
Act Feb. 20,
1802.

An ACT to incorporate the westerly Part of the Town of *Bowdoin*, in the County of *Lincoln*, into a separate Town by the Name *Thompsonborough*.

Boundaries in-
corporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the westerly part of the town of *Bowdoin*, as described in the following limits, viz. Beginning at the north-west corner of the town of *Topsham*, at *Little River*, and running up said *Little River*, about one mile to what is called *Bowdoin's Road*, then running westward on said road, about eight or ten rods to a large pine tree, marked with the letter *Q*, it being the south-east corner of what is called *Whittemore's Lot*, and thence running north-north-east to the north line of said town; said line being about a centre line of the said town of *Bowdoin*, together with the inhabitants thereon, be, and hereby are incorporated into a town by the name of *Thompsonborough*, with all the powers, privileges and immunities to which towns are or may be entitled, agreeable to the Constitution and laws of this Commonwealth.

To pay propor-
tion of taxes;
support certain
poor, &c.

SECT. 2. *And be it further enacted,* That the said town of *Thompsonborough*, shall pay their proportionate part of all arrears of State, county, town or other taxes which have been already assessed, or debts due from the town of *Bowdoin*; and shall support any poor person or persons who have heretofore been or now are inhabitants of that part of the town of *Bowdoin* which is hereby incorporated, and are or may become chargeable, and who shall not have obtained a settlement elsewhere; and such poor person or persons shall be considered as paupers belonging to the town of *Thompsonborough*, and be supported accordingly.

To have a moi-
ety of the prop-
erty.

SECT. 3. *Be it further enacted,* That the said town of *Thompsonborough* shall be entitled to an equal moiety of all debts due to the town of *Bowdoin*, and of all town, parish, or school lands, or any other public property which belonged to the town of *Bowdoin*, prior to the passing of this Act: *Provided also,* That until another valuation shall be taken, the future State and county taxes laid on said town, shall be assessed and paid in equal moieties, according to the last valuation of the town of *Bowdoin*.

SECT.

SECT. 4. *Be it further enacted, That Ezekiel Thompson, Esq.* be, and he is hereby authorized to issue a warrant directed to some suitable inhabitant of the said town of *Thompsonborough*, requiring him to notify and warn the inhabitants thereof, to meet at some convenient time and place, to choose such officers as towns in this Commonwealth are entitled to choose in the months of *March* or *April*, annually.

First meeting.

[This Act passed *June 22, 1799.*]

An ACT to set off *Noah Fuller* from the first Precinct in *Rehoboth*, to the second Precinct in said Town.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Noah Fuller, with his family, and that part of his estate which now lies within the first precinct in Rehoboth, be, and he hereby is set off from said first precinct, and annexed to the second precinct in said town, there to do parochial and precinct duty and receive privileges: Provided, That the said Noah shall pay to the said first precinct all taxes now lawfully assessed on him, in the same manner as he would have been holden to do had not this Act passed.

[This Act passed *June 22, 1799.*]

An ACT to incorporate a Number of the Inhabitants of the Towns of *Canaan, Clinton* and *Fairfield*, in the County of *Kennebeck*, into a distinct Religious Society, by the Name of *The Clinton Baptist Society.*

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Mephibosheth Cain, Elder Joseph Spearen, John Spearen, John Spearen, jun. John Burrell, Dean Wyman, Asa Pratt, James Pratt, John Shaw, Philip Wing, David Kimbal, James Goodwin, George Fitzgerald, Stephen Goodwin, Miles Goodwin, David Kendal, William Spearen, Frederick Jakins, David Pratt, Robert Hood, Solomon Wheeden, Nathaniel Burrell, Christopher Webb, William Carson, Levi Powers, Ephraim Carson, John Hood, Levi Powers, jun. William Steward, jun. Butler Lombard, Joseph Mills, John Fowler, Samuel Varnum, Philip Powers, John Noble, Matthew Chase, Benjamin Noble, jun. David Pearson, Joseph Towns, John Mendall, Jonathan Steward, James Webb, Elam Pratt, Levi Emery, Ziba Burrell, Varnum Chase, Ezekiel Chase, Reuben Wyman, Daniel Goodwin, Benjamin Spearen, Isaac Lawrence, Francis Powers, Daniel Oaks, James Steward, Mordecai Moors, and Hemond Atwood, the members of a religious Society,*

Members' names.

ty,

Corporate
name.

ty, together with their polls and estates, be, and they hereby are incorporated by the name of *The Clinton Baptist Society*, with all the privileges, powers and immunities to which parishes are by law entitled in this Commonwealth.

How to be-
come a mem-
ber.

SECT. 2. *And be it further enacted*, That any person in either of the towns of *Canaan, Clinton and Fairfield* aforesaid, being of the Baptist denomination of Christians, who may at any time hereafter actually become a member of, and unite in their religious worship with the said *Clinton Society*, and give in his or her name to the Clerk of the town or parish to which he or she belongs, with a certificate signed by the Minister or Clerk of said Society, that he or she has actually become a member of, and united in religious worship with the said Society in *Clinton* aforesaid, fourteen days previous to the town or parish meetings therein, to be held in the months of *March* or *April* annually, shall, from and after giving such certificate, with his or her polls and estates, be considered as a member of said Society: *Provided however*, That such person shall first pay his proportion of all money assessed in the town or parish to which he or she belonged previous to that time.

Proviso.

How to leave
the Society.

SECT. 3. *And be it further enacted*, That when any member of said Baptist Society shall see cause to leave the same, and unite in religious worship with any other religious Society, and shall give in his or her name to the Clerk of the said Baptist religious Society, with a certificate signed by the Minister or Clerk of the parish, or other incorporated religious Society with which he or she may unite, that he or she has actually become a member of, and united in religious worship with such other parish, or other incorporate religious Society, fourteen days previous to their meeting in *March* or *April*, and shall pay his or her proportion of all money assessed in said Society previous thereto, such person shall, from and after giving such certificate, with his or her polls and estates, be considered as members of the Society to which he or she has so united.

First meeting.

SECT. 4. *And be it further enacted*, That *Nathaniel Dummer*, Esq. be, and he is hereby authorized to issue his warrant, directed to some member of said Society, requiring him to notify all the members thereof qualified to vote in parish affairs, to assemble at some suitable time and place in said town of *Clinton*, to choose such officers as parishes are by law required to choose in the months of *March* or *April* annually, and to transact all other matters and things necessary to be done in said Society. [This Act passed *June 22, 1799.*]

An ACT in addition to an Act establishing the *Williamstown Turnpike Corporation*. March 1, 1799.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That when the turnpike road provided for in the Act to which this is an addition shall be allowed and approved by the Justices of the Court of Sessions of the county of *Berkshire*, at any term thereof, then the said Corporation shall be authorized to erect two turnpike gates on the same, in such manner and at such places as the said Court shall direct; and that at each of said gates the Corporation shall be entitled to receive from each traveller and passenger the same rate of toll as is provided in the Act aforesaid. Two gates allowed, with toll.

[This Act passed June 22, 1799.]

An ACT to encourage the Establishment of a Cotton Mill in the Town of *Rehoboth*.

WHEREAS *Samuel Slater* has petitioned this Legislature, stating his intention to establish a Cotton Mill in the town of *Rehoboth*, in this Commonwealth, and praying an exemption from taxation for a certain time:

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all buildings which may be erected in said town for the purpose of a Cotton Mill, together with the materials and stock employed in the manufacture of cotton, be, and they are hereby exempted from taxes of every kind during the term of seven years from the first day of April next. Mill exempted from taxes.

[This Act passed June 22, 1799.]

An ACT to incorporate a Religious Society by the Name of *The Episcopal Parish in Marblehead*.

SECT. I. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Proprietors of the appropriated pews in the church usually called *St. Michael's Church in Marblehead*, in the county of *Essex*, shall be, and they hereby are incorporated; and they and all who shall become Proprietors of the pews aforesaid, or in any other building which shall be provided and maintained by the same religious Society for their public worship, shall be, and continue a Body Politic and Corporate, by the name of *The Episcopal Parish in Marblehead*, and Proprietors of the pews incorporated.

and by that name may sue and be sued, and shall be capable to take and hold any real and personal estate, and by their wardens and vestry, and any other their officers or agents, to manage, sell, transfer and dispose of the same according to the rules and regulations which shall be established by the said parish: And the said Corporation shall have a common seal whereby their grants, and all other their acts and proceedings may be made or certified, and which seal they may alter and renew at their discretion: *Provided*, That the real estate of the said Corporation, besides their church and church-yard, shall not exceed the sum of *one thousand dollars* annual income or value: *And provided*, That no sale or disposal of any part of their real estate shall be valid, unless their Minister if any, and two-thirds at least of the members for the time being, of the said parish, shall concur therein.

Common seal allowed.

Restriction relative to estate.

Certain estate explicitly vested in the Society.

Proviso.

Officers to be chosen, and rules, &c. established.

SECT. 2. *And be it further enacted*, That the building called *St. Michael's Church*, with the yard thereof, and the messuage in the occupation of the Rev. *William Harris*, present Minister of the said church, situate in *Marblehead* aforesaid, and all other the real estate of the said religious Society, and their personal estate now lawfully possessed or claimed by them, shall be, and hereby are vested in the said Episcopal Parish in *Marblehead*: Saving that the appropriated pews of the said church shall remain to the individual owners as heretofore: *And provided*, That the said Episcopal Parish, and the estates and property hereby vested in them, shall be and continue answerable and liable for all and singular the debts, contracts and duties of the Proprietors of the said church, called *St. Michael's*, and of the lands and glebe belonging therewith.

SECT. 3. *And be it further enacted*, That the said parish at their first meeting, which shall be convened pursuant to this Act, and again on the Easter Monday next following; and afterwards annually on the Easter Monday of every year, or at any adjournments of those meetings respectively, shall and may appoint two or more Church Wardens, and five or more Vestry-men, a Treasurer and Recording Clerk, and such other officers as they shall think necessary for the management of their concerns, to continue until others shall be chosen in their place; and at any such meeting may supply the vacancy of any office, and may establish suitable by-laws and rules for the government of the said Corporation, and to determine the manner in which their annual and all other meetings shall be notified and convened, and the forms of proceeding and voting thereat, and the respective authorities and duties of their officers and agents.

SECT. 4. *And be it further enacted*, That at such first meeting and afterwards at each annual meeting, or at any adjournment

ment

ment of the same respectively, the said parish may make and order reasonable taxes and assessments for the support of their Minister and public worship, and the preservation and improvement of their church, glebe and estate; and may direct the same to be levied either upon the appropriated pews of their church, or partly upon such pews, and partly upon the owners thereof, and upon the occupants of any other pews of the said church, who shall usually attend public worship therein according to the rateable ability of such owners and occupants: And for the purpose of such assessment upon the pews, there shall be a valuation of the same according to size and situation, to be taken and occasionally revised, as the said parish shall direct; and the sum to be levied thereon, shall be apportioned according to the valuation of the appropriated pews, at the time such assessment shall be voted, which apportionment shall be made by the Wardens and Vestry for the time being of the said parish.

Taxes to be ordered for support of the minister, &c.

SECT. 5. *And be it further enacted,* That whenever a part of such annual assessment shall be agreed and voted to be levied upon the owners and occupants of pews according to their rateable ability, they shall be estimated therefor, and the same shall be apportioned by the Wardens and Vestry of the said parish, according to the estimate of the same persons, their poll excepted, in the assessment of any public tax which shall have been made in the said town, next preceding the vote for such parish assessment: And no error, by the enumeration of occupants not liable, or the neglect of occupants liable, shall vitiate or annul such assessment, in respect to those persons who shall be otherwise duly assessed.

Rateability how to be estimated.

SECT. 6. *And be it further enacted,* That the apportionment of every assessment which shall be voted by the said parish, shall be recorded by their Clerk, and by him shall be certified to their Treasurer, who shall thereupon notify the same by posting a copy thereof at the door of their church, and after the expiration of six months from such notice, every assessment not paid may be demanded of the party liable therefor, either personally or by a note thereof in writing, to be left at his or her usual abode; and after one month therefrom, if such assessment shall remain unpaid, the pew liable therefor may be taken by the said Wardens and Vestry, as forfeited to the said parish, and may be sold for the payment of all arrears, as they shall agree and direct: And the part of such assessment, if any, which shall be upon any owner or occupant of a pew as aforesaid, and liable therefor, which shall remain unpaid after notice as aforesaid, shall be recoverable by the said parish as their proper debt, and they may sue for the same accordingly.

Assessment to be recorded & certified.

Pews, assessments on which shall not be paid, may be seized.

SECT.

Persons not liable for taxes in certain case.

SECT. 7. *Provided, and be it further enacted,* That whenever any Proprietor as aforesaid shall, in writing to be delivered to either of the Wardens, or to the recording Clerk of the said parish, surrender to them his or her pew, or other interest in the Church, and whenever any occupant shall in like manner notify that he withdraws from the said parish, such Proprietor or occupant shall not be personally liable in any assessment which shall be afterwards voted by the said parish, unless their connexion with the same shall be renewed.

First meeting.

SECT. 8. *And be it further enacted,* That the first meeting of the said parish may be convened by virtue of the warrant of any Justice of the Peace in the said county, directed to any principal member of the said Corporation, and appointing a suitable time when such meeting shall be holden at the said Church: And the same shall be notified by posting a copy of the warrant at the door of the said Church, and at one other public place in the said town, fifteen days, at the least, previous to the said meeting.

[This Act passed *June 22, 1799.*]

Additional Act, March 4, 1805.

An ACT to regulate the Paving of Streets in the Town of *Boston*, and for removing Obstructions in the same.

Foot-walk to be one-sixth of the street's width, & how paved.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all streets shall hereafter be paved in the town of *Boston* agreeable to the following regulations, viz. The foot-path or walk on each side of every street shall be of the breadth of one-sixth part of the width of the whole street; and shall be laid or paved with bricks or flat stones, and secured with a beam or cut stone along the outside thereof: And the middle or remaining four-sixths of every street shall remain as a passage-way for carriages of burthen or pleasure; and shall have a gutter on each side thereof, or otherwise as the surveyors of highways in the said town shall determine, and shall be paved with good and sufficient paving stones: *Provided always,* That if in any street so to be paved the sides shall not exactly range, the gutter, or outside of the foot-walk shall be laid out as nearly in a straight line as the street will admit of: And in all squares and other large open spaces, and in all streets, the breadth of which shall not conform to this law, the breadth of the foot-walk, and the ascent and descent, and the crowning of the pavement in every street, shall be regulated by the surveyors of highways.

Provision for squares & narrow streets.

SECT. 2. *And be it further enacted,* That where the cart-way in any public street shall be hereafter ordered to be paved,

paved, every owner of the lot or lots of ground upon such street shall, without delay, at his own cost, cause the foot-way in front of his ground to be paved with bricks or flat stones, and supported by timber or hewn stones, and kept in repair; the same to be done under the direction of, and to the approbation of the surveyors of highways: And if the owner or owners of such lots shall neglect to pave with bricks or flat stones, and to support the foot-way, for the space of twenty days after he or the tenant of such lot, or the attorney of the said owner or owners shall have been thereto required by any of the surveyors of highways, then it shall be lawful for the said surveyors of highways, and they are hereby enjoined and required to pave the said foot-ways with brick or flat stones, and to support and to defend the same, and to repair the same, and shall recover the whole amount thereof by action of the case, to be brought by the surveyors of highways, before any Court proper to try the same: *Provided nevertheless*, That in all cases where applications may be made for new paving of streets, any individuals who may be affected thereby, may make their objections to the Selectmen, or surveyors of highways, who are directed to take them into consideration while deliberating on the expediency of said application, and to pave the same at the expence of said town wherever they shall think it expedient: *Provided also*, That where there are any vacant lots of land in any such streets, the surveyors of highways may, at their discretion, allow the owner or owners thereof to cover the foot-path with planks, which shall be removed, and the brick or flat stone pavement shall be completed whenever it may become necessary in the judgment of said surveyors.

Foot-walk to be paved when the cart-way is.

Case of owners neglecting to pave.

Provision for aggrieved individuals.

Planks may be used before vacant lots.

Selectmen empowered to widen streets, &c.

SECT. 3. *And be it further enacted*, That the Selectmen of the said town of *Boston*, for the time being, whenever in their opinion the safety and convenience of the inhabitants of said town shall require it, shall be, and they hereby are empowered to lay out or widen any street, lane or alley of said town, and for that purpose to remove any building or buildings of what nature soever; and the owner or owners of such building shall be entitled to receive compensation for the damages which he or they may sustain by such removal, which damages shall be ascertained, determined and recovered in the way and manner pointed out in the Act of this Commonwealth, entitled, "An Act directing the method of laying out highways."

SECT. 4. *And be it further enacted*, That no canopy, balcony, platform of cellar-door, or step in any street, lane or alley, in the town of *Boston*, shall project into such street more than one tenth part of the width of the street, and in no case more than three feet; and all cellar doors hereafter to be made or repaired, shall be built with upright cheeks, and shall not project from the line of the house more than six inches: And

if

Balconies, cellar doors, &c. regulated.

if any proprietor or owner of any such canopy, balcony, platform, or cellar door, or steps, shall refuse or neglect to remove or take down the same, within five days after notice and direction given him or them by the surveyors of highways, or any person empowered by them to that purpose, such owner or proprietor shall forfeit and pay the sum of *two dollars*, for each and every day the same shall remain after the expiration of the said five days.

SECT. 5. *And be it further enacted,* That no post shall be erected or set in any of the streets of the said town of *Boston*, except at the corners or intersection of two streets, and in such other places as the surveyors of highways may authorize and direct, and the said surveyors may remove the same: And no person shall plant any tree in any street in the said town of *Boston*, without leave first obtained from the surveyors of highways, who shall have power to remove the same: And if any person shall drive any horse or cart, or any wheel carriage of burthen or pleasure, or wheel any wheel-barrow on the foot-walk of any street in said town of *Boston*, such person shall forfeit and pay the sum of *one dollar* for every such offence, to be recovered by action of debt, in the name of the surveyors of highways, before any Justice of the Peace in the county of *Suffolk*: And no person shall in future make, erect or have any portico or porch, any bow-window, or other window, which shall project into the streets of the said town of *Boston*, more than one foot beyond the front of his or her house; or hang any sign, or any goods, wares or merchandize, which shall project into the street more than one foot beyond the front of his or her house or lot: And if any person shall hereafter offend against this provision, every person so offending, shall forfeit and pay the sum of *one dollar* for each and every day such portico or porch, bow-window or other window shall be continued, after notice given to him by the surveyors of highways, or by any person by them authorized to that purpose.

Posts and trees not to be put in streets without consent of the surveyors of highways.

Penalty for wheeling barrows, &c. on foot-walk.

Direction respecting bow-windows, &c.

Merchandize not to be placed in the streets.

SECT. 6. *And be it further enacted,* That if any person or persons shall continue to place in the street, contrary to the meaning of this Act, any goods, wares or merchandizes, it shall be lawful for the surveyors of highways of the said town of *Boston*, or any person empowered by them, to remove such goods, wares and merchandizes, and to keep them in safe custody; and the proprietor or owner of such goods, wares and merchandize, shall not have the same goods restored, until he or they shall have paid to the person or persons so removing them, all expenses of removing and storing them, and a reasonable compensation for the time so employed in their removal, as well as the fine aforesaid: And if any person shall place or pile any empty boxes, barrels, hogheads, or other conveniency capable of containing goods or merchandize,

merchandise, or that may have contained goods or merchandise, in any part of the streets of the said town of *Boston*, more than five minutes after notice given to remove the same, such person shall forfeit and pay the sum of *two dollars*, for each and every such offence, to be recovered by action of debt, by the surveyors of highways, before any Justice of the Peace in the said county.

SECT. 7. *And be it further enacted*, That if any driver, owner or person having the ordering or care of any cart, waggon, stage or hackney-coach, stage-waggon, or other carriage new or old, finished or unfinished, shall suffer the same to be and remain in any street, lane or alley of the said town, more than one hour after the same shall have first been placed there, unless by the permission of the surveyors of highways, every such owner, driver or person having the care or ordering of such carriage as aforesaid, shall forfeit and pay the sum of *one dollar*, for each and every such offence, to be recovered as above directed: *Provided nevertheless*, That no prosecution shall be commenced against any driver of any cart or waggon coming from the country, unless by the particular direction and order of the Selectmen.

Carriages not to be left in the streets.

Proviso in favour of countrymen.

SECT. 8. *And be it further enacted*, That all the forfeitures and fines which may be recovered in pursuance of this Act, shall go and be distributed, one moiety thereof to the poor of the town of *Boston*, and the other moiety to the surveyors of highways.

Disposal of fines.

[This Act passed June 22, 1799.]

An ACT in addition to an Act, entitled, "An Act for the Preservation of the Fish called Salmon, Shad and Alewives, in the Rivers, Streams and Waters within the Counties of *Lincoln* and *Cumberland*," and for repealing all other Laws heretofore made for that Purpose, so far as respects their Operation in the said Counties.

March 1, 1798.
March 1, 1800.

WHEREAS since the passing the Act aforesaid the said county of *Lincoln* has been divided, and the northerly part thereof erected into a county by the name of *Kennebeck*, and doubts have arisen whether the same Act now operates in said county of *Kennebeck*: Therefore,

Preamble.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing this Act, the law aforesaid, to which this is an addition, shall have the same force and operation in the said county of *Kennebeck*, as it now has in the county of *Lincoln*.

The law extended to Kennebeck county.

[This Act passed January 16, 1800.]

An

An ACT to set off *Thomas Locke*, from the Town of *Burlington*, and annex him to the Town of *Lexington*.

Description of
estate set off
from Burling-
ton.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Thomas Locke, with his family, and his real estate following, to wit: Beginning at a black oak tree marked, on the north-easterly side of the new road, so called; thence south thirty-six degrees east, to Woburn line; thence by said Woburn line south-easterly, to Lexington line; thence by said Lexington line northerly, to Vine Brook, so called, near the fulling mill; thence down stream said brook, and through the mill pond, to a pine tree marked, standing near the north-westerly corner of said mill; thence south forty-six degrees east, to the first bounds, be, and he hereby is set off from the town of Burlington, and annexed to the town of Lexington, in the county of Middlesex, with all the privileges and subject to all the duties of other inhabitants of said town of Lexington: Provided nevertheless, That the said Thomas Locke shall be holden to pay all taxes already assessed against him and his said estate in the town of Burlington afore said, and also all State taxes until a new State valuation shall be taken, in the same way and manner as he was before passing this Act holden to pay the same; any thing in this Act to the contrary notwithstanding.

Provision ref-
pecting taxes.

[This Act passed January 20, 1800.]

June 22, 1793.
Feb. 28, 1795.
June 25, 1798.

An ACT in addition to several Acts passed respecting the *Middlesex Canal*.

Preamble.

WHEREAS the Proprietors of the *Middlesex Canal* have in their petition set forth, that from a reservation in the Acts already passed in their favour, the Government has a right to regulate the toll of goods carried on the Canal anew after the expiration of forty years, from which reservation great discouragements and embarrassments have resulted in the execution of that project: Therefore,

Toll perpetua-
ted.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the toll of one sixteenth part of a dollar for each ton carried one mile on the same Canal, be established to the said Proprietors and their successors forever; any reservations in the Acts afore said, or either of them, respecting the same, to the contrary notwithstanding.

[This Act passed January 25, 1800.]

An

An ACT authorizing the Proprietors of the Episcopal Church in *Newburyport*, to appoint an Agent to convey certain Real Estate.

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 Episcopal Church in *Newburyport*, at any legal meeting hereafter to be held, may, by a vote of the majority then present, appoint an agent, with powers to transfer and convey to such persons as the said Proprietors shall think proper, the building now occupied by them for the upholding of public worship, together with so much of the Proprietors' land under and adjoining the same, as shall be covered by a new Church, which such purchasers may cause to be erected; and that the deed of such agent, duly executed and acknowledged, shall be sufficient in law to convey the title of all the present Proprietors to the said building and land, in as full and ample a manner as if executed by the said Proprietors individually: *Provided*, That this Act shall be published three weeks successively, in the newspaper printed at *Newburyport*; and that nothing herein contained shall affect the rights of any such of the said present Proprietors as shall, within three months after such publication, deliver his, her or their dissent in writing to such sale to the Clerk of the said Proprietors.

Agent to be appointed to transfer property.

Provide.

[This Act passed *January 25, 1800.*]

An ACT to incorporate a Number of the Inhabitants of the Town of *Winthrop*, in the County of *Kennebeck*, into a Religious Society by the Name of *The First Congregational Society in Winthrop*.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Samuel Wood, Joseph Metcalf, Nathaniel Fairbanks, Nathaniel Smith, Moses Frost, Nathaniel Morton, John Candler, jun. Micah Barrows, Reuben Brainard, Noah Morrill, Isaac Smith, Jonathan Whiting, Jonathan Whiting, jun. James Prescott, Solomon Esby, John White, John Kezer, Henry Wood, Enoch Wood, Joseph Mathews, Barzillai Delano, Adin Stanley, Simon Page, Simon Page, jun. Odlin Prescott, Elijah Wood, Sampson Davis, Jonathan Pullen, Peter Gale, John Cole, Josiah Cushman, Benjamin Read, Livy Morton, Ebenezer Morton, Charles Harris, Ebenezer More, Jenness Fowle, Amos Stevens, Amos Stevens, jun. Daniel Stevens, Unite Brown, William Brown, Jonas Stevens, William Stevens, Ebenezer Davenport, Elijah Davenport,*

Amos

Persons incorporated.

Amos Perley, Samuel Morril, Jonathan Currier, John Turner, James Atkinson, Solomon Fowle, David Chandler, John Streeter, Jonathan Thurston, Richard Gorver, Zebediab Sweet, Peleg Benson, Henry Stanley, Josiah Bacon, Moses Joy, Peter Stanley, Solomon Stanley, Thomas Ladd, Nathaniel Fellowes, Jeremiah Brown, Andrew Wood, Nathaniel Marston, Jonathan Hillard, John May, Silas Lambert, William Pullen, Mordecai Morton, Gideon Lambert, Moses Wood, Jesse Sweet, Nathan Richmond, Daniel Marrow, jun. Jonathan Pullen, jun. Josiah Tilton, Isaac Shaw, James Pullen, Elijah Prescott, Ebenezer Barrows, John Pullen, Liberty Stanley, Obed Leach, Abiel Smith, Squire Bishop, and Stephen Pullen, together with their polls and estates, be, and they are hereby incorporated into a Society by the name of *The First Congregational Society in Winthrop*, with all the privileges, powers and immunities, to which parishes are by law entitled in this Commonwealth.

Corporate
name.

SECT. 2. *Be it further enacted*, That any person in the said town of *Winthrop* who may at any time hereafter actually become a member of and unite in religious worship with the said First Congregational Society, and give in his or her name to the Town-Clerk of said *Winthrop*, with a certificate signed by the Minister or Clerk of said Society, that he or she has actually become a member of and united in religious worship with the said Society in *Winthrop*, fourteen days previous to the town-meeting therein to be held in the month of *March* or *April* annually, shall, from and after giving such certificate, with his or her polls and estates, be considered as a member of said Society.

How to become
a member.

SECT. 3. *And be it further enacted*, That *Samuel Wood, Esq.* be, and he hereby is authorized to issue his warrant, directed to some member of said Society, requesting him to notify all the members thereof, qualified to vote in parish affairs, to assemble at some suitable time and place in said town of *Winthrop*, to choose such officers as parishes are by law required to choose in the month of *March* or *April* annually, and to transact all other matters and things necessary to be done in said Society.

First meeting.

[This Act passed *January 31, 1800.*]

An ACT in addition to an Act, entitled, "An Act for incorporating certain Persons for the Purpose of building a Bridge over *Connecticut River*, in the County of *Hampshire*, and for supporting the same."

June 18, 1796.

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

and by the Act, the title whereof is above recited, be, and hereby is authorized and permitted to erect a Bridge over *Connecticut River*, at any suitable place between *Cos's Island* and the mouth of *Deerfield River*, instead of being limited in the erection of such Bridge to the place expressed and provided in the said Act to which this is in addition; any thing in the beforementioned Act to the contrary notwithstanding; under the same rules, regulations, rights, liberties, duties and restrictions in every other respect, as are provided, granted and allowed in the Act aforesaid; excepting that the said Corporation are hereby allowed the further and additional time of one year from the first day of *May*, in the year of our Lord one thousand eight hundred and one, to erect the Bridge aforesaid.

Restriction re-
voked.

SECT. 2. *And be it further enacted*, That the shares in the said Bridge shall be taken, deemed and considered as personal estate to all intents and purposes; and the mode of transferring said shares shall be by deed acknowledged before any Justice of the Peace, and recorded by the Clerk of the said Corporation in a book to be kept for that purpose; and when any of said shares shall be attached on *mesne process*, an attested copy of such process shall, at the time of the attachment, be left with the Clerk of the said Corporation; and the officer making the service shall certify on such copy whose and how many shares he shall have attached by virtue of the writ to him directed; otherwise such attachment shall be void: And the share or shares of any Proprietor may be sold on execution, in the same manner as is or may be by law provided for the sale of personal property by execution; the officer making the sale, or the judgment creditor, leaving a copy of the execution and of the officer's return on the same with the Clerk of the said Corporation, within ten days after such sale, and paying for the recording of the same.

Shares declared
personal estate.
Mode of trans-
fer and attach-
ment.

[This Act passed February 4, 1800.]

An ACT to alter the Appropriation of the Sum of *Two Hundred Pounds* per Annum, made by an Act passed in the Year One thousand seven hundred and ninety-six, entitled, "An Act to alter the Appropriation of the Sum of *Two Hundred Pounds* payable annually by the Proprietors of *West-Boston Bridge* to the *University of Harvard College*."

Feb. 27.

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

Conditional
discretionary
power given.

dred pounds per annum, made by an Act, passed in the year of our Lord one thousand seven hundred and ninety-six, entitled, "An Act to alter the appropriation of the sum of two hundred pounds payable annually by the Proprietors of West-Boston Bridge to the University of Harvard College," be so far altered, as that the President and Fellows, with the approbation of the Overseers of the said College, shall have a discretionary power to apply the said sum, or any part thereof, to the support of one or two permanent Tutors in the said University, as the funds and the interest of the said College shall in their opinion require.

SECT. 2. *And be it further enacted, That the said permanent Tutor or Tutors shall and may be displaced for inability, insanity, or any other incapacity, or for any other just and reasonable cause, at the discretion of the said President and Fellows, with the consent and approbation of the Overseers of the said College.*

[This Act passed February 6, 1800.]

Ninth section
repealed, June
5, 1800.
Additional Act,
June 14, 1804.

AN ACT to incorporate *Hugh McLellan*, and others, into a Company by the Name of *The Maine Fire and Marine Insurance Company*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Hugh McLellan, and others, and all such persons as have already, or hereafter shall become Stockholders in said Company, being citizens of the United States, be, and hereby are incorporated into a Company and Body Politic, by the name of The Maine Fire and Marine Insurance Company, for and during the term of twenty years after the passing of this Act; and by that name may sue and be sued, plead or be impleaded, appear, prosecute and defend to final judgment and execution, and have a common seal, which they may alter at pleasure; and may purchase, hold and convey any estate, real or personal, for the use of said Company, subject to the restrictions hereinafter mentioned.*

Corporate
name.

Shares.

SECT. 2. *Be it further enacted, That a share in the capital stock of the said Company shall be one hundred dollars; and the number of shares shall not be less than one thousand, nor more than six thousand: And if the said number of shares are not already filled, subscriptions shall be kept open, under the inspection of the President and Directors of the said Company, until the same shall be filled; and the whole capital stock, estate or property, which the said Company shall be authorized to hold, shall never exceed six hundred thousand dollars, exclusive*

Capital.

of

of premium notes or profits arising from said business; of which capital stock or property, *twenty thousand dollars* only shall be invested in real estate.

SECT. 3. *Be it further enacted*, That the stock, property, affairs and concerns of the said Company shall be managed and conducted by nine Directors, one of whom shall be the President thereof, who shall hold their offices for one year, and until others shall be chosen, and no longer; which Directors shall, at the time of their election, be Stockholders and citizens of this Commonwealth, and shall be elected on the first Tuesday in *January*, in each and every year, at such times of the day, and at such place in the town of *Portland*, as a majority of the Directors for the time being shall appoint; of which election public notice shall be given in at least two of the newspapers printed in the town of *Portland*, and continued for the space of twenty days immediately preceding such election: And such election shall be holden under the inspection of three Stockholders, not being Directors, to be appointed previous to every election by the Directors, and shall be made by ballot by a majority of votes of the Stockholders present, allowing one vote to each share in the capital stock; *provided*, that no Stockholder shall be allowed more than thirty votes: And the Stockholders not present may vote by proxy, under such regulations as the said Company shall prescribe: And in case of any unavoidable accident, the said Directors should not be chosen on the said first Tuesday in *January* as aforesaid, it shall be lawful to choose them on another day, in manner herein prescribed.

SECT. 4. *Be it further enacted*, That the Directors, so chosen, shall meet as soon as may be, after every election, and shall choose out of their body one person to be President, who shall preside for one year, and be sworn faithfully to discharge the duties of his office; and in case of the death, resignation or inability to serve of the President or any Director, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a special election for that purpose, to be held in the same manner as is herein before directed, respecting annual elections for Directors and President.

SECT. 5. *Be it further enacted*, That the President and four of the Directors, (or five of the Directors in the absence of the President,) shall be a Board competent to transact business; and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, 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

tion of Directors, and all such matters as appertain to the business of insurance; and shall also have power to appoint a Secretary and so many Clerks and servants for carrying on the said business, and with such salaries and allowances to them and to the President, as to the said Board shall seem meet: *Provided*, That such by-laws, rules and regulations shall not be repugnant to the Constitution or laws of this Commonwealth.

Directors' meetings. SECT. 6. *Be it further enacted*, That there shall be stated meetings of the Directors, at least once in every month, and as often within each month as the President and Board of Directors shall deem proper: And the President and a Committee of three of the Directors, to be by him appointed in rotation, shall assemble daily, if need be, for the dispatch of business; and the said Board of Directors, and the Committee aforesaid, at and during the pleasure of the said Board, shall have power and authority, on behalf of the Company, to make insurance upon vessels, freight and goods, and against captivity of persons, and on the life of any person during his absence by sea, and in cases of money lent upon *bottomry* and *respondentia*, and are also authorized to make insurance on any mansion-house or other building, and on the goods and property therein contained, within this Commonwealth, against damage arising to the same by fire, originating in any cause except that of design in the insured; and to fix the premiums and terms of payment; and all policies of insurance by them made, shall be subscribed by the President, or in case of his death, sickness, inability, or absence, by any two of the Directors, and countersigned by the Secretary, and shall be binding and obligatory upon the said Company, and have the like effect and force as if under the seal of said Company; and the assured may thereupon maintain an action upon the case against the said Company; and all losses duly arising under any policy, so subscribed, may be adjusted and settled by the President and Board of Directors, and the same shall be binding on the Company.

What to be insured. SECT. 7. *Be it further enacted*, That it shall be the duty of the Directors, on the second Tuesday of *June* and *December*, in every year, to make dividends of so much of the interest arising from the capital stock, and the profits of the said Company, as to them shall appear adviseable; but the monies received and notes taken for premiums on risks, which shall be undetermined and outstanding at the time of making such dividends, shall not be considered as part of the profits of the Company; and in case of any loss or losses, whereby the capital stock of the Company shall be lessened, each Proprietor's or Stockholder's estate shall be held accountable for the deficiency that may be due on his share or shares at the time of said loss or losses taking place, to be paid in to the said Company by assessments, or such

Policies.

Dividends.

Case of capital stock being lessened.

such other mode, and at such time or times as the Directors shall order ; and no subsequent dividend shall be made until a sum equal to such diminution shall have been added to the capital ; and that once in every two years, and oftener, if required by a majority of votes of the Stockholders, the Directors shall lay before the Stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends.

Statement to Stockholders.

SECT. 8. *Be it further enacted,* That the said Company shall not, directly nor indirectly, deal or trade in buying or selling any goods, wares, merchandize or commodities whatsoever ; and the capital stock of said Company, after being collected at each instalment, shall, within one hundred and twenty days, be invested, either in the funded debt of the *United States*, or of this Commonwealth, or in the stock of the *United States Bank*, or of any incorporated Bank in this Commonwealth, at the discretion of the President and Directors of said Company, or of other officers which the Proprietors shall for such purpose appoint.

Disposition of capital stock.

SECT. 9. *Be it further enacted,* That *twenty dollars* on each share in said Company shall be paid within sixty days after the first meeting of the said Company, and the remaining sum due on each share, within five years afterwards, at such equal instalments, and under such penalties as the said Company shall direct ; and no transfer of any share in said Company shall be permitted or be valid until all the instalments on such share shall have been paid.

Payment of instalments regulated.

SECT. 10. *Be it further enacted,* That no person being either singly or as partner with one or more persons, a member of any other Company, carrying on the business of fire and marine insurance, shall be eligible as a Director of the Company by this Act established.

Persons ineligible as Directors.

SECT. 11. *Be it further enacted,* That the property of any member of said Company, vested in the stock of said Company, shall be liable to attachment, and to the payment and satisfaction of his just debts to any of his *bona fide* creditors, in manner following, to wit : In addition to the summons by law prescribed to be left with the defendant, a like summons shall be left with the Secretary of said Company ; and the debtors' shares in the said Company's funds, together with the interest and profits due, or growing due thereon, or so much thereof as shall be sufficient, shall thereby be held to respond said suit according to law ; and all transfers of the debtors' shares, not noted in the books of the Company, previous to the delivery of such summons, shall be barred thereby, and execution may be levied upon the property of any Stockholder in said Company, and his share or shares therein exposed to sale in the same manner as is by law prescribed where personal estate is taken in execution ; and

Shares liable to attachment.

it

it shall be the duty of the officer who extends such execution to leave an attested copy thereof, with his doings thereon, with the Secretary of said Company; and the purchasers shall thereupon be entitled to the reception of all dividends and stocks which the debtor was previously entitled to: And upon any attachment being made, or execution levied on any shares in said Company, it shall be the duty of the Secretary of said Company to expose the books of the Company to the officer, and to furnish him with a certificate under his hand, in his official capacity, ascertaining the number of shares the debtor holds in said Company, and the amount of the dividends due thereon.

Private estates
liable in certain
case.

SECT. 12. *Be it further enacted*, That in case of any loss or losses taking place, that shall be equal to the amount of the capital stock of the said Company; and the President or Directors, after knowing of such loss or losses taking place, shall subscribe to any policy of insurance, their estates jointly and severally shall be accountable for the amount of any and every loss that shall take place under policies thus subscribed.

Yearly publi-
cation of stock,
&c.

SECT. 13. *Be it further enacted*, That the President and Directors of said Company shall, previous to their subscribing to any policy, and once in every year after, publish in two newspapers printed in *Portland*, the amount of their stock, against what risk they mean to insure, and the largest sum they mean to take on any one risk.

Statement to be
made when re-
quired.

SECT. 14. *Be it further enacted*, That the President and Directors of said Company shall, when and as often as required by the Legislature of this Commonwealth, lay before them a statement of the affairs of said Company, and submit to an examination concerning the same, under oath.

First meeting.

SECT. 15. *And be it further enacted*, That *Hugh McLellan*, *Arthur McLellan*, and *Daniel Tucker*, are hereby authorized to call a meeting of the members of said Company, as soon as may be, in *Portland*, by advertising the same for the three weeks successively in two of the newspapers printed in said town, for the purpose of electing the first Board of Directors, who shall continue in office until the first Tuesday of *January* next following.

[This Act passed *February 7*, 1800.]

An ACT to enable the Proprietors of a certain Piece of rough Salt Marsh situate in the Town of *Rowley*, in the County of *Essex*, to make and maintain a Dike, for the better improving the same.

Proprietors.

WHEREAS *Thomas Migbill*, *Nathaniel Gage*, *Moses Richards*, *John Gage*, *Humphry Hobson*, *John Scott*, *Samuel Lancaster*, *Nelson Todd*, *Edward Sanders*, *Mark Cresley*, *Nathaniel Bradstreet*, *Jenathan Lambert*, *Jacob Pickard, jun.* *Thomas Gage*,

Gage, Apphia Lambert, and Jacob Jewett, Proprietors of a tract of rough marsh in Rowley, containing about seventy-nine acres, lying within the lines hereafter described, viz. Bounding south-erly on the road leading to the Stackyard in part, and in part on the Stackyard Islands; easterly on marshes of Joseph Scarl, Moses Richards, Jonathan Chaplin, and Thomas Migbill, Esq.; northerly on the Far-division Islands, so called, and marsh of Humphry Hobson; westerly in part on one of the Far-division Islands, in part on marsh of Nathaniel Gage, and in part on up-land known by the name of East-Marshfield, to the bounds first mentioned, having requested the General Court to authorize them to make a Dike, for the purpose of preventing said marsh from being flowed by salt water, and it appearing to this Court that improvements might thereby be made in said marsh which would be beneficial to the Proprietors as well as to the public:

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Proprietors for the time being, of the marsh aforesaid, be, and they hereby are authorized and empowered, from time to time, to raise by an assessment or tax to be levied on all the Proprietors of said marsh lying within the Dike to be made as aforesaid, according to the interest they severally shall have therein, such sum or sums for defraying the charges of making and maintaining said Dike as shall be agreed upon by the said Proprietors, or the major part of such of them as shall be assembled at any legal meeting to be called for that purpose; the meetings of the said Proprietors to be called and conducted in the same manner as is provided for calling and conducting Proprietors' meetings, by an Act, entitled, "An Act for the better managing lands, wharves and other real estate lying in common." And the said Proprietors are hereby authorized and empowered, at any legal meeting thereof, to choose all such officers as may be necessary for managing the business aforesaid, in the same manner as is provided for the choice of officers in the Act aforesaid.

SECT. 2. *Be it further enacted by the authority aforesaid,* That if any of the Proprietors of the said marsh shall refuse or neglect to pay the sum or sums of money duly assessed on him, for the space of six months after such assessment shall have been shewn him, or a copy thereof left at his usual place of abode, then the said Proprietors, for the purpose of collecting the monies in such assessment, are hereby fully empowered, from time to time, at public vendue, to sell and convey so much of such delinquent Proprietor's part of said marsh as will be sufficient to pay and satisfy the sum or sums assessed upon such delinquent Proprietor as aforesaid, and all reasonable charges attending such sales, to any person that will give most for the same;

Proviso.

same; notice of such sale and the time, and place thereof being given by posting an advertisement thereof in some public place in the town of *Roxley*, six weeks before the time of such sale; and the said Proprietors may, by their Clerk, or by a Committee chosen for that purpose, execute a good deed or deeds of conveyance of the part of the said marsh so sold unto the purchaser thereof, to hold in fee simple: *Provided nevertheless*, That the Proprietor or Proprietors whose part or share shall be sold as aforesaid, shall have liberty to redeem the same at any time within one year after such sale, by paying the sum such part or share sold for, and charges, together with the sum of *six dollars* for every *hundred dollars* produced by such sale, and so in proportion for a greater or less sum.

General au-
thority given.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the said Proprietors are hereby empowered to order and manage all affairs relative to the making and maintaining of the Dike aforesaid, in such way and manner as shall be concluded and agreed on by the major part of those who are therein interested, present at a legal meeting; the votes to be collected according to the interest of the said Proprietors.

[This Act passed *February 13, 1800.*]

An ACT to incorporate the Plantation heretofore called *New Pennycook*, in the County of *Cumberland*, into a Town by the Name of *Rumford*.

Boundaries.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the plantation heretofore known by the name of *New Pennycook*, in the county of *Cumberland*, and as described in the following bounds, together with the inhabitants thereon, be, and hereby are incorporated into a town by the name of *Rumford*: Beginning at a hemlock tree standing on the line of the town of *Bethel*; thence running north eighteen degrees and an half west, crossing the river *Ameriscoggin*, seven miles and forty rods to a spruce tree; then turning and running north, seventy-one and an half degrees east, seven miles and forty rods to a beach tree; then turning and running eighteen and an half degrees east, crossing *Ameriscoggin River* again, seven miles and forty rods to another beach tree; then turning and running south seventy-one degrees and an half degree west, seven miles and forty rods to the bound first mentioned: And the said town are hereby vested with all the powers, privileges and immunities, which other towns do or may enjoy by the Constitution and laws of this Commonwealth.

SECT.

SECT. 2. *And be it further enacted*, That *Job Eastman*, Esq. be, and hereby is authorized to issue his warrant, directed to some suitable inhabitant of the said town, requiring him to notify and warn the inhabitants thereof to meet at such time and place as he shall appoint, to choose all such officers as towns are by law required to choose in the months of *March* or *April* annually.

First meeting.

[This Act passed *February 21, 1800.*]

An ACT to incorporate the Plantation called Number Two, lying on the east side of *Penobscot River*, into a Town by the Name of *Orland*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the plantation called Number Two, in the County of *Hancock*, lying on the east side of *Penobscot River*, as described within the following boundaries, together with the inhabitants thereon, be, and hereby are incorporated into a town by the name of *Orland*: Beginning at the north-west corner of the town of *Penobscot*, on the eastern shore of *Eastern River*, at the mouth, thence running north seventy-nine degrees east, eight miles and one hundred and twenty rods to the north-east corner of the said town of *Penobscot*, and the northern line of the township Number Six; thence north thirty-six degrees east, on the line of the said Number Six, to the south-west corner of the township Number Seven, (incorporated the present session, by the name of *Ellsworth*) three miles and fifty rods; thence north twenty-six degrees west, six miles and forty rods, on the northern line of said *Ellsworth* to the south-east corner of *Buckston*; thence south fifty-two degrees west, on the south side of *Buckston* to *Eastern River*, so called; thence down said river as it runs, to a stake on the marsh in *Duck Cove*, on the north side of said river; thence south fifty-two degrees and one half west, on said south side of *Buckston* to the *Thoroughfare*, so called; thence down said *Thoroughfare* and *Eastern River*, by *Große's Point*, to the first mentioned bound: And the said town is hereby vested with all the powers, privileges and immunities which other towns do, or may be entitled to enjoy, by the Constitution and laws of this Commonwealth.

Boundaries:

SECT. 2. *And be it further enacted*, That *Oliver Leonard*, Esq. is hereby authorized to issue his warrant, directed to some suitable inhabitant of said town of *Orland*, requiring him to notify and warn the inhabitants thereof, qualified to vote in

First meeting.

town

town affairs, to meet at such time and place as shall be expressed in his said warrant, to choose all such town officers as towns are by law required to choose in the month of *March* or *April* annually.

[This Act passed *February* 21, 1800.]

Additional
Acts, June 10,
1800, March
14, 1805.

An ACT for establishing a Corporation by the Name
of *The Eighth Massachusetts Turnpike Corporation.*

Preamble.

WHEREAS the highway leading from the east line of the town of *Russell*, in the county of *Hampshire*, through the said towns of *Russell*, *Blandford*, *Norwich* and *Chester*, in the said county of *Hampshire*, and *Becket*, *Washington* and *Dalton*, to the south line of the town of *Pittsfield*, in the county of *Berkshire*, is rocky and mountainous, and the expense of straightening, making and repairing the same through the said towns, so that the same may be conveniently travelled with horses and carriages, is much greater than reasonably ought to be required of said towns:

Persons incor-
porated.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Joseph Stebbins, James S. Dwight, George Blifs, Zebina Stebbins, Alexander Blifs, William Smith, Jeremiah Wadsworth, John Caldwell, John Morgan, Joseph Hart, Christopher Leffingwell, Justin Ely, Pelatiah Blifs, Jeremiah Stebbins, Jonathan Smith, Samuel Mather, Warham Parks, William Shepard, James Taylor, Zachariah Busb, Asbel Eager, Adnah Sacket, Israel Ashley, Noah Phelps, Titus Doolittle, Reuben Parks, Daniel Falley, David Mack, James Gilman, Oliver Busb, Elias Leonard, James Harris, Hiram Messenger, Henry Vanschaach, Moses Riggsbee, Azariah Eggleston, Seth Lathrop, Samuel Lathrop, Silas King, William Pynchon, Samuel Lyman, Horace White, Heman Day, John Hooker, John Ingersoll, Elijah Bates, William King, Samuel Fowler, and all such persons as shall be associated with them and their successors, be, and they hereby are constituted a Corporation by the name of *The Eighth Massachusetts Turnpike Corporation*, and shall by that name sue and be sued, and shall have a common seal, and enjoy all the privileges and powers which are by law incident to Corporations, for the purpose of laying out and making a turnpike road; to begin at the line between the towns of *Westfield* and *Russell*, in the road near *Westfield River*, on the south side thereof; thence to run by said river, through parts of the towns of *Russell* and *Blandford*, to *Falley's store*; thence by the west branch, so called, of the same river, through parts of the towns of *Blandford* and *Chester*, to the house of *Elias Leonard*; thence by the road commonly called govern-*

Corporate
name.

Road prescribed.

ment

ment road, into *Becket*; the turnpike to vary from said government road, so as to connect with that from *Blandford* to *Pittsfield*, either above or below the meeting-house in said *Becket*, as, upon admeasurement and actual experiment, shall be found nearest and best calculated for a durable road; thence by the usual road from *Becket* meeting-house to *Pittsfield* line, with such variation only therefrom as the nature of the ground, and the avoidance of hills difficult and dangerous of passage shall require, and making the same in such place or places as the said Corporation shall choose, and for keeping the same in repair; which road shall not be less than four rods wide, and the path to be travelled in not less than eighteen feet wide in any place: And that when the said turnpike road shall be sufficiently made, and approved of by a Committee appointed by the Court of General Sessions of the Peace for the respective counties of *Hampshire* and *Berkshire*, for that purpose, then the said Corporation shall be authorized to erect three turnpike gates on the same, in such manner as the said Committee shall judge necessary and convenient for collecting the toll, and shall be entitled to receive of each traveller or passenger, at each of the said gates, the following rate of toll, viz. For every coach, phaeton, chariot or other four wheel carriage, drawn by two horses, *twenty-five cents*, and if drawn by more than two horses, an additional sum of *four cents* for each horse; for every cart or waggon drawn by two oxen or horses, *ten cents*, and if drawn by more than two oxen or horses, an additional sum of *three cents* for each ox or horse; for every curricule, *twelve cents and five milles*; for every chaise, chair or other carriage, drawn by one horse, *twelve cents and five milles*; for every man and horse, *five cents*; for every sled or sleigh, drawn by two oxen or horses, *seven cents*, if drawn by more than two oxen or horses, an additional sum of *two cents* for each ox or horse; for every sled or sleigh, drawn by one horse, *five cents*; for all horses, mules, oxen or neat cattle, led or driven, besides those in teams and carriages, *one cent* each; for all sheep or swine, at the rate of *three cents* per dozen: *Provided*, That the said Corporation may, if they see fit, commute the rate of toll with any person, or with the inhabitants of any town through which the said road passes, by taking of him or them a certain sum annually, to be mutually agreed on, in lieu of the toll aforesaid. Toll.

SECT. 2. *And be it further enacted*, That the said Corporation may purchase and hold land, over which they may make said road; and the Justices of the Court of General Sessions of the Peace, in the county where the said road is, are hereby authorized, on application of said Corporation, to lay out said road, or any part thereof within their respective jurisdictions, as with the consent of said Corporation they shall think proper: Court of Sessions to lay out road.

And

Persons whose
lands are tak-
en to be com-
pensated.

And the said Corporation shall be liable to pay all damages that shall arise to any person by taking his land for such road, when the same cannot be obtained by voluntary agreement, to be estimated by a Committee appointed by the Court of General Sessions of the Peace, in the county where such damage shall arise, saving to either party the right of trial by Jury, according to the law which makes provision for the recovery of damages arising from the laying out of highways.

Penalty for de-
laying passen-
gers.

SECT. 3. *And be it further enacted,* That if the said Corporation, their toll-gatherers, or others in their employ, shall unreasonably delay or hinder any traveller or passenger at said gates, or shall demand or receive more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *one dollar*, to be recovered before any Justice of the Peace of the county where the offence shall be committed, by any person injured, delayed or defrauded, in a special action of the case; the writ in which shall be served on said Corporation by leaving a copy of the same with the Treasurer, or any individual member, at least seven days before the day of trial: And the Treasurer of said Corporation, or any individual member, shall be allowed to defend the same suit in behalf of the said Corporation: And the said Corporation shall be liable to pay all damages that shall happen to any person from whom the toll is demandable, from defect of bridges or want of repairs in said way, and shall also be liable to presentment by the Grand Jury for not keeping the same way in repair.

Case of damage
by badness of
road.

SECT. 4. *And be it further enacted,* That if any person shall cut, break down, or otherwise destroy any of said turnpike gates, or shall dig up or carry away any earth from said road, or in any manner damage the same, or shall forcibly pass or attempt to pass by force the said gate, without having first paid the legal toll at such gate, such person shall forfeit and pay a fine not exceeding *forty dollars* nor less than *two dollars*, to be recovered by the Treasurer of said Corporation to their use, in an action of trespass on the case: And if any person with his team, cart or horse, turn out of said road to pass any of the turnpike gates, and again enter the said road, with an intent to evade the toll due by virtue of this Act, such person shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the Treasurer of said Corporation, to the use of the same, in an action of debt or the case: *Provided,* That nothing in this Act shall extend to entitle the said Corporation to demand and receive toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse, team or cattle, to or from his common labour on his farm, or to or from any grist-mill, or on the common or ordinary

Penalty for e-
vading toll.

Proviso.

ordinary business of family concerns within the same town, or from any person or persons passing on military duty.

SECT. 5. *And be it further enacted*, That the shares in the said turnpike road shall be taken, deemed and considered to be personal estate to all intents and purposes, and shall and may be transferable; and the mode of transferring said shares shall be by deed acknowledged before any Justice of the Peace, and recorded by the Clerk of the Corporation in a book to be kept for that purpose: And when any share shall be attached on *mesne process*, an attested copy of such process shall, at the time of the attachment, be left with the Clerk of the Corporation, otherwise the attachment shall be void; and such shares may be sold on execution, in the same manner as is or may by law be provided for making sale of personal property on execution; the officer making the sale, or the judgment creditor leaving a copy of the execution, and the officer's return on the same, with the Clerk of the said Corporation, within fourteen days after such sale, and paying for recording the same, shall be deemed and considered as a sufficient transfer of such share or shares in the said turnpike road.

Shares considered personal estate.

Manner of attachment.

SECT. 6. *And be it further enacted*, That the said Corporation is hereby empowered to grant monies to such persons as rendered services to the Proprietors in exploring the rout of the turnpike road, or otherwise, previous to the Act of incorporation.

Affiliants to be compensated.

SECT. 7. *And be it further enacted*, That a meeting of the said Corporation shall be held at the house of *Titus Doolittle*, innholder in *Russell*, on the first Tuesday of *April* next, at ten of the clock in the forenoon, for the purpose of choosing a Clerk, who shall be sworn to the faithful discharge of the duties of said office, and such other officers as may then and there be agreed on by said Corporation: And said Corporation may then and there establish such rules and regulations as they shall judge necessary, *provided* the same are not repugnant to the laws of this Commonwealth, for regulating the concerns thereof; and the said Corporation may then and there agree upon such method of calling meetings in future as they shall judge proper.

First meeting.

And business.

SECT. 8. *And be it further enacted*, That the said Corporation shall, within six months after the said road is completed, lodge in the Secretary's office an account of the expenses thereof; and shall also annually exhibit to the Governor and Council a true account of the income or dividend arising from the said toll, with their necessary annual disbursements on said road.

Account of expenses to be exhibited.

SECT. 9. *And be it further enacted*, That if any person shall draw any log, tree or stick of timber on or over said turnpike road, except in the months of *January* or *February*, unless such log, tree or stick of timber is loaded on a cart or sled, or one end

Drawing of timber, &c.

end thereof is raised on a sled, cart or other suitable carriage, he shall forfeit and pay to the said Corporation *three dollars* for every log, tree or stick of timber so drawn, to be recovered by action of debt.

Case of Proprietors refusing to pay assessments.

SECT. 10. *And be it further enacted*, That when any Proprietor shall neglect or refuse to pay any tax or assessment duly voted and agreed upon by the Corporation, to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of said Corporation is hereby authorized to sell at public vendue the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray said taxes and the necessary incidental charges, after duly notifying in the newspapers printed in *Springfield* and *Pittsfield*, the sum due on any such shares, and the time and place of sale, at least twenty days previous to the time of sale; and such sale shall be a sufficient transfer of the share or shares so sold to the person or persons purchasing; and on producing a certificate of such sale from the Treasurer to the Clerk of said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of the said Corporation, and such person shall be considered, to all intents and purposes, the Proprietor thereof; and the overplus, if any there be, shall be paid on demand by the Treasurer to the person whose share was thus sold.

Sign-board to be erected.

SECT. 11. *And be it further enacted*, That the said Corporation shall, at the place where the said toll shall be collected, erect and keep constantly exposed to view a sign or board, with the rates of toll and all the tollable articles fairly and legibly written thereon in large or capital characters.

Corporation may be dissolved.

SECT. 12. *And be it further enacted*, That the General Court may dissolve said Corporation, whenever it shall appear to their satisfaction that the income arising from said toll shall have fully compensated the said Corporation for all monies they may have expended in exploring, purchasing, taking care of and repairing the said road, together with an interest thereon at the rate of *twelve per centum* by the year; and thereupon the property of the said road shall be vested in this Commonwealth and be at their disposal: *Provided*, That if the said Corporation shall neglect to complete the said turnpike road for the space of five years from the passing of this Act, the same shall become void and of no effect.

Proviso.

[This Act passed February 24, 1800.]

An ACT for incorporating the Owners of certain Meadow Lands, in the Town of *Orleans*, in the County of *Barnstable*, for the Purpose of managing the same as a Common and General Field.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all that tract of meadow land in said *Orleans*, lying within the following bounds, viz. Bounded north-erly by *Eastham* line, easterly by the *Atlantic Ocean*, southerly by the line which may be established between the said *Orleans* and *Chatham*, and westerly by the channel which at high water parts the main land and *Pocha Island* from said meadow land, *Beach Creek*, *Cole's Creek*, and the channel that leads from the *Bass Hole*, so called, to said *Chatham* line, be, and are hereby incorporated into a common and general field: And the Proprietors of the said meadow lands, lying within said bounds, their heirs and assigns, are hereby vested with all the rights, powers and privileges with which the Proprietors of common and general fields are now by law vested. Boundaries in-
corporated.

SECT. 2. *And be it further enacted,* That *Simeon Kingman*, Esq. be, and he hereby is empowered, on application made to him in writing and subscribed by five of the Proprietors afore-said, to issue his warrant to some one of the Subscribers, directing him to warn said Proprietors to meet at the time, place, and for the purposes mentioned in the application. First meeting.

[This Act passed February 25, 1800.]

An ACT for the Preservation of the Fish called *Bass*, in *Dunston River*, in *Scarborough*, in the County of *Cumberland*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this Act, no person shall take any *bass* in *Dunston River*, so called, in *Scarborough*, or any of its respective branches, or any inlets from the sea, or near any of the shores comprehended within the eastern and western boundary lines of the towns aforesaid, by the use of any seine, drag-net, or any other net or implement whatever, the hook only excepted; and every person offending in any of these respects, shall, upon due conviction, forfeit and pay the sum of *fifteen dollars* for every such offence; and also shall forfeit all the implements, of whatever description they may be, used in taking the said fish as aforesaid. The prohibi-
tion.

SECT.

Fish-Wardens
to be chosen.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the inhabitants of *Scarborough*, at a town meeting to be held in the month of *March* or *April* annually, at the time of choosing other town officers, be, and they hereby are authorized and directed to choose three suitable persons as Fish-Wardens, to see that the foregoing law is carried into full effect, who shall be sworn to the faithful discharge of their duty; and the said Wardens or any of them shall have full power and authority to go on the land of any person, which may border on said river, its respective branches, or any of the shores aforesaid, without being considered as guilty of trespass; and any person who shall hinder or obstruct said Wardens, or any of them, either in crossing such lands or executing any part of the business by this Act assigned them, shall forfeit and pay for every such offence a sum not exceeding *ten dollars*, nor less than *five dollars*, to be recovered in any Court proper to try the same: And said Wardens, or any of them, may recover all penalties which shall arise or become due for any breach of this Act, either upon action of debt or information; one moiety of the penalty to accrue to the person giving information of the offence, and the other moiety to be paid into the hands of the Town-Treasurer for the use of the poor of said town.

Penalty for ob-
structing them.

Recovery of
penalties.

[This Act passed *February 25, 1800.*]

An ACT for allowing the Proprietors of the Upper Locks and Canals on *Connecticut River*, in the County of *Hampshire*, a further Time for completing their Works.

Further time
allowed.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a further time of two years from the passing of this Act, be, and hereby is allowed to said Proprietors to complete their works for rendering said river passable for boats and other craft, between the mouth of *Deerfield River* and the head of *Miller's Falls*, so called; any thing in the original Act respecting the same to the contrary notwithstanding.

[This Act passed *February 25, 1800.*]

Additional
Acts, June 10,
1800, Feb. 28,
1801.

An ACT establishing the *Ninth Massachusetts Turnpike Corporation.*

Preamble.

WHEREAS the highway leading from the line of *Thompson*, in the State of *Connecticut*, where it adjoins this Commonwealth, toward the town of *Boston*, is rocky and hilly, and

and the expenſe of ſtraightening, making and repairing the ſame through the towns of *Douglafs, Unbridge, Mendon, and Bellingham*, ſo that the ſame may be convenient for travellers with horſes and carriages, would be much greater than ought to be required of the ſaid towns; and whereas *Benjamin Read* and others petitioned this Court, that a turnpike may be granted for making and repairing the ſame :

SECT. 1. *Be it therefore enacted by the Senate and Houſe of Representatives, in General Court aſſembled, and by the authority of the ſame, That Phillip Ammidon, Benjamin Read, Aaron Marſh, James Mellen, Moſes Whitney, Samuel Willard, Benjamin Adams, Paul Dudley, Benjamin Craggin, John Miller, David Farnum, jun. Adolpbuſ Spring, Samuel Read, John Capron, Aſa Thayer, Job Knap, Seth White, Timothy Craggin, Ephraim Spring, Peter White, Frederick Taft, Daniel Carpenter, Daniel Tillinghaſt and Company, Iſrael Aldrich, John Whiting, Daniel Day, Benjamin Thayer, Abijah Keith, Benjamin Wood, Obadiah Wood, Seth Rawſon, Ezekiel Wood, Aſa White, Abel Aldrich, Benjamin Thwing, Benjamin Thwing, jun. Stephen Williams, Joel Sibley, Joſeph Riet, Benjamin Legg, Benjamin Thayer, 2d. Amory Wood, and all ſuch perſons as ſhall be aſſociated with them and their ſucceſſors, ſhall be a Corporation by the name of *The Ninth Maſſachuſetts Turnpike Corporation*, and ſhall by that name ſitè and be ſued, and enjoy all the privileges and powers which are by law incident to Corporations, for the purpoſe of laying out and making a turnpike road from the end of the turnpike road in *Thompson*, in the State of *Connecticut*, where it adjoins the line of this Commonwealth in the town of *Douglafs*, in the county of *Worceſter*, to the eaſt line of the town of *Bellingham*, in the county of *Norfolk*, and for keeping the ſame in repair in ſuch place or places as the ſaid Corporation ſhall chooſe for the ſame; which road ſhall not be leſs than four rods wide, and the part to be travelled on not leſs than eighteen feet in width in any place: And that when ſaid turnpike road ſhall be ſufficiently made, and ſhall be ſo allowed and approved by the Juſtices of the General Seſſions of the Peace for the county of *Worceſter*, at any term thereof, then the ſaid Corporation ſhall be authorized to erect two turnpike gates on the ſame, in ſuch manner as ſhall be neceſſary and convenient; one of which gates ſhall be near the houſe of Doct. *John Scammel* in *Bellingham*, eaſterly of the road that leads from *Taunton* to *Worceſter*, and the other gate a little weſt of the meeting-houſe in ſaid *Douglafs*, and ſhall be entitled to receive from each traveller and paſſenger, at each of ſaid gates, the following rates of toll, to wit: For every coach, phaeton, chariot, or other four wheel carriage, drawn by two horſes, *twenty-five cents*,—and if drawn*

Perſons incor-
porated.Corporate
name.

Width of road.

Turnpike
gates.

Toll.

by

by more than two horses an additional sum of *four cents* for each horse; for every curricule, *twenty cents*; for every cart, waggon, sled or sleigh, drawn by two horses or oxen, *ten cents*,— and if drawn by more than two an additional sum of *three cents* for every such horse or ox; for every chaise, chair, or other carriage, drawn by one horse, *nine cents*; for every man and horse, *four cents*; for all oxen, horses, mules and neat cattle, led or driven, besides those in teams and carriages, *two cents* each; for all sheep and swine, *three cents* by the dozen,— and in that proportion for a greater or less number: *Provided*, That nothing in this Act shall extend to entitle the said Corporation to demand toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse or team to or from any mill, or with his horse, team or cattle to or from his common labour on his farm, or on the common and ordinary business of family concerns within the same towns, or any person passing on military duty.

Previse.

Sign-board.

SECT. 2. *And be it further enacted*, That the said Corporation shall, at each place where the toll shall be collected, erect and keep constantly exposed to view, a sign or board, with the rates of toll of all the tollable articles fairly and legibly written thereon, in large or capital letters.

Court of Sessions authorized.

SECT. 3. *And be it further enacted*, That the said Corporation may purchase and hold land over which they may make the said road; and the Justices of the Court of General Sessions of the Peace in such county are hereby authorized, on application from the said Corporation, to lay out such road, or any part thereof, within their respective jurisdictions, as, with the consent of the said Corporation, they may deem proper; and the said Corporation shall be holden to pay all damages which shall arise to any person by taking his land for such road, where it cannot be obtained by voluntary agreement, to be estimated by a Committee appointed by the Court of General Sessions of the Peace in the county in which such damage shall arise, saving to either party the right of trial by jury, according to the law which makes provision for the recovery of damages happening by laying out public highways.

Penalty for forcibly passing the gates.

SECT. 4. *And be it further enacted*, That if any person shall cut, break down or destroy either of the turnpike gates, or shall forcibly pass, or attempt by force to pass the same, without having first paid the legal toll at such gate, such person shall forfeit and pay a fine not exceeding *fifty dollars*, nor less than *two dollars*, to be recovered by the Treasurer of the said Corporation to their use, in an action of trespass: And if any person shall, with his cattle, team, carriage, or horse, turn out of the said road to pass either of the said turnpike gates on ground adjacent thereto, and again enter on said road, with intent

intent to avoid the toll due by virtue of this Act, such person shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the Treasurer of said Corporation to the use thereof, in an action of debt.

SECT. 5. *And be it further enacted,* That if the said Corporation, their toll-gatherers or others in their employ, shall unreasonably delay or hinder any traveller or passenger at either of the said gates, or shall demand and receive more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding *ten dollars*, nor less than *one dollar*, to be recovered before any Justice of the Peace of the county where the offence shall be committed, by any person injured, delayed or defrauded, in a special action on the case; the writ in which shall be served on the Corporation by leaving a copy of the same with the Treasurer, or with some individual member of the Corporation living within the county where the offence shall be committed, or by reading the contents thereof to the said Treasurer or individual member, at least seven days before the day of trial; and the Treasurer of the said Corporation or an individual member, shall be allowed to defend the same suit in behalf of the Corporation; and the Corporation shall be liable to pay all damages which shall happen to any person from whom toll is by this Act demandable, for any damages which shall arise from defect of bridges, or want of repairs within the same way, and shall be also liable to a fine on the presentment of the Grand Jury, for not keeping the same way or the bridges thereon in good repair.

— for delaying passengers, or demanding excessive toll.

Persons damaged by defect of bridges, &c. to be indemnified.

SECT. 6. *And be it further enacted,* That the shares in the same turnpike road shall be taken, deemed and considered to be personal estate to all intents and purposes; and shall and may be transferable; and the mode of transferring said shares shall be by deed acknowledged before any Justice of the Peace and recorded by the Clerk of the said Corporation, in a book to be kept for that purpose; and when any of the said shares shall be attached on *mesne process*, an attested copy of such process shall, at the time of the attachment, be left with the Clerk of the said Corporation, otherwise such attachment shall be void: And such shares may be sold on execution, in the same manner as is or may by law be provided for the sale of personal property by execution, the officer making sale, or the judgment creditor, leaving a copy of the execution, and of the officer's return on the same, with the Clerk of the said Corporation within ten days after such sale, and paying for the recording of the same.

Shares considered personal estate, transferable and liable to attachment.

SECT. 7. *And be it further enacted,* That every Proprietor in the said turnpike road, or his agent duly authorized in writing, shall have a right to vote in all meetings of the said Corporation, and be entitled to as many votes as the Proprietor has

Voting regulated.

has

has shares in the same; *provided* his number of shares do not exceed ten; but no Proprietor shall be entitled to more than ten votes for any greater number of shares he may possess.

Delinquent
Proprietor's
shares to be
sold.

SECT. 8. *And be it further enacted,* That whenever any Proprietor shall neglect or refuse to pay any tax or assessment, duly voted and agreed upon by the Corporation, to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of the said Corporation is hereby authorized to sell at public vendue, the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray said taxes and necessary incidental charges, after duly notifying in the newspapers printed at *Dedham*, the sum due on any such shares, and the time and place of sale, at least twenty days previous to the time of sale; and such sale shall be a transfer of the share or shares so sold to the person purchasing, and on producing a certificate of such sale from the Treasurer to the Clerk of said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of the said Corporation; and such person shall be considered to all intents and purposes the Proprietor thereof; and the overplus, if any there be, shall be paid on demand by the Treasurer to the person whose shares were thus sold.

First meeting
directed.

SECT. 9. *And be it further enacted,* That a meeting of the said Corporation shall be held at the house of *John Miller* and *Jesse Fuller*, innholders in *Mendon*, on the third Tuesday of *March* next, for the purpose of choosing a Clerk, who shall be sworn to the faithful discharge of his trust, and such other officers as may then and there be agreed upon by the said Corporation for regulating the concerns thereof, and that the said Corporation may then and there agree upon such method of calling meetings in future as they may judge proper.

Return of ex-
penses ordered.

SECT. 10. *And be it further enacted,* That the said Corporation shall, within six months after the said road is completed, lodge in the Secretary's office an account of the expenses thereof, and that the said Corporation shall annually exhibit to the Governor and Council a true account of the income or dividend arising from the toll, with their necessary annual disbursements on said road; and that the books of the said Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, or to the inspection of the Governor and Council, when called for.

The books may
be inspected.

Corporation
may be dissolv-
ed in certain
cases.

SECT. 11. *And be it further enacted,* That the General Court may dissolve said Corporation whenever it shall appear to their satisfaction, that the income arising from the toll shall have fully compensated the said Corporation for all monies they may have expended in purchasing, repairing and taking care of the said road, together with an interest thereon at the rate of *twelve per centum* by the year; and thereupon the property of the said road shall be vested in this Commonwealth, and

and be at their disposal : *Provided*, That if the said Corporation shall neglect to complete the said turnpike road for the space of three years from the passing this Act, the same shall be void and of no effect.

[This Act passed *February 25, 1800.*]

An ACT for dividing the Second Parish in the Town of *West-Springfield*, in the County of *Hampshire*, into two Parishes.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the second parish in the town of *West-Springfield*, in the county of *Hampshire*, be, and hereby is divided into two separate parishes by a line between the inward and outward common, so called, beginning at *Suffield* line, and running north on said common line to the monument, or north-east corner of the outward common aforesaid, then running north forty degrees west, to *Agawam River*.

Line of division.

SECT. 2. *Be it further enacted*, That the new parish created by this Act, which is the westwardly part of said second parish, shall be known by the name of *The Fourth Parish in West-Springfield*, and that all lands liable to pay taxes within the said parishes, shall be held and taxed within the parish where they shall lie, although the owner may live in the other.

Corporate name.

SECT. 3. *Be it further enacted*, That all taxes, legally assessed on the polls and estates of the inhabitants of the said second parish, and now uncollected, shall be paid to the Treasurer of the said second parish, and with all other monies now in the Treasury, and all other property now belonging to said second parish, shall be divided between the said second and fourth parishes, according to the sum they severally paid in the last State tax.

Direction respecting uncollected taxes.

SECT. 4. *Be it further enacted*, That the said fourth parish is hereby vested with all the powers, privileges, rights and immunities with which other parishes in this Commonwealth are invested.

Parish privileges.

SECT. 5. *And be it further enacted*, That *Justin Ely*, Esq. be, and he is hereby empowered to issue his warrant, directed to some suitable inhabitant of said fourth parish, requiring him to notify and warn the inhabitants of said parish, to meet at such time and place in said parish as shall be appointed in said warrant, and then and there to choose such officers as may be necessary to manage the affairs of said parish : And the inhabitants qualified by law to vote at said meeting, being so assembled, shall be, and hereby are empowered to choose such officers accordingly.

Provision for first meeting.

[This Act passed *February 26, 1800.*]

An

An ACT to incorporate the Plantation Number Seven, lying on both Sides of *Union River*, in the County of *Hancock*, into a Town by the Name of *Ellsworth*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the plantation numbered Seven, lying on both sides of *Union River*, as described in the following boundaries, viz. Beginning at *Union River*, at the north-easterly corner of township Number Six, and bounded thereby; thence running north sixty degrees, west six miles, to a corner; thence running north eighteen degrees, west five miles and one-quarter, to a corner, being on the line of township Number Two, (incorporated the present session by the name of *Orland*;) thence easterly on township Number Eight, nine miles, to a corner; thence south, by Number Fourteen and Number Eight in the lottery townships, nine miles, to the north line of *Trenton*; thence west, by said *Trenton* line, two miles, to *Union River*; thence up said river, and bounding thereon, one mile and three-quarters, to the place of beginning, together with the inhabitants thereon, be, and hereby is incorporated into a town by the name of *Ellsworth*; and the said town is hereby vested with all the powers, privileges and immunities which other towns do or may enjoy by the Constitution and laws of this Commonwealth: *Provided*, That the inhabitants of said plantation shall be holden to pay to the town of *Trenton* their proportion of all taxes voted by said town of *Trenton*, together with all State and county taxes apportioned on the said town of *Trenton*, before the passing of this Act.

SECT. 2. *Be it further enacted,* That *Theodore Jones*, Esq. be, and hereby is empowered to issue his warrant, directed to some suitable inhabitant of said town, requiring him to warn the inhabitants thereof to meet at such time and place as he shall therein appoint, to choose all such officers as towns are by law required to choose in the month of *March* or *April* annually.

[This Act passed February 26, 1800.]

An ACT in addition to the Act incorporating fundry Persons by the Name of *The Proprietors of the Locks and Canals on Connecticut River*, and the other Acts since passed respecting the same.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the real estate heretofore purchased by the said

Boundaries.

Provision respecting taxes.

First meeting.

Feb. 23, 1792.

faid Proprietors, and which is conveyed to them by deed, be, and hereby is confirmed to them and their successors forever; any doubts respecting their authority to purchase and hold the same, by virtue of the original Act of their incorporation, notwithstanding.

SECT. 2. *Be it further enacted by the authority aforesaid,* That the said Proprietors be, and hereby are authorized and empowered to purchase and hold other real estate beside that which is wholly occupied by their Canals, Locks, and necessary appendages to the same; and all real estate by them owned to lease, sell and convey, or otherwise dispose of as the said Proprietors shall think proper: *Provided,* That the clear annual income of such real estate which has been or shall be purchased by them, does not at any time exceed *five thousand dollars*, exclusive of the toll received by them on boats, rafts and other floats passing through said Locks and Canals.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said Proprietors be, and hereby are authorized to demand and have on all boats, and loading therein, rafts and other floats, of any and every kind, as specified in the said original Act, of the person owning or conducting the same, which only pass up or down that part of said river lying between the mouth of *Chicopee River* and the foot of the *Great Falls* in said river, near *Lamb's Landing*, so called, in *South-Hadley*, one third of the toll they are authorized to demand and have on all boats, and loading therein, rafts and other floats, passing through the whole of their works between the mouth of said *Chicopee River* and the mouth of *Stoney Brook*, so called, in *South-Hadley*, by virtue of the said original Act of their incorporation.

[This Act passed February 26, 1800.]

An ACT to incorporate a Number of the Inhabitants of the Towns of *Ashfield* and *Buckland*, in the County of *Hampshire*, into a Religious Society, by the Name of *The United Baptist Church and Society in Ashfield and Buckland*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Enos Smith, Josiah Drake, Jehiel Drake, Ephraim Jennings, Aaron Lyon, jun. Elijah Steele, Abraham Savage, Reuben Ware, Edward Annabel, Elisha Smith, Japhet Chapin, John Blackmer, Nathan Lyon, Elisha Veber, John Veber, Nathan Cook, Josiah Cook, William Putnam, Oliver May, Eli Fuller,*

*Fuller, Darius Grant, William Jones, Michael Ware, jun. Nathaniel Kellogg, James Reniff, John Ellis, Josiah Drake, the third, Caleb Ward, Peter Booth, Amos Car, Samuel Elmer, Samuel Ananabel, Doctor Phillips, Cephas Cress, John Loomis, Roger Brownson, Joshua Rogers, Moses Ward, James Leland, Chibleab Smith, Isaac Shepard, Josiah Cobb, Samuel Shepard, Isaac Shepard, jun. Apollon Williamis, David Lysn, Gad Elmer, Jeduthan Smith, Elnathan Ellis, Abiezer Perkins, Chibleab Smith, jun. Freeman Ellis, Israel Standish, Vespasian Phillips, Thomas Phillips, Aaron Lyon, Elijah Tobey, Chibleab Smith, the third, and Henry Alden, members of the said Religious Society, together with such others as may hereafter associate with them, they and their polls and estates, be, and they are hereby incorporated by the name of *The United Baptist Church and Society in Ashfield and Buckland*, with all the powers, privileges, rights and immunities which parishes are entitled to by the Constitution and laws of this Commonwealth.*

Corporate
name.

Manner of be-
ing a member.

SECT. 2. *Be it further enacted*, That any person in the said towns of *Ashfield and Buckland*, of the denomination aforesaid, who may at any time hereafter actually become a member of and unite in religious worship with said Society, in said *Ashfield and Buckland*, and give in his or her name to the Clerk of the town or parish to which he or she belongs, with a certificate signed by the Minister or Clerk of the said Society, that he or she hath actually become a member of and united in religious worship with the said *United Baptist Church and Society in Ashfield and Buckland*, fourteen days previous to the town or parish meeting therein, to be held in the month of *March* or *April* annually, shall, from and after giving such certificate, with his or her polls and estate, be considered as a member of said Society: *Provided however*, That such person shall be held to pay his or her proportion of all monies assessed or voted in the town or parish to which he or she belonged previous to that time.

— of leaving
said Society.

SECT. 3. *Be it further enacted*, That when any member of said Society shall see cause to leave the same, and unite in religious worship with any other Religious Society in the town or parish in which he or she may live, and shall give in his or her name to the Clerk of the said Baptist Religious Society, with a certificate signed by the Minister or Clerk of the parish, or other incorporated Religious Society with which he or she may unite, that he or she hath actually become a member of and united in religious worship with such other parish, or other incorporated Religious Society, fourteen days previous to their annual meeting in *March* or *April*, and shall pay his or her proportion of all monies voted in said Society, to be raised previous thereto, shall, from and after giving such certificate, with his or her polls and estates, be considered as a member of the Society to which he or she hath so united.

SECT.

SECT. 4. *And be it further enacted, That Ephraim Williams, Esq. be, and he is hereby authorized to issue his warrant, directed to some principal member of the said Society, requiring him to warn the members of the said Society, qualified to vote in parish affairs, to assemble at some suitable time and place in said town of Ashfield, to choose such officers as parishes are by law required to choose in the month of March or April annually, and to transact all matters and things necessary to be done in said Society.*

First meeting.

[This Act passed February 26, 1800.]

An ACT to incorporate a Religious Society by the Name of *The German Protestant Society in the Town of Waldborough.*

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Jacob Ludwig, Peter Crammer, Jacob Winchenback, Joseph Ludwig, John G. Borneman, William Kalear, Charles Kalear, John Christopher Walliser, Peter Gross, Andrew Hofses, Antony Hofses, Christopher Wolfsgruber, John Miller, Conrad Hyer, Charles Oberlack, Jacob Kalear, Henry Stahl, John Stahl, Matthias Hofses, George Hofses, Charles Walch, George Heibner, Charles Heibner, Frank Miller, Charles Miller, Conrad Gross, Christian Storer, Charles Storer, John Winchenback, jun. Andrew Woltz, Daniel Woltz, Andrew Genthner, Conrad Scyder, John Cramer, Daniel Filbauer, Jacob Cramer, Charles Cramer, Frederick Kensel, George Clous, John Benner, Paul Kubn, John Kensel, Daniel Eichhorn, John Weaver, Assamus Lash, George Dahlhim, Phillip Neubert, George Eichhorn, John Orff, Frederick Orff, Michael Hoch, John Light, George Hoch, Jacob Schwartz, John Martin, Phillip Schuman, Joseph Oberlack, Christopher Crammer, Catharine Schuman, George Schuman, Henry Oberlack, Jacob Ludwig, jun. Jacob Kalear, Andrew Wagner, Jacob Cramer, Cydonia Welt, Peter Schwartz, Frank Miller, jun. John Snowdeal, John Burckhart, Peter Snowdeal, Henry Winchenback, Jacob Genthner, Godfred Hofses, Christopher Neubert, Paul Lash, Phillip Minck, Christian Hofses, George Wolfsgruber, John Winchenback, Henrick Walch, jun. John Walch, jun. John Warner, Cornelius Bornheimer, Vallentien Mink, Martin Benner, Paul Minck, Matthias Hebner, Matthias Woltz, Peter Minck, Charles Mink, Francis Keisfor, Frank Overlack, Joseph H. Ludwig, and Jacob Wenchenback, jun. members of a religious Society in the town of Waldborough, in the county of Lincoln, and all other inhabitants of said town, who shall become members of said Society, by the purchase or other ownership of a pew or seat in their meeting-house,*

Persons incorporated.

house, or by usually worshipping with said Society, and thereupon obtaining a vote of admission as a member by the Society at a legal meeting for that purpose, together with their estates, shall be, and they and their successors hereby are incorporated and made a Body Politic and Corporate by the name of *The German Protestant Society in the town of Waldoborough.*

Corporate name.

To enjoy privileges.

SECT. 2. *Be it further enacted,* That the said Society shall have and enjoy all the privileges and powers which other Societies of the same description do, or may by law enjoy.

To hold certain land.

SECT. 3. *Be it further enacted,* That said Society shall have and hold the several tracts and parcels of land given, granted, conveyed and set off to the *Dutch* settlement on the western side of the *Muscongus River*, by the Committee of the Proprietors of lands at or near *Pemaquid*, in the county of *Lincoln*, by a deed or grant, dated the second day of *October*, in the year of our Lord, one thousand seven hundred and sixty-four, in trust to and for the special purposes mentioned and specified in the grant or deed aforesaid.

May sue and be sued.

SECT. 4. *And be it further enacted,* That said Society may sue, and shall be liable to be sued by their said corporate name, and thereby shall pursue, answer and defend in any and all suits in which they may be concerned; and that *Jacob Ludwig, Esq.* be, and he hereby is empowered to issue a warrant, directed to some member of said Society, requiring him to warn the members thereof qualified to vote in their affairs, to hold their first meeting at such convenient time and place as shall be mentioned therein, for the choice of a Clerk and a Treasurer, and any other officers which shall be necessary, and to agree upon a method of calling future meetings, and to transact any other business respecting the affairs of said Corporation, which shall be set forth in said notification.

First meeting.

[This Act passed *February 28, 1800.*]

An ACT in addition to an Act, entitled, "An Act for the Preservation of the Fish called Salmon, Shad and Alewives, in the Rivers, Streams and Waters within the Counties of *Lincoln* and *Cumberland*, and for repealing all other Laws heretofore made for that Purpose, so far as respects their Operation in the said Counties."

March 1, 1798.
Jan. 16, 1801.

Size of seines, &c. limited.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this Act, it shall not be lawful for any person to set or use any net or seine, for the purpose of catching salmon, on or by any of the sea shores

shores or islands within the said counties of *Lincoln* and *Cumberland*, of a greater length than forty fathoms; and no such net or seine shall be so set or used, for the purpose of catching salmon as aforesaid, within the distance of ten rods, in any direction, from any other net or seine so set or used as aforesaid: And every person who shall use any net or seine, or direct the same to be done, contrary to this Act, for every such offence, upon conviction thereof, shall forfeit and pay a fine not exceeding *thirteen dollars* nor less than *six dollars*.

SECT. 2. *And be it further enacted*, That it shall be the duty of the Fish-Wardens, in their several towns, to see that this law is executed, and prosecute for all breaches thereof which may come to their knowledge; and all fines and forfeitures incurred thereby shall be recovered by action of debt, in the name of a Fish-Warden, before any Justice of the Peace in the county where the offence is committed; one moiety thereof to the use of the town, and the other moiety to the use of the Fish-Warden who shall prosecute for the same.

Fish-Wardens
to prosecute.

[This Act passed *March 1, 1800.*]

An ACT to preserve and regulate the taking of the Fish called Alewives, at *Neguasset Falls*, so called, within the Town of *Woolwich*, and for repealing an Act, entitled, "An Act for regulating the Fishery in the Town of *Woolwich*, in the County of *Lincoln*."

Additional Act,
Feb. 12, 1803.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That it shall and may be lawful for the inhabitants of said town of *Woolwich*, at their annual meeting in the month of *April*, to sell or otherwise dispose of the privilege of taking the fish called alewives, at *Neguasset Falls*, so called, within said town of *Woolwich*; and the emoluments arising from such sale or disposal, shall be appropriated by said town to such uses and purposes as the inhabitants thereof shall, from time to time, in legal town meeting determine.

Privilege may
be sold.

SECT. 2. *Be it further enacted*, That the days for taking said fish at said falls, shall be Monday, Tuesday, Wednesday and Thursday in each week, and at no other time.

Days for fish-
ing.

SECT. 3. *Be it further enacted*, That if the purchaser or purchasers, manager or managers of said privilege, or any person or persons employed by or under them, or either of them, or any other person or persons whatsoever, shall presume to take any of said fish on any day, or at any place in said town other than those mentioned in this Act, each person so offending shall forfeit and pay a fine not exceeding *ten cents* nor less than *three cents* for each fish so taken.

Penalty for fish-
ing unlawfully.

SECT.

SECT. 4. *Be it further enacted*, That if the purchasers or managers of said privilege, or either of them, lawfully taking said fish as aforesaid, shall, when in his or their power, neglect or refuse to supply any person who may apply for the same, at the rate of *twenty-five cents* for one hundred of said fish, the purchaser or manager so refusing shall forfeit and pay for each offence the sum of *five dollars*; and if any person or persons, authorized to catch said fish, shall ask, demand or receive more than at the rate aforesaid, for said fish, while the same are fresh or green, he or they so offending shall forfeit and pay for each offence the sum of *five dollars*.

Price regulat-
ed.

SECT. 5. *Be it further enacted*, That the inhabitants of said town of *Woolwich* shall, at their annual meeting in the month of *April*, choose a Committee, consisting of not more than five nor less than three freeholders in said town, who shall be sworn to the faithful discharge of the duties enjoined upon them by this Act, whose duty it shall be to see that a sufficient sluice or passage-way, twelve feet wide and four feet high, for said fish to pass up into the pond to cast their spawn and to return again, shall be opened by owners or proprietors of the mills at *Naguasset*, on the third day of *May* annually, and kept open until said fish shall have done passing up; and also that a sufficient sluice or passage-way be opened annually on the twentieth day of *August*, and kept open until the last day of *September*, to let the young fish down.

Sluice-way to
be opened.

SECT. 6. *Be it further enacted*, That if any person chosen on said Committee, on due notice thereof, shall refuse to accept thereof, and to qualify himself therefor within seven days after such notice, every such person so refusing shall forfeit and pay a fine of *five dollars*, for the use of said town; and the Treasurer of said town is hereby authorized and directed to prosecute or sue for the same; and in case of the refusal of any person so chosen, the Selectmen for the time being shall have power, and they are hereby directed to proceed to appoint some other person or persons in the room of those who shall so refuse, and any person so appointed, who shall refuse as aforesaid, shall be liable to the same penalty; and if the Selectmen shall neglect to proceed as aforesaid, they shall each of them forfeit and pay the sum of *ten dollars*; and no person shall be obliged to serve on said Committee more than one year in three.

Penalty for re-
fusing to serve
in fish commit-
tee.

SECT. 7. *Be it further enacted*, That if the owners or proprietors of the mill-dam at *Naguasset*, shall neglect or refuse to open and keep open such sluice or passage-way, for the passing of the fish up and down said stream, they shall each of them forfeit and pay, for each day they shall so neglect, a fine not exceeding *ten* nor less than *five dollars*.

-- for neglect
to open sluice-
way.

SECT. 8. *Be it further enacted*, That all fines incurred by any breach of this Act, shall be recovered by presentment of the

Recovery of
fines.

the Grand Jury, or by action of debt, in any Court proper to try the same, in the name of either of the said Committee, one moiety of which shall enure to the use of the town, and the other moiety to the use of the informer or plaintiff, who may sue for the same, except the fine already appropriated.

SECT. 9. *Be it further enacted*, That nothing in this Act shall be so construed as to deprive any of the inhabitants of said town of *Woolwich*, from prosecuting or suing for any of the breaches aforesaid; and no person shall be debarred from being admitted as a witness on any presentment of the Grand Jury, by reason of his being entitled to any part of said fines. Any inhabitant may prosecute.

SECT. 10. *Be it further enacted*, That in case any minor or minors shall offend against any part of this Act, and thereby incur any of the penalties aforesaid, the parents, masters or guardians of such minor or minors shall be answerable therefor, on complaint or in an action to be brought against such parents, masters or guardians, as for his or their own personal offence. Case of minors offending.

SECT. 11. *Be it further enacted*, That no purchaser or manager, or any person employed by them, shall be deemed a trespasser in going on the lands, or through the mills of any person, in order to take said fish, on their paying a reasonable compensation therefor, if required. Purchasers not to be deemed trespassers.

SECT. 12. *And be it further enacted*, That an Act, entitled, "An Act for regulating the fishery in the town of *Woolwich*, in the county of *Lincoln*," passed the first day of *March*, in the year of our Lord one thousand seven hundred and ninety-nine, be, and the same is hereby repealed. Former law repealed.

[This Act passed *March 1, 1800.*]

An ACT in addition to and for altering an Act, entitled, "An Act for establishing a Corporation by the Name of *The Sixth Massachusetts Turnpike Corporation*." June 22, 1799.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Committee who shall be appointed to approve of the Sixth Massachusetts Turnpike Road, in pursuance of the Act to which this is in addition, shall be, and are hereby empowered and authorized to approve of said road, as sufficiently made, although the same may in some places be less than four rods wide: *Provided*, That in the opinion of said Committee, the public convenience shall not require the same to be four rods wide, as is required in the Act to which this is an addition; any thing in the same to the contrary notwithstanding: *Provided also*, That the said road shall not, in any part of it, be reduced to

Restriction respecting width of road removed.

to less than three rods and a half in width, unless it should be found necessary to move some dwelling-house or other valuable building, in order to give it that width.

[This Act passed March 4, 1800.]

March 8, 1797. An ACT in addition to an Act, entitled, "An Act for incorporating certain Persons for the Purpose of building a Bridge over *Eastern River*, near *Lithgow's Mills*, in the Town of *Dresden*.

Edmu. Bridge authorized to 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 *Edmund Bridge* be, and he hereby is authorized and empowered, by advertisement, to be published in any newspaper within the counties of *Lincoln*, *Kennebec*, or *Cumberland*, to warn a meeting of the Proprietors mentioned in the Act to which this is an addition, to be holden at *Dresden*, aforesaid, at any suitable time after fourteen days from the publication of such advertisement.

[This Act passed March 4, 1800.]

Feb. 25, 1794. An ACT in addition to an Act, entitled, "An Act for incorporating certain Persons for the Purpose of building a Bridge over *Fore River*, between *Portland* and *Cape Elizabeth*, and for supporting the same.

Further time allowed. SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Proprietors of *Portland Bridge* be, and hereby are granted and allowed the further time of nine months, for the completion of the said Bridge; any thing in the Act to which this is in addition to the contrary notwithstanding.

Corporate name altered. SECT. 2. *And be it further enacted*, That the Proprietors of *Portland Bridge* shall in future be called and known by the name of *The Proprietors of Vaughan's Bridge*, and by that name and style may plead and be impleaded, and the said name shall in all suits and records be as valid and effectual in law, as though the name and style of said Proprietors had not been changed; any thing in the Act to which this is an addition, to the contrary notwithstanding.

[This Act passed March 4, 1800.]

An ACT for regulating the Alewife Fishery in the *Gulf Stream*, so called, that runs between the Towns of *Scituate*, in the County of *Plymouth*, and *Cohasset*, in the County of *Norfolk*.

Repealed in
part. June 19,
1801.

WHEREAS the town of *Scituate* hath legally granted to *Elisba Doane*, his heirs and assigns forever, all their right, title and interest in and to the said *Gulf Stream*, on certain conditions in that grant specified: And whereas the town of *Cohasset* hath legally granted to the said *Elisba Doane*, and *Isaac Smith*, their heirs and assigns forever, all their right and title in and to the said *Gulf Stream*, on certain conditions in their grant mentioned; which said conditions, stipulated by said towns, appear to have been complied with on the part of said *Doane* and *Smith*: And whereas the said *Doane* hath agreed "that if the flood-gates of the said *Doane's* mill-dam should not, in the passage of the said fish up the stream, open during the flood-tide, by reason of the water above, the Proprietors of said mill shall draw off so much water from the mill-pond as to cause said gates to open on the flood-tide; and if the Proprietors of said mill shall refuse or neglect to draw off said water from said pond sufficient for the gates to open as aforesaid, the Fish-Wardens hereafter mentioned, duly authorized for that purpose, shall have authority to draw off from said pond so much water as to cause said gates to open as aforesaid, in such manner as shall be least detrimental to the Proprietors of said mill:"

Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing this Act, the Selectmen of the towns of Scituate and Cohasset shall be Fish-Wardens, and shall be sworn as other town officers, and shall be under like penalties in case of refusal; and said Wardens shall have authority to regulate the times and places and manner of taking said fish; and also the prices at which said fish may be sold, not exceeding twenty-five cents for each hundred; also to farm out or sell for one year, after giving public notice in each of said towns, the privilege of taking said fish, under such regulations as the Wardens shall previously establish; and it shall be the duty of said Wardens to cause to be removed all obstructions to the free passage of said fish up to the pond where they usually cast their spawn, and to open or cause to be opened, sufficient sluice-ways or passages for said fish through the mill-dams that now are, or that hereafter may be erected above said Doane's mill at the expense of the owners thereof: Provided, That the said Wardens shall exercise no other authority*

Selectmen to
be Fish-Ward-
ens.

Obstructions to
be removed, &
sluice-ways o-
pened.

ity

ity at said *Doane's* mill than what is conceded by said *Doane*, and is contained in the preamble of this Act.

SECT. 2. *Be it further enacted*, That if any person shall shut any sluice-ways, or make any wears or other obstruction to the free passage of said fish, during such parts of the months of *April* and *May* annually, as the Wardens shall determine to be necessary for the free passage of said fish, the person so offending shall forfeit and pay a sum not exceeding *one hundred dollars*; and if any person shall break any of the regulations established by said Wardens, the person offending therein shall forfeit and pay a sum not exceeding *ten dollars*.

Penalty for breach of regulations.

SECT. 3. *Be it further enacted*, That it shall be the duty of the Fish-Wardens to prosecute for all breaches of this Act, and for all such regulations as shall be established in pursuance thereof, in any Court proper to try the same, either in the county of *Plymouth* or *Norfolk*.

Fish-Wardens to prosecute.

SECT. 4. *Be it further enacted*, That the proceeds of said fishery, as well as the amount of all fines recovered by said Wardens, shall equally accrue to the said towns of *Scituate* and *Cohasset*, and be paid to the respective Treasurers of said towns.

Proceeds appropriated.

SECT. 5. *Be it further enacted*, That any Fish-Warden, as well as any inhabitant of the respective towns of *Scituate* and *Cohasset*, may be a competent witness in any prosecution under this Act.

Who may be witness.

[This Act passed *March 4, 1800.*]

March 1793.

27. An ACT in addition to an Act, entitled, "An Act for the Incorporation of the Trustees of the *Charlestown* Free-Schools.

Three Trustees to form a quorum.

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 three of the Trustees of the *Charlestown* Free-Schools shall form a quorum for the transaction of business; any thing in the said Act to the contrary notwithstanding.

[This Act passed *March 4, 1800.*]

An ACT to incorporate certain Proprietors of Fresh Pond Meadows in the Town of *Cambridge*, in the County of *Middlesex*, for the Purpose of draining said Meadows.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this Act, the Proprietors

Proprietors of all the meadow lands in the town of *Cambridge*, Proprietors incorporated, situated between *Menotomy Bridge* and *Fresh Pond*, which have heretofore been taxed by the Commissioners of Sewers, be, and hereby are incorporated by the name of *The Proprietors of Fresh Pond Meadows*; and by that name may sue and be sued, and do and suffer such acts and things as Bodies Corporate ought to do or suffer: *Provided*, That the lands of *Samuel Whittemore*, *Jonathan Whittemore*, and *Josiah Whittemore*, are not included therein. *Proviso.*

SECT. 2. *Be it further enacted*, That upon the application of six or more of said Proprietors to any Justice of the Peace in the said county of *Middlesex*, said Justice is hereby authorized to issue his warrant, directed to one of said Proprietors to notify a meeting of said Proprietors, at such time and place, and for such purposes as shall be expressed in such warrant; which warrant and notification thereon shall be published in one of the *Boston* newspapers, and also be posted in some public place in each of the towns of *Cambridge*, *Charlestown*, and *Watertown*; such publication to be ten days, at least, before the time of meeting. *Mode for calling first meeting.*

SECT. 3. *Be it further enacted*, That said Proprietors, when legally assembled, shall have power, from time to time, to choose a Clerk, Committee, Assessors, Collectors of taxes, and Treasurer, who shall be sworn to the faithful discharge of their duty; which officers shall have the same power to carry into effect any vote or order of said Corporation, as town officers of like description have by law to do and perform in their respective offices: And the said Corporation shall, at their first meeting, determine on the manner of calling future meetings: And said Corporation, at any legal meeting for that purpose, shall have power to raise monies for the purpose of removing the obstructions which may be in the brook leading from *Fresh Pond* to *Mystic River*, or for any other purpose which they shall think conducive to draining said meadows; and the said Proprietors shall have the right to pass up and down the banks of said brook from *Fresh Pond* to *Russell's Bridge* in *Charlestown*, and to do and perform all things which may be necessary to clear out said brook, and remove all obstructions therein. *To appoint officers, regulate meetings, raise monies, &c.*

[This Act passed *March 4, 1800.*]

AN

An ACT to incorporate *Ebenezer Beckford*, and others, for the Purpose of establishing an Iron Manufactory and other Purposes therein mentioned.

Preamble.

WHEREAS *Ebenezer Beckford*, and others, hereinafter named, have associated themselves together for the purpose of establishing and carrying on the business of anchor making and other manufactures of iron; have at great expense purchased the mill-seats on *Water's River*, (now so called,) formerly called the *Cow-house River*, in *Danvers*, in the county of *Essex*; and have erected mills and other suitable buildings at said place, for the purposes aforesaid; and have petitioned the General Court that they may be a Body Politic and Corporate, with such powers as may enable them more conveniently and effectually to execute the purposes aforesaid:

Persons incorporated.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said *Ebenezer Beckford, William Gray, jun. Joseph Sprague, Benjamin Hodges, William Stearns, Edward Augustus Holyoke, Jeshua Ward, Jacob Ashton, Abel Lawrence, Jeremiah Pierce, Aaron Wait, Nathan Pierce, John Appleton, Joseph Peabody, Ichabod Nichols, George Dodge, John Osgood, Benjamin Carpenter, Samuel Putnam*, all of *Salem*, in said county, and *Nathan Read*, of *Danvers* aforesaid, with such other persons as have already associated, and all those who may hereafter become Proprietors in said Iron Factory, be, and they hereby are made and constituted a Body Politic and Corporate by the name of *The Salem Iron Factory Company*; and by that name may sue and be sued, in all actions, real, personal, or mixed, to final judgment and execution; and may do and suffer all acts, matters and things which Bodies Politic may or ought to do and suffer; and may have and use a common seal, and the same may break and alter at pleasure: *Provided however,* That any Proprietor alienating his share or shares in said Company, shall thereupon, in respect thereto, cease to be a member of said Corporation; and the assignee thereof, and his heirs and assigns, shall be, with respect thereto, thenceforward a member of said Corporation, vested with all the rights, and subject to all the duties, penalties and payments which the assignor thereof was or might have been vested with or liable to.

Corporate name.

Transfer of shares.

Other mills or buildings may be erected.

SECT. 2. *Be it further enacted,* That said Corporation shall have power and is hereby authorized to erect any other mill or mills or buildings upon said river and near thereto, for the purpose of carrying on any other useful manufacture, or business, which shall appear to said Corporation to be for the benefit thereof.

SECT.

SECT. 3. *Be it further enacted,* That said Corporation may be lawfully seized and possessed of such real estate, as may be necessary and convenient for establishing and carrying on of the said manufactory, and of any other useful manufacture or business, which shall be found expedient for said Corporation to establish and carry on at said place, and also of as large a personal estate as shall be actually employed therein: *Provided,* That such real estate shall not exceed the value of *thirty thousand dollars,* and the personal estate, *three hundred thousand dollars.*

Amount in real estate to be possessed.

SECT. 4. *Be it further enacted,* That the property of said Corporation shall be, and hereby is divided into fifty shares, and shall be numbered in progressive order, beginning at number one, and every original member thereof shall have a certificate under the seal of said Corporation, and signed by the Treasurer, certifying his property in such share, as shall be expressed in said certificate.

Number of shares, &c.

SECT. 5. *Be it further enacted,* That the said Corporation shall have power from time to time, at any legal meeting, to choose a Clerk, who shall be sworn to the faithful performance of his duty, a Treasurer, and such other officers, directors, agents and factors, as to said Corporation shall appear necessary for the management and government thereof, and to make reasonable rules and by-laws for the purposes aforesaid, and the same to repeal at pleasure: *Provided,* the same rules and by-laws, to be made hereafter by said Corporation, shall not be repugnant to the Constitution and laws of this Commonwealth: *And provided,* The Proprietors of forty shares shall assent thereto.

Officers to be chosen, and rules, &c. made.

SECT. 6. *Be it further enacted,* That the articles of agreement, containing the regulations and rules of said Company, which the partners therein made under their hands and seals, dated the fifth day of *May,* A. D. seventeen hundred and ninety-six, shall, until the same be altered and be repealed, the rules of said Corporation, so far as the same are not repugnant to the Constitution and laws of this Commonwealth, and so far as the same rules or articles of agreement are not altered by this Act: And all officers chosen by force of the same articles of agreement, shall and may respectively hold and exercise their several offices and duties, until new officers be chosen in their stead: And all contracts heretofore made by said Proprietors, or their officers, legally made in behalf of said Proprietors, shall be binding upon said Corporation.

Existing rules & regulations may be continued.

SECT. 7. *Be it further enacted,* That any share may be alienated by the Proprietor thereof, by a deed absolute and without condition, under his hand and seal, and acknowledged before some Justice of the Peace, and recorded by the Clerk in a book

Manner of alienating shares.

a book to be kept for that purpose, and not in any other manner, except in the cases hereafter provided: And any purchaser shewing to the Treasurer such deed so recorded, and delivering up to him the former certificate, shall be entitled to a new certificate, executed in form aforesaid, certifying the property of such share to be in such purchaser.

SECT. 8. *Be it further enacted,* That any share in said Company may be attached on original process, or levied upon by execution, at the suit of any creditor of the Proprietor of such share, by the officer having the process to execute, giving to the Treasurer or leaving at his place of abode, a certificate in writing, shewing that he hath attached or taken in execution, such Proprietor's share, at the suit of such creditor, and the officer may proceed to sell the same at public auction, as he might by law sell any goods or chattels of such Proprietor, attached or levied upon to satisfy the execution of the creditor; and the officer may make and execute a deed of such Proprietor's share to the highest bidder: And the purchaser producing to the Treasurer a deed under the hand and seal of such officer, acknowledged and recorded as aforesaid, shall be entitled to a certificate from the Treasurer, executed as aforesaid, certifying the property of such share to be in the purchaser: And the Treasurer shall have recorded in a book to be kept for that purpose, a schedule of the names of all the members of said Corporation, of the several shares of which each Proprietor is owner, and the numbers annexed to such shares; and such book shall be open to the inspection of any Sheriff, Deputy-Sheriff or coroner, having a process to execute against any Proprietor, or to the inspection of any other person, when demanded, upon the payment of *ten cents* for each inspection: And in any action to be brought, or in any judgment to be rendered against said Corporation, the plaintiff not being able to find any property of the Corporation to attach on *res proceps*, or whereon to levy his execution, shall have the right of attaching or levying his execution on any of the property of the individual members of the Corporation, in the same manner as if the action had been brought and the judgment rendered against them in their individual capacity.

Property of individual members may be attached in certain case.

Executors, &c. to have new certificates.

SECT. 9. *Be it further enacted,* That when any Proprietor shall die possessed of any share or shares in said Company, his executor or administrator, upon producing to the Treasurer such deceased Proprietor's certificate or certificates, shall be entitled to receive a new certificate executed in form aforesaid, certifying the property of such share or shares to belong to such executor or administrator, who shall hold such share or shares as personal estate of such deceased Proprietor, and shall and may sell and dispose of the same at public auction

or otherwise, in the same manner, as by law he might sell and dispose of any chattels of such deceased, and such executor or administrator shall and may execute and acknowledge a deed or deeds of such share or shares; and the purchaser producing to the Treasurer the certificate or certificates, given to such executor or administrator, shall be entitled to receive a new certificate or certificates, executed in the form aforesaid, certifying such share or shares to belong to such purchaser: And such executor or administrator who shall not have sold such share or shares, shall immediately after the settlement of the estate of such deceased Proprietor, deliver the certificate or certificates by him received, to the heir or legatee of such deceased, who shall, upon producing the same to the Treasurer, be entitled to a new certificate or certificates, executed in the form aforesaid, certifying the property of such share or shares to be in such heir or legatee.

SECT. 10. *Be it further enacted,* That the time and place of all public sales of any share or shares, shall be made known at least seven days before such sale, by publishing the same in the *Salem Gazette*, or any newspaper to be printed at *Salem*: And if no such newspaper shall be there printed, then a like notice shall be given in the paper published by the printer for the General Court, for the time being, at *Boston*, and shall also be posted up in some public place in *Salem*.

Public sales of shares to be advertised.

SECT. 11. *And be it further enacted,* That this Act shall be deemed and taken to be a public Act, and as such may be declared upon and given in evidence in any Court of law, without specially pleading the same.

This Act to be received as evidence.

[This Act passed March 4, 1800.]

An ACT in addition to an Act, entitled, "An Act to prevent the Destruction of the Fish called Alewives in *Taunton Great River*, so called, in the County of *Bristol*, and also to regulate the catching the said Fish therein for the future."

March 19, 1793.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That no two seines or drag-nets shall be set, used, or drawn in said river, so that in drawing or sweeping with said seines or drag-nets, any two points of said river, lying and being within twenty rods of each other, shall by different seines or drag-nets be drawn over, or swept on the same day: And any person or persons who shall offend herein by approaching within twenty rods of any part of the river that shall have been occupied by another seine or drag-net, on the same day, shall forfeit and pay for each offence the same sum, to be recovered

Use of two seines in certain manner prohibited.

in

in the same manner and to the same uses as is provided for using seines and drag-nets contrary to the Act to which this is in addition.

[This Act passed March 4, 1800.]

An ACT exempting *Muscongus River*, in the Town of *Waldoborough*, from the Operation of all Laws regulating the Salmon, Shad and Alewife Fisheries in said Town.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all laws heretofore made, which regulate the fishery of salmon, shad and alewives in *Muscongus River*, so called, within the town of *Waldoborough*, in the county of *Lincoln*, or that respect any mill-dam across said stream, be so far repealed, that from and after the passing this Act, they shall cease to operate or have any effect, so far as respects said river, or any part thereof, within the said town of *Waldoborough*.

Laws not to operate respecting *Muscongus River*.

[This Act passed March 4, 1800.]

An ACT to repeal a Part of the ninth Section of an Act, entitled, "An Act to incorporate *Hugh McLellan*, and others, into a Company by the Name of *The Maine Fire and Marine Insurance Company*."

Feb. 7, 1800.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so much of the said ninth section of the Act aforesaid, as prohibits the transfer of the shares in said Company, be, and the same is hereby repealed.

Part of a former Act repealed.

[This Act passed June 5, 1800.]

Additional Act, Feb. 16, 1805. An ACT to incorporate *George Dodge*, and others, into a Company by the Name of *The Salem Marine Insurance Company*.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said *George Dodge*, and others, and all such persons as have already, or hereafter shall become Stockholders in said Company, being citizens of the *United States*, be, and hereby are incorporated into a Company or Body Politic,

itic, by the name of *The Salem Marine Insurance Company*, for and during the term of twenty years after the passing of this Act; and by that name may sue or be sued, plead or be impleaded, appear, prosecute and defend to final judgment and execution, and have a common seal, which they may alter at pleasure; and may purchase, hold and convey any estate, real or personal, for the use of said Company, subject to the restrictions hereinafter mentioned.

Corporate name, & time of duration.

SECT. 2. *Be it further enacted by the authority aforesaid*, That the capital stock of said Company, exclusive of premium, notes or profits arising from said business, shall never exceed *four hundred thousand dollars*, nor be less than *one hundred and fifty thousand dollars*, and shall be divided into one thousand shares, of which capital stock, *twenty thousand dollars* only shall be invested in real estate.

Capital stock, and amount of real estate.

SECT. 3. *Be it further enacted*, That the stock, property, affairs and concerns of said Company shall be managed and conducted by nine Directors, one of whom shall be the President thereof, who shall hold their offices for one year, and until others shall be chosen, and no longer; which Directors shall, at the time of their election, be Stockholders and citizens of this Commonwealth, and shall be elected on the first Monday in *July*, in each and every year, at such times of the day, and at such place in the town of *Salem*, as a majority of the Directors for the time being shall appoint; of which election public notice shall be given in one of the newspapers printed in the town of *Salem*, and continued for the space of ten days immediately preceding such election: And such election shall be holden under the inspection of three Stockholders, not being Directors, to be appointed previous to every election by the Directors, and shall be made by ballot by a majority of votes of the Stockholders present, allowing one vote to each share in the capital stock; *provided*, that no Stockholder shall be allowed more than ten votes: And the Stockholders not present may vote by proxy, under such regulations as the said Company shall prescribe: And if through any unavoidable accident, the said Directors should not be chosen on the first Monday of *July* as aforesaid, it shall be lawful to choose them on another day, in manner herein prescribed.

Directors to be annually chosen, after public notice has been given.

SECT. 4. *Be it further enacted*, That the Directors, so chosen, shall meet as soon as may be, after every election, and shall choose out of their body one person to be President, who shall preside for one year, and be sworn faithfully to discharge the duties of his office; and in case of the death, resignation or inability to serve of the President or any Director, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a special election for that purpose, to be holden in the same manner as herein before directed, respecting annual elections for Directors and President.

— to choose a President.

SECT.

Board for the transaction of business, and their powers.

SECRET. 5. *Be it further enacted*, That the President and four of the Directors, (or five of the Directors in the absence of the President,) shall be a Board competent for the transaction of business; and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said Company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks and servants employed, and the election of Directors, and all such matters as appertain to the business of insurance; and shall also have power to appoint a Secretary and so many clerks and servants for carrying on the said business, and with such salaries and allowances to them and to the President, as to the said Board shall seem meet: *Provided*, That such by-laws, rules and regulations shall not be repugnant to the Constitution or laws of this Commonwealth.

Secretary and Clerks to be appointed.

Stated or special meetings of Directors to be held, and a Committee to be appointed.

What may be insured, and directions respecting policies.

SECRET. 6. *Be it further enacted*, That there shall be stated meetings of the Directors, at least once in every month, and as often within each month as the President and Board of Directors shall deem proper: And the President and a Committee of two of the Directors, to be by him appointed in rotation, shall assemble daily, if need be, for the dispatch of business; and the said Board of Directors, or the Committee aforesaid, at and during the pleasure of said Board, shall have power and authority, on behalf of the Company, to make insurance upon vessels, freight and goods, and against captivity of persons, and on the life of any person during his absence by sea, and in cases of money lent upon *bottentry* and *respondentia*, and to fix the premium and terms of payment; and all policies of insurance by them made, shall be subscribed by the President, or in case of his death, sickness, inability, or absence, by any two of the Directors, and countersigned by the Secretary, and shall be binding and obligatory upon the said Company, and have the like effect and force as if under the seal of said Company; and all losses duly arising under any such policies, so subscribed, may be adjusted and settled by the President and Board of Directors, and the same shall be binding on the Company.

Semi-annual dividends to be made.

SECRET. 7. *Be it further enacted*, That it shall be the duty of the Directors, on the first Monday of *June* and *December*, in every year, to make dividends of so much of the interest arising from their capital stock, and the profits of said Company, as to them shall appear advisable; but the monies received and notes taken for premiums on risks, which shall be undetermined and outstanding at the time of making such dividends, shall not be considered as part of the profits of the Company; and in case

Case of any loss or losses, whereby the capital stock of the Company shall be lessened, each Proprietor or Stockholder's estate shall be held accountable for the instalments that may be due and unpaid on his share or shares at the time of said loss or losses taking place, to be paid in to the said Company by assessments, or such other mode, and at such time or times as the Directors shall order; and no subsequent dividend shall be made until a sum equal to such diminution shall have been added to the capital; and that once in every three years, and oftener, if required by a majority of the votes of the Stockholders, the Directors shall lay before the Stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends.

SECT. 8. *Be it further enacted,* That the said Company shall not, directly nor indirectly, deal or trade in buying or selling any goods, wares, merchandize or commodities whatsoever; and the capital stock of said Company, after being collected at each instalment, shall, within one hundred and twenty days, be invested, either in the funded debt of the *United States*, or of this Commonwealth, or in the stock of the *United States Bank*, or of any incorporated Bank in this Commonwealth, at the discretion of the President and Directors of said Company, or of other officers which the Proprietors shall for such purpose appoint.

SECT. 9. *Be it further enacted,* That *fifty dollars* on each share in said Company shall be paid within twenty days after the first meeting of said Company, and the remaining sum within one year after said first meeting, at such equal instalments, and under such penalties as the said Company shall direct; and no transfer of any share in said Company shall be permitted or be valid until all the instalments on such share shall have been paid.

SECT. 10. *Be it further enacted,* That no person being a Director of any other Company, carrying on the business of marine insurance, shall be eligible as a Director of the Company by this Act established.

SECT. 11. *Be it further enacted,* That the property of any member of said Company, vested in the stock of said Company, shall be liable to attachment, and to the payment and satisfaction of his just debts to any of his *bona fide* creditors, in manner following, viz. In addition to the summons prescribed by law to be left with the defendant, a like summons shall be left with the Secretary of said Company; and the debtor's shares in said Company's funds, together with the interest and profits due, or growing thereon, or so much thereof as shall be sufficient, shall thereby be holden to respond said suit according to law;

Case of loss which shall lessen the capital stock.

Dealing in merchandize, &c. forbidden, and the disposal of the capital stock directed.

Payment of instalments.

A Director in another Company not eligible in this.

Shares liable to attachment & the process prescribed.

and

and all transfers of the debtor's shares, not noted in the books of the Company, previous to the delivery of such summons, shall be barred thereby, and execution may be levied upon the property of any Stockholder in said Company, and his share or shares therein exposed to sale in the same manner as is by law prescribed where personal estate is taken in execution; and it shall be the duty of the officer who extends such execution to leave an attested copy thereof, with his doings thereon, with the Secretary of said Company; and the purchasers shall thereupon be entitled to the reception of all dividends and stocks which the debtor was previously entitled to: And upon any attachment being made, or execution levied on any shares in said Company, it shall be the duty of the Secretary of said Company to expose the books of the Company to the officer, and to furnish him with a certificate under his hand, in his official capacity, ascertaining the number of shares the debtor holds in said Company, and the amount of the dividends due thereon.

SECT. 12. *Be it further enacted*, That in case of any loss or losses taking place, that shall be equal to the amount of the capital stock of the said Company; and the President and Directors, after knowing of such loss or losses taking place, shall subscribe to any policy of insurance, their estates jointly and severally shall be accountable for the amount of any and every loss that shall take place under policies thus subscribed.

The estates of
the President
and Directors
liable in certain
case.

SECT. 13. *Be it further enacted*, That the President and Directors of said Company shall, previous to their subscribing to any policy, and once in every year after, publish in one of the newspapers printed in the town of *Salem*, the amount of their stock, against what risks they mean to insure, and the largest sum they mean to take on any one risk.

Statement to
be submitted.

SECT. 14. *Be it further enacted*, That the President and Directors of said Company shall, when and as often as required by the Legislature of this Commonwealth, lay before them a statement of the affairs of said Company, and submit to an examination concerning the same, under oath.

Persons au-
thorized to
call first meet-
ing.

SECT. 15. *Be it further enacted*, That *George Dodge*, *Jacob Ashton*, and *Joseph White*, or any two of them, are hereby authorized to call a meeting of the members of said Company, as soon as may be, in *Salem*, by advertising the same for two successive weeks, in the *Salem Gazette*, for the purpose of their electing a first Board of Directors, who shall continue in office until the first Monday of *July*, one thousand eight hundred and one.

[This Act passed June 9, 1800.]

An ACT in addition to an Act, entitled, "An Act for establishing a Corporation by the Name of *The Eighth Massachusetts Turnpike Corporation.*" Feb. 24, 1800.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That as soon as the said Corporation shall have made and completed one-third part of the said road, beginning on the line between the towns of *Westfield* and *Russell*, according to the requisition of said Act, and the same shall have been duly approved by a Committee appointed by the Court of General Sessions of the Peace for the county of *Hampshire*, the said Corporation be, and hereby are authorized and empowered to erect a turnpike gate in such place as the said Committee shall judge necessary and convenient for collecting toll, and shall be entitled to receive of each traveller or passenger, the same rate of toll that they would have been by said Act, to which this is in addition, entitled to receive at one gate, in case the whole of said road had been completed and approved, in manner by said Act prescribed; any thing therein contained notwithstanding: *Provided however,* That in case the said Corporation shall neglect to complete the whole of said turnpike road within the time set and limited in the original Act, to which this is in addition, then this Act shall become void, and said turnpike gate be removed.

Gate to be erected when one-third of the road is completed.

Proviso.

[This Act passed June 10, 1800.]

An ACT in addition to, and for altering an Act, entitled, "An Act for establishing a Corporation by the Name of *The Ninth Massachusetts Turnpike Corporation.*" Feb 25, 1800.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Justices of the Court of General Sessions of the Peace for the county of *Worcester*, are hereby empowered and authorized to approve of said road as sufficiently made, although the same may in some places be less than four rods wide: *Provided,* That in the opinion of said Court, the public convenience shall not require the same to be four rods wide, as is required in the Act to which this is an addition; any thing in the same to the contrary notwithstanding: *Provided also,* That the said road shall not in any part of it be reduced to less than three rods and an half in width, unless it should be found necessary to move some dwelling-house or other valuable building, in order to give it that width.

Road may be less than four rods wide.

[This Act passed June 10, 1800.]

An

An ACT to incorporate a Number of the Inhabitants of the Towns of *Russell, Blandford, Norwich and Montgomery*, in the County of *Hampshire*, into a distinct Religious Society, by the Name of *The United Baptist Society*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Titus Doolittle, Russell Falley, Daniel Mallory, Seth Hayse, David Sacket, Levi Dewey, Lovewell Thomas, Salmon Thomas, Abner Cockran, Isaac Palmer, Eli Hayse, Henry Parks, Richard Andrews, Josiah Halladay, William Stancliff, William Gould, Jacob Andrews, Jacob Andrews, jun. Jonathan Herrick, Gless Cockran, Amos Reed, Asa Culver, Richard Falley, Ebenezer Stow, Moses Warner, Charles Culver, Abiel Stanton, Joseph Shoals, Josiah Molton, Gershom Rusß, jun. Jonathan Pitcher, Isaac Blair, Isaac Chapman, Titus Doolittle, jun. Stephen Herrick, Abner Chapman, Abraham Bradley, Isaac Palmer, jun. Moses Lindsey, Jonab Mallory, Joseph Hayse, and Datus Ensign, together with their polls and estates, be, and they hereby are incorporated by the name of The United Baptist Society, with all the privileges, powers and immunities, so far as shall be necessary for providing for the support and maintenance of public worship, to which parishes are by law entitled in this Commonwealth.*

Persons incor-
porated.

Corporate
name.

How to be-
come a mem-
ber.

SECT. 2. *And be it further enacted, That any person in either of the towns of Russell, Blandford, Norwich and Montgomery* aforesaid, being of the Baptist denomination of Christians, who may at any time hereafter become a member of and unite in their religious worship with the said *United Baptist Society*, and give in his or her name to the Clerk of the town or parish to which he or she belongs, with a certificate signed by the Minister or Clerk of said Society, that he or she has actually become a member of and united in religious worship with the said Society in *Russell* aforesaid, fourteen days previous to the town or parish meetings therein, to be held in the month of *March* or *April* annually, shall, from and after giving such certificate, with his or her polls and estates, be considered as a member of said Society: *Provided however, That such person shall first pay his proportion of all money assessed in the town or parish to which he or she belonged previous to that time.*

How to with-
draw from the
Society.

SECT. 3. *And be it further enacted, That when any member of said United Baptist Society shall see cause to leave the same, and unite in religious worship with any other religious Society, and shall give in his or her name to the Clerk of the said Baptist religious Society, with a certificate signed by the Minister*

Minister or Clerk of the parish, or other incorporated religious Society, with which he or she may unite, that he or she has actually become a member of, and united in religious worship with such other parish, or other incorporated religious Society, fourteen days previous to their meeting in *March* or *April*, and shall pay his or her proportion of all money assessed in said Society previous thereto; such person shall, from and after giving such certificate, with his or her polls and estates, be considered as a member of the Society to which he or she has so united.

SECT. 4. *And be it further enacted*, That *Samuel Fowler*, Esq. be, and he is hereby authorized to issue his warrant, directed to some member of said Society, requiring him to notify all the members thereof, qualified to vote in parish affairs, to assemble at some suitable time and place in said town of *Russell*, to choose such officers as parishes are by law required to choose in the months of *March* or *April* annually, and to transact all other matters and things necessary to be done in said Society.

First meeting.

[This Act passed *June 12, 1800.*]

An ACT in addition to an Act, entitled, "An Act for incorporating the several Religious Societies in *Newburyport*, in the County of *Essex*." Feb. 22, 1794.
March 6, 1801.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Proprietors of the house of public worship of the first religious Society in *Newburyport*, be, and they are hereby authorized in their corporate capacity, by their Treasurer, or by any Committee specially appointed, or to be appointed, to hire any sums of money for the purpose of purchasing any piece of land in the said *Newburyport*, on which to erect a new house of public worship for the First Religious Society in *Newburyport*, and also for the purpose of erecting and finishing such new house, with all the incidental expenses; and the contracts made or to be made by the said Committee for hiring the said monies, and for the erecting and finishing such house, shall be binding on the said Corporation, and shall be for their use and benefit: And the said Corporation are hereby authorized to pledge and mortgage the proceeds of the sale of their old meeting-house, and of their land under and adjoining the same, and also the balance hereafter mentioned, arising on the pews to be made in such new meeting-house, as an indemnity and security for the payment of the monies so to be hired; and any such pledge or mortgage heretofore made by the said Corporation is hereby ratified and confirmed.

Society authorized to borrow money.

SECT. 2.

SECT. 2. *And be it further enacted by the authority aforesaid,*
 Society contin- That the said Corporation shall be deemed and holden in law
 ued. to have existence and continuance, and to be composed of the
 same members after the sale of the said old meeting-house and
 land, as it now has and is before such sale: *Provided however,*
 Provifo. That upon the disposition or sale of the pews in such new
 meeting-house, then the owners or proprietors of the same
 pews, for the time being, shall alone be the members of the
 same Corporation.

SECT. 3. *And be it further enacted by the authority aforesaid,*
 Pews to be ap- That the said Proprietors be, and they are hereby empowered
 praised. to choose a Committee, which Committee shall select and ap-
 praise, upon oath, so many of the pews in such new meeting-
 house, when finished, as shall be equal in number to the pews
 in the said old meeting house, holden by individual Proprietors
 at their just relative value, according to their best discretion, and
 shall divide the said pews so appraised, into distinct classes, ac-
 cording to their comparative values, in the same manner the
 pews in the said old meeting-house are now classed; each class
 to contain pews equal in value, and also of the same number
 with those contained in the like class of pews in the said old
 meeting-house; and the said Committee are to return their said
 appraisement and division, in writing under their hands, to the
 Clerk of the said Corporation, to be entered on the records of
 the said Corporation: And the said Proprietors are hereby
 authorized and empowered to cause the new pews in each of the
 said classes to be assigned by lot to and among the Proprietors
 of the like class of pews in the said old meeting-house, and to
 Expenses to be assessed on new pews. assess upon the said new pews all the costs, charges and inci-
 dental expenses of purchasing the land on which to build the said
 new meeting-house, and of building and finishing the said new
 meeting-house, according to their relative values as stated in
 the said appraisement; and also to credit the same new
 pews all the nett proceeds of the sale of the said old meeting-
 house and land, according to the same relative values as afore-
 said; the balance due from each pew, resulting from the said
 assessment and credit, to be paid to the Treasurer of the said
 Propriety, or any Committee appointed by them for that pur-
 pose, in thirty days after such balance shall be so liquidated;
 otherwise such Proprietor shall forfeit all right and title to
 such new pew, and the same may be sold at public auction by
 order of the said Proprietors, for the most it will fetch, and
 out of the nett proceeds of such sale shall be paid to such delin-
 quent Proprietor the last appraised value of his pew in the
 said old meeting-house, if the said nett proceeds shall amount
 thereto; and such Proprietor as shall pay the said balance
 within the said thirty days, shall receive a title in fee simple
 to

to the pew so assigned to him, by deed, to be executed by such person or persons as the said Proprietors shall authorize for that purpose : And all taxes hereafter to be raised on the said new pews by the said Proprietors or the said religious Society, shall be assessed thereon agreeably to the said appraisement, until some new appraisement of the said pews shall be made in due form of law.

Proprietors to receive deeds.

Pew taxes.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the sale of the said old meeting-house and land shall not in any manner affect the existence of the first religious Society in *Newburyport*, as a Corporation, nor its powers, rights or duties ; but the same Corporation shall be deemed and holden in the law to have the same existence and continuance, with the same powers, rights and duties it now has, whether the members thereof attend the public worship of God in the old meeting-house aforesaid, or in the new meeting-house to be erected as aforesaid.

[This Act passed June 12, 1800.]

An ACT to set off *Timothy Horton* from the First Parish in *West-Springfield*, in the County of *Hampshire*, and to annex him to the Second Parish in said Town.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Timothy Horton*, of *West-Springfield*, in the county of *Hampshire*, with his poll and estate, be set from the first parish and annexed to the second parish in said town ; there to do duty and receive privileges : *Provided however,* That the said *Timothy Horton* be holden to pay all taxes legally assessed upon him by the said first parish before the passing of this Act.

Set off from the 1st and annexed to 2d parish.

[This Act passed June 13, 1800.]

An ACT to change the Name of *Charles Cabot* to that of *Charles George Cabot*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Charles Cabot*, of *Brookline*, in the county of *Norfolk*, merchant, son of *George Cabot*, of the same place, Esquire, be, and he hereby is authorized to take and bear the name of *Charles George Cabot* ; and by that name shall henceforth be known and called.

Authorized to bear the name of Charles George Cabot.

[This Act passed June 13, 1800.]

An

• 28th.

An ACT to repeal the third Section of an Act, entitled, " An Act to repeal an Act, entitled, " An Act to incorporate the Committee of the Church and Congregation in the Town of *Warwick*, for certain Purposes," passed *February*,* One thousand seven hundred and ninety-five.

Certain exemptions revoked.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the whole of the third section in the Act aforesaid, which exempts certain persons in the town of *Warwick* from contributing to the support of public worship, being repugnant to the principles of the Constitution, be, and the same hereby is repealed.

[This Act passed June 14, 1800.]

An ACT to set off *John Thayer*, and others, with their Polls and Estates, from the Town of *Belchertown*, in the County of *Hampshire*, and to annex them to the Second Parish in *Amherst*, for parochial Privileges.

Persons annexed to Amherst.

Provido.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *John Thayer*, *Ebenezer Blifs*, *Reuben Thayer*, and *Nathaniel Goodale*, of *Belchertown*, in the county of *Hampshire*, with their polls and estates, be, and they are hereby set off from the said town of *Belchertown*, and annexed to the second parish in *Amherst*, in said county; there to enjoy all the parochial privileges of the said second parish, and to pay their proportion of all necessary charges that may arise therein for the purposes aforesaid: *Provided nevertheless*, That the said *John Thayer*, *Ebenezer Blifs*, *Reuben Thayer*, and *Nathaniel Goodale* shall be holden to pay all taxes now assessed or granted by the said town of *Belchertown*.

[This Act passed June 14, 1800.]

An ACT to exempt *Sheepscot River* from the Operation of all Laws regulating the Fisheries in the Counties of *Lincoln* and *Cumberland*, excepting so far as relates to *Dyer's River*, and the Streams and Ponds running into or connected with the said *Dyer's River*.

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

That all laws heretofore made which regulate the taking of salmon, shad and alewives, or any other fish, in the said *Sheepscot River*, so called, in the county of *Lincoln*, be so far repealed that from and after the passing of this Act they shall cease to operate or have any effect in the said *Sheepscot River*: *Provided however*, That nothing in this Act shall be so construed as to affect the stream called *Dyer's River*, or any of the waters running into or connected therewith.

Certain fish laws not to operate on Sheepscot River.

[This Act passed June 14, 1800.]

An ACT establishing *The Tenth Massachusetts Turnpike Corporation.* Additional Act, June 18, 1804.

SECT. I. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Eldad Lewis, Azariah Eggleston, Joseph Goodwin, Edward Martindale, Elijah Northrup, Thaddeus Thompson, Thomas Brown, John Gregory, Daniel Williams, jun. Ethan Stone, John Willard, William Walker, Nathaniel Bisshop, Daniel Willcox, Jared Bradley, Levi Nye, Eliab Brewer, Jonathan Norton, Roderic Norton, Stephen Pelton, John Pickett, jun. Sandford Brown, Adonijah Jones, Francis Plummer, David Dunbar, Lemuel Collins, Elisha Freeman, John Hunter, Isaac Hunter, Caleb Hyde, Isaac Sears, Nathaniel Pettis, Enos Stone, Amasa Glezen, Gamaliel B. Whiting, David Bezworth, jun. Enoch Williams Thayer, Joseph Tucker, Jesse Bradley, Enos Blossom, Calvin Sears, Paul Dewey, Samuel Fowler*, and all such persons as shall associate with them and their successors, shall be a Corporation by the name of *The Tenth Massachusetts Turnpike Corporation*; with all the privileges and powers incident to Corporations, for the purpose of laying out, making and keeping in repair a turnpike road, from the north line of the State of *Connecticut*, near the place where *Farmington River* crosses the same, and to communicate with the turnpike road lately laid out by said State; thence northwardly by said river, to the house of *Sandford Brown*, in the town of *Sandisfield*, and thence on the west side of said river, by or near the county road lately laid out through the said *Sandisfield*, and the towns of *Bethlehem* and *Becket*, to the house of *John Nichols*; from thence northwardly to the east side of *Green-water Pond*, so called; thence westwardly through that part of *Lee* called *Cape-street*, the nearest and best course; by *Eli Bradley's* farm, to *Lenox* furnace; thence to the court-house; thence northwardly over the mountain by the farm of *Samuel Dunbar*, through *Richmond* to *Hancock* west line, a course leading to the Shaker village in *Canaan*, in the State of *New-York*, in such place or places on the above route as the said Corporation

Names of persons incorporated.

Corporate name.

Course of road.

Corporation shall choose for the same; which road shall not be less than four rods wide, and the path to be travelled on not less than eighteen feet in width in any place: And that when the said turnpike road shall be sufficiently made, and shall be approved of by a Committee to be appointed for that purpose by the Court of General Sessions of the Peace for the county of *Berkshire*, the said Corporation shall be, and hereby is authorized to erect four turnpike gates on the same, in such manner and at such places as the said Committee shall judge necessary and convenient for collecting the toll; and shall be entitled to receive, at each of said gates, from every traveller and passenger, the following rates of toll, viz. For every coach, phaeton, chariot or other four wheel carriage, drawn by two horses, *twenty-five cents*, and if drawn by more than two horses, an additional sum of *four cents* for each horse; for every cart, waggon, sled or sleigh, drawn by two oxen or horses, *ten cents*, and if drawn by more than two, an additional sum of *three cents* for each ox or horse; for every curricule, *seventeen cents*; for every chaise, chair or other carriage, drawn by one horse, *twelve cents five mills*; for every man and horse, *five cents*; for all oxen, horses and neat cattle, led or driven, besides those in carriages, *one cent and five mills* each; for all sheep and swine, *three cents* for a dozen; and in that proportion for a greater or less number: *Provided*, That no toll shall be taken from any person passing said road on military duty: *Provided also*, That if the most northerly gate on the said turnpike road shall be placed on the present road leading north and south through *Richmond*, which takes the travel from the State of *Connecticut*, there shall be but one half of the rates of toll established by this Act, demanded at the said gate.

SECT. 2. *And be it further enacted*, That the said Corporation may purchase and hold any land, over which they may make said road; and the Justices of the Court of General Sessions of the Peace, in the county of *Berkshire*, are hereby authorized and required, upon application from the said Corporation, to lay out said road, or any part thereof, as with the consent of the said Corporation they may deem proper: And the said Corporation shall be holden to pay all damages which any person shall sustain by taking his land for said road; and when it cannot be ascertained by voluntary agreement, the same is to be estimated by a Committee appointed by the Court of General Sessions of the Peace, in said county, saving to either party the right of trial by Jury, according to the law which provides for the recovery of damages accruing by laying out public highways.

SECT. 3. *And be it further enacted*, That if said Corporation, their toll-gatherers, or others in their employment, shall unreasonably delay or hinder any traveller or passenger at either

Turnpike gates to be erected.

Toll.

Proviso.

Corporation may hold land.

offerers to be indemnified.

of the said gates, or shall demand and receive more toll than is by this Act allowed, the Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *one dollar*, to be recovered before any Justice of the Peace for said county, who is not a Proprietor in said Corporation, by any person injured, delayed or defrauded, in a special action on the case; the writ in which action shall be served on the said Corporation by leaving a copy of the same with any officer or individual member of the Corporation, living in said county of *Berkshire*, or by reading the contents thereof in the hearing of such officer or individual member, seven days at least before the day of trial: And the officer or individual member of the said Corporation, on whom the writ shall be served, shall be allowed to defend the same suit in behalf of the Corporation: And the Corporation shall be liable to pay all damages which may happen to any person from whom toll is by this Act demandable, by means of any defect of bridges or want of repairs within the same way, and shall also be liable to be fined to the use of the said county, on presentment of the Grand Jury, for not keeping the same way, or the bridges thereon in good repair, except the bridge by *Lenox* furnace, that near *Langdon's*, in *Lee*, and that near *Sandford Brown's*, in *Sandisfield*.

SECT. 4. *And be it further enacted*, That if any person shall cut, break down or destroy any of the said turnpike gates, or shall forcibly pass, or shall attempt by force to pass the same, without having first paid the legal toll at such gate, he shall forfeit and pay a sum not exceeding *fifty dollars* nor less than *two dollars*, to be recovered by the Treasurer of the said Corporation to their use, in an action of trespass, before any Court proper to try the same: And if any person shall, with his horse, carriage, team, or cattle, turn out of the said road to pass any of the turnpike gates, on ground adjacent thereto, and again enter on said road, or shall falsely and deceitfully pretend to be exempted by this Act from paying toll, with intent to defraud the Corporation, such person shall forfeit and pay three times as much as the legal toll would have been, to be recovered by the Treasurer of the said Corporation, to the use thereof, in an action of debt or on the case: *Provided*, That nothing in this Act shall be understood to entitle the said Corporation to demand and receive toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse, team or cattle, to or from his common labour on his farm, or to or from any mill, or on the common and ordinary business of family concerns within the town where he dwells.

SECT. 5. *And be it further enacted*, That the shares in the same turnpike road shall be taken, deemed and considered to be personal estate to all intents and purposes, and may be transferable; and the mode of transferring said shares shall be by deed,

Penalty for delay and for exacting excessive toll, and process for the recovery.

Corporation accountable for damages by defects in road, &c.

Penalty for injuring road & for attempting to pass by force.

— for evading toll.

Proviso.

Shares considered personal estate. Mode of transfer and of attachment.

deed, acknowledged before any Justice of the Peace, and recorded by the Clerk of the said Corporation in a book to be kept for that purpose: And when any of the said shares shall be attached on *mesne process*, an attested copy of such process shall, at the time of the attachment, be left with the Clerk of the Corporation, otherwise such attachment shall be void; and such shares may be sold on execution, in the same manner as is or may by law be provided for the sale of personal property by execution; the officer making such sale, or the judgment creditor, leaving a copy of the execution, with the officer's return on the same, with the Clerk of the said Corporation within ten days after such sale, and paying for the recording of the same.

SECT. 6. *And be it further enacted*, That the said Corporation shall, within six months after the said road is completed, lodge in the Secretary's office an account of the expenses thereof; and that the said Corporation shall annually exhibit to the Governor and Council a true account of the income or dividend arising from the said toll, with their annual necessary disbursements on the said road; and that the books of the said Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, or to the inspection of the Governor and Council, when called for.

SECT. 7. *And be it further enacted*, That whenever any Proprietor shall neglect or refuse to pay any tax or assessment duly voted and agreed upon by the said Corporation, to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of the said Corporation is hereby authorized to sell at public vendue the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to discharge said taxes and defray the necessary incidental charges, after duly notifying in the newspaper printed at *Stockbridge*, the sum due on any such shares, and the time and place of sale, at least twenty days previous to the time of sale; and such sale shall be a sufficient transfer of such share or shares so sold to the person purchasing; and on producing a certificate of such sale from the Treasurer to the Clerk of the said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of the said Corporation, and such person shall thereafter be considered, to all intents and purposes, the Proprietor thereof; and the overplus arising from such sale, if any remains, shall be paid by the Treasurer, on demand, to the person whose shares were thus sold.

SECT. 8. *And be it further enacted*, That the said Corporation shall, at all places where the said toll shall be collected, erect and keep constantly exposed to view a sign or board, with the rates of toll of all the tollable articles fairly and legibly written thereon in large characters.

SECT.

An account of expenses to be lodged in Secretary's office.

Shares of delinquents to be sold.

Sign-board to be erected.

SECT. 9. *And be it further enacted,* That the said Corporation may from time to time, if they shall see fit, commute the toll at either or all of said gates, with any person, or with the inhabitants of any town through which the said road passes, by receiving from him or them a certain sum annually, to be mutually agreed on in lieu of the toll established in and by this Act.

Commutation
of toll allowed.

SECT. 10. *And be it further enacted,* That a meeting of the said Corporation shall be holden at the coffee-house in *Lenox* afore said, on the first Tuesday of *August* next, for the purpose of choosing a Clerk, and such other officers as may then and there be agreed upon by the said Corporation, for managing the concerns thereof; and also to establish such rules and regulations as may then and there be deemed necessary for carrying into effect the purposes and designs of the Corporation, *provided* the same be not repugnant to any part of this Act, or any other law of this Commonwealth; and that the said Corporation may then and there agree upon the times and places of holding their subsequent meetings, and upon the methods of calling the same, as they may judge proper.

Meeting di-
rected to choose
officers and of-
ficials.

SECT. 11. *And be it further enacted,* That the General Court may dissolve said Corporation, whenever it shall appear to their satisfaction that the income arising from the said toll shall have fully compensated the said Corporation for all monies which they may have expended in purchasing, making, repairing and taking care of the said road, together with an interest thereon at the rate of *twelve per centum* by the year; and thereupon the property of said road shall be vested in the Commonwealth and be at their disposal: *Provided,* That if the said Corporation shall neglect to complete the said turnpike road for the space of three years from the passing of this Act, the same shall become void and of no effect.

Corporation
may be dissolv-
ed.

Period for com-
pleting road.

[This Act passed *June 16, 1800.*]

An ACT in addition to an Act, entitled, "An Act to empower the Inhabitants of the Town of *Salem* to choose a Board of Health, and for removing and preventing Nuisances in said Town," and for repealing Part of said Act.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That no person or persons, without first obtaining permission therefor from the Board of Health, chosen or which shall be chosen pursuant to the directions of the Act to which this is an addition, or two members thereof, shall kill any sheep or lambs within said town, or expose to sale within

Sheep or lambs
not to be kill-
ed in Salem,
nor the meat
of any to be
sold, which
may be driven
more

more than five miles in the two days before it was killed.

the same, between the first day of *July* and the twentieth day of *September*, in any year, the meat of any sheep or lambs which shall have been driven more than five miles within two days next preceding the day on which the same shall be killed; and every person who, without having first obtained such permission, shall, within the times aforesaid, kill any sheep or lambs within said town, or shall expose and offer for sale within the same, the meat of any sheep or lamb which shall have been driven more than five miles within two days next preceding the day on which the same were killed, shall forfeit and pay for each offence *twenty dollars*, and the meat of every sheep or lamb so killed shall be forfeited; and the said Board of Health, or any two of them, may, and it shall be their duty to seize and remove the same, and dispose thereof, so as that the health of the inhabitants may not be endangered thereby; and in any action or prosecution against the members of said Board of Health, or either of them, for seizing any meat of sheep or lambs by virtue of this Act, the plaintiff or prosecutor shall be held to prove that such sheep or lambs had not been driven more than five miles within two days next preceding the day on which the same were killed, or that the same were killed by the permission of the Board of Health, or two members thereof.

SECT. 2. *Be it further enacted*, That any master or commander of any vessel who shall enter the harbour of *Salem* with his said vessel, after notice given to him by any person or persons whomsoever, that quarantine has been directed by said Board of Health for all vessels coming from the port or place from which such master or commander shall have arrived, or who shall falsely or fraudulently attempt to elude the directions of the said Board of Health by false and unfounded declarations of the port or place from whence he came, or as to the sickness or deaths which may have happened on board said vessel during her then last voyage, or who shall land or suffer to be landed from his vessel any person or apparel, bedding, goods or merchandize whatsoever, without the permission of the said Board of Health, every such master or commander shall, upon conviction thereof in manner and form pointed out in the sixth section of the Act to which this is an addition, forfeit and pay a sum not exceeding *five hundred dollars*, or suffer imprisonment for a term not exceeding six months, or both, at the discretion of the Court having cognizance of the offence.

Penalty for violating or attempting to evade an order for quarantine.

SECT. 3. *Be it further enacted*, That whenever the visiting Physician of the Board of Health shall think it necessary that any vessel should be purified and cleansed and perform quarantine, he or any other person authorized thereto by the Board

Board of Health, may direct the master or commander of such vessel to proceed to, and anchor at such place as the said Board of Health shall have appointed for cleansing and purifying vessels: And it shall be the duty of said Physician to apply to the Board of Health to direct the time and manner in which such purification shall take place, and the expenses shall be defrayed by the master, commander, owner or consignee, to be recovered by an action of the case in the name of the President of the Board of Health, and each and every master, commander, owner or consignee of every such vessel, who shall neglect or refuse to comply with such directions, shall, on conviction thereof, before the Court of General Sessions of the Peace, be fined not exceeding *one thousand dollars*, or suffer imprisonment for a term not exceeding six months, or both, at the discretion of the Court.

— for disobeying the order of the visiting Physician as to quarantine.

SECT. 4. *Be it further enacted*, That all pecuniary penalties and forfeitures, arising from this Act, shall accrue to the use of the town of *Salem*, and shall be prosecuted for, and recovered by action of debt, in the name of the President of the said Board of Health, in any Court competent to try the same, excepting in those cases in which it is herein otherways provided: And that the fourth, seventh and ninth sections of the Act to which this is an addition, be, and the same are hereby repealed, excepting so far as respects the recovery of any fines, or forfeitures already incurred thereby.

Penalties and forfeitures to accrue to the town of Salem.

[This Act passed *June 16, 1800.*]

An ACT for the Preservation and to regulate the Taking of Fish, in *Crooked River*, and *Songo River*, in the Counties of *York* and *Cumberland*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That if any person or persons shall make, build or erect any wear or dam in or across either of the said rivers, or shall suffer any wear or dam to continue or remain in or across the same, or shall take any fish in said rivers, or in any of the streams or ponds running into or connected with the same, in the months of *September* and *October*, excepting with a hook and line; the person or persons so offending shall forfeit and pay for each offence, a sum not exceeding *one hundred dollars*, nor less than *five dollars*, to be recovered by indictment, in any Court of General Sessions of the Peace in either of the counties aforesaid wherein such offence may be committed, one half of which sum shall enure to the use of the poor of the town where said offence may be committed, the other half to him or them who shall prosecute for and recover the same.

No wear to be erected or fish taken in *Sept.* and *October*.

[This Act passed *June 16, 1800.*]

An

An ACT to incorporate fundry Persons in the Towns of *Rochester*, in the County of *Plymouth*, and *New-Bedford*, in the County of *Bristol*, into a Religious Society, by the Name of *The United Baptist Church and Society in Rochester and New-Bedford*.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Jesse Tripp, Joshua Snow, jun. Elias Dexter, Nathan Maxham, Elizabeth Dexter, Benjamin Hammond, the 2d. John Dexter, Putnam Randall, Simeon Randall, Abner Howard, William Howard, Joshua Bessé, Abraham Tinkham, Andrew Tinkham, Benjamin Perkins, Henry Smith, Lemuel Randall, Jesse Tripp, jun. Benjamin Hammond, the 4th. Silvanus Westgate, John Simmonds, Ebenezer Snow, Thomas Sherman, the 2d. John Winslow, Benjamin Bowles, Seth Hammond, Jacob Kenny, David Mitchell, John Holmes, Nathaniel Hammond, Joseph Davis, Nathaniel Briggs, Nathaniel Bessé, Ephraim Meiggs, Stephen Wing, Joseph Lovett, James Brownell, Cook Brownell, Jethro Randall, John Clark, Thomas Ellis, Malachi Ellis, Charles Tinkham, Samuel Bowles, Samuel Bowles, jun. Asa Nichols, Reuben Tinkham, John Rouse, Thaddeus Stutson, Joseph Snow, David Randall, Clement Randal, John Beard, John M. Beard, Zephaniah Scernman, Amaziab Bowles, Henry Higgins, Stafford Hammond, Cephas Cushman, John Edwards, Isaac Bowles, Silvanus Hammond, Thomas Parlow, Samuel Temple, William Parlow, David Parlow, Richard Greene, Seth Randall, Samuel Randall, Paul Winslow, Dorcas Winslow, and William Shaw*, together with such others as may hereafter associate with them, with their families and estates, be, and they are hereby incorporated into a religious Society, by the name of *The United Baptist Church and Society in Rochester and New-Bedford*, with all the powers, privileges, rights and immunities, to which other parishes are entitled by the Constitution and laws of this Commonwealth.

SECT. 2. *Be* it further enacted, That any person living within either of the said towns of *Rochester* and *New-Bedford*, of the denomination aforesaid, who may at any time hereafter actually become a member of and unite in religious worship with the said Society, in said *Rochester* and *New-Bedford*, and shall give in his or her name to the Clerk of the town or parish to which he or she belongs, with a certificate signed by the Minister or Clerk of the said Society, that he or she hath actually become a member of and united in religious worship with the said *United Baptist Church and Society in Rochester and New-Bedford*, fourteen days previous to the town or parish meeting therein, to be held in the month of *March* or *April* annually, shall, from
and

Persons incorporated.

Corporate name.

How to become a member.

and after giving such certificate, with his or her families and estate, be considered as a member of said Society: *Provided however,* That such person shall be held to pay his or her proportion of all monies assessed or voted in the town or parish to which he or she belonged previous to that time.

SECT. 3. *Be it further enacted,* That when any member of said Society shall see cause to leave the same, and unite in religious worship with any other religious Society in the town or parish in which he or she may live, and shall give in his or her name to the Clerk of the said Baptist Religious Society, with a certificate signed by the Minister or Clerk of the parish, or other incorporated religious Society with which he or she may unite, that he or she hath actually become a member of and united in religious worship with such other parish, or other incorporated religious Society, fourteen days previous to their annual meeting in *March* or *April*, and shall pay his or her proportion of all monies voted in said Society, to be raised previous thereto, such person shall, from and after giving such certificate, with his or her family and estate, be considered as a member of the said Society to which he or she hath so united.

SECT. 4. *And be it further enacted,* That *Eliشا Ruggles*, Esq. be, and he is hereby authorized to issue his warrant, directed to some suitable member of the said Society, qualified to vote in parish affairs, requiring him to warn the members of the said Society to assemble at some suitable time and place, as shall be appointed in said warrant, to choose such officers as parishes are by law empowered to choose in the month of *March* or *April* annually; and to transact all other matters and things necessary to be done for the benefit of said Society, which other parishes are authorized by law to transact.

[This Act passed June 17, 1800.]

An ACT authorizing the Town of *Westfield*, in the County of *Hampshire*, to build a Toll-Bridge over *Westfield Great River*, near *Park's Mills*, in said County, and to enable the Inhabitants of said Town to support the same.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said town of *Westfield* be, and they are hereby authorized and empowered to build a Bridge over *Westfield Great River*, near *Park's Mills*.

SECT. 2. *Be it enacted,* That to reimburse the said town of *Westfield* for their expense in building and supporting the said Bridge,

Bridge, a toll be, and hereby is granted and established for the use and benefit of the said town of *Westfield*, according to the rules and rates following, viz. For each foot passenger, *one cent*; for one person and horse, *three cents*; for each horse and chaise, fulkey, or riding chair, *one sixteenth of a dollar*; for each sleigh, sled or cart, drawn by one horse or other beast, *four cents*; for each sleigh, drawn by more than one horse or other beast, *one sixteenth of a dollar*; for each coach and other four wheel carriage for conveying persons, *one eighth of a dollar*; for each waggon, cart, sled or other carriage, drawn by more than one beast, with one driver, *one sixteenth of a dollar*; for neat cattle in a drove, *six cents per dozen*; for horse kind in a drove or led, *six cents per dozen*; for sheep or swine, *three cents per dozen*: And at all times when the toll-gatherer shall not attend to receive the toll, the gate or gates, if any, shall be left open and free for passengers; and the toll shall commence whenever the Bridge shall be fit and safe for carriages to pass over it, and shall continue to the said town for the term of thirty years: *Provided nevertheless*, That the General Court shall have a right to alter the rate of toll after the term of twenty years; and said Bridge shall be kept in good, safe and passable repair; and at the place where the toll shall be received, there shall be erected and constantly exposed to open view, a sign board, with the rates of toll of all the tollable articles fairly and legibly written thereon.

Gates to be left open in absence of toll-gatherers.

Toll may be altered.

Directions respecting the Bridge.

SECT. 3. *And be it further enacted*, That the said Bridge shall be built of suitable materials, fourteen feet wide at least, and railed on each side three feet high; and if the said town shall neglect, for the term of two years after passing this Act, to build and complete the said Bridge, then this Act shall be void.

[This Act passed June 17, 1800.]

An ACT to incorporate a Number of the Inhabitants of the Towns of *Brookfield* and *Spencer*, in the County of *Worcester*, into a distinct Religious Society, by the Name of *The First Baptist Society in Brookfield*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Nicholas Jenks, Lawrence Jenks, Thomas Slayton, Josiah Goodell, Oliver Jenks, Nathaniel Dodge the second, Jeduthan Stevens, John Pierce, Shadrach Pierce, Shadrach Pierce, jun. Daniel Jenks, Joshua Moor, John Wilcott, jun. Thomas Moor, jun. Eber Pierce, Leziel Baxter, Elisha Doane, Phineas Slayton, Jude Stevens, Justus Stevens, Roger Stevens, Roger Stevens,*

Persons incorporated.

vens, jun. Elias Staples, jun. Nicholas M^cCluer, Silas Stevens, Ezra Bennett, Levi Chilson, Isaac Slayton, Reuben Convers, Reuben Harrington, Stevens Hatch, Luke Convers, Elisba Drake, Samuel Kingsbury, Eli Wood, John Stevenson, Clark Hill, David Jenks, Joseph Bennett, Reynolds Bennett, John Bennett, Thomas Jenks, Jairus Lamb, Job Simmons, Joseph Simmons, Amos Harrington, Rufus Harrington, Shadrach Hathaway, Peter Kendall, Holland Moor, Benjamin Hamilton, Elijah Slayton, Jonathan Lackey, Nicholas M^cCluer, jun. Nathan Doane, Elijah Hearey, Isaiah D. Holbrook, William Guildford, Isaac Kinne, Loammi Harrington, Abraham Lackey, and Jeremiah Kinne, together with their families and estates, together with such others as have or may hereafter associate themselves for the same purpose, in the manner hereinafter described, be, and they are hereby incorporated into a religious Society by the name of *The First Baptist Society in Brookfield*, with all the powers, privileges and immunities to which other parishes are entitled by the Constitution and laws of this Commonwealth for religious purposes only.

Corporate name.

SECT. 2. *Be it further enacted*, That any person in either of the said towns of *Brookfield* or *Spencer* aforesaid, being of the Baptist denomination aforesaid, who may at any time hereafter actually become a member of and unite in religious worship with the Society aforesaid, and give in his or her name to the Clerk of the town or parish to which he or she belongs, with a certificate signed by the Minister or Clerk of said Society, that he or she has actually become a member of and united in religious worship with the aforesaid Baptist Society in *Brookfield*, fourteen days previous to the town or parish meetings therein, to be held in the month of *March* or *April* annually, shall, from and after giving such certificate, with his or her polls and estates, be considered as part of said Society: *Provided however*, That such person shall be held to pay the proportion of all money assessed in the town or parish to which he or she belonged previous to that time.

How to become a member.

SECT. 3. *Be it further enacted*, That if any member of said Baptist Society shall at any time see cause to leave the same, and unite in religious worship with the parish in which he may reside, and shall lodge a certificate of such his intention with the Clerk or Minister of said Baptist Society, and also with the Clerk of the town or parish in which he may reside, fourteen days at least before the annual town or parish meeting to be held therein in the month of *March* or *April*, and shall pay his proportion of all money assessed on said Society previous thereto, such person shall, from and after giving such certificates, with his polls and estates, be considered as belonging to the town or parish in which he may reside, in the same manner as if he had never belonged to said Baptist Society.

How to leave the Society.

SECT.

First meeting.

SECT. 4. *And be it further enacted*, That *Thomas Hale*, Esq. be, and he is hereby authorized to issue a warrant, directed to some suitable member of said Baptist Society, requiring him to notify and warn the members thereof to meet at such time and place as shall be appointed in said warrant, to choose such officers as parishes in this Commonwealth are by law authorized to choose in the month of *March* or *April* annually.

[This Act passed June 17, 1800.]

An ACT for setting off *Jonathan Kingsbery, jun.* an Inhabitant of the westerly Precinct in *Needham*, in the County of *Norfolk*, and annexing him and his Estate to the easterly Parish in said *Needham*.

Preamble.

WHEREAS *Jonathan Kingsbery, jun.* living within the westerly precinct in *Needham*, in the county of *Norfolk*, has represented to this Court that it is very inconvenient for him to attend the public worship of God in the said westerly precinct, and praying that he may be annexed to the easterly parish in *Needham*:

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said *Jonathan Kingsbery, jun.* and his estate, belonging to the said westerly precinct, be, and hereby is set off from the said precinct and annexed to the said easterly parish: *Provided nevertheless*, That the said *Jonathan Kingsbery, jun.* thus annexed to the said easterly parish, shall be holden to pay all taxes assessed against him in the said westerly precinct prior to passing this Act, in the same way and manner as he was before holden to pay the same: *Provided also*, That the said *Kingsbery* shall be holden to pay his proportion of *three hundred dollars* remaining yet to be assessed by said westerly precinct, to complete the sum agreed by them to be paid to the *Rev. Thomas Noyes*, for his settlement with them in the work of the gospel ministry, in the same manner as if this Act had not been passed.

To pay existing
assessments &
his proportion
of 300 dolls.

[This Act passed June 17, 1800.]

March 1, 1799.

An ACT in addition to an Act, entitled, "An Act establishing *The Fifth Massachusetts Turnpike Corporation*."

Preamble.

WHEREAS it is provided in said Act, that the road shall begin at *Northfield*, and be made through *Warwick, Orange, Athol, Gerry, Templeton* and *Gardner*, to *Westminster* meeting-house, and thence to *Leominster*; and it is represented to this General Court by said Corporation, that great inconveniences

ences will arise to the travellers, if the road should be laid out and made by said meeting-house : Therefore,

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That when every other part of said road shall be finished to the approbation of the Committee of the Court of General Sessions, as is provided in said Act, except about three-fourths of a mile now in dispute in the town of *Westminster*, the Corporation shall be authorized to erect gates, and demand the toll : *Provided however,* That the said piece of road, in dispute, shall be finished within six months after the decision of the General Court respecting the alteration prayed for by the Corporation.

Gates may be erected when a part of the road is finished.

[This Act passed June 17, 1800.]

An ACT in addition to an Act for establishing a Corporation by the Name of *The Fifth Massachusetts Turnpike Corporation.* March 1, 1799.

WHEREAS by said Act the Corporation are confined to place one of the gates at or near the line between the towns of *Gardner* and *Westminster*, and the peculiar situation of the ground and roads rendering it very inconvenient to erect a gate at or near said line :

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said Corporation be, and hereby are authorized to erect said gate in any convenient place in the town of *Gardner*, so as not to interrupt the most direct road leading from *Gardner* meeting-house to *Westminster* meeting-house ; any thing in the Act to which this is in addition notwithstanding.

Corporation permitted to erect a certain gate any where in Gardner.

SECT. 2. *Be it further enacted by the authority aforesaid,* That said Corporation be authorized to erect the gates and receive toll, conformable to the incorporating Act, and this Act, from the fifteenth day of *December*, to the fifteenth day of *March* next, then said gates to remain open, and no toll exacted until said road be fully completed and accepted.

A temporary toll allowed.

[This Act passed November 15, 1800.]

An ACT in addition to and for the amendment of an Act, entitled, "An Act for establishing a Corporation by the Name of *The Sixth Massachusetts Turnpike Corporation.*" June 22, 1799.
Nov. 15, 1800.

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 discretion of the said *Sixth Massachusetts*

Corporation allowed to erect the gates where they think best. *sets Turnpike Corporation, to erect the five toll gates, allowed them in the Act to which this is in addition, at such places as in their judgment shall be most conducive to the public convenience, and the benefit of the said Corporation: Provided, That three of the said gates shall be erected to the westward of the road leading from Barre, to the said turnpike in the town of Rutland, and that the situation of all the said gates shall be approved of by the Committee, who are or may be appointed in pursuance of the said Act, for the purpose of viewing and approving the said road.*

[This Act passed November 15, 1800.]

An ACT to incorporate the Plantation called *New-Sunkook*, in the county of *York*, into a Town by the Name of *Lovell*.

The town incorporated. Boundaries.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the plantation of New-Sunkook, in the county of York, bounded as follows, viz. Beginning at a stake and stones, in the east corner of Fryeburgh, and the north-west corner of Bridgton; thence running north forty-six and an half degrees west, one thousand eight hundred and sixty-five rods to a stake and stones by Fryeburgh line; thence north fifteen degrees east, three hundred and fifty rods, to Keazer Pond, to a birch tree marked; thence by said pond to a large stone marked; thence north forty-five degrees west, seventy-six rods, to a maple tree marked; thence north twenty degrees west, eight hundred and twenty-five rods, to a Norway pine tree marked; thence north seventy-eight degrees east, one thousand six hundred and fifty rods, to a birch tree marked; thence south twenty degrees east, three thousand two hundred and twenty-five rods, to a pine tree standing on Bridgton line; thence south sixty-seven degrees west, one thousand nine hundred and ninety-six rods to the first bound, with the inhabitants thereon, be, and they hereby are incorporated into a town by the name of Lovell: And the said town is hereby vested with all the powers, privileges and immunities which other towns in this Commonwealth do or may by law enjoy.*

Person authorized to call first meeting.

SECT. 2. *Be it further enacted, That Moses Ames, Esq. be, and he hereby is empowered to issue his warrant directed to some suitable person within said town, requiring him to warn a meeting of the inhabitants thereof, at such time and place as shall be expressed in said warrant, for the purpose of choosing such town officers as other towns are empowered to choose in the month of March or April annually.*

[This Act passed November 15, 1800.]

An

An ACT to incorporate the Plantation heretofore called *Number Three*, or *Reedstown*, on the west Side of *Kennebeck River*, in the County of *Kennebeck*, into a Town by the Name of *Strong*.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the township known by the name of *Reedstown* or *Number Three*, lying on the west side of *Kennebeck River*, in the county of *Kennebeck*, with the inhabitants thereon, be, and hereby are incorporated into a town by the name of *Strong*, by the following bounds, viz. Beginning at a hemlock tree, the south-west corner of *Number Two*; thence running west on the north line of a township granted to *Reuben Colburn* and others, four miles and three-quarters and sixteen rods, to the north-west corner of said *Colburn's* township, to a rock maple, (a birch tree and heap of stones being the corner bounds of said township *Number Three*, and the township granted to said *Colburn*;) thence north, seven miles and ninety-four rods, to a spruce tree marked for the north-west corner of said township *Number Three*; thence east, four miles and two hundred and fifty-six rods, to an ash tree, making the north-west corner of township *Number Two*; thence south, by the west line of said township *Number Two*, to the first mentioned bound: And the said town is hereby vested with all the powers, privileges and immunities which other towns do or may enjoy by the Constitution and laws of this Commonwealth.

The town of Strong incorporated, and its boundaries.

SECT. 2. *And be it further enacted*, That *William Read*, Esquire, be, and he is hereby authorized to issue his warrant, directed to some suitable inhabitant of the said town, requiring him to notify and warn the inhabitants thereof, to meet at such time and place as shall be appointed in said warrant, to choose all such officers as towns are by law required to choose in the months of *March* or *April* annually.

Person authorized to call first meeting.

[This Act passed January 31, 1801.]

An ACT in addition to an Act, passed the nineteenth Day of *February*, Anno Domini One thousand seven hundred and ninety-nine, entitled, "An Act concerning the Proprietors of *Lebanon*."

WHEREAS in and by said Act said Proprietors are authorized and empowered to act in their corporate capacity for the term of two years from the passing said Act, which term is nearly expired, and has not proved sufficient to answer the purposes contemplated in the same:

B.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Proprietors be, and hereby are authorized and empowered to continue to act in their corporate capacity for the term of two years from the eighteenth day of February current, for the purpose of doing and suffering all such matters and things as they might have done and suffered in their corporate capacity; any law to the contrary notwithstanding.

[This Act passed February 10, 1801.]

An ACT to incorporate certain Persons for building a Bridge over *Belfast River*, in the County of *Hancock*.

WHEREAS a Bridge over *Belfast River*, in the county of *Hancock*, will be of public utility, and *William Cunningham* and others have petitioned this Court to be incorporated for erecting the same :

Persons incor-
porated.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That William Cunningham, Jonathan Wilson, William Patterson, Ephraim McFarland, Samuel Russell, Robert Patterson the second, Abner G. McKeen, Nathaniel Patterson, Ephraim McKeen, Jacob Eames, R. B. Cochran, and John S. Osborn, together with those who may hereafter associate with them, be, and they are hereby incorporated into a Body Politic by the name of The Belfast Bridge Company, for the purpose of building and maintaining a Bridge over the river in the town of Belfast, in the said county, at the upper ferrying place, one mile from the mouth of said river; and as such they may sue and be sued, may appoint one or more agents or attorneys to prosecute or defend them, and may have and keep one common seal, which they may alter, break or change at pleasure.*

Rate of toll.

SECT. 2. *Be it further enacted, That for reimbursing to the said William Cunningham and others, beforenamed, and their associates, the money they may expend in building and supporting the said Bridge, a toll is hereby granted and established for the sole benefit of the said William Cunningham and others, before named, and their associates, according to the rates following, to wit: For each foot passenger, three cents; for each man and horse, twelve cents and five mills; for each horse and chaise, fulkey or riding chair, twenty-five cents; for each sleigh or sled drawn by one beast, twelve cents and five mills; for each sleigh, sled, waggon or cart, drawn by two beasts, twelve cents and five mills; for each sled, cart or waggon, drawn by more than two beasts, seventeen cents; for neat cattle*

cattle in droves or single, *two cents* each ; for sheep or swine, *one cent* each.

SECT. 3. *Be it further enacted*, That the said Bridge shall be well built, of good and suitable materials, at least twenty feet wide, with sufficient rails on each side for the safety of passengers, and be provided with a draw of sufficient width for vessels to pass through ; and the Proprietors shall keep the said Bridge in good, safe and passable repair : And if the said Corporation should unreasonably neglect to keep said Bridge in good repair as aforesaid, on such neglect being made to appear to the Court of General Sessions of the Peace for the county of *Hancock*, it shall be in the power of said Court to prohibit the Proprietors aforesaid from receiving toll from any person or persons passing said Bridge, until it is by them put into such repair as shall be deemed sufficient by the said Court : And the said toll shall commence whenever said Bridge shall be fit and safe for carriages to pass over it, and shall continue to said Corporation and their successors for the term of twenty years from the passing of this Act, subject to alterations by the General Court.

Directions for building the Bridge, and keeping it in repair.

SECT. 4. *And be it further enacted*, That if the said *William Cunningham* and others, beforenamed, and their associates, shall neglect, for the term of two years, to build said Bridge, then this Act shall be void.

To be built within two years.

[This Act passed *February 10, 1801.*]

An ACT to incorporate the Plantation of *Littleborough*, in the County of *Kennebeck*, into a Town by the Name of *Leeds*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the plantation heretofore called *Littleborough*, in the county of *Kennebeck*, as described within the following bounds, viz. Beginning at the north-west corner of *Greene* ; thence running northerly on the *Great Amariscoggin River*, to the line of *Livermore* ; thence easterly on the southerly line of said *Livermore*, till it strikes the line of *Wayne* ; thence southerly by the line of *Monmouth* to *Greene* ; thence north-west to the bounds first mentioned, together with the inhabitants thereon, be, and hereby are incorporated into a town by the name of *Leeds* ; and the said town is hereby vested with all the powers, privileges and immunities which other towns do or may enjoy by the Constitution and laws of this Commonwealth.

The town incorporated, & its boundaries.

SECT.

Person authorized to call first meeting.

SECT. 2. *And be it further enacted, That John Chandler, Esq. be, and he is hereby empowered to issue his warrant, directed to some suitable inhabitant of the said town of Leeds, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at such time and place as shall be expressed in said warrant, to choose all such officers as towns are by law required to choose in the month of March or April annually.*

[This Act passed February 16, 1801.]

An ACT for setting off *Jacob Bassett*, and others, from the Town of *Sutton*, to the Town of *Northbridge*.

Persons set off, and provision respecting taxes and the poor.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Jacob Bassett, Sarah Carpenter, Eliza Putnam, James Prentice, Calvin Prentice, Joshua Bassett, Alvin Bassett, Stephen Goldthwait, Jehu Bartlet, Abner Adams, and James Taylor, with their respective families and estates, be, and hereby are set off from the town of Sutton, in the county of Worcester, and annexed to the town of Northbridge, in the same county, and shall forever hereafter be considered as part of said town of Northbridge, there to do duty and receive privileges as other inhabitants of said town of Northbridge: Provided nevertheless, That the beforenamed persons, with their estates, so taken from the said town of Sutton, and annexed to the said town of Northbridge, shall be holden to pay all taxes already legally assessed on them by said town of Sutton; and shall also be held to pay their proportionable part of all such State and county taxes as shall hereafter be laid on said town of Sutton, previous to the settlement of another valuation of this Commonwealth: And provided also, That any person having heretofore owned and resided on any of said lands, who by force of any law of this Commonwealth, in virtue of such ownership and residence, has now a legal settlement in said town of Sutton, shall hereafter, in case he should become poor and need support, be relieved and supported by and at the expense of the said town of Northbridge.

[This Act passed February 17, 1801.]

An ACT for relieving the County of *Suffolk*, in the Choice and Service of Jurors, and for further regulating the Administration of Justice therein.

Preamble.

WHEREAS the number of Grand Jurors now by law to be chosen by the towns in the county of *Suffolk*, is unnecessarily inconvenient and burdensome: SECT.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this Act, the several towns in the said county be, and they are hereby exempted from appointing annual Grand Jurors, to serve at the Court of General Sessions of the Peace to be held therein, or at the Municipal Court for the town of *Boston*, and from appointing Petit Jurors to serve at the said Court of Sessions, as heretofore by law required; and such Jurors as may have been before appointed and shall be then liable to serve as aforesaid, shall be discharged from the said services, from and after the last day of *April* next.

The towns exempted from appointing certain Grand Jurors.

SECT. 2. *Be it further enacted by the authority aforesaid,* That such Jurors as are now appointed or may hereafter be appointed by the town of *Boston*, to serve on the Grand Jury, at the Supreme Judicial Court, within and for the said county of *Suffolk*, shall be summoned and shall attend the Municipal Court for the town of *Boston*, by law to be holden within and for the said town from and after the said last day of *April* next, until other Grand Jurors are appointed and returned to serve at the Supreme Judicial Court, in the county aforesaid, and are hereby vested with all the powers given by the Constitution and laws of this Commonwealth to Grand Jurors, touching all matters within the jurisdiction of the said Municipal Court: And that the Petit Jurors, who are or shall hereafter be appointed in the town of *Boston*, to serve in the Court of Common Pleas in said county, and who shall not be less than fifteen in number, shall also be appointed for and returned to the said Municipal Court: And it shall be their duty to attend the said Municipal Court, and to serve in all causes where by law trial by Jury may be required, and until another Petit Jury be appointed for the said Court of Common Pleas, and the said Petit Jurors shall be summoned accordingly: And the said Grand Jurors and Petit Jurors shall receive for their services in the said Municipal Court the like compensation and in like manner, as such Jurors are now by law entitled to at the Court of Sessions.

The Grand Jury of the Supreme Court to attend Municipal Court.

The Petit Jury of the Court of Common Pleas to attend Municipal Court.

SECT. 3. *Be it further enacted by the authority aforesaid,* That the Supreme Judicial Court to be by law holden within and for the said county of *Suffolk*, shall have cognizance and jurisdiction of all crimes and other matters heretofore cognizable by the said Court of Sessions, and triable by a Jury, the causes of which may arise in any other part of the county of *Suffolk* than the town of *Boston*; and that all appeals from the judgments of Justices of the Peace, in criminal matters happening within the said town of *Boston*, and which might have heretofore been made to the said Court of General Sessions of the Peace,

Supreme Court to have cognizance of certain actions.

Peace, shall be made to and be cognizable by the said Municipal Court.

SECT. 4. *Be it further enacted by the authority aforesaid, That the precepts of the said Municipal Court may be directed to all such officers, and run into any counties within this Commonwealth, that precepts from the said Court of General Sessions of the Peace might by law: And that the Grand and Petit Jurors, appointed and summoned to attend at the said Municipal Court, shall be subject to the same penalties for non-attendance, as such Jurors are now respectively subject to by law, for not attending at the Court of General Sessions of the Peace.*

Certain sessions
abolished.

SECT. 5. *And be it further enacted by the authority aforesaid, That the terms now by law established for holding the said Municipal Court on the first Mondays of March and September annually, be, and hereby are abolished.*

[This Act passed February 17, 1801.]

An ACT to incorporate and establish a Society by the Name of *The Kennebeck Agricultural Society.*

Preamble.

WHEREAS important advantages may arise to the community from instituting a Society, for the purpose of promoting agriculture in the *District of Maine*; and divers persons having petitioned to this Court to be incorporated into a Society for that purpose:

Persons incor-
porated.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said petitioners, viz. William Howard, Joseph North, Nathaniel Dummer, Daniel Cony, Chandler Robbins, James Bridge, Daniel Stone, Joseph Wingate, William Brooks, Charles Vaughan, Henry Dearborn, Samuel Moody, Eliphalet Gillet, Henry Sewall, Benjamin Vaughan, Jedediah Prescott, Seth Williams, Robert Page, John Chandler, Samuel Dutton, Seth Gay, and John Merrick, together with such others as have or shall become members thereof, be, and they are hereby incorporated into and made a Body Politic and Corporate forever, by the name of *The Kennebeck Agricultural Society.**

— empowered
to hold estate.

SECT. 2. *Be it further enacted by the authority aforesaid, That the said Corporation be, and are hereby declared and made capable in law, of having, holding, purchasing and taking in fee simple, or any less estate, by gift, grant, devise, or otherwise, any lands, tenements, or other estate, real or personal: Provided, That the value of the said real estate shall not exceed the sum of twenty thousand dollars, and the annual income of the said personal estate shall not exceed the sum of two thousand dollars; and may also sell, alien, or dispose of the same estate, real and personal, not using the same in trade or commerce.*

SECT.

SECT. 3. *Be it further enacted by the authority aforesaid,* That the said Corporation shall have full power to make, have and use a common seal, and the same to break, alter and renew at pleasure; that it shall be capable in law to sue or be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all Courts of Record, or other Courts or places whatsoever, in all actions, real, personal and mixed, and to do and execute all and singular other matters and things, that to them shall and may appertain to do. — to have a common seal.

SECT. 4. *Be it further enacted by the authority aforesaid,* That the said Corporation may make, establish and put in execution such laws and regulations, as may be necessary for the government of said Corporation: *Provided,* That the same shall in no case be repugnant to the laws and Constitution of this Commonwealth: And for the well-governing of the said Corporation, and the ordering their affairs, they shall have such officers as they shall hereafter, from time to time, elect and appoint; and such officers as shall be designated by the laws and regulations of the said Corporation for the purpose, shall be capable of exercising such power for the well-governing and ordering the affairs of the said Corporation, and calling and holding such occasional meetings for that purpose, as shall be fixed and determined by the said laws and regulations. — to make rules, regulations, &c.

SECT. 5. *Be it further enacted,* That the place of holding the first meeting of the said Society, shall be in the town of *Augusta* or *Hallowell*; and that *William Howard*, Esq. be, and he hereby is authorized and empowered to fix the time for holding the said meeting, and to notify the same to the members of the said Society, by causing the same to be published in the *Kennebeck Gazette*, printed at *Hallowell*, fourteen days before the time fixed on for holding the said meeting. First meeting.

[This Act passed February 17, 1801.]

An ACT to establish the Dividing Line between *Vassalborough* and *Harlem*, in the County of *Kennebeck*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the line between the towns of *Vassalborough* and *Harlem*, shall extend forty rods on an east-south-east course from the south-east corner of *Vassalborough*, from thence on a line that will meet a line running west-north-west, one hundred and four rods from the north-east corner of said *Vassalborough*, and the aforesaid lines shall in future be considered and taken to be the dividing line between said towns of *Vassalborough* and *Harlem*: any thing in the Acts of incorporation of said towns to the contrary notwithstanding.

[This Act passed February 17, 1801.]

An

An ACT in addition to and for repealing a certain Part of an Act, entitled, "An Act for establishing a Corporation by the Name of *The Fifth Massachusetts Turnpike Corporation.*"

March 1, 1799.

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 first section of the aforesaid Act, as directs that the said turnpike road shall go to *Westminster* meeting-house, be, and hereby is repealed; and that said Corporation be hereby authorized to make the turnpike road to the northward of said meeting-house, in the most convenient direction, subject in every other respect to the Act to which this is in addition.

[This Act passed February 18, 1801.]

An ACT to incorporate certain Persons as Trustees of a Fund for the Support of a Congregational Minister in the Town of *Shrewsbury*.

Preamble.

WHEREAS there are in the Treasury of the town of *Shrewsbury*, certain securities and monies, amounting to *one thousand nine hundred and twenty dollars*, which the town at a legal meeting have appropriated as a fund for the support of a Congregational Minister in said town: And whereas the inhabitants of the town aforesaid have raised by subscription and otherways, a further sum of *two thousand two hundred and forty-three dollars*, for that purpose, and have petitioned the Legislature for an Act of incorporation of certain persons for the due management thereof:

Trustees.

SECT. 1. *Be* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Jonah Howe, Asa Rice, Thomas Knowlton, Joseph Stone, Nathan Pratt, Thomas Witherbee, John Bragg, Nathan Howe, and Samuel Haven*, be, and are hereby appointed Trustees to manage such funds as are or shall be raised and appropriated to the uses aforesaid, in and for the town aforesaid; and for that purpose they are hereby incorporated into a Body Politic, by the name of *The Trustees of the Funds appropriated to the support of a Minister of the Congregational Denomination, in the town of Shrewsbury*; and they and their successors in said office, are hereby vested with full power to receive into their hands, all subscriptions, donations, securities for real or personal estate, and monies already subscribed, given or raised, or which hereafter may be subscribed or given for that purpose, and to put the same to use or interest for the purpose aforesaid: *Provided,*

Empowered to receive subscriptions, &c.

That

That the same fund shall never exceed the sum of *eight thousand dollars* in the whole : And apply the whole or so much as may be necessary, of the interest arising therefrom, to pay the salary of such Minister as aforesaid, as the majority of the church and congregation have settled or may settle ; but not in any case to lessen or make use of any part of the principal : And in case the whole of said annual income and interest should be more than sufficient to pay the salary as aforesaid, then the surplus, if any there be, shall be appropriated for the support of schools in said town, or for enlarging said fund, as the town may from time to time order or direct ; and if it shall so happen, that said Trustees shall become seized of lands or tenements by mortgage, as security for the payment of any debts due to said Society or Corporation, or by levying executions on lands for the discharge of debts due to said Trustees or town, and the fee thereof shall in due course of law be vested therein, it shall be lawful for said Trustees, for the time being, to execute good and well authenticated warrantee deeds of the same.

Interest how to be appropriated.

Trustees may execute deeds.

SECT. 2. *Be it further enacted,* That the Trustees before mentioned shall forever hereafter hold a meeting in the town of *Shrewsbury*, in the month of *April* annually, the time and place of said meeting to be notified by the major part of the Trustees, by posting an advertisement thereof in some public place in said town, seven days at least before the time of said meeting ; at such meeting the major part of the Trustees present may annually choose a Treasurer, with whom the money or securities for money, constituting the funds, may be deposited, and who shall, under the controul, and by the order of the Trustees, or major part of them, receive in, demand, sue for and recover, as well from all subscribers to said fund, their heirs, executors and administrators, the sums they have respectively subscribed for the purposes aforesaid, or the interest of the same only, as from any person who shall hereafter subscribe a sum for the purposes aforesaid, his heirs, executors and administrators, and shall deliver up, or pay out such money or securities ; and the person so chosen shall give bond, if required, at the discretion of the Trustees, for the faithful performance of his duty ; and the major part of the Trustees present at such meeting are also empowered to choose a Clerk annually, who shall be under oath to keep a true record of the proceedings and doings of the Trustees ; and the Trustees are further empowered, from time to time, at any of their meetings called in the manner aforesaid, to fill up the vacancies occasioned by the death, resignation or removal of any of the Trustees.

Annual meeting.

SECT. 3. *Be it further enacted,* That the said town shall have full power, from time to time, to call said Trustees to an account

Trustees may be called to account.

account for their conduct in managing said fund ; and the estate of each Trustee shall be liable to be taken in execution on any judgment against such Trustees recovered by the said town, which is hereby authorized to commence and prosecute an action against said Trustees, or any of them, for any embezzlement or neglect of refunding monies in their hands ; and the debt or damage recovered by the said town in any such judgment, shall be to and for the use aforesaid.

Judgment against a Trustee to exclude him from office.

SECT. 4. *Be it further enacted*, That if judgment shall be recovered against the said Trustees, or any of them, for embezzlement or neglect, as aforesaid, such Trustee or Trustees shall, by that fact, vacate his or their said office, and the vacancy shall be filled up in the manner before provided.

[This Act passed February 18, 1801.]

AN ACT to incorporate a Number of the Inhabitants of the south-westerly Part of *Petersham*, and the north-westerly Part of *Hardwick*, in the County of *Worcester*, and the north-easterly Part of *Greenwich*, in the County of *Hampshire*, into a Town by the Name of *Dana*.

Additional Act,
Feb. 12, 1803.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all the land described in the following boundaries, together with the inhabitants thereon, be, and hereby are incorporated into a town by the name of *Dana*, viz. Beginning at the south-west corner of *Petersham*, on the east line of *New-Salem*, and running on said line three miles and sixty rods, to the south-east corner of said *New-Salem* ; thence east seventy-four rods ; thence south two hundred and thirty rods ; thence east thirty rods ; thence south one mile and one hundred and thirty rods ; thence east fourteen degrees south, two hundred and sixty rods, to *Hardwick* west line ; thence south thirty-seven degrees west, on said *Hardwick* line, one hundred and twenty rods ; thence east thirty-two degrees south, two hundred and forty rods to the middle of *Swift River* ; thence by a line drawn on the middle of said *Swift River*, to the confluence of *Pautapaug Pond* ; thence north thirty-eight degrees east, one mile through said pond, to the north-east corner thereof, at a stump and stones, on land of *Luther Page* ; thence north fifteen degrees east, two hundred rods, to the centre of the bridge across said *Swift River*, on the county road ; thence east twenty-one degrees north, one hundred rods, to the south-east corner of land of *Stephen White* ; thence north twenty-two degrees east, eighty rods ; thence

The town incorporated.

Boundaries.

thence north six degrees east, two hundred and eighty rods; thence north five degrees west, one mile and eighty rods, to the eastern declivity of *Three-penny Morris Hill*, (so called;) thence north ten degrees east, to the north-east corner of land of *Seth Williams*, one mile and eighty rods; thence west fourteen degrees north, one hundred and thirty rods; thence west twenty-five degrees south, two hundred rods; thence west nineteen degrees north, to the first mentioned bound: And the inhabitants of the said town of *Dana* are hereby invested with all the powers, privileges, rights and immunities, which other towns are or may be entitled to enjoy, by the Constitution and laws of this Commonwealth: And the whole of the said town of *Dana* is hereby annexed to, and made a part of the county of *Worcester*.

SECT. 2. *Be it further enacted*, That the inhabitants of the said town of *Dana* shall be holden to pay their proportion of all rates and taxes already assessed or granted by the Commonwealth, or by the counties or towns to which they heretofore severally belonged, or which shall be hereafter granted by the Commonwealth or county, until a new valuation shall be taken and established in this Commonwealth, in the same manner as though this Act had never passed, and shall support all the poor, who had their legal settlement in either of said towns of *Petersham*, *Hardwick*, or *Greenwich*, and are now removed therefrom, and have not gained a settlement elsewhere, and whose dwelling-place or home was, before such removal, within the limits which now constitute the town of *Dana*.

Provision respecting taxes and the poor.

SECT. 3. *And be it further enacted*, That *Daniel Bigelow*, Esq. be, and he is hereby authorized to issue a warrant directed to some suitable inhabitant of the said town of *Dana*, requiring him to notify the inhabitants thereof, to meet at such time and place as shall be appointed in said warrant, for the election of all such officers as towns are entitled to choose in the months of *March* or *April* annually.

First meeting.

[This Act passed February 18, 1801.]

An ACT to establish an Academy in the Town of *Newcastle*, in the County of *Lincoln*, by the Name of *The Lincoln Academy*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That there be, and hereby is established, in the town of *Newcastle*, in the county of *Lincoln*, an Academy by the

Academy established.

the name of *The Lincoln Academy*, for the purpose of promoting piety, religion and morality, and instructing youth in such of the liberal arts and sciences as the Trustees shall direct.

Trustees incorporated.

SECT. 2. *Be it further enacted*, That the Reverend *Kiah Bailey* and *Samuel Nickels*, Esq both of *Newcastle*, the Reverend *Jonathan Ward*, of *New-Milford*, the Reverend *Alden Bradford*, and the Honorable *Thomas Rice*, of *Pownalborough*, the Reverend *William Riddle* and *Thomas McClure*, Esq. of *Bristol*, the Reverend *John Sawyer* and *William McCobb*, Esq. of *Boothbay*, *David Dennis*, Esq. and Mr. *Matthew Cottrell*, of *Nobleborough*, the Honorable *Henry Knox*, Esq. of *Thomastown*, and Mr. *Moses Carlton*, of *New-Milford*, be, and they hereby are appointed Trustees of the aforesaid Academy, and they are hereby incorporated into a Body Politic, by the name of *The Trustees of the Lincoln Academy*; and they and their successors shall be and continue a Body Politic and Corporate by the same name forever.

— to have a seal, &c.

SECT. 3. *Be it further enacted*, That the said Trustees and their successors shall make and have a common seal, which they may break, change and renew from time to time, as they may see fit; and they may sue and be sued in all actions, real, personal or mixed, and prosecute and defend the same to final judgment and execution, by the name of *The Trustees of the Lincoln Academy*, and may appoint an agent or agents to prosecute or defend such suits.

— to appoint officers of the Academy.

SECT. 4. *Be it further enacted*, That the Trustees aforesaid, and their successors, be, and they hereby are made the Visitors, Trustees and Governors of the said Academy, in perpetual succession forever, to be continued in the way and manner hereafter specified, with full power and authority to elect and constitute such officers of the said Academy as they shall judge necessary and convenient; and to make and ordain such laws, orders and rules, not repugnant to the laws of this Commonwealth, for the good government of said Academy, as to them shall seem fit and requisite.

Quorum of Trustees.

SECT. 5. *Be it further enacted*, That the number of the Trustees aforesaid shall not at any one time be more than thirteen nor less than seven, which last number at least shall be necessary to constitute a quorum for transacting business; and the eldest Trustee present at any legal meeting shall be considered and shall act as Chairman of such meeting.

Vacancies to be filled.

SECT. 6. *Be it further enacted*, That as often as one or more of the Trustees shall die or resign, or in the judgment of the major part of the Trustees shall be rendered incapable, by age or otherwise, of discharging the duties of his office, the Trustees then surviving shall elect one or more persons to fill up the vacancy or vacancies.

SECT.

SECT. 7. *Be it further enacted*, That the Trustees aforesaid, and their successors, be, and they hereby are rendered capable in law to take and hold by gift, grant, devise, bequest or otherwise, any lands, tenements or other estate, real or personal: *Provided*, That the annual income of said real estate shall not exceed the sum of *two thousand dollars*, and the annual income of their personal estate shall not exceed the sum of *seven thousand dollars*; and all deeds and instruments which the said Trustees may lawfully make, shall be sealed with their seal, and shall bind the said Body Politic and their estates, real and personal, under the name of *The Trustees of the Lincoln Academy*.

Property may be held.

SECT. 8. *Be it further enacted*, That if the said Trustees of the said Academy shall, within three years from the passing of this Act, furnish evidence to this Court, that funds are secured to the use of said Academy by private donation or otherwise, to the amount of *three thousand dollars*, the said Trustees shall be then entitled to a grant of half a township of land from this Commonwealth, for the use and support of said Academy.

Conditional grant of land.

SECT. 9. *And be it further enacted*, That *Samuel Nickels*, Esq. one of the Trustees aforesaid, be, and he hereby is authorized and empowered to appoint the time and place for holding the first meeting of said Trustees, and notify them thereof.

First meeting.

[This Act passed *February 23, 1801.*]

An ACT for incorporating certain Persons for the Purpose of building a Bridge over *Taunton Great River*, between the Towns of *Dighton* and *Berkley*, in the County of *Bristol*, at or near the common landing Place in said *Dighton*, near the Dwelling-House of *David Standish*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Samuel Tobey, William Baylies, Thomas B. Richmond, George Ware, Benjamin Crane, Luther Crane, Thomas Carpenter* the second, with such other persons as now are associated, or may hereafter associate with them, for the purpose hereafter mentioned, their heirs and assigns, be, and they hereby are made and constituted a Corporation or Body Politic, for the purpose of building a Bridge over *Taunton Great River*, between the towns of *Dighton* and *Berkley*, in the county of *Bristol*.

Persons incorporated.

SECT. 2. *Be it further enacted*, That any two of the aforesaid Proprietors may, by posting up notifications at some public places in the towns of *Dighton* and *Berkley*, warn and call a meeting

Meeting how to be called.

Officers may be chosen and rules established.

meeting of the Proprietors, to be holden at any suitable time and place, after thirty days from the first publication of said advertisement; and the Proprietors, by a vote of a majority of those present, or duly represented at the said meeting, (allowing one vote to and for each single share in all cases; *provided however*, that no one Proprietor shall be allowed more than six votes,) shall choose a Clerk, who shall be sworn to the faithful discharge of said office, and shall also agree on a method of calling future meetings; and at the same, or a subsequent meeting or meetings, may elect such officers, and make and establish such rules and by-laws as to them shall seem necessary or convenient for the regulation and government of the said Corporation, for carrying into effect the purpose aforesaid, and for collecting the toll hereinafter granted and established; and may annex penalties to the breach of any by-laws not exceeding *five dollars*: And all representations at said meeting shall be filed with the Clerk, and this Act, and all rules, regulations and proceedings shall be fairly and truly recorded by the said Clerk, in a book or books to be provided and kept for that purpose.

Bridge where to be erected.

Draw to be constructed.

SECT. 3. *Be it further enacted*, That the said Proprietors be, and they hereby are authorized and empowered to erect a Bridge over *Taunton Great River*, so called, between the towns of *Dighton* and *Berkley*, in the county of *Bristol*, at or near the common landing place, near the dwelling-house of *David Standish*, in said *Dighton*, with a convenient draw for the passing of vessels, at least twenty-eight feet wide, which draw shall be constructed with strong abutments, and on each side thereof there shall be a pier sufficient to secure all such vessels as may attempt to pass through said draw, for the use of such vessels, free of wharfage or expense of any kind: And the said Proprietors shall constantly keep some suitable person or persons at the said Bridge, who shall raise said draw for any vessel that may be passing up or down the river aforesaid, without toll or expense: And in case any vessel about to pass said Bridge, shall be detained at the draw more than five minutes before the same shall be begun to be raised, the Proprietors of said Bridge shall forfeit and pay to the owner or owners of such vessel, the sum of *ten dollars* for each and every such detention, to be recovered by action of debt in any Court proper to try the same.

And for the purpose of reimbursing the said Proprietors the money by them to be expended in building and supporting said Bridge:

SECT. 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, *three cents*; for each horse and rider, *six cents five mills*;

mills; for each horse and chaise, chair or fulkey, *seventeen cents*; for each coach, chariot, phaeton or other four-wheeled carriage for passengers, *twenty-five cents*; for each curricule, *twenty-five cents*; for each sleigh, drawn by one horse, *twelve cents and five mills*; for each cart, sled, or other carriage of burden, drawn by one beast, *twelve cents five mills*, if drawn by two beasts, *seventeen cents*, if drawn by more than two beasts, *twenty cents*; for each horse without a rider, and for neat cattle, *four cents* each; for sheep and swine, *nine cents* per dozen; and one person and no more shall be allowed to each team as a driver to pass free of toll: And all companies of militia who shall have occasion to pass said Bridge to perform military duty, shall pass free of toll: And at all times of night, while the river is open and navigable, the draw shall be kept raised, from the time the toll-gatherer leaves the Bridge in the evening, until his return thereto in the morning: And the toll shall commence on the day of the first opening of said Bridge, and shall continue for the term of forty years: And at the place where the toll shall be received, there shall be erected and constantly exposed to view, a sign-board, with the rates of toll fairly and legibly written or printed thereon in large letters.

Toll.

Militia to pass free.

Sign-board to be erected.

SECT. 5. *Be it further enacted*, That the said Bridge shall be well built, with suitable materials, at least twenty-four feet wide, and covered with planks, with sufficient rails on each side, and boarded up sixteen inches high from the floor of said Bridge, for the safety of passengers travelling thereon; and the same shall be kept in good repair at all times.

Bridge how to be built.

SECT. 6. *And be it further enacted*, That if the said Proprietors shall neglect, for the space of four years from the passing of this Act, to build and erect said Bridge, then this Act to be void and of no effect.

Time of building limited.

[This Act passed February 24, 1801.]

An ACT to incorporate *Samuel Parker*, and others, into a Society by the Name of *The Boston Dispensary*.

WHEREAS certain persons did, in the year 1796, associate and establish a charitable institution in the town of *Boston*, for the purpose of affording medical advice and relief to the sick poor of said town, under the name of *The Boston Dispensary*: And whereas said institution has been of general and essential service to such persons as are not of ability to procure medical advice and aid for themselves; and the managers of said Dispensary have represented to this Court the difficulties under which they labour for want of an incorporation, and have petitioned for an Act remedial of those difficulties;

Preamble.

ties;

ties : And inasmuch as the intentions of said persons appear to be deserving of encouragement :

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Rev. Samuel Parker, Samuel Stillman, and Samuel West, Doctors in Divinity, William Tudor, John Andrews, Thomas Davis, Stephen Gorham, and Samuel Dunn, Esquires, Jonathan Amory, jun. Thomas Brewer, and Benjamin Busscy, Merchants, and Nathaniel Smith, Physician, all of said Boston, the Managers of said charitable institution, together with their associates, be, and they hereby are incorporated and made a Body Politic, for the purposes aforesaid, by the name of *The Boston Dispensary*; and that they, their associates and successors, have perpetual succession by the said name, and have power to make by-laws for the preservation and advancement of said institution, not repugnant to the laws of this Commonwealth.

Persons incor-
porated.

By-laws may
be made.

Common seal
may be had.

Income limited.

Annual meet-
ing directed.

Power of the
Managers.

SECT. 2. *Be it further enacted,* That the said Boston Dispensary be, and it is hereby authorized and empowered to make, appoint and have a common seal, and is hereby made liable to be sued, and enabled to sue and defend, in its corporate capacity, in any of the Courts of Record of this Commonwealth; and is hereby licensed and empowered to make purchases and to receive grants and donations of real and personal estates, and to hold the same for the charitable purposes aforesaid: *Provided* the rents and profits of the real estate, together with the interest of the personal estate, shall not exceed the sum of *five thousand dollars*; and to manage and dispose of such estates as to the said Corporation shall appear fit.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the Contributors to said institution shall meet at Boston on the second Thursday in *October* annually, for the purpose of electing, by ballot, twelve Managers and a Treasurer; public notice of the time and place of holding such meeting being given once, at least, in two of the newspapers published in said town, seven days before the day of meeting; and votes may at all elections be given either in person or by proxy.

SECT. 4. *And be it further enacted,* That the business of said Managers shall be to appoint the Physicians, Surgeons and Apothecary of said Dispensary, to provide medicines for the patients recommended by the Contributors, and to regulate all affairs relative to the institution; any three of whom shall constitute a quorum: And all instruments which the said Managers shall lawfully make and execute shall, when signed by their Chairman, Treasurer or Secretary, and sealed with their common seal, bind the said Corporation, and be valid in law.

SECT. 5. *And be it further enacted,* That the Rev. Samuel Parker be, and hereby is authorized, by public notice in two
of

of the *Boston* newspapers, to call the first meeting of said Contributors at such time and place as he shall judge proper; at which meeting the said Corporation shall have all the power vested in them at their stated annual meetings in *October*, but the officers then chosen shall not continue in office longer than the next meeting in *October*, unless elected anew.

[This Act passed *February 26, 1801.*]

First meeting.

An ACT in addition to an Act, entitled, "An Act establishing *The Ninth Massachusetts Turnpike Corporation.*"

Feb. 25, 1800.
June 10, 1800.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That it shall and may be lawful for the said Corporation to erect their second or westerly gate at or near the dividing-line between this Commonwealth and the State of *Connecticut*, in lieu of erecting the same a little west of the meeting-house in *Douglafs*, as by said Act is provided; any thing in said Act to the contrary notwithstanding.

Respecting the second gate.

SECT. 2. *And be it further enacted,* That if any person shall with his cattle, team, carriage or horse, turn out of the said road to pass the said gate on ground adjacent thereto, with intent to avoid the toll due by virtue of the Act to which this is in addition, such person shall forfeit and pay three times so much as the legal toll would have been; to be recovered by the Treasurer of said Corporation to the use thereof in an action of debt.

Penalty for attempt to evade the toll.

[This Act passed *February 28, 1801.*]

An ACT to incorporate a Number of the Inhabitants of the south-east Part of *Sturbridge*, the south-west Part of *Charlton*, and the west Part of *Dudley*, all in the County of *Worcester*, into a Parish by the Name of *The Second Religious Society in the Town of Charlton.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Ralph Wheelock, Abel Mason, Joshua Harding, Benjamin Freeman, Fedediah Marcy, Oliver Plympton, John Ammidon, Luther Ammidon, Gershom Plympton, Joseph Shaw, Robert Edwards, Calvin Ammidon, Jephtha Clark, Jeremiah Shumway, Oliver Hooker, Eleazer Putney, jun. Solomon Clark, Daniel Morse, jun. Calvin Perry, Moses Clark, Asa Walker, David Dix, Henry Pratt, Jason Morse, jun. Lemuel Mason, James Dyer,*

Persons incorporated.

*Dyer, Joseph Sabin, Eleazer Putney, Jedediah Ellis, Israel Marsh, Jonathan Mason, Moses Mason, John Marsh, Samuel Newell, Zebina Abbot, Elias Plympton, Duty Marsh, Denison Wheelock, Gershom Plympton, jun. Nathan Brown, John Holbrook, Ephraim Wheelock, William Love, Asa Morfe, Jonathan Perry, Oliver Thayer, Ralph Harding, Abisba Sabin, John Plympton, Thomas Cheney, Jesse Morfe, Perley Stone, John Mason, Moses Marcy, Edward Morris, Theodore Marcy, Joseph Barrett, Epraim Bacon, Enoch Bacon, Silas Ammidon, Ralph Vinton, Jonathan Perry, the 2d, Ruggles Morfe, William Blood, Charles Dugar, jun. David Clemmons, Alexander Brown, Rufus Brown, Gload Dugar, Charles Dugar, John Heath, Ebenezer Clark, John Wait, Nathaniel Searls, Joseph Barrett, jun. Daniel Morfe, jun. Alpheus Morfe, Jeremiah Morfe, Freeman Pratt, James Wheelock, John Marcy, Abel Mason, jun. Samuel Weatherly, Abisba Hooker, Fletcher Foster, Moses Wheelock, Calvin Wheelock, Moses Foster, Samuel Robbins, and Jacob Mason, with their present estates, be, and are hereby incorporated into a parish by the name of *The Second Religious Society in the Town of Charlton*; with all the powers, privileges, immunities, duties and obligations which other parishes in this Commonwealth are entitled or subjected to by law: *Provided nevertheless*, That they pay all taxes assessed upon them before the passing of this Act.*

SECT. 2. *And be it further enacted*, That *Oliver Plympton, Esq.* be, and he hereby is empowered to issue his warrant to some principal inhabitant of said parish, requiring him to notify and warn the members thereof aforesaid to meet at the meeting-house in said parish at such time as shall be appointed in said warrant, for the purpose of choosing such officers as may be necessary, agreeably to the laws of the Commonwealth, to manage the affairs of the said parish; and that the members thereof, qualified by law to vote, be, and hereby are empowered to choose such officers accordingly.

[This Act passed *February 28, 1801.*]

An ACT to incorporate *Benjamin Hodges* and others into a Society, by the Name of *The Salem East-India Marine Society.*

Preamble.

WHEREAS *Benjamin Hodges* and others have petitioned to be incorporated for the laudable purposes of affording relief to disabled seamen, and to the indigent widows and families of deceased members and others; and of promoting a knowledge of navigation and trade to the *East-Indies*:

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Benjamin Hodges, Benjamin Carpenter, John Osgood, and Jacob*

Jacob Crowninshield, together with all others, who now are, or hereafter may be associated with them, be, and they hereby are constituted a Body Politic and Corporate forever, by the name of *The Salem East India Marine Society*, and by that name, may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all Courts and places whatsoever, in all actions, real, personal and mixed; and the said Corporation shall have full power and authority to make, have and use a common seal, and the same to break, alter and renew at pleasure, and shall have and enjoy all the privileges and powers incident to a Corporation.

Corporate name, & powers.

SECT. 2. *Be it further enacted*, That the said Corporation be, and the same is hereby made capable in law, of having and holding, by gift, grant, devise or otherwise, any estate, real or personal; *provided* the same shall not exceed *forty thousand dollars*, in value.

Estate may be held.

SECT. 3. *Be it further enacted*, That the said Corporation may annually, or at any special meeting called for the purpose, elect all such officers, and make, establish and put in execution, such by-laws, rules and regulations, as to calling future meetings, the election and admission of members, and the government thereof, as they shall judge to be necessary: *Provided*, That the same shall in no respect be repugnant to the laws and Constitution of this Commonwealth.

Officers to be elected, &c.

SECT. 4. *And be it further enacted*, That the aforementioned *Benjamin Hodges*, *Benjamin Carpenter*, and *John Osgood*, or any two of them, be, and they hereby are authorized, by a notification under their hands, published in the *Salem Gazette*, three weeks successively, to call a meeting of the members of said Society, to be holden at any suitable place in said *Salem*: *Provided nevertheless*, That the said Society shall neither directly nor indirectly, deal or trade in buying or selling any goods, wares or merchandize or commodities whatsoever: *Provided also*, no person shall be eligible as a member of said Society, unless such as have actually navigated the seas near the *Cape of Good Hope* or *Cape Horn*.

First meeting.

Restricted from trading, &c.

[This Act passed *March 3, 1801.*]

An ACT to establish an Academy at *Nantucket*, by the Name of *The Nantucket Academy*.

WHEREAS *Joseph Chase* and others, have subscribed upwards of *three thousand dollars*, for the purpose of erecting and supporting an Academy at *Nantucket*, and have erected a building convenient for its use:

Preamble.

SECT.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there be, and hereby is established in the town and county of *Nantucket*, an Academy, by the name of *The Nantucket Academy*, for the purpose of promoting piety, religion and morality, and for the education of youth in such languages and in such of the liberal arts and sciences, as the Trustees, hereafter chosen, shall direct; and that *Joseph Chase, Shubael Coffin* the second, *Samuel Cary, Roland Gelfson, Isaac Coffin, Micajah Gardner, George Myrick, Joshua Coffin, Amaziab Gardner, Grafton Gardner, Samuel Riddle, Gershom Drew, Frederick Brown, Robert Folger, Peter Carls,* Benjamin Swift, Jonathan Myrick, jun. *Thomas Varney McCleave, William Cobb, Ebenezer Raymond, Latham Gardner, John Elkins, Charles Norris, Obed Aldridge, Wilson Rawson, Jedediah Fitch, William Folger, jun. and Walter Folger, jun.* together with such others as may hereafter associate with them, be, and hereby are incorporated into a Body Politic, by the name of *The Proprietors of the Nantucket Academy*; and that they and their successors shall be and continue a Body Politic and Corporate by the same name forever; and that they, at their first meeting, shall elect nine of the said Proprietors as Trustees for said Academy.

Proprietors of
the Academy.

Empowered to
hold estate.

SECT. 2. *Be it further enacted,* That all the monies, lands, or other property and things already subscribed and given, or which shall be hereafter given, granted, devised, bequeathed, transferred or assigned to the said Trustees, for the purposes aforesaid, or either of them, shall be confirmed to the said Trustees, and to their successors in that trust forever; and that the said Trustees may have and hold in fee simple, by gift, grant, devise, bequest or otherwise, any or all lands, tenements, hereditaments and other estate, real or personal, provided the annual income thereof shall not exceed the sum of *five thousand dollars*, and may sell and dispose of the same, and apply the rents, issues and profits thereof in such manner as the end and design of the said institution shall, in their discretion, require.

Trustees to
choose officers,
to regulate the
calling of meet-
ings, &c.

SECT. 3. *Be it further enacted,* That the said Trustees shall have power, from time to time, to elect such officers of the said Academy as they shall judge necessary, and to fix the tenures of their respective offices; to remove any Trustee from the Corporation when, in their opinion, he shall be incapable, by reason of age or otherwise, of discharging the duties of his office; to fill all vacancies in said Corporation; to determine the times and places of the meetings of said Corporation, the manner of notifying and the method of electing and removing such Trustees; to elect and prescribe the powers and duties of the officers of the said Corporation; and also prescribe

prescribe the powers and duties of the Preceptor, Teachers, and all other officers of the Academy; and to make and ordain reasonable rules, orders and by-laws, not repugnant to the laws of this Commonwealth, with reasonable penalties for the good government of the said Academy.

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

SECT. 5. *Be it further enacted,* That the number of the Trustees of said Academy shall not, at any one time, exceed nine, nor be less than seven, five of whom shall constitute a quorum to do business, and a majority of the members present at any legal meeting may decide on all questions proper to come before the Trustees. Quorum of Trustees.

SECT. 6. *Be it further enacted,* That there be, and hereby is granted to the said Trustees, and to their successors forever, for the use of the said Academy, one half a township of six miles square, of the unappropriated lands belonging to this Commonwealth in the District of *Maine*, (excepting the ten townships on *Penobscot River*;) to be laid out and assigned by the Committee for the sale of eastern lands, under the restrictions and reservations made in similar grants. Land granted.

SECT. 7. *And be it further enacted,* That *Isaac Coffin*, Esq. be, and he is hereby authorized to fix the time and place for holding the first meeting of the said Proprietors, and to notify them thereof. First meeting.

[This Act passed *March 3, 1801.*]

An ACT in further addition to an Act, entitled, "An Act in addition to an Act, entitled, "An Act for incorporating the several Religious Societies in *Newburyport*, in the County of *Essex*." Feb. 22, 1794. June 12, 1800.

WHEREAS the Proprietors of the house of public worship of the First Religious Society in *Newburyport* having erected, and being now in finishing a new house of public worship for the said Society; and having, at a meeting of the said Proprietors, duly called and holden on Thursday the fifteenth day of *January*, in this present year, passed divers votes for the just apportionment of the expenses of building Preamble.

ing the said new house, for the convenient disposition of the pews therein, and for the equitable distribution of the nett proceeds of the sales of their old meeting-house; and having requested the aid of the Legislature in confirming their said proceedings; which request appearing reasonable:

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the list and valuation of the pews in the said old meeting-house for the year eighteen hundred, signed by *James Kettel, Henry Hudson, and William Wyer, jun.* Assessors of the said Proprietors, and lodged in the office of their Clerk, be the rule by which to apportion to and among the said Proprietors the nett proceeds of the sale of the said old house, and the land under and adjoining the same, in the manner agreed to by the said Proprietors.

Rule for apportioning the value of the old meeting-house.

Value of the new house to be estimated.

SECT. 2. *Be it further enacted by the authority aforesaid,* That *Joshua Carter, Ebenezer Stocker, Nathan Hoyt, Michael Hodge, Israel Young, John Greenleaf, and Theophilus Bradbury, Esq.* or the greater part of them, shall be a Committee, with full power and authority to estimate the cost of the said new house, and of the lot of land it stands upon; and to apportion the same upon all the pews therein, (excepting such as may be reserved for the use of the ministers,) according to their relative situations; which apportionment shall be considered as their prime cost; and the same apportionment under the hands of them, or the major part of them, shall be filed in the office of the said Clerk, and by him recorded, and shall be the rule by which all taxes hereafter to be raised on the said pews shall be assessed, until a new valuation of the said pews shall be made in due form of law.

SECT. 3. *Be it further enacted by the authority aforesaid,* That *Joshua Carter, Ebenezer Stocker, and Nathan Hoyt,* or the major part of them, shall be a Committee, with full power to sell the said pews at public auction to the highest bidder, they conforming to such regulations, limitations and conditions as have been or may be prescribed by the said Proprietors; and upon such sale to execute and acknowledge deeds thereof to the purchasers, to hold in fee simple; which deeds, so executed and entered of record by the Clerk of the said Proprietors, for the fees established by law for recording deeds of pews, shall convey a legal title to the said pews in fee simple as aforesaid; any law to the contrary notwithstanding: *Provided however,* That any vacancy in either of the said Committees may be filled up by the said Proprietors at any legal meeting.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the votes of the said Proprietors, passed at the said meeting, providing for the distribution of the nett sales of the said old house and land, be, and the same are hereby confirmed; and

Votes confirmed.

and that such distribution be made in the same manner to the same Proprietors, in the same proportions, and upon such terms, conditions and limitations as are therein expressed: *Provided however*, If the Proprietors of the said new meeting-house should stand in need of any further sums of money for the building and finishing of the said new house, and for the purchase of the land on which it stands, the same may be raised by a tax or taxes on the pews therein, the same to be assessed and collected according to law.

Proviso.

[This Act passed *March 6, 1801.*]

An ACT to incorporate *William Bond*, and others, Proprietors in common of a certain Mine in *Jodin Hill*, so called, situate in the Town of *Newfield*, in the County of *York*, for the Purpose of exploring and working said Mine, and other Purposes therein mentioned.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *William Bond, Foster Waterman, John Minoit, James Loring, John West, and William Manning*, all of *Boston*, in the county of *Suffolk*, with all such other persons as they may hereafter judge proper to admit, be, and they are hereby made and constituted, to all legal purposes, a Body Politic and Corporate, by the name of *The Ossapee Mining Company*, thereby to sue and be sued, and with liberty to have and use a common seal, and the same to break and alter at pleasure.

Persons incorporated.

Corporate name.

SECT. 2. *Be it further enacted*, That the said Corporation shall have power, in their corporate capacity aforesaid, to explore, dig, work, refine or prepare for market, any ores, minerals, metals or fossils contained in said hill, or any where within the town of *Newfield*, or in the next adjoining towns, connected with those of the hill aforesaid, first purchasing the fee of the land, or agreeing with the owners thereof for the use of the same, to their full satisfaction, and to be lawfully seized of lands supposed to contain mines, and of such lands as may be necessary for the erection of buildings and works requisite for realizing the products of said mines, estimating the soil and situation of said lands, to the value of *fifty thousand dollars*, and of any chattel or personal interest to the value of *thirty thousand dollars*, actually employed in the business of mining.

Empowered to explore mines, purchase lands, &c.

SECT. 3. *Be it further enacted*, That the property of said Corporation shall be, and hereby is divided into one hundred shares,

Number of shares.

shares, which shares shall be deemed personal estate, to be numbered progressively, beginning at number one, and every original member shall have a certificate under the seal of said Corporation and signed by the Treasurer, certifying his property in such share, as shall be expressed in said certificate.

Certificates to be issued.

Clerk & Treasurer to be chosen.

SECT. 4. *Be it further enacted,* That said Corporation shall have power, from time to time, at any legal meeting, to choose a Clerk, who shall be sworn to the faithful performance of his duty, a Treasurer, and such other officers as to said Corporation shall appear necessary, and to make all reasonable rules and regulations, not repugnant to the Constitution and laws of this Commonwealth; *provided,* the Proprietors of sixty-seven shares assent thereto: And the said *William Bond* is hereby authorized to call the first meeting of said Corporation, at which meeting said Corporation may agree on the mode of calling meetings in future.

Transfer of shares.

SECT. 5. *Be it further enacted,* That said shares shall be transferable by deed, under hand and seal of the Proprietor, acknowledged before some Justice of the Peace, and recorded by the Clerk, in a book kept for that purpose, and in no other manner, except as hereinafter provided; and the exhibit of such deed, so recorded, and the delivery of said certificate to the Treasurer, shall entitle the purchaser to a new certificate *mutatis mutandis.*

Attachment of shares.

SECT. 6. *Be it further enacted,* That said shares shall be liable to attachment on *mesne process*, or to be levied on by execution, at the suit of any creditor of an individual Proprietor, the officer having attachment or levy to make, leaving with the Treasurer, or at his usual place of abode, special notice thereof in writing; and said officer's deed to a purchaser at public sale on execution, executed, acknowledged and recorded as aforesaid, shall, when produced to the Treasurer, entitle the purchaser to a new certificate, executed as aforesaid.

Administrators entitled to new certificates.

SECT. 7. *Be it further enacted,* That when the executor or administrator of a deceased Proprietor of any share or shares, shall deliver to the Treasurer the certificate or certificates, executed to said Proprietor deceased, said executor or administrator shall be entitled to receive a new certificate of said share or shares, executed to him in his said capacity, who shall hold, sell or dispose of the same, as of any other personal estate of the deceased, and his deed or deeds, executed, acknowledged, recorded and produced as aforesaid, and the delivery of said certificate or certificates, to the Treasurer, shall entitle the purchaser, his heir or legatee, to a new certificate or certificates, executed as aforesaid.

SECT. 8. *Be it further enacted,* That the Treasurer shall constantly keep a schedule of the Proprietors' names, and their

their number of shares in said Corporation, constantly open for inspection, on demand of any person and payment of *ten cents* for each inspection: And whenever any officer shall have process or execution against said Corporation, and cannot find sufficient property of said Corporation to attach, or whereon to levy, then the property of any member or members of said Corporation, shall be liable in the same manner as if the process had been instituted, or judgment rendered against him or them.

Proprietors' names to be free for inspection, &c.

SECT. 9. *And be it further enacted*, That the time and place of all public sales of any share or shares shall be made known at least twenty days before such sale, by publishing the same in some newspaper in the county of *York*, if any there be, and in the paper published by the printer to the General Court for the time being.

Sale of shares to be advertised.

[This Act passed *March 6, 1801.*]

An ACT for providing a Passage for Fish from *Mystic River* to *Ell Pond*, so called, in the Town of *Malden*.

Additional Act, March 9, 1804.

WHEREAS sundry inhabitants of the town of *Malden*, and *Samuel Tufts*, have made an agreement respecting the passage of fish in the waters leading from *Mystic River* to *Ell Pond*, in said town:

Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That it shall and may be lawful for *Cotton Sprague*, and others, being sundry inhabitants of the westerly part of *Malden*, who have petitioned this Court to adopt some measures for securing a passage for shad and alewives from *Mystic River* to *Ell Pond*, so called, in said *Malden*, at their own expense, to construct a passage-way for said fish, over the mill-dam of *Samuel Tufts*, which stands on the stream leading from said pond, and for that purpose to cut away so much of the waste-board between the two easternmost posts of said dam as to reduce the same four inches below his right to flow, so as to admit of said passage-way to pass over said dam in that place, and so up said stream; which said passage-way shall be built and kept in repair for the term of five years from the passing of this Act, from the tenth day of *April* to the twentieth day of *May* inclusive, in each year, at the expense of said petitioners, unless at any time said passage-way should be wantonly or maliciously injured or destroyed, in which case it shall be the duty of the inhabitants of said town of *Malden* to repair the same; and if the inhabitants of said town shall neglect or refuse to repair the same accordingly, within seven days after the same shall have been injured

Persons authorized to construct a passage-way.

injured as aforesaid, it shall be lawful for any one or more of said petitioners forthwith to repair the same, and to recover of said inhabitants double the expense of such repairing, with costs of suit, by an action on the case, in any Court proper to try the same.

SECT. 2. *Be it further enacted,* That it shall be the duty of the said *Samuel Tufts*, during the said term of five years, to keep his said dam in as good repair as it now is; and if at any time the same shall be out of repair, and he shall not repair the same in a reasonable time, that it shall and may be lawful for any one or more of the petitioners to repair the same, and to recover of said *Samuel Tufts* double the amount of the expense thereof, with costs of suit, by an action of the case, in any Court proper to try the same; and also that the said *Samuel Tufts* shall not improve any mill, from the fifteenth day of *April* to the fifteenth day of *May* annually, except his mills for grain.

SECT. 3. *Be it further enacted,* That it shall be lawful for said town of *Malden*, at their annual meeting in *March* or *April* annually, during said term, to choose a Committee of three, five or seven freeholders of said town, whose duty it shall be, and they, or the major part of them, are hereby authorized and empowered to keep the stream aforesaid free and clear of all obstructions to the passage of said fish through the whole course of said stream from *Mystic River* to *Ell Pond*: *Provided*, That nothing herein contained shall give said Committee any right to destroy or impair said mill-dam: *Provided also*, That nothing in this Act contained shall be so construed as in any manner to affect any interest in said stream, or the privileges or appurtenances thereto belonging, claimed by said town or said *Samuel Tufts*.

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

SECT. 5. *And be it further enacted,* That this Act shall continue and be in force for and during the term of five years next after the passing the same, and no longer, except as to any prosecutions for any penalties or actions for recovery of any expenses which may then be depending according to the provisions thereof. [This Act passed *March 7, 1801.*]

An ACT in addition to an Act, entitled, "An Act to regulate the Alewife Fishery in the Town of *Bridgewater*, in the County of *Plymouth*, and for repealing all Laws heretofore made for that Purpose," passed in the Year of our Lord One thousand seven hundred and ninety-seven. Feb. 10, 1797.

WHEREAS it is represented to this Court that by reason of the broken state of the dam, at a place called the *Great River Mills*, in *Bridgewater*, it is impracticable to take fish at said place: Therefore,

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That it shall and may be lawful for the town of Bridgewater, the present year only, to take said fish at such times and places as were provided by an Act, entitled, "An Act for regulating the alewife fishery in the town of Bridgewater, in the county of Plymouth, and for repealing all laws heretofore made for that purpose," passed the ninth day of March, in the year of our Lord one thousand seven hundred and ninety-one, the law to which this is an addition, to the contrary notwithstanding: Provided said town shall, at their annual meeting in March instant, vote the same, which the town are hereby authorized to do at said meeting; any law to the contrary notwithstanding.

[This Act passed *March 7, 1801.*]

An ACT to change the Names of *Billy Hager, Silvanus Coleman the third, Alexander McLeod Clark, John Tyler, Rodolphus Stratton, James Allen, and John Parkman.*

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, *Billy Hager*, of *Marlborough*, in the county of *Middlesex*, son of *William Hager*, of said *Marlborough*, shall be allowed to take the name of *William Hager*; that *Silvanus Coleman*, the third of that name, of *Nantucket*, in the county of *Nantucket*, son of *Jonathan Coleman*, of said *Nantucket*, shall be allowed to take the name of *Davis Coleman*; that *Alexander McLeod Clark*, of *Medfield*, in the county of *Norfolk*, son of *Elias Clark*, of said *Medfield*, shall be allowed to take the name of *Alexander Clark*; that *John Tyler*, of *Boston*, in the county of *Suffolk*, son of *John Tyler*, late of *Mendon*, in the county of *Worcester*, deceased, shall be allowed

Persons whose names are altered.

to

to take the name of *John Eugene Tyler*; that *Rodolphus Stratton*, of *Northfield*, in the county of *Hampshire*, shall be allowed to take the name of *Adolphus Smith*; that *James Allen*, of *Boston*, in the county of *Suffolk*, son of *Thomas Allen*, of *Pasquetank* county, in the State of *North-Carolina*, shall be allowed to take the name of *James Armour Allen*; and that *John Parkman*, of said *Boston*, son of *William Parkman*, of *Concord*, in the county of *Middlesex*, shall be allowed to take the name of *John Augustus Parkman*; and said persons shall in future be respectively known and called by the names which they are respectively allowed to take as aforesaid, and the same shall be considered as their only proper names, to all intents and purposes.

[This Act passed March 7, 1801.]

An ACT for regulating the taking and disposing of the Fish called Alewives within the Limits of the Town of *Weymouth*, and for the more effectually securing to the said Town the Advantages thereof.

Preamble.

WHEREAS the town of *Weymouth*, in the county of *Norfolk*, at a very considerable expense, purchased and opened a passage for the fish called alewives into *Whiteman's Pond* and the *Great Pond*, so called, being wholly within said town, and conveyed into them a number of said fish, whereby a great increase has arisen; it is therefore but just and reasonable, that the benefits arising from the taking and disposing of the said fish should be wholly vested in the said town: Wherefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the taking and disposing of the said fish called alewives shall be under the care and management of a Committee of the said town, who shall dispose of them in such manner, for the benefit of the said town, as they shall judge best, and account with the Treasurer of said town for the proceeds thereof, on or before the first day of *November* annually, and the money arising therefrom shall be appropriated to the use of schooling in the said town; and the said Committee shall have a reasonable allowance for their service, and lay their accounts before the Selectmen of the said town for allowance and approbation; and the said Committee shall consist of five freeholders, chosen by ballot in the months of *March* or *April* annually, who shall be sworn to the faithful discharge of their duty; and if any person chosen to serve on the said Committee shall refuse to serve, or if chosen shall neglect to take said oath for the space of seven days after being legally notified of such

Fish Committee to be annually chosen.

such choice, he shall forfeit and pay to the use of the said town the sum of *ten dollars*.

SECT. 2. *Be it further enacted*, That the said Committee, or either of them, shall have full power and authority to remove from or out of the river, brooks or streams leading to the said ponds, any obstructions that may be made to the free passing of the said fish into the said ponds, or repassing from them into the sea; and the said Committee's going, or either of them, on to the land of any person or persons for this purpose, shall not be deemed or held as a trespass; and the said Committee, or the major part of them, shall determine the particular places where the said fish shall be taken, and give public notice thereof, by posting up one or more notifications in some conspicuous place or places in the said town, on or before the first day of *May* annually: *Provided however*, That the said fish shall not be taken on any other days than Mondays, Wednesdays and Fridays, between the rising and setting of the sun on the said days, nor by any other instrument or ways than by a scoop or dip-net.

— to remove
obstructions,
&c.

SECT. 3. *Be it further enacted*, That no person shall catch or take any of the said fish in any of the rivers, brooks or streams leading to or from the said ponds, without the direction or leave of the said Committee, or the major part of them, and whoever shall presume, at any time hereafter, to take, kill or haul ashore, any of the said fish, with seines or drag-nets, in either of the ponds aforementioned, or in *Weymouth Back River*, so called, or in the river, brooks or streams, through which the said fish pass into the said ponds, or shall with any seines or drag-nets, or in any other way obstruct the passage of the said fish to or from the said ponds, or either of them, or shall obstruct the said Committee, or either of them, in the execution of their duty, in all and every of these cases, the offender shall, for each offence, forfeit and pay a sum not exceeding *thirteen dollars*, nor less than *ten dollars*; and in case the offence be committed in the night, a sum not exceeding *thirty dollars*, nor less than *twenty dollars*.

Fish not to be
taken without
the leave of
the Committee.

SECT. 4. *Be it further enacted*, That it shall be the duty of the said Committee to give notice to the Treasurer of the said town of *Weymouth* of all offences committed against this Act that shall come to their knowledge; and the Treasurer thereof is hereby vested with full power and authority to sue for and recover, from time to time, all fines and forfeitures incurred by any breach of this Act, in any Court proper to try the same; and such fines and forfeitures shall be to the use of the said town, saving where any person shall give information of any breach of this Act, the informer, upon conviction of the offender, shall be entitled to one third part of the forfeiture:

Town Treas-
urer to prose-
cute for breach-
es of this Act.

feiture : And no person shall be considered as disqualified from being an evidence on any trial that may be had pursuant to this Act, on account of his being an inhabitant of the said town of *Weymouth*, or of his being one of the Committee aforesaid.

Former law re-
pealed.

SECT. 5. *And be it further enacted*, That an Act passed in the year of our Lord one thousand seven hundred and eighty-eight, entitled, “ An Act empowering the town of *Weymouth* to regulate and order the taking and disposing of the fish called shad and alewives within the limits of that town,” be, and the same is hereby repealed, except for the purpose of recovering any fines or forfeitures that may have been incurred under the said Act.

[This Act passed *March 7, 1801.*]

An ACT repealing Part of an Act passed the first Day of *March*, One thousand seven hundred and ninety-eight, entitled, “ An Act for the Preservation of the Fish called Salmon, Shad and Alewives, in the Rivers, Streams and Waters within the Counties of *Lincoln* and *Cumberland*, and for repealing all other Laws heretofore made for that Purpose, so far as respects their Operation in said Counties.”

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Act be, and the same hereby is repealed, so far as it respects *Pesumpscoot River*, in the said county of *Cumberland*.

[This Act passed *June 13, 1801.*]

Additional Act,
Feb. 22, 1803-

An ACT to regulate the Alewife Fishery in the Brook running out of *Wakepee Pond*, so called, into the Sea, in the Indian Plantation, called *Marshpee*, in the County of *Barnstable*.

Persons to be
appointed to
inspect the
brook, &c.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the overseers of the Indian plantation of *Marshpee*, or any two of them, shall annually appoint one or more suitable person or persons to inspect said brook, and to open, or cause to be opened, a sufficient passage-way for the fish to pass and repass, through any mill-dams that now are, or may be hereafter erected : *Provided*, the owners of any such dams shall refuse or neglect to open such sufficient passage-way themselves, and cause the same to be kept open, from the first day of *April*, to the twenty-fifth day of *May*, annually, and to prevent any

any wears or obstructions of any kind, which may be made across said brook, or any part thereof, which may impede the passage of said fish: And said Committee shall regulate the times and places for taking said fish, giving liberty to the Indian inhabitants to take as many of said fish as may be needful for their own use.

SECT. 2. *Be it further enacted,* That if any person or persons shall erect any wear, or obstructions of any kind, across said brook, so as to obstruct the passage of said fish, he or they so offending, shall forfeit and pay a sum not exceeding *ten dollars*, nor less than *three dollars* for each offence.

Penalty for obstructing the passage of the fish.

SECT. 3. *Be it further enacted,* That any person not an inhabitant of the said plantation, who is desirous of purchasing any of said fish, such person shall pay a sum not exceeding *twenty-five cents* for each hundred, to be delivered them by such person or persons as the said Committee shall appoint, and the proceeds of the same shall be applied to the exclusive benefit of the said Indian and mulatto inhabitants of said plantation.

Price of the fish regulated.

SECT. 4. *And be it further enacted,* That all forfeitures and penalties, which may be incurred by any breach of this Act, shall be recovered by any one or more of the said Board of Overseers, of the said Indian plantation, in any Court in the said county of *Barnstable*, proper to try the same: And all such forfeitures shall be applied to the exclusive benefit of the said Indian and mulatto inhabitants of the said plantation of *Marshpee*.

Recovery and appropriation of fines.

[This Act passed *June 13, 1801.*]

An ACT in addition to an Act, entitled, "An Act for incorporating *Israel Waters* and others, Inhabitants of the Town of *Charlton*, into a Religious Society, by the Name of *The Proprietors of the New Congregational Centre Meeting-House in Charlton*; and for repealing two Acts heretofore made, for incorporating the Congregational Church in said Town," passed *March* the third, seventeen hundred and ninety-eight.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the fourth section of said Act be, and hereby is repealed.

Part of former Act repealed.

SECT. 2. *And be it further enacted,* That said Proprietors, at any meeting regularly called for that purpose, may, by a major vote of the Proprietors, voting by shares, no share having more than one vote, raise such sum of money as they shall judge necessary for the maintenance of public worship and other exigencies, and may assess the same on the respective shares or pews, in

The raising of money authorized and regulated.

in such way as a major part of said Proprietors shall direct, or on the polls, and real and personal estate of said Proprietors, according to the valuation by which the State and town taxes are assessed next preceding such assessment; and each Proprietor holding more than one share shall be assessed to the full amount of his poll or polls, real and personal estate for each share: And if any Proprietor shall neglect for the space of sixty days beyond the time appointed for the paying of any assessment, he or she shall forfeit his or her share or shares, right or rights so neglected, to be disposed of according to the by-laws of said Proprietors, and at the pleasure of the same.

[This Act passed June 16, 1801.]

An ACT for the Preservation of a certain Tract of Salt Marsh, lying in the Towns of *Scarborough*, in the County of *Cumberland*, and *Pepperelborough*, in the County of *York*.

Preamble.

WHEREAS great injury is done to a certain tract of marsh lying in the towns of *Scarborough*, in the county of *Cumberland*, and *Pepperelborough*, in the county of *York*, bounded north-easterly by *Scarborough*, or *Black Point River*, westerly by the upland of *Blue Point* and *Old Orchard*, so called, in said *Pepperelborough*, and south-easterly by *Pine Point*, and the Sea, by reason of sundry ill-disposed persons turning out their cattle, horses and swine to feed on said marsh: Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the first day of *August* next, any person who shall turn out his horses, cattle or swine, to go at large on said marsh, or *Pine Point*, or the beach or sea flats leading thereto, shall forfeit and pay for each and every such offence, a fine of *ten dollars*, to be recovered by an action of debt; and every person whose horses, cattle or swine as aforesaid, are found going at large on said marsh, *Pine Point*, the beach, or sea-flats as aforesaid, shall be liable to a fine of *one dollar* for each and every creature as aforesaid, thus found going at large; one moiety of the fines aforesaid to accrue to the owners of said marsh, and the other moiety to the person or persons who shall sue for the same.

Penalty for turning out cattle, &c. on the marsh, &c.

And whereas between the aforesaid tract of marsh and the sea, there interposes a sandy ridge of land, terminating in what is called *Pine Point*, which ridge is chiefly covered with a thick growth of pines and shrub bushes, the only barrier against the inroads of the sea, and which prevents the sand from shifting and blowing over said marsh, and thereby entirely destroying the same: Therefore,

SECT.

SECT. 2. *Be it further enacted,* That every person, whether he be an owner in said tract of marsh, or ridge of land aforesaid, or not, shall be subjected to a fine of *ten dollars*, for each and every tree he may cut down, or otherwise destroy on said ridge of land, or any part thereof; *provided* it is done without the consent of a major part of the aforesaid owners first had and obtained; each moiety of the fines which may accrue in consequence hereof, to be recovered and appropriated as in the first section of this Act is provided.

— for cutting
down trees on
Fine Point.

[This Act passed June 18, 1801.]

An ACT directing the Use and Appropriation of Part of the Money arising from the Sale of the common and undivided Lands of the Proprietors of the Town of *Andover*, and for other Purposes therein mentioned.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Treasurer of the Proprietors of the township of *Andover*, and his successors in said office, shall pay over and deliver one half of all the monies and estate which now is, or hereafter may be, in his hands as such Treasurer, unto the Rev. *William Symmes*, the Rev. Doct. *Thomas Barnard*, *Nathaniel Lovejoy*, Esq. Doct. *Thomas Kitteridge*, Rev. *Peter Eaton*, *Isaac Osgood*, Esq. Doct. *George Osgood*, Dea. *John Adams*, Dea. *Benjamin Farnum*, and Mr. *Ebenezer Stevens*, who are hereby appointed and constituted Trustees thereof; and whose duty it shall be, and they are hereby authorized to lay out, expend, and appropriate the income and interest thereof, to the instruction of youth of both sexes, in reading, writing and arithmetic, in the free-school, which is already established and erected in the north parish of said *Andover*, in such manner as the said Trustees may think most conducive to the public good.

Half the money appropriated for the support of schools in the north parish in *Andover*.

SECT. 2. *Be it further enacted,* That the said Trustees be, and hereby are incorporated into a Body Politic, by the name of *The Trustees of the Free School in the North Parish in Andover*: And said Trustees and their successors shall have one common seal, which they may break, alter and renew at pleasure; and four of said Trustees shall constitute a quorum for doing business; and they may sue and be sued in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution, by the name of *The Trustees of the Free School in the North Parish in Andover*: And said Trustees shall have power and authority to elect a President, Treasurer, and such other officers as they shall judge necessary and convenient;

Trustees incorporated, empowered, and directed.

and

and to make and ordain such laws, rules and orders, for the good government of said school, as to them, the Trustees aforesaid, and their successors, shall from time to time seem requisite: *Provided*, That said rules, laws and orders be not repugnant to the laws of this Commonwealth.

SECT. 3. *Be it further enacted*, That the Trustees aforesaid be, and they hereby are rendered capable in law, to take and receive by gift, grant, devise, or bequest or otherwise, any lands, tenements or other estate, real and personal, which has been, or may in future be granted for the benefit of said free school: *Provided*, the annual income thereof shall not exceed the sum of *one thousand dollars*, to have and to hold the same, under such provisions and limitations as may be expressed in any deed or conveyance to them made by the donor or donors; and that all deeds and instruments which the said Trustees shall lawfully make, shall, when made in the name of said Trustees, and signed and delivered by the President, and sealed with their common seal, bind the Trustees and their successors, and be valid in law.

— may receive
gifts, &c.

Annual income
limited.

Trustees' meet-
ings,

SECT. 4. *Be it further enacted*, That the aforesaid Trustees shall have full power and authority to determine at what times and places their meetings shall be holden, and upon the manner of notifying the Trustees to convene at such meetings; and the said Trustees shall have full power and authority to determine and prescribe, from time to time, the powers and duties of their several officers, and to fix and determine the tenures of their respective offices.

Vacancies to be
filled.

SECT. 5. *Be it further enacted*, That on the death or resignation of any of the Trustees, they shall from time to time choose some suitable person to fill the vacancy occasioned thereby.

First meeting.

SECT. 6. *And be it further enacted*, That *Nathaniel Lovejoy*, Esq. be, and he is hereby authorized and empowered to fix the time and place of holding the first meeting of said Trustees, and to notify them thereof.

[This Act passed June 18, 1801.]

An ACT directing the Use and Appropriation of Part of the Money arising from the Sale of the common and undivided Lands of the Proprietors of the Town of *Andover*, and for other Purposes therein mentioned.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Treasurer of the Proprietors of the township of *Andover*, and his successors in said office, shall pay over and deliver one half of all the monies and estate which

now

now is or hereafter may be in his hands as Treasurer, unto *John Lovejoy Abbot, Esq. Capt. Jonathan Abbot, Mr. Joshua Chandler, Mr. Timothy Abbot, Captain Benjamin Jenkins, Captain Zebediab Holt, and Mr. James Bailey*, who are hereby appointed and constituted Trustees thereof, and whose duty it shall be, and they are hereby authorized to lay out, expend and appropriate the income and interest thereof to the instruction of youth of both sexes, in reading, writing and arithmetic in the free schools which are already or may hereafter be established and erected in the south parish of said *Andover*, in such manner as the said Trustees may think most conducive to the public good.

Half the money appropriated for the support of schools in the south parish in Andover.

SECT. 2. *Be it further enacted*, That the said Trustees be, and hereby are incorporated into a Body Politic, by the name of *The Trustees of the Free Schools in the South Parish in Andover*; and said Trustees and their successors shall have one common seal, which they may break, alter and renew at pleasure; and four of said Trustees shall constitute a quorum for doing business; and they may sue and be sued in all actions real, personal and mixed, and prosecute and defend the same to final judgment and execution, by the name of *The Trustees of the Free Schools in the South Parish in Andover*: And said Trustees shall have power and authority to elect a President, Treasurer, and such other officers as they shall judge necessary and convenient, and to make and ordain such laws, rules and orders for the good government of said schools, as to them, the Trustees aforesaid, and their successors, shall from time to time appear requisite: *Provided*, That said rules, laws and orders be not repugnant to the laws of this Commonwealth.

Trustees incorporated, empowered, and directed.

SECT. 3. *Be it further enacted*, That the Trustees aforesaid be, and they hereby are rendered capable in law to take and receive by gift, grant, devise or bequest, or otherwise, any lands, tenements or other estate, real and personal, which has been or may in future be granted for the benefit of said free schools: *Provided*, the annual income thereof shall not exceed the sum of *one thousand dollars*, to have and to hold the same under such provisions and limitations as may be expressed in any deed or conveyance to them made by the donor or donors, and that all deeds and instruments which the said Trustees shall lawfully make, shall, when made in the name of said Trustees, and signed and delivered by the President, and sealed with their common seal, bind the said Trustees and their successors, and be valid in law.

— may receive gifts, &c.

Annual income limited.

SECT. 4. *Be it further enacted*, That the aforesaid Trustees shall have full power and authority to determine at what times and places their meetings shall be holden, and upon the manner of

Trustees' meetings.

of notifying the Trustees to convene at such meetings; and the said Trustees shall have full power and authority to determine and prescribe, from time to time, the powers and duties of their several officers, and to fix and determine the tenures of their respective offices.

Vacancies to be filled. SECT. 5. *Be it further enacted*, That on the death or resignation of any of the Trustees, they shall from time to time choose some suitable person to fill the vacancy occasioned thereby.

First meeting. SECT. 6. *And be it further enacted*, That *John Lovejoy's* Abbt; Esq. be, and he is hereby authorized and empowered to fix the time and place of holding the first meeting of said Trustees; and to notify them thereof.

[This Act passed June 18, 1801.]

An ACT authorizing the Proprietors of the Third Turnpike Road in *New-Hampshire*, to extend the same Road into the Town of *Townsend*.

Proprietors authorized to lay out the road to Townsend. SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Proprietors of the Third Turnpike Road in *New-Hampshire*, be, and they hereby are authorized and empowered to lay out, make and keep in repair a turnpike road not less than four rods wide, the path to be travelled on in which shall be not less than eighteen feet wide, from the line of the State of *New-Hampshire*, on the north side of the town of *Townsend*, communicating with a turnpike road laid out in said State by said Corporation, to the county road in said town, near *Goff's* Bridge, so called, a distance of about four miles: And when said road shall be sufficiently made, and shall be approved of by a Committee to be appointed for that purpose, by the Court of General Sessions of the Peace for the county of *Middlesex*, the said Corporation shall be, and hereby is authorized to erect a turnpike gate on the same, in such manner and at such place as said Committee shall judge necessary and convenient for collecting the toll; and shall be entitled to demand and receive of every person using the said road, the rates of toll hereafter mentioned, and for that purpose to stop any person riding, leading or driving any horses, cattle, hogs, sheep, sulkey, chair or chaise, phaeton, coach, chariot, cart, waggon, sleigh, sled or other carriage of burden or pleasure, from passing through the said turnpike gate, until they shall respectively have paid the same; that is to say, for every mile of said road, and so in proportion for a greater or less distance, or greater or smaller number of sheep, hogs or cattle, viz.

viz. For every fifteen sheep or hogs, *one cent*; for every fifteen horses or cattle, *two cents*; for every horse and his rider, or led horse, *three fourths of one cent*; for every fulkey, chair or chaise, with one horse and two wheels, *one and an half cents*; for every chariot, coach, stage waggon, phaeton or chaise, with two horses and four wheels, *three cents*; for either of the carriages last mentioned, with four horses, *four cents*; for every other carriage of pleasure the like sums, according to the number of wheels and horses drawing the same; for each cart or other carriage of burden with wheels, drawn by one beast, *one cent*; for each waggon, cart or other carriage of burden, drawn by two beasts, *one and a half cents*, if by more than two beasts, *one cent* for each additional yoke of oxen or horse; for each sleigh, drawn by one horse, *three fourths of one cent*, if drawn by two horses, *one and a half cents*, if by more than two horses, *half a cent* for every additional horse; for each sled, drawn by one horse, *half of one cent*; for each sled, drawn by two horses or a yoke of oxen, *one cent*, and if by more than two horses or one yoke of oxen, *one cent* for every additional pair of horses or yoke of oxen: And at all times when the toll-gatherers shall not attend their duty, said gate shall be left open: And if any person shall, with his carriage, team, cattle or horses, turn out of said road to pass the said turnpike gate, on ground adjacent thereto, or shall falsely pretend to be exempted by this Act from paying toll, with intent to avoid the payment of the toll legally due from him, said person shall forfeit and pay three times so much as the legal toll would have been; to be recovered by the Treasurer of said Corporation to the use thereof, in an action of debt or on the case: *Provided*, That nothing in this Act shall be construed to entitle the said Corporation to demand toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse, team or cattle to or from his common labour on his farm, or to or from any mill, or on the common and ordinary business of family concerns within the town where he dwells, or passing said road on military duty.

Rate of toll.

Penalty for evading the toll.

Exemptions from toll.

SECT. 2. *Be it further enacted*, That said Corporation may purchase and hold any land over which they may make said road; and the Justices of said Court of General Sessions of the Peace are hereby authorized and required, upon application from said Corporation, to lay out said road, or such part thereof, as with the consent of said Corporation they may deem proper: And said Corporation shall be holden to pay all damages which any person shall sustain by taking his land for said road, to be estimated by a Committee of said Court, if the parties agree thereto, otherwise by a Jury, in the manner directed by law for the recovery of damage sustained by laying out public highways.

The Proprietors may purchase land, &c.

SECT.

Penalty for de-
lays, or unlaw-
ful toll.

SECT. 3. *Be it further enacted*, That if said Corporation, their toll-gatherers, or others in their employment, shall unreasonably delay or hinder any passenger at said gate, or shall demand and receive more toll than is allowed by law, said Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *one dollar*, to be recovered by the party aggrieved to his own use, in an action on the case, before any Justice of the Peace for said county of *Middlesex*, not being a member of said Corporation; the writ in which action shall be served on said Corporation by leaving a copy of the same with the toll-gatherer at said gate, or any officer or individual member thereof, living in said county of *Middlesex*, seven days at least before the day of trial; and such toll-gatherer, officer or individual member of said Corporation shall have a right to appear in and defend such suit on behalf of said Corporation: And said Corporation shall be liable to pay all damages which may happen to any person from whom toll is by this Act demandable, by means of any defect of bridges or want of repairs on said road, and shall also be liable to be fined, on presentment of the Grand Jury, for not keeping said road and bridges in good repair, in the same manner as towns are by law liable to be fined.

Road to be
kept in repair.

Penalty for in-
juring the gate,
&c.

SECT. 4. *Be it further enacted*, That if any person shall cut, break down or destroy said turnpike gate, or shall forcibly pass or attempt to pass the same, without having first paid the legal toll at such gate, he shall forfeit and pay a sum not exceeding *fifty dollars* nor less than *two dollars*, to be recovered by the Treasurer of said Corporation to their use, in an action of trespass, in any Court proper to try the same.

Account of ex-
penses to be ex-
hibited.

SECT. 5. *Be it further enacted*, That it shall be the duty of said Corporation, within six months after said road is completed, to lodge in the office of the Secretary of this Commonwealth, an account of the expenses of making said road in said town of *Townsend*; and at the expiration of ten years from the setting up said gate, and thereafter annually, it shall be their duty to exhibit to the Governor and Council of this Commonwealth, a true account of the income arising from said toll, with their annual necessary disbursements on said road, under penalty of forfeiting the benefits of this Act; and if at any time after the expiration of said term, it shall appear to the General Court that said income shall have fully compensated the said Corporation for all monies which they may have expended in purchasing, making, repairing and taking care of the said road, together with an interest thereon at the rate of *twelve per cent.* by the year, the General Court shall have a right to repeal this Act, and thereupon the property of said road shall be vested in said Commonwealth, and be at their disposal.

Term of toll
conditionally
limited.

[This Act passed June 18, 1801.]

An ACT to alter the Line between the south Parish in *Augusta* and the Parish in *Hallowell*, and to repeal the second Section of an Act, entitled, "An Act dividing the Town of *Hallowell*, in the County of *Lincoln*, into three Parishes, and for incorporating the same," passed the fourteenth Day of *June*, seventeen hundred and ninety four.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this Act, the line dividing the towns of *Hallowell* and *Augusta*, shall be the dividing line between the south parish in *Augusta* and the parish in *Hallowell*, and that any of the inhabitants, their heirs and assigns, living within that part of the south parish in *Augusta* (agreeable to the original parish line) which are within the limits of the town of *Hallowell*, shall have full liberty, at any time within the space of one year after the passing this Act, to join themselves with their estates to the south parish in *Augusta*, by leaving their names with the Town-Clerks of said *Hallowell* and *Augusta*, signifying their intentions so to do, whereupon they shall ever after belong to said parish.

Parish line determined, &c.

SECT. 2. *Be it further enacted,* That any of the inhabitants belonging to the towns of *Hallowell* or *Augusta*, who have joined themselves to the parish in *Hallowell*, or either of the parishes in *Augusta*, shall have full liberty to remain members of that parish to which they have so joined themselves, together with their families and estates; and that they shall also have full liberty to return, at any time, with their said families and estates, to that parish within which they reside: *Provided* they leave their names in writing with the Clerks of the two parishes concerned, certifying their intentions so to do; and upon their returning as aforesaid, they shall forever after belong to the said parish in which they reside.

Permission given to the inhabitants respecting joining any of the parishes.

SECT. 3. *Be it further enacted,* That the second section in an Act, entitled, "An Act dividing the town of *Hallowell*, in the county of *Lincoln*, into three parishes, and for incorporating the same," passed the fourteenth day of *June*, one thousand seven hundred and ninety-four, be, and is hereby repealed.

Part of a former law repealed.

SECT. 4. *Be it further enacted,* That any person or persons who have taken the benefit of the second section of the Act before-mentioned, shall pay their proportionable part of all debts due from or monies voted to be raised by the parish in which they belonged prior to their having left the same by joining themselves to another parish by virtue of the Act and section aforesaid.

Provision relative to debts.

SECT.

Parish lines.

SECT. 5. *Be it further enacted*, That the lines established by an Act dividing the town of *Hallowell*, in the county of *Lincoln*, into three parishes, and for incorporating the same, passed the fourteenth day of *June*, one thousand seven hundred and ninety-four, shall be the lines of said parishes, except the line between the south parish in *Augusta* and the parish in *Hallowell*.

[This Act passed June 18, 1801.]

An ACT for incorporating certain Persons for the Purpose of building a Bridge over *North River*, in the County of *Plymouth*, between the Towns of *Scituate* and *Marshfield*, at *Oakman's Ferry*.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Cushing Otis*, *Joseph Rogers*, *George Little*, *Elisba James*, *Amos Hatch*, *James Sparrel*, *Elijah Curtis*, *Thacher Tilden*, *John Tolman*, *Benjamin Rogers*, *Jotham Tilden*, with such other persons as now are associated, or may hereafter associate with them, for the purpose hereafter mentioned, their heirs and assigns, be, and they hereby are made and constituted a Corporation or Body Politic, for the purpose of building a Bridge over the *North River*, between the towns of *Scituate* and *Marshfield*, in the county of *Plymouth*.

Two Proprietors may call a meeting.

SECT. 2. *Be it further enacted*, That any two of the aforesaid Proprietors may, by posting up notifications at some public places in the towns of *Scituate* and *Marshfield*, warn and call a meeting of the Proprietors, to be holden at any suitable time and place after ten days from the first publication of said advertisement; and the Proprietors, by a vote of a majority of those present, or duly represented at the said meeting, (allowing one vote to and for each single share in all cases: *Provided however*, That no one Proprietor shall be allowed more than four votes,) shall choose a Clerk, who shall be sworn to the faithful discharge of said office; and shall also agree on a method of calling future meetings; and at the same, or a subsequent meeting or meetings, may elect such officers, and make and establish such rules and by-laws as to them may seem necessary or convenient for the regulation and government of the said Corporation, for carrying into effect the purpose aforesaid, and for collecting the toll hereinafter granted and established, and may annex penalties to the breach of any by-laws not exceeding *five dollars*; and all representations at said meeting shall be filed with the Clerk; and this Act, and all rules, regulations and proceedings shall be fairly and truly recorded

by

A Clerk to be chosen, & regulations to be established.

by the said Clerk, in a book or books to be provided and kept for that purpose.

SECT. 3. *Be it further enacted*, That the said Proprietors be, and they hereby are authorized and empowered to erect a Bridge over *North River*, between the towns of *Scituate* and *Marshfield*, in the county of *Plymouth*, at *Oakman's Ferry*, so called, with a convenient draw, at least thirty feet wide, for the passing of vessels; and the said Proprietors shall constantly keep some suitable person or persons at the said Bridge, who shall, without toll or expense, raise said draw for any and every vessel that may be passing up or down the river aforesaid, so that no such vessel shall be unreasonably detained or delayed in its passage as aforesaid.

Where & how the Bridge is to be erected.

And for the purpose of reimbursing said Proprietors the money by them to be expended in building and supporting said Bridge:

SECT. 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, *two cents*; for each horse and rider, *five cents*; for each horse and chaise, chair, fulkey or sleigh, *twelve cents and five mills*; for each coach, chariot or phaeton, or other four-wheeled carriage for passengers, *twenty-five cents*; for each curricule, *twenty-five cents*; for each sleigh drawn by more than one horse, *twenty cents*; for each cart, sled or other carriage of burthen drawn by one beast, *ten cents*; if drawn by more than one beast, *twelve cents and five mills*; for each horse without a rider and for neat cattle, *two cents* each; for sheep and swine, *eight cents* for each dozen: And one person and no more shall be allowed to each team as a driver to pass free of toll: And the toll shall commence on the day of first opening said Bridge, and shall continue for the term of forty years: And at the place where the toll shall be received there shall be erected, and constantly exposed to view, a sign-board, with the rates of toll fairly and legibly written or painted thereon in large letters.

Rates of toll.

SECT. 5. *Be it further enacted*, That the said Bridge shall be well built, with suitable materials, at least twenty-two feet wide, and covered with planks, with sufficient rails on each side, and boarded up sixteen inches high from the floor of said Bridge, for the safety of passengers travelling thereon; and the same shall be kept in good repair at all times.

Directions respecting the building of the Bridge, &c.

SECT. 6. *And be it further enacted*, That if the said Proprietors shall neglect for the space of four years from the passing of this Act to build and erect said Bridge, then this Act to be void and of no effect.

Bridge to be built within 4 years.

[This Act passed June 19, 1801.]

An

An ACT to prevent Damage being done to the Harbour of *Wellfleet*, in the County of *Barnstable*, by excessive Numbers of Cattle, Sheep and Horse-kind, feeding on the Beach and Islands adjoining the westerly Side of said Harbour.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the town of *Wellfleet* shall be, and they are hereby empowered and directed, at their meeting for the choice of town officers in *March* or *April* annually, to choose three discreet persons, being freeholders in said town, to inspect and oversee the islands and beaches adjoining the westerly side of *Wellfleet Harbour*, and southward of *Griffin's Island*, so called; and each person so chosen, shall be sworn faithfully and impartially to discharge the duties required of him by this Act: And the Overseers of said islands and beaches shall meet together annually, on or before the twentieth day of *April*, at such time and place as the person first chosen by said town shall appoint; the meeting to be by him duly notified: And the major part of the Overseers present at such meeting, are hereby authorized and empowered to agree upon and determine what numbers of cattle, horse-kind and sheep, shall be permitted to feed on the aforesaid islands and beaches southward of *Griffin's Island*, so as to do the least damage.

Overseers of
the beaches, &c.
to be chosen.

— meetings.

Not lawful for
any person to
turn out his
cattle to feed
on the beach,
&c.

SECT. 2. *And be it further enacted by the authority aforesaid,* That from and after the first day of *March* next, it shall not be lawful for any person or persons whatsoever, to turn out, feed, or let run at large, any neat cattle, sheep or horse-kind on the land, islands, meadows and beaches, on the westerly side of *Wellfleet Harbour*, and southward of *Griffin's Island*, in the town of *Wellfleet*, unless he, she or they shall first obtain a permit in writing, signed by the Overseers of said islands, beaches and meadows, for that purpose: And no person or persons, other than an inhabitant of the said town of *Wellfleet*, shall be permitted to turn out, feed, or let run at large, any neat cattle, horse-kind or sheep, except such persons as may own some right or interest therein, on said islands, beaches and meadows.

SECT. 3. *And be it further enacted by the authority aforesaid,* That after the publication of this Act, if any person or persons shall presume to turn out, feed, or let run at large any neat cattle, horse-kind or sheep, on the islands, beaches or meadows aforesaid, or any part thereof, without permission in writing from the Overseers of said islands, beaches or meadows in manner aforesaid; the owner or owners thereof shall forfeit and pay for each offence, *two dollars* a head for all neat cattle and horse-kind,

Penalty for
breach of this
law.

kind, and *twenty cents* a head for all sheep so turned out to feed or let run at large on the islands, beaches or meadows aforesaid, to be recovered by any inhabitant of the town of *Wellfleet*, before any Justice of the Peace for the county of *Barnstable*, by action of debt: And all such cattle, horse-kind or sheep, found feeding or running at large on said islands, beaches and meadows, without permission as aforesaid, shall be liable to be impounded in the town of *Wellfleet*, and immediate notice thereof shall be given to the owner or owners thereof, if known, otherwise public notice thereof shall be given in writing, by posting up the same in the town of *Wellfleet*, and in *Truro*, in some public places, by the person impounding the same; such creatures to be relieved by the pound-keeper, with suitable meat and water, while impounded; and if the owner or owners thereof appear to redeem his, her or their impounded creature or creatures, he, she or they shall pay the following fees, viz. *Fifty cents* to the impounder for each neat beast or horse-kind, and *eight cents* for each sheep so impounded; and to the pound-keeper reasonable costs for relieving such creatures, besides his fees established by law: And if no owner appear within the space of four days to redeem such cattle, sheep or horse-kind, so impounded, and to pay the cost occasioned by impounding them, then, and in every such case, the person impounding such creature or creatures, shall cause the same to be sold at public vendue, to pay the cost and charges arising thereby; public notice of the time of such sale to be given in the towns of *Wellfleet* and *Truro*, forty-eight hours at least previous to such sale; and the overplus, if any there be, arising by such sale, to be returned to the owner or owners of such creature or creatures so sold, at any time within twelve months next after such sale, upon his, her or their demanding the same; but if no owner appear within the said twelve months, then the said overplus shall accrue, one half to the party impounding such creature or creatures, and the other half to the use of the town of *Wellfleet*, for the support of the poor of said town.

Cattle, &c.
found on the
beaches to be
impounded;
and the mode
of proceeding
in that case.

SECT. 4. *And be it further enacted by the authority aforesaid,* That each person who shall be permitted as aforesaid to turn out, feed or let run on the islands, beaches and meadows aforesaid, any neat cattle, horse-kind or sheep, shall pay annually to the Treasurer of the said town of *Wellfleet*, for each neat beast, horse-kind or sheep, so running or feeding on said islands, beaches or meadows, such sum as shall be agreed upon and voted by said town of *Wellfleet* at their meeting for the choice of town officers, in the month of *March* or *April* annually; which sums shall be for the use of protecting and securing said islands, beaches and meadows from damage.

An annual
privilege to be
purchased.

SECT.

SECT. 5. *And be it further enacted by the authority aforesaid,*
 Overseers' du- That it shall be the duty of the Overseers of the islands, beaches
 ty. and meadows, on the westerly side of *Wellfleet Harbour*, and
 southward of *Griffin's Island*, chosen agreeably to this Act, to
 see that this Act be observed, and to prosecute all breaches
 thereof: And in case any person chosen as Overseer of the
 Penalty for re- aforesaid islands, beaches and meadows, agreeably to this Act,
 fusing to serve shall refuse to be sworn, he shall forfeit and pay *two dollars* for
 as Overseer. the use of the poor of said town of *Wellfleet*; and upon such
 refusal the said town of *Wellfleet* shall, from time to time, pro-
 ceed to a new choice of such officer or officers.

SECT. 6. *And be it further enacted by the authority aforesaid,*
 Former laws That all laws heretofore made to prevent damage being done to
 repealed. the harbour of *Wellfleet*, be, and they hereby are repealed.
 [This Act passed June 19, 1801.]

An ACT repealing Part of an Act, entitled, "An Act for regulating the Alewife Fishery in the *Gulf Stream*, so called, which runs between the Towns of *Scituate*, in the County of *Plymouth*, and *Cobasset*, in the County of *Norfolk*," passed the fourth Day of *March*, in the Year of our Lord Eighteen hundred.

WHEREAS the beneficial effects contemplated by the Act aforesaid have not been produced thereby:
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, so far as it provides that the Selectmen of the towns of *Scituate* and *Cobasset* shall be Fish-Wardens, and so far as it respects the opening sluice-ways through the mill-dams, that now are, or that hereafter may be erected, above the mill-dam, erected by *Elisba Doane* and others, be, and hereby is repealed.

[This Act passed June 19, 1801.]

An ACT to incorporate *Ezra Marvin* and others, by the Name of *The Eleventh Massachusetts Turnpike Corporation*.

Preamble. WHEREAS the highway leading from the south line of *Massachusetts*, through the east parish of the town of *Granville*, and through the towns of *Blandford* and *Becket*, until it comes to the turnpike road laid out by the *Eighth Massachusetts Turnpike Corporation*, north of the meeting-house in said *Becket*,

Becket, is rocky and mountainous, and the expence of straightening, making and repairing the same, through the said towns, so that the same may be a good carriage road, is greater than reasonably ought to be required of said towns :

SECT. I. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Ezra Marvin, Elibu Stow, Enoch Bancroft, William Cooley, William Cooley, jun. Clark Cooley, David Jones, Samuel Bancroft, Jesse Munson, Amos Root, Lee Tinker, Jesse Spelman, Thomas Gillit, Azariah Bancroft, Zadock Cooley, Roswell Rowley, Abner Warner, Nathan Bates, Oliver Dickinson, Israel Parsons, Timothy Spelman, Martin Moses, Charles Spelman, Asa Seymour, Eli Gibbons, James Coe, Oliver Coe, Samuel Trall, Bethuel Jones, Joel Root, Jonathan Barlow, Daniel Cooley, James Barlow, Richard Dickenson, Aaron Bigelow, Nathan Knox, John Crocker, jun. Levi Boies, Asa Merit, Elibu Noble, Alexander Morrison, William Thompson, Reuben Blair, David Adkins, Perry Button, Benedict Bowditch, Solomon Noble, Russell Atwater, Reuben Atwater, Nathaniel W. Little, Judah Benent, Phineas Ashman, Abner Pease, Samuel Sloper, John Upson, Martin Cannon, David Boies, 2d. James Free-land, John Hamilton, Alexander Asburz, Joseph W. Brewster, David M^cConoughey, David M^cConoughey, jun. Samuel Cannon, Samuel Boies, 2d. William Ferguson, Robert Cannon, Solomon Stewart, jun. William Boies, jun. Andrew Wilson, Samuel Knox, Zadock Brown, Isaac Gibbs, Job Almy, William Stewart, Ephraim Gibbs, Asa Blair, David Boies, David Blair, Samuel Bries, 3d. Abner Gibbs, Reuben Boies, Samuel C. Gibbs, James Anderson, Jesse Bruce, James Baird, Aaron Baird, Benjamin Taggard, Timothy Blair, Joseph Frary, Joseph Frary, jun. Ephraim Perkins, Abel Dewey, Fabez Wadsworth, Seth Wadsworth, Bille Messenger, Oliver Brewster, Barnabas Adams, James Peudd, Josiah Dwight, David Lyman, David Munroe, John Frary, Eleazer Frary, Edmund Barlow, jun. and all such other persons as shall be associated with them, and their heirs and successors, be, and they hereby are constituted a Corporation, by the name of *The Eleventh Massachusetts Turnpike Corporation*, with all the privileges and powers incident to Corporations, for the purpose of laying out and making a turnpike road, to begin at the south line of *Massachusetts*, at or near the ending of a turnpike road lately established by the Legislature of the State of *Connecticut*, from the city of *Hartford* to said south line of *Massachusetts*; thence into and through the east parish of *Granville*, to *Blandford* meeting-house; and from thence through the town street in *Blandford*, by the usual *Pittsfield* road, so called, and into the town of *Becket* by the same road, until it connects with the road of the Eighth Turnpike Corporation, with such variations only from the said *Pittsfield* road, as the nature of the ground, and the avoidance of hills difficult and dangerous.

Names of persons incorporated.

Corporate name.

Course of the road, width, &c.

dangerous of passage, shall require; and making the same in such place or places as the said Corporation shall choose, and for keeping the same in repair; which road shall not be less than four rods wide, and the path to be travelled in not less than eighteen feet wide in any place; and when the said turnpike road is completed, from the said south line of *Massachusetts*, to the meeting-house in *Blandford*, and approved of by a Committee appointed by the Court of General Sessions of the Peace for the county of *Hampshire*, for that purpose, then the said Corporation shall be authorized to erect a gate in such place on the road so made and completed, as the said Committee shall judge most convenient for collecting the toll, and shall be entitled to receive of each traveller or passenger, at the said gate, the following rate of toll, viz. For every coach, phaeton, chariot or other four wheel carriage, drawn by two horses, *twenty-five cents*; and if drawn by more than two horses, an additional sum of *four cents* for each horse; for every cart or waggon drawn by two oxen or horses, *ten cents*; and if drawn by more than two oxen or horses, the additional sum of *three cents* for each ox or horse; for every curricule, *twelve cents and five mills*; for every chaise, chair or other carriage drawn by one horse, *twelve cents and five mills*; for every man and horse, *five cents*; for every sled or sleigh drawn by two oxen or horses, *seven cents*; if drawn by more than two oxen or horses, an additional sum of *two cents* for each ox or horse; for every sled or sleigh drawn by one horse, *five cents*; for all horses, mules, oxen or neat cattle led or driven, besides those in teams and carriages, *one cent* each; for all sheep or swine, at the rate of *three cents* per dozen: And whenever the said turnpike road is made and completed from the said meeting-house in *Blandford* to the turnpike road in *Becket*, and approved of by a Committee appointed by the Court of General Sessions of the Peace for the respective counties of *Hampshire* and *Berkshire*, for that purpose, then the said Corporation shall be authorized to erect one other gate on the same, in such place as the said Committee shall judge necessary and convenient for collecting the toll; and shall be entitled to receive thereat from each traveller or passenger the same rate of toll as at the first-mentioned gate: *Provided*, That if the said Corporation shall neglect to finish and complete the whole of the said road within the time hereinafter prescribed by this Act; then the said first-mentioned gate shall be removed: *Provided also*, That the said Corporation may, if they see fit, commute the rate of toll with any person, or with the inhabitants of any town through which the said road passes, by taking of him or them a certain sum annually, to be mutually agreed upon in lieu of the toll aforesaid.

Rate of toll.

An additional gate allowed.

Commutation of toll.

SECT.

SECT. 2. *And be it further enacted*, That the said Corporation may purchase and hold land over which they may make said road; and the Justices of the Court of General Sessions of the Peace in the county where the said road is, are hereby authorized, on application of said Corporation, to lay out said road, or any part thereof, within their respective jurisdictions, as, with the consent of said Corporation, they shall think proper: And the said Corporation shall be liable to pay all damages that shall arise to any person by taking his land for such road, when the same cannot be obtained by voluntary agreement; to be estimated by a Committee of the Court of General Sessions of the Peace in the county where such damage shall arise, saving to either party the right of trial by Jury, according to the law which makes provision for the recovery of damages arising from the laying out of highways.

SECT. 3. *And be it further enacted*, That if the said Corporation, their toll-gatherers, or others in their employ, shall unreasonably delay or hinder any traveller or passenger at either of said gates, or shall demand or receive more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding *ten dollars*, nor less than *one dollar*, to be recovered before any Justice of the Peace of the county where the offence shall be committed, by any person injured, delayed or defrauded, in a special action of the case, the writ in which case shall be served on said Corporation by leaving a copy of the same with the Treasurer or any individual member, at least seven days before the day of trial; and the Treasurer of said Corporation, or any individual member, shall be allowed to defend the same suit in behalf of said Corporation: And the said Corporation shall be liable to pay all damages that shall happen to any person from whom the toll is demandable, from defect of bridges or want of repairs in said road; and shall also be liable to presentment by the Grand Jury for not keeping the same in repair: And if the said road or any part thereof shall be suffered to be out of repair, the Justices of the Court of Common Pleas within and for the county wherein the same may be, or a major part of them, or a Committee to be appointed for that purpose by said Justices, are hereby authorized to order said gates, or either of them, to be set open, said Justices or their Committee having previously notified the Clerk of said Corporation of complaint having been made of the badness of the road, at least ten days previously to the ordering them to be set open; and immediately upon the leaving such order in writing, under the hands of said Justices, or their Committee, with the Clerk of the Corporation, the said gate or gates shall be opened, and no toll shall be legally demandable or taken thereat, until the said Justices, or their Committee, shall grant a counter order.

Corporation allowed to take and hold land.

Penalty for delaying passengers.

Corporation liable for damages if the road is not kept in repair.

SECT.

SECT. 4. *And be it further enacted,* That if any person shall cut, break down, or otherwise destroy or injure either of the said turnpike gates, or shall dig up or carry away any earth from said road, or in any manner damage the same, or shall forcibly pass, or attempt to pass by force either of said gates, without having first paid the legal toll at such gate, such person shall forfeit and pay a fine not exceeding *forty dollars*, nor less than *two dollars*; to be recovered by the Treasurer of said Corporation to their use, in an action of trespass on the case: And if any person with his team, cart or horse, turn out of said road to pass either of the gates, and again enter the said road with an intent to evade the toll due by virtue of this Act, such person shall forfeit and pay three times as much as the legal toll would have been; to be recovered by the Treasurer of the Corporation to the use of the same in an action of trespass on the case: *Provided,* That nothing in this Act shall extend to entitle the said Corporation to demand and receive toll from any person or persons who shall be passing with his horse or carriage to or from public worship, or with his horse, team or cattle to or from his common labour on his farm, or to or from any grist-mill, or on the common and ordinary business of family concerns within the same town, or from any person or persons passing on military duty.

Penalty for injuring the road.

Penalty for attempting to evade the toll.

Proviso.

Shares deemed personal estate, may be transferred, &c.

SECT. 5. *And be it further enacted,* That the shares in the said turnpike road shall be taken, deemed and considered to be personal estate to all intents and purposes, and shall and may be transferable; and the mode of transferring said shares shall be by deed, acknowledged before any Justice of the Peace, and recorded by the Clerk of the Corporation, in a book to be kept for that purpose: And when any share shall be attached on *mesne process*, or taken on execution, without such previous attachment, an attested copy of such writ of attachment or execution shall be left with the Clerk of the Corporation, otherwise the attachment, or taking in execution, shall be void; and such shares may be sold on execution in the same manner as is or may by law be provided for making sale of personal property on execution, the officer making the sale, or the judgment creditor, leaving a copy of the execution and the officer's return on the same with the Clerk of the said Corporation, within fourteen days after such sale, and paying for recording the same, shall be deemed and considered as a sufficient transfer of such share or shares in the said turnpike road.

SECT. 6. *And be it further enacted,* That the said Corporation is hereby empowered to grant monies to such persons as rendered services to the Proprietors in exploring the route of the turnpike road or otherwise, previous to the Act of incorporation.

Authorized to grant monies.

SECT.

SECT. 7. *And be it further enacted,* That a meeting of said Corporation shall be held at the house of *Solomon Noble*, innholder in said *Blandford*, on Monday the thirteenth day of *July* next, at ten o'clock in the forenoon, for the purpose of choosing a Clerk, who shall be sworn to the faithful discharge of the duties of said office, and such other officers as may then and there be agreed on by said Corporation: And said Corporation may then and there make and establish such rules and regulations as they shall judge necessary, (*provided* the same are not repugnant to the laws of this Commonwealth,) for regulating the concerns thereof: And the said Corporation may then and there agree upon such method of calling meetings in future as they shall judge proper.

First meeting; and the business to be transacted.

SECT. 8. *And be it further enacted,* That the said Corporation shall, within six months after the said road is completed, lodge in the Secretary's office an account of the expenses thereof; and shall also annually exhibit to the Governor and Council, a true account of the income or dividend arising from said toll, with their necessary annual disbursements on said road.

An account of income and expenses to be exhibited.

SECT. 9. *And be it further enacted,* That if any person shall draw any log, tree or stick of timber on or over said turnpike road, except in the months of *January* and *February*, unless said log, tree or stick of timber is loaded on a cart or sled, or one end thereof is raised on a sled, cart or other suitable carriage, he shall forfeit and pay to the said Corporation *three dollars* for every log, tree or stick of timber so drawn on or over said road; to be recovered by action of debt.

Penalty for drawing logs, &c. over the road.

SECT. 10. *And be it further enacted,* That when any Proprietor shall neglect or refuse to pay any tax or assessment duly voted and agreed upon by the Corporation, to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of said Corporation is hereby authorized to sell at public vendue the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray said taxes and the necessary incidental charges, after duly notifying, in the newspapers printed at *Springfield* and *Stockbridge*, the sum due on such shares, and the time and place of sale, at least twenty days previous to the time of sale; and such sale shall be a sufficient transfer of the share or shares so sold to the person or persons purchasing; and on producing a certificate of such sale from the Treasurer to the Clerk of said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of the said Corporation, and such person shall be considered, to all intents, the Proprietor thereof, and the overplus, if any there be, paid on demand by the Treasurer to the person whose share was thus sold.

Shares of delinquents may be sold.

SECT.

Sign-board to
be erected. SECT. 11. *And be it further enacted,* That the said Corporation shall, at the places where the said toll is collected, erect and keep constantly exposed to view, a sign or board, with the rates of toll, and all the tollable articles fairly and legibly written or printed thereon in large or capital characters.

Power of dis-
solving the Cor-
poration refer-
red. SECT. 12. *And be it further enacted,* That the General Court may dissolve said Corporation whenever it shall appear, to their satisfaction, that the income arising from said toll shall have fully compensated the said Corporation for all monies they may have expended in exploring, purchasing, taking care of and repairing the said road, together with an interest thereon of *twelve per centum* by the year, and thereupon the property of the said road shall be vested in this Commonwealth, and be at their disposal: *Provided,* That if the said Corporation shall neglect to complete the said turnpike road for the space of five years from the passing of this Act, the same shall become void and of no effect.

[This Act passed June 19, 1801.]

Additional Act,
June 23, 1803. An ACT to establish *The Twelfth Massachusetts Turnpike Corporation.*

Persons incor-
porated. SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Joseph Goodrick, Elisha Lee, Asabel P. Bennett, Uzziel Clark, John W. Hurlbut, Jeremiah Hitchcock, William Buel, Josiah Kellogg, Horace Busb, Seneca Tuller, Francis Heare, Orson Trowbridge, Obadiah Busb, Elisha Cowles, Jeremiah Hikok, Daniel Busb, Isaac Vossburg, Elisha Ensign, Elisha Smith, Michael Halcomb, Stephen Dewey, and Azariah Root,* and all such persons as shall associate with them, and their successors, shall be a Corporation by the name of *The Twelfth Massachusetts Turnpike Corporation,* with all the powers and privileges incident to Corporations, for the purpose of laying out and making a turnpike road from the termination of the turnpike road leading from *Hartford,* near the house of *Capt. Uzziel Clark,* in *Sheffield,* from thence north-westwardly on the westward side of *Allum Hill,* in the most convenient rout, to *Asabel P. Bennett's* dwelling-house; thence northwardly in the most convenient line, to the said *Bennett's* lower bridge place, so called; from thence in a direct line to the county road, near and in front of *Capt. Michael Holcomb's* dwelling-house; from thence in the most convenient line, having reference to the said county road as it is now travelled, near to the guide-post by the *Barrington River Road,* so called; thence in the most convenient and direct line, to the dwelling-house of *Ephraim Kellogg;* thence in the most convenient and direct rout, to the dwelling-house of *Sen-*

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eca Tulier, Esq.; from thence in the most convenient and direct rout, to the flat ground in front of *George Messinger's* dwelling-house; and from thence in the most convenient rout, to the east end of the aforesaid *Hudson Turnpike Road*, and for keeping the same in repair; which road shall not be less than four rods wide, and the path to be travelled on not less than eighteen feet wide in any place: And that when said turnpike road shall be sufficiently made, and shall be so allowed and approved by the Justices of the Court of Common Pleas for the county of *Berkshire*, at any term thereof, then the said Corporation shall be authorized to erect one gate on the same, in such convenient place, near the house of *George Messinger*, as the Justices of the Court of Common Pleas in said county of *Berkshire* shall determine; and also one other gate, at or near the bridge to be erected across the *Housatonic River*, at *Asabel P. Bennett's* lower bridge place; and shall be entitled to receive for each traveller and passenger, at each of said gates, the following rates of toll, viz. For every coach, chariot, phaeton, or other four wheel carriage, drawn by two horses, *fourteen cents*, and if drawn by more than two horses, an additional sum of *three cents* for each horse; for every cart, waggon, sled or sleigh, drawn by two oxen or horses, *six cents*, and if drawn by more than two, an additional sum of *two cents* for every such ox or horse; for every curricule, *nine cents*; for every chaise, chair or other carriage, drawn by one horse, *eight cents*; for every man and horse, *three cents*; for all horses, oxen or neat cattle, led or driven, besides those in teams or carriages, *three cents* each; for all sheep or swine, *two cents* per dozen, and in that proportion for a greater or less number: *Provided*, That no toll shall be taken of any person passing said road on military duty, to or from public worship, to or from mill, or about his common and ordinary business within the town wherein he resides.

Where gates
may be erect-
ed.

Toll.

Provide,

SECT. 2. *Be it further enacted*, That the said Corporation may purchase and hold any lands over which they make the said road; and the Justices of the Court of the General Sessions of the Peace in said county are hereby authorized, on application from the said Corporation, to lay out such road, as with the consent of the said Corporation they may deem proper; and the said Corporation shall be holden to pay all damages which shall arise to any person by taking his land for such road, where it cannot be obtained by voluntary agreement, to be estimated by a Committee appointed by the Court of General Sessions of the Peace in said county, saving to either party the right of trial by Jury, according to the law which makes provision for the recovery of damages happening by laying out public highways.

Lands may be
purchased, &c.

SECT.

Penalty for de-
laying passen-
gers.

SECT. 3. *Be it further enacted,* That if said Corporation, their toll-gatherers, or others in their employ, shall unreasonably delay or hinder any traveller or passenger at either of the said gates, or shall demand or receive more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *one dollar*, to be recovered before any Justice of the Peace of the county where the offence shall be committed, by any person injured, delayed or defrauded, in a special action on the case, the writ in which shall be served on the said Corporation, by leaving a copy of the same with their Treasurer, or with some individual member of the Corporation, living within the county wherein the action may be brought, or reading the contents thereof to the said Treasurer or individual member, at least seven days before the day of trial; and the Treasurer of the said Corporation, or individual member, who shall be allowed to defend the same suit in behalf of the Corporation; and the Corporation shall be liable to pay all damages which shall happen to any person from whom toll is by this Act demandable, for any damages which shall arise from defect of bridges, or want of repairs within the same way, and shall also be liable to a fine, on presentment of the Grand Jury, for not keeping the same or the bridges thereon in good repair: And if the said road, or any part thereof, shall be suffered to be out of repair, the Justices of the Court of Common Pleas, or a major part thereof, or a Committee to be by them appointed for that purpose, may, after notice in writing served on the Clerk or Treasurer, or any other principal member of said Corporation, seven days before the time of hearing, order the said gates, or either of them, to be set open; and immediately upon the service of such order, under the hands of said Justices or Committee, on the Clerk of said Corporation, the said gate or gates shall be opened and kept open, and no toll demanded or taken thereat until the Justices of said Court or said Committee shall grant an order for putting up said gate or gates and receiving the toll thereat.

Road to be kept
in repair.

In case the road
is not kept in
repair.

Penalty for in-
juring the gates,
&c.

SECT. 4. *Be it further enacted,* That if any person shall cut, break down or destroy any of the said turnpike gates, or shall forcibly pass or attempt forcibly to pass the same, without having first paid the legal toll at such gate, such person shall forfeit and pay a fine not exceeding *fifty dollars* nor less than *two dollars*, to be recovered by the Treasurer of said Corporation to their use, in an action of trespass; and if any person shall, with his cattle, team, carriage or horse, turn out of the said road to pass the said turnpike gate, on ground adjacent thereto, and again enter on said road, with intent to avoid the toll due by virtue of this Act, such person shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the Treasurer of

of

of the said Corporation to the use thereof, in an action of trespass on the case: *Provided*, That nothing in this Act shall extend to entitle the said Corporation to demand toll of any person who shall be passing with his horse, carriage, team or cattle, on his common and ordinary business within the same town, or to or from any place of public worship, or to or from any mill, or on military duty.

SECT. 5. *Be it further enacted*, That the shares in the same turnpike road shall be taken, deemed and considered to be personal estate to all intents and purposes, and shall and may be transferable; and the mode of transferring said shares shall be by deed, acknowledged before any Justice of the Peace and recorded by the Clerk of said Corporation, in a book to be kept for that purpose; and when any of said shares shall be attached on *mesne process*, or taken on execution without such previous attachment, an attested copy of such writ of attachment or execution shall be left with the Clerk of said Corporation, otherwise such attachment or taking in execution shall be void: And such shares may be sold on execution in the same manner as is or may by law be provided for the sale of personal property by execution, the officer making sale, or the judgment creditor, leaving a copy of the execution and the officer's return on the same with the Clerk of the said Corporation within ten days after such sale, and paying for the recording of the same.

Transferring shares.

SECT. 6. *Be it further enacted*, That a meeting of the said Corporation shall be held at the house of *William Fellows*, innholder, in *Sheffield*, in the county of *Berkshire*, on the second Tuesday of *July* next, for the purpose of choosing a Clerk and such other officers as may then and there be agreed upon by the said Corporation, for regulating the concerns thereof; and that the said Corporation may then and there agree upon such method of calling meetings in future as they may judge proper.

First meeting.

SECT. 7. *Be it further enacted*, That the said Corporation shall, within six months after the said road is completed, lodge in the Secretary's office an account of the expenses thereof; and that the said Corporation shall annually exhibit to the Governor and Council a true account of the income or dividend arising from the said toll, with their necessary annual disbursements on said road; and that the books of the said Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, or to the inspection of the Governor and Council when called for.

Statement of income to be exhibited.

SECT. 8. *Be it further enacted*, That whenever any Proprietor shall neglect or refuse to pay any tax or assessment, duly voted and agreed upon by the Corporation, to their Treasurer, within sixty days after the time set, for the payment thereof, the Treasurer of said Corporation is hereby authorized to

sell Shares of delinquents may be sold.

sell at public vendue, the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray said taxes, and necessary incidental charges, after duly notifying, in some newspaper printed in the county of *Berkshire*, the sum due on any such shares, and the time and place of sale, at least twenty days previous to the time of sale, and such sale shall be a sufficient transfer of the share or shares so sold, to the person purchasing, and on producing a certificate of such sale from the Treasurer to the Clerk of the said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the book of the said Corporation, and such person shall be considered, to all intents and purposes, the Proprietor thereof, and the overplus, if any there be, shall be paid on demand by the Treasurer to the person whose shares were thus sold.

Rates of toll to
be exhibited.

SECT. 9. *Be it further enacted*, That the said Corporation shall, at all places, where the said toll shall be collected, erect, and keep constantly exposed to view, a sign or board, with the rates of toll of all the tollable articles, fairly and legibly written in large or capital characters.

SECT. 10. *And be it further enacted*, That the General Court may dissolve said Corporation, whenever it shall appear to their satisfaction that the income arising from the said toll shall have fully compensated the said Corporation for all monies they may have expended in purchasing, repairing and taking care of the said roads, together with an interest thereon, at the rate of *twelve per centum* by the year, and thereupon the property of the said road shall be vested in this Commonwealth, and be at their disposal: *Provided*, That if the said Corporation shall neglect to complete the said turnpike road for the space of three years from the passing of this Act, the same shall become void and of no effect.

[This Act passed *June 19, 1801.*]

An ACT for establishing Turnpike Gates betwixt the Lines of the State of *Connecticut* and the north-west Part of *Loudon*.

Preamble.

WHEREAS the road leading from the line of the State of *Connecticut*, near *Holmes' Mills*, in *Hartland*, in the county of *Hartford*, to *Loudon*, in the county of *Berkshire*, is circuitous, rocky and mountainous, and there is much travelling over the same, and the expense of straightening, making and repairing a road through the middle parish in *Granville*, the west part of *Blanford* and *Loudon*, so that the same may be safe and convenient for travellers with horses and carriages,

would

would be much greater than ought to be required of the proprietors and inhabitants on the said road, under their present circumstances :

SECT. I. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Phelps, Levi Curtiss, Stephen Stow, Nathan Curtiss, Thaddeus Squires, Rufus Harvey, Abijah Knapp, Luther Hayes, Isaac Snow, Luther Coe, Moses Parsons, Ephraim Coe, Charles Curtiss, Linus Curtiss, David Curtiss, Rufus Rose, Enoch Johnson, Enoch Coe, Benjamin Boxford, Linus Bates, Elibu Barnes, Hezekiah Robinson, Joel Parsons, Seth Parsons, Bela Scovill, Benjamin Scott, Stephen Pelton, Moses Cook, John Webster, Comfort Beebe, Anthony Parmentor, Titus Hubbard, Thomas Burnham, and all such persons as shall associate with them and their successors, shall be a Corporation by the name of *The Thirteenth Massachusetts Turnpike Corporation*, with all the privileges and powers incident to Corporations, for the purpose of laying out and making a turnpike road from the line of the State of Connecticut, near *Holmes' Mill*, by the meeting-house in the middle parish in *Granville*, to the north-westerly part of the town of *Loudon*, in the county of *Berkshire*, and for the keeping the same in repair in such place or places as the Corporation shall choose for the same ; which road shall not be less than four rods wide, and the part to be travelled on to be not less than eighteen feet in width, in any place, excepting steep side hills ; and there the said road shall be of sufficient width for carriages and teams of all kinds to pass each other : And that when said turnpike road shall be sufficiently made, and shall be allowed and approved by the Justices of the Court of Sessions of the county of *Hampshire*, at any term thereof, then the said Corporation shall be authorized to erect turnpike gates on the same, in such manner as shall be necessary and convenient, and shall be entitled to receive from each traveller and passenger, excepting those passing on military duty, the following rate of toll, viz. For every coach, phaeton, chariot and other four wheel carriage, drawn by two horses, *thirty cents*,—and if drawn by more than two horses, the additional sum of *five cents* for each horse ; for every cart, waggon or sled, drawn by two oxen or horses, *sixteen cents*,—and if drawn by more than two, the additional sum of *four cents* for every such ox or horse ; for every curricule, *twelve cents* ; for every sleigh drawn by two horses, *twelve cents*,—and if drawn by more than two horses, an additional sum of *four cents* for each horse ; for every chaise, chair or other carriage, drawn by one horse, *twelve cents* ; for every man and horse, *six cents* ; for all oxen, horses or neat cattle, led or driven, besides those in teams or carriages, *four cents* each ; for all sheep and swine, *four cents* by the dozen,*

Persons incorporated.

Corporate name.

Rate of toll.

dozen, and in the same proportion for a greater or less number : And the Justices of the Court of General Sessions of the Peace in the counties of *Hampshire* or *Berkshire* are hereby authorized, on application from said Corporation, to lay out such road, or any part thereof, within their respective counties, as, with the consent of the said Corporation, they may deem proper ; and the said Corporation shall be holden to pay all damages which shall arise to any person by taking his land for such road, where it cannot be obtained by voluntary agreement, to be estimated by a Committee appointed by the General Sessions of the Peace in the county in which such damage shall arise, saving to the party the right of trial by Jury, according to the law which makes provision for the recovery of damages happening by laying out public highways.

Land may be taken.

Penalty for delaying passengers.

SECT. 2. *And be it further enacted,* That if said Corporation, their toll-gatherers, and others in their employ, shall unreasonably delay or hinder any traveller or passenger at said gates, or shall demand and receive more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding *ten dollars*, nor less than *one dollar* to be recovered before any Justice of the Peace, in either of the counties aforesaid, where the offence shall be committed, by any person injured, delayed or defrauded, in a special action on the case ; the writ in which shall be served on the Corporation, by leaving a copy of the same with the Treasurer, or with two individual members of said Corporation, living within the county wherein the offence shall be committed, or reading the contents thereof to said Treasurer, or individual members, at least seven days before the day of trial ; and the Treasurer of said Corporation, or individual members, shall be allowed to defend the same suit in behalf of said Corporation ; and the Corporation shall be liable to pay all damages, which shall happen to any person from whom toll is by this Act demandable, for any damages which shall arise from defect of bridges, or want of repairs to the said road, within the same county, and shall also be liable to a fine on presentment of the Grand Jury, for not keeping the same way or bridges thereon in repair ; and if the said road or any part thereof shall be suffered to be out of repair, the Justices of the Court of Common Pleas, within and for the county wherein the same may be, or a major part of them, or a Committee to be appointed for that purpose by said Justices, are hereby authorized to order said gate to be set open ; said Justices or their Committee having previously notified the Clerk of said Corporation, of complaint having been made of the badness of the road, at least ten days previously to the ordering them to be set open ; and immediately upon the leaving of such order in writing, under the hands

Road to be kept in good repair.

of

of said Justices or their Committee, with the Clerk of the Corporation, the said gate shall be opened, and no toll shall be legally demandable or taken thereat, until the said Justices or their Committee shall grant a counter order.

SECT. 3. *And be it further enacted,* That if any person shall cut, break down or destroy the said turnpike gates, or shall forcibly pass, or attempt by force to pass the same, without having first paid the legal toll at such gates, such person shall forfeit and pay a sum, not exceeding *forty dollars*, nor less than *two dollars*, to be recovered by the Treasurer of said Corporation, to their use, in an action of trespass; and if any person shall with his carriages, team, cattle or horse, turn out of said road to pass the turnpike gate, on ground adjacent thereto, and again enter on said road, with an intent to avoid the payment of the toll due by virtue of this Act, such person shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the Treasurer of the said Corporation, to the use thereof, in an action of trespass on the case: *Provided,* That nothing in this Act shall extend to entitle the said Corporation to demand toll of any person, who shall be passing with his horse or carriage, team or cattle, or on foot, on his common and ordinary business within the same town, or to or from public worship, or to and from any mill.

Penalty for injuring the road, and for attempting to evade the toll.

SECT. 4. *And be it further enacted,* That the shares in the said turnpike road shall be taken, deemed and considered to be personal property or estate, to all intents and purposes.

Shares considered personal estate.

SECT. 5. *And be it further enacted,* That there shall be a meeting of the said Corporation, held at the house of *Linus Bates*, innholder in *Granville*, in the county of *Hampshire*, on the first Monday of *August* next, for the purpose of choosing a Clerk, and such other officers as may then and there be agreed upon by the said Corporation, for regulating the concerns thereof, and that the said Corporation may then and there agree upon such method of calling meetings in future as they may judge proper.

First meeting of Proprietors.

SECT. 6. *And be it further enacted,* That the said Corporation shall, at the place or places where the toll shall be collected, erect and keep constantly exposed to view, a sign or board, with the rates of toll of all the tollable articles fairly and legibly written thereon, in large or capital letters.

Sign board to be erected.

SECT. 7. *And be it further enacted,* That the mode of transferring the shares in the said turnpike, shall be by deed acknowledged before a Justice of the Peace, and recorded by the Clerk of the said Corporation in a book kept for that purpose; and when any of the said shares shall be attached on *mesne process*, or taken on execution, without such previous attachments,

Mode of transferring and of attaching the shares.

tachments, an attested copy of such writ of attachment, or execution, shall be left with the Clerk of the Corporation, otherwise the attachment or taking on execution shall be void, and such shares may be sold on execution, in the same manner as is or may by law be provided for the sale of personal property by execution; the officer making sale, or the judgment creditor, leaving a copy of the execution and of the officer's return on the same, with the Clerk of said Corporation, within ten days after such sale, and paying for the recording the same.

Shares of delinquents to be sold.

SECT. 8. *And be it further enacted,* That whenever any Proprietor shall neglect or refuse to pay any tax or assessment duly voted and agreed upon by the Corporation, to the Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of said Corporation is hereby authorized to sell at public vendue, the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray said taxes and necessary incidental charges, after duly notifying in the newspapers printed at *Stockbridge*, and *Hartford*, by *Hudson & Goodwin*, the sum due on any such shares, and the time and place of sale, at least twenty days previous to the time of sale; and such sale shall be a sufficient transfer of the share or shares so sold, to the person purchasing; and on producing a certificate of such sale, from the Treasurer to the Clerk of said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of the said Corporation, and such person shall be considered to all intents and purposes the Proprietor thereof; and the overplus, if any there be, shall be paid on demand by the Treasurer to the person whose shares were thus sold.

Statements of income and expenses to be exhibited.

SECT. 9. *And be it further enacted,* That the said Corporation shall, within six months after the said road is completed, lodge in the Secretary's office an account of the expenses thereof; and that the said Corporation shall annually exhibit to the Governor and Council a true account of the income or dividend arising from the said toll, with their necessary annual disbursements on said road, and that the books of the said Corporation shall at all times be subject to the inspection of the General Court, or a Committee by them appointed, or to the inspection of the Governor and Council.

Corporation may be dissolved by the Court.

SECT. 10. *And be it further enacted,* That the General Court may dissolve said Corporation, whenever it shall appear to their satisfaction, that the income arising from the said toll shall have fully compensated the said Corporation, for all monies they may have expended, in purchasing and repairing and taking care of the said road, together with the interest thereon, at the rate of *twelve per centum* by the year; and thereupon

on the property of the said road shall be vested in this Commonwealth, and be at their disposal: *Provided*, That if the said Corporation shall neglect to complete the said turnpike road for the space of four years from the passing this Act, the same shall become void and of no effect.

[This Act passed *June 19, 1801.*]

An ACT to provide for the Storing and safe Keeping of Gun-Powder in the Town of *Boston*, and to prevent Damage from the same. Additional Act,
March 7, 1804.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all gun-powder imported and landed at the port of *Boston*, shall be brought to and lodged in the powder-house or magazine in said town, and not elsewhere, on pain of confiscation of all powder put or kept in any other house or place, one moiety thereof to and for the use and supply of the public store of the State, and the other moiety to the informer: *Provided nevertheless*, That it shall and may be lawful for any person to keep in his house or shop for sale by retail the quantity of twenty-five pounds of gun-powder at one time, which quantity shall be kept in brass, copper or tin tunnels, and no otherwise, under the penalty of forfeiting all such gun-powder; one moiety to the use of the Firewards of the town of *Boston*, and the other moiety to the use of him or them who shall inform of the same. Gun-powder to
be put into the
magazine.

SECT. 2. *And be it further enacted by the authority aforesaid*, That for all powder belonging to merchants or other private persons, put into the said magazine, there shall be paid to the use of the Commonwealth *twenty cents* per barrel containing one hundred pounds weight, at the receipt thereof, and *ten cents* per barrel of like weight per month, after the first month, during all the time which it shall be stored or kept therein, and *twenty-five cents* upon each delivery of any quantity thereof, out of which (if there be sufficient to answer it) the charge of looking after the said house, and the powder lodged there shall be defrayed: And the Governor, with the advice and consent of the Council, is hereby authorized to appoint a keeper of the said magazine, and to give necessary instructions and orders from time to time as they shall think fit for regulating the keeping, turning and managing of all powder put into the said magazine for the preserving thereof: And the said keeper shall give bond to the Treasurer of the Commonwealth, for the use thereof, in such sum and with such surety as to the Governor and Fees of the
keeper of the
powder-house.

and Council shall appear proper, for the faithful discharge of the duties of his office: And the keeper of said house shall duly attend at proper hours, to be assigned by the Governor and Council, for the receiving and delivering out of merchants' powder: And if at any time the payment for merchants' powder (an account whereof shall be rendered on oath) will not defray the expence of looking after the said house, so much as is wanting shall be paid out of the public treasury.

SECT. 3. *And be it further enacted,* That no gun-powder shall be kept on board any ship or other vessel lying to or grounded at any wharf within the port of *Boston*; and if any gun-powder shall be found on board such ship or vessel, lying at any wharf or aground, such powder shall be liable to confiscation, and under the same penalty as if it were found lying in any house or warehouse.

Powder not to be kept on board vessels aground or at wharves.

SECT. 4. *And be it further enacted,* That any person within the town of *Boston* that shall presume to keep in his house, warehouse or other building, any powder above what is by law allowed, shall forfeit and pay for every half barrel the sum of *twenty dollars*, and so in proportion for any greater quantity, over and above the forfeiture and confiscation of the said powder; one moiety thereof to the use of the town, the other moiety to him or them who shall inform of the same.

Fine for illegally keeping powder in any house, &c.

SECT. 5. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Firewards of the town of *Boston*, to prosecute for all breaches of this Act, in any Court proper to try the same; and that a law made in the year one thousand seven hundred and six, for erecting a powder-house in the town of *Boston*, and one Act made in the year one thousand seven hundred and fifteen, one Act in the year one thousand seven hundred and nineteen, and one Act made in the year one thousand seven hundred and eighty, in addition to the same, be, and hereby are repealed.

The Firewards to prosecute.

[This Act passed June 19, 1801.]

An ACT to change the Names of *Joseph Sprague Stearns*, *John Parker*, and *Jedediah Baker* the third.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, *Joseph Sprague Stearns*, of *Salem*, in the county of *Essex*, son of *William Stearns*, shall be allowed to take the name of *Joseph Sprague*; that *John Parker*, of *Boston*, in the county of *Suffolk*, son of *Isaac Parker*, shall be allowed to take the name of *John Williams Parker*; that *Jedediah Baker* the third, of *Yarmouth*, in the county of *Barnstable*, shall be allowed to take the name of *Washington Baker*.

Baker; and said persons shall, in future, be respectively known and called by the names which they are respectively allowed to take as aforesaid, and the same shall be considered as their only proper names to all intents and purposes.

[This Act passed June 19, 1801.]

An ACT to incorporate *Robert Lapish*, and others, into a Company for building a Bridge over *Kenduskeag Stream*, in the Town of *Bangor*, in the County of *Hancock*.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Robert Lapish*, and such others as have or may hereafter associate with him, and become Proprietors, be, and they are hereby incorporated for the purpose of building a Bridge over *Kenduskeag Stream*, in the town of *Bangor*, in the county of *Hancock*, beginning on the northerly side of said stream at a point of rocks on the place commonly called *Budge's Farm*, and near *Budge's Mine*, so called, and to cross said stream and adjoin the bank on the southerly side just above *Mr. William Hammond's* store, by the name of *The Bangor Bridge and Mill Company*; and they are hereby vested with all the rights, powers and privileges usually given to Corporations of a similar nature; and by the same name and style may sue and be sued to final judgment and execution, and do and suffer all matters and things which Bodies Politic and Corporate may or ought to do and suffer; and shall have and use a common seal, which they may break, alter and renew at pleasure.

Where the Bridge is to be built.

Corporate name.

SECT. 2. *And be it further enacted*, That the said Proprietors be, and they are hereby empowered to purchase and hold land or other real estate, which they shall find necessary to effect the general purpose of said Bridge, not exceeding the amount of *five thousand dollars* in value, and to hold the same in fee simple; and that the share or shares of any Proprietor in said real estate and Bridge shall be transferable by deed, acknowledged and recorded by the Clerk of the said Proprietors, in a book or books to be kept for that purpose; and when any share or shares in said Bridge and estate shall be attached on *mesne process*, as the property of any of the said Proprietors, an attested copy of such process shall be left with the Clerk of said Proprietors at the time of such attachment, otherwise it shall be void.

Authorized to hold real estate.

SECT. 3. *And be it further enacted*, That the said Bridge shall be at least twenty-two feet wide, and covered on the top

How the Bridge is to be built.

with timber or plank of three inches and an half thick, and the side be boarded up one foot high, and be railed for the security of passengers three feet and an half high, at least; and that the said Bridge shall be kept at all times in good, safe and passable repair, for and during the term of fifty years.

First meeting how to be called, and what business may be transacted.

SECT. 4. *And be it further enacted,* That the said *Robert Lapish*, with any two of his associates, are hereby authorized to call the first meeting of the said Proprietors, by posting an advertisement in three several places in the said town of *Bangor*, notifying the Proprietors to meet at such suitable time and place as shall be appointed in said notification, twenty days at least previous to the time fixed for said meeting; and the said Proprietors, by a vote of the majority of those present or represented at said meeting, accounting one vote to each single share in all cases, shall choose a Moderator, Treasurer and Clerk, who shall be sworn to the faithful discharge of his duty in said office; and shall also agree on a method for calling future meetings; and at the same or any subsequent meeting may elect such officers, and establish such rules and by-laws as to them shall seem necessary and convenient, for the regulation and government of the said Company, for carrying into effect the purposes of this Act: *Provided* the said rules and by-laws shall not be repugnant to the laws of this Commonwealth; and may annex penalties to the breach of such by-laws not exceeding *five dollars*: And this Act, and all rules and by-laws, votes and proceedings of the said Corporation, shall be faithfully and truly recorded by the said Clerk, in a book or books for that purpose to be provided and kept.

The Company allowed the use of certain tide-waters.

SECT. 5. *And be it further enacted,* That to reimburse the said *Robert Lapish*, and his associates, for the expense of building and keeping in good repair the said Bridge for fifty years, the said Company shall have, exercise and enjoy, for fifty years, the privilege and use of so much of the tide-waters that may flow above the said Bridge, as may be necessary for the use of such mills as may be hereafter erected by said Proprietors.

SECT. 6. *And be it further enacted,* That the highway on each side of said Bridge shall be laid out by and maintained at the expense of said town of *Bangor*.

Time of building the Bridge limited.

SECT. 7. *And be it further enacted,* That if the said Proprietors shall neglect, for the space of four years from the passing of this Act, to build such Bridge, then this Act shall be void and of no effect.

[This Act passed June 19, 1801.]

An ACT in addition to the several Acts now in Force, regulating the taking of the Fish called Alewives, in the Town of *Middleborough*. Jan. 23, 1792.
Feb. 8, 1798.

WHEREAS doubts have arisen whether the inhabitants of said town of *Middleborough* are authorized by law to agree with and hire any person or persons to take said fish, and sell them at the price stipulated by law, and to account with the said inhabitants for the nett proceeds of the same: Therefore, Preamble.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, 'That from and after the passing of this Act, it shall and may be lawful for the inhabitants of said town, at any legal meeting called for that as well as other purposes, by themselves or a Committee chosen by them for that purpose, to agree with and hire such person or persons as they may deem proper, to take said fish at any or all of the fishing places in said town, and to dispose of them at the price stipulated by law, being accountable to the inhabitants of said town for the nett proceeds of the same. Persons may be hired to take and sell the fish.

[This Act passed *January 21, 1802.*]

An ACT to establish a Watch for preserving the Safety and good Order of the Town of *Boston*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Selectmen of the town of Boston* be, and they hereby are authorized from time to time to appoint such a number of their inhabitants to be Watchmen by night in the town of *Boston* as they shall judge expedient, to be paid at the charge of that town: And the said Selectmen are also further authorized and empowered from time to time to appoint a head Constable to superintend said watch, as also a Constable for each division thereof; and the several Constables of divisions are required to report every morning an account of their doings and of the state of the town during the night, to the said head Constable, in order that the same may be communicated to the Chairman of the Selectmen daily. Selectmen to appoint Watchmen, &c.

SECT. 2. *And be it further enacted by the authority aforesaid, That the head Constable, the several Constables of divisions, and the Watchmen appointed by virtue of this Act, shall have the same powers, and shall be held and obliged to perform the same duties as are required of Watchmen by a law of this Commonwealth passed March the tenth, seventeen hundred and ninety-seven, entitled, "An Act for keeping watches and ward;* Powers, &c. of Watchmen.

wards in towns, and for preventing disorders in streets and public places."

Provision for
the expenses.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the expenses that may be incurred by reason of the establishment of the Watch aforesaid, shall be raised, levied and collected as the other expenses of said town are or may be raised, levied or collected; any law to the contrary notwithstanding.

[This Act passed January 29, 1802.]

An ACT to incorporate the Proprietors of the North Meeting-House in Salem, in the County of Essex.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the persons who now are and who hereafter shall be Proprietors of the North Meeting-House in Salem, in the county of Essex, wherein the Reverend Doctor Thomas Barnard officiates, and of the land under and adjoining the same, be, and they hereby are incorporated and made a Body Politic and religious Society by the name of *The Proprietors of the North Meeting-House in Salem*, and in that name may sue and be sued; and shall be invested with all the powers, privileges and immunities to which other religious societies in this Commonwealth are entitled by law; and shall be capable of purchasing and holding estate, real or personal: *Provided*, That the annual income of the whole estate of said Corporation, beside the meeting-house, shall not any time exceed the value of *three thousand dollars*.

The Proprietors incorporated.

SECT. 2. *Be it further enacted,* That the Proprietors of said meeting-house be, and they hereby are authorized and empowered to raise by an assessment on the pews and seats in said meeting-house, such sum or sums of money, for the settlement and maintenance of a Minister or Ministers, repairing the meeting-house, and defraying the other expenses of public worship, with incidental charges, as they shall agree on at any legal meeting called for that purpose, and the same may assess or cause to be assessed upon such pews and seats as the Proprietors at any such meeting shall determine on, according to the respective original valuation thereof, as recorded in the Proprietors' book: *Provided however*, That exemptions from said assessment shall not be extended farther than to the pews on the floor, and the seats in the gallery, which by the said Proprietors have heretofore been exempted from assessment: And the sums so assessed shall be paid by the Proprietors of such pews and seats: And if any Proprietor of a pew or seat shall neglect to pay any assessment which shall be legally made thereon, for one year after the

Money how to
be raised.

the same shall have been made, the Treasurer of said Proprietors shall be authorized and empowered to sell and convey all the estate and interest of any such delinquent Proprietor in the said Corporation at public auction, first giving notice thereof fourteen days at least previous to the sale, by posting up notifications at two of the doors of said meeting-house; and upon such sale to execute a good and sufficient deed or deeds thereof; and after deducting the amount of said delinquent's assessment, together with the legal interest thereon, from the time the same was made, and all incidental charges, the said Treasurer shall pay the surplus, if any there be, to such delinquent Proprietor.

Pews of delinquents may be sold.

SECT. 3. *Be it further enacted,* That all contracts heretofore made by the said Proprietors with their Minister or others, shall devolve and be binding upon them by their name and in their corporate capacity aforesaid.

Former contracts binding.

SECT. 4. *And be it further enacted by the authority aforesaid,* That *Thomas Bancroft, Esq.* be, and he hereby is empowered and directed to issue his warrant to some principal member of said Corporation, requiring him to warn the members thereof to meet at such time and place as shall be therein set forth, to choose a Moderator and a Clerk, who shall be duly sworn, a Treasurer, and such other officers as the Proprietors shall judge necessary; and the Moderator of that and all future meetings shall have power to administer the oath of office to the Clerk.

First meeting.

[This Act passed February 5, 1802.]

An ACT authorizing the Sale of Ministerial Lands in the First Parish in *Gorham*, to raise a Fund for the Support of the Ministry, and appointing Trustees for those Purposes.

WHEREAS the first parish in *Gorham*, in the county of *Cumberland*, have petitioned this Court for liberty to sell their parsonage or ministerial lands, for the purpose of raising a fund for the support of the ministry:

Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Stephen Longfellow, Esq. Dudley Folsom, David Harding, James Phinney, Thomas M^cLellan, Josiah Alden, and William M^cLellan, be,* and hereby are appointed Trustees to sell the same, and to put out at interest the monies arising from such sale, in manner hereinafter mentioned and for that purpose.

Trustees

SECT. 2. *Be it further enacted,* That the said Trustees be, and they hereby are incorporated into a Body Politic by the name of *The Trustees of the Ministerial Fund in the First Parish*

Corporate name.
in

in Gorham, in the county of Cumberland; and they and their successors shall be and continue a Body Politic and Corporate by that name forever; and they shall have a common seal, subject to be altered at their pleasure: And they may sue and be sued in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution by the name aforesaid.

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

SECT. 4. *Be it further enacted by the authority aforesaid,* That the number of Trustees shall not at any one time be more than seven, nor less than five, any five of their number to constitute a quorum for transacting business; and they shall and may, from time to time, fill up vacancies in their number, which may happen by death, resignation or otherwise from the members of said parish; and shall also have power to remove any of their number who may become unfit and incapable, from age, infirmity, misconduct or any other cause, of discharging their duty, and to supply a vacancy so made, by a new choice from the parish aforesaid: And the said Trustees shall annually hold a meeting in *March* or *April*, and as much oftener as may be found necessary, to transact their necessary business, which meetings after the first, shall be called in such way and manner as the Trustees shall hereafter direct.

SECT. 5. *Be it further enacted,* That *William Gorham, Esq.* be, and he hereby is authorized to fix the time and place for calling the first meeting of the Trustees, and to notify each Trustee thereof.

SECT. 6. *And be it further enacted by the authority aforesaid,* That said Trustees be, and they hereby are authorized to sell and convey in fee simple, all the parsonage and ministerial lands belonging to the said parish, and to make, execute and acknowledge a good and sufficient deed or deeds thereof, which deed or deeds, subscribed by the name of their Treasurer, by direction of said Trustees, with their seal thereto affixed, shall be good and effectual in law, to pass and convey the fee simple from said parish to the purchaser, to all intents and purposes whatever.

SECT. 7. *Be it further enacted,* That the monies arising from the sale of said lands shall be put at interest as soon as may be, and secured by mortgage of real estate to the full value of the estate sold, or by two or more sufficient sureties with

with the principal, unless the Trustees shall think it best to invest the same in public funded securities, or bank stock, which they may do.

SECT. 8. *Be it further enacted*, That the interest arising from time to time on such monies, shall be annually, or oftener, if practicable, put out at interest, and secured in manner aforesaid, unless invested in the funds or bank stock as aforesaid, and also the interest accruing from the interest, until a fund shall be accumulated which shall yield yearly, the sum of *four hundred dollars* interest.

Interest to be loaned.

SECT. 9. *Be it further enacted*, That as soon as an interest to that amount shall accrue, the Trustees shall forthwith apply the same for the annual support of the Congregational minister which may then be settled in said parish, or which may thereafter be settled there: And so long as the said parish shall remain without a settled minister, the annual interest aforesaid shall be put out at interest, and secured as aforesaid, to increase the said fund, until there be a re-settlement of a minister: And it shall never be in the power of said parish to alienate, or anywise alter the fund aforesaid.

Minister to be supported.

SECT. 10. *Be it further enacted*, That the Treasurer of the Trustees shall give bond faithfully to perform his duty, and to be at all times responsible for the faithful application and appropriation of the monies which may come into his hands conformably to the true intent and meaning of this Act, and for all negligence or misconduct of any kind in his office.

Treasurer responsible.

SECT. 11. *Be it further enacted*, That the Trustees, or their officers, for the services they may perform, shall be entitled to no compensation out of any monies arising from the fund aforesaid; but if entitled to any, shall have and receive the same of said parish, as may be mutually agreed on.

Trustees not to be paid from the fund.

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

Annual statements.

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

Trustees responsible.

[This Act passed *February 5, 1802.*]

An ACT to set off the south-east Part of *Livermore*, from said *Livermore*, to the Town of *Leeds*.

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 *Livermore*, lying on the east side of *An-riscoggin River*, and to the southward of a line beginning at said river, on the northern boundary of *Increase Leadbetter's* lot, and thence running east, to the eastern boundary of said *Livermore*, with the inhabitants thereon, be, and the same hereby is set off from said *Livermore*, and annexed to the town of *Leeds*, in the county of *Kennebeck*, and shall hereafter be considered as part of the same: *Provided nevertheless*, That the said tract of land, and the inhabitants thereon, so set off as aforesaid, shall be holden to pay all such taxes as are already assessed, or ordered to be assessed by said town of *Livermore*, in the same manner as they would have been if this Act had not been passed.

Land set off.

Proviso.

[This Act passed February 12, 1802.]

An ACT regulating the taking of the Fish called Alewives in *Seven Mile Brook*, in the Town of *Vassalborough*, in the County of *Kennebeck*.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That said fish may be taken in said brook, within said town of *Vassalborough*, at such time or times only as a Committee, who may be appointed by said town as is hereafter provided, may direct.

Fish when to be taken.

Fish-Committee to be appointed.

SECT. 2. *Be it further enacted*, That the inhabitants of said town of *Vassalborough*, at their meeting for the choice of town officers in *March* or *April* annually, be, and they hereby are authorized and directed to appoint three, five or seven persons a Committee to oversee the taking said fish as aforesaid, which Committee shall distribute the fish taken by them, or under their direction, as equally as circumstances will admit, to such person or persons as may apply for the same; and for the fish so supplied and delivered, the Committee aforesaid shall demand and receive of the person or persons applying therefor, payment at such rate or rates as the inhabitants of said town, at their annual meeting in *March* or *April*, may direct, excepting such poor persons as may be named in a list to be annually made out by the Selectmen of said town, and who in the opinion of the Selectmen are unable to pay for the same; which

which list shall be given to the Committee, and the person or persons borne on the same shall be supplied with such quantities of said fish gratis, as the Committee may think expedient: And the Committee aforesaid shall have such allowance — to be paid. for their services, as the inhabitants of said town at the time of appointing said Committee shall determine; and shall, annually, in the month of *September* next following their appointment, exhibit their accounts to the Selectmen of said town, for settlement and allowance; and pay the balance remaining in their hands, if any, to the Treasurer of the town of *Vassalborough* for the town's use.

SECT. 3. *Be it further enacted*, That if any person or persons, other than the said Committee, or such persons as shall be by them employed, shall take any of the said fish in the said brook, or any part of it, within said town of *Vassalborough*, at any time, or by any ways or means whatsoever, each person so offending shall forfeit and pay a sum not exceeding *ten dollars*, nor less than *two dollars*. Penalty for illegally taking the fish.

SECT. 4. *Be it further enacted*, That all penalties incurred by the breach of this Act, may be sued for and recovered by the Treasurer of the town of *Vassalborough*, for the time being, in any Court in the county of *Kennebeck* proper to try the same; and all sums so recovered shall be appropriated to the use of said town: And in case any minor or minors shall offend against any part of this Act, and thereby incur any or either of the penalties aforesaid, in all such cases the parents, masters or guardians of such minor or minors shall be answerable therefor; and in case of a prosecution of such minor or minors for any such offence, the action shall be commenced against the parents, masters or guardians of such minor or minors respectively, and judgment rendered against any parent, master or guardian in such case, in the same manner as for his or their personal offence. Recovery of penalties.
Case of minors.

SECT. 5. *And be it further enacted*, That no person by reason of being one of said Committee, shall be thereby disqualified from being a witness in any prosecution for a breach of this Act. Committeemen may give evidence.

[This Act passed *February 16, 1802.*]

An ACT to incorporate *Mark Langdon Hill*, and others, for the Purpose of building a Bridge across *Winnogance Creek*.

WHEREAS application hath been made to this Court for permission to build a Bridge over *Winnogance Creek*, which runs between the town of *Georgetown* and the town of *Bath*, in the county of *Lincoln*, and it appearing that a Bridge in said place will be of public utility: Preamble.

Be

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Mark Langdon Hill and Joshua Shaw, Esquires, together with their associates, and those who shall hereafter associate with them, with their heirs and assigns, be, and hereby are constituted a Corporation and Body Politic, for the purpose of erecting a Bridge over said Winnogance Creek, at or near the north-western end of Timber Island: Provided, That within the term of five years from the passing of this Act, the said Bridge shall be built, kept open, free, and made convenient and safe for the accommodation of travellers; and that the said Bridge be so constructed as that a gondola, loaded with hay, may conveniently pass under the same.

[This Act passed February 16, 1802.]

Additional Act,
Feb. 19, 1803.

An ACT to incorporate Joshua Shaw, and others, for the Purpose of building a Bridge across New-Meadow River.

Preamble.

WHEREAS application has been made to this Court for permission to build a Bridge over New-Meadow River, which runs between the town of Brunswick, in the county of Cumberland, and the town of Bath, in the county of Lincoln, at or near Brown's Ferry, so called; and it appearing that a Bridge in said place will be of public utility:

Persons incorporated.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Joshua Shaw and Samuel Davis, together with their associates, and those who shall hereafter associate with them, their heirs and assigns, be, and hereby are constituted a Corporation and Body Politic, for the purpose of erecting a Bridge over said New-Meadow River, at or near Brown's Ferry, in the most convenient place: Provided, That the said Bridge shall be so constructed as that any vessel without masts can pass under the same at any suitable time of the tide: Provided also, That the said Bridge, within the term of five years from the passing of this Act, shall be built, railed, made convenient, and kept open and free at all times for the accommodation of travellers.

Proviso.

[This Act passed February 16, 1802.]

An ACT to set off Timothy Arnold, and thirteen others, from the Town of Washington, and annex them to the Town of Lenox, in the County of Berkshire.

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

That *Timothy Arnold, Luther Sears, Nathan Miller, Levi Carrier, Ira Gaylord, Asabel Brown, Thomas Hubbard, Ebenezer Attley, John Morehouse, Thomas Morehouse, Daniel Jones, James Sears, Ebenezer Chapel, and Joseph C. Chapel*, with their families and estates, as contained within the limits herein described, be, and they are hereby set off from the town of *Washington*, and annexed to the town of *Lenox*, viz. Beginning at *Housatonic River*, and running south seventy-three degrees east, two hundred and sixty rods; thence south seventeen degrees west, five hundred and fourteen rods; thence south sixty degrees west, two hundred rods, to *William Goodspeed's land*: *Provided however*, Provido re-
specting taxes That the families and estates hereby set off from the town of *Washington*, and annexed to the town of *Lenox*, shall be holden to pay all such taxes as are now due or which have been ordered to be assessed on them by the said town of *Washington*, prior to the date of this Act.

[This Act passed February 18, 1802.]

An ACT to divide the Town of *Poland*, and to incorporate the northerly Part thereof into a separate Town by the Name of *Minot*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the northerly part of *Poland*, in the county of *Cumberland*, as described within the following bounds, with the inhabitants thereon, be, and they are hereby incorporated into a separate town by the name of *Minot*: Beginning at the south-east corner of the town of *Turner*, at a place called *The Crooked Ripples*, in the *Great Androscoggin River*; Boundaries, thence by a line drawn on the middle of said river to the *Great Falls*; thence by the line in the Act which incorporates the said town of *Poland*, until it strikes the *Little Androscoggin River*; thence by a line drawn on the middle of said river, until it strikes the southerly side line of *Hebron*, commonly called *Davis' Line*, to the south-west corner of *Turner*; and thence by the line of said *Turner*, to the bounds first mentioned: And the said town of *Minot* is hereby vested with all the powers and privileges, rights and immunities, to which other towns are entitled by the Constitution and laws of this Commonwealth.

SECT. 2. *And be it further enacted*, That the said town of *Minot* shall pay all arrears of taxes which have been assessed upon them, together with their proportion of all debts owed by the said town of *Poland* prior to the date of this Act; and that all questions relative to property already existing shall be adjusted Regulation re-
specting taxes,
property, &c. and

and settled in the same manner as if this Act had not been made; and that the public lands appropriated for the support of schools, and the town's stock of military stores, shall be estimated and divided in the same proportion that each town paid at the time of the purchase thereof; and that no pauper or paupers shall be sent from either of the said towns to the other for support after this incorporation, but each town shall support its own poor; and if any person or persons heretofore belonging to the town of *Poland* aforesaid, and having removed thence shall be returned thither again and become a public charge, the same shall be paid by the said towns of *Poland* and *Minot*, in proportion to the State tax laid on them severally from time to time.

SECT. 3. *And be it further enacted,* That all future taxes of levied on the two towns aforesaid, previous to a new valuation, shall be assessed in the proportion of one-third to the town of *Poland*, and two-thirds to the town of *Minot*.

SECT. 4. *And be it further enacted,* That *Nathaniel C. Allen*, Esq. be and he is hereby authorized to issue his warrant, directed to some suitable inhabitant of the said town of *Minot*, requiring him to notify and warn the inhabitants of the said town, qualified by law to vote in town affairs, to meet at such time and place as shall be expressed in the said warrant, to choose all such officers as other towns within this Commonwealth are required by law to choose in the months of *March* or *April* annually; and the officers so chosen shall be qualified as other town officers are.

[This Act passed *February* 18, 1802.]

An ACT to regulate the taking of Fish called Alewives in the Town of *Boothbay*, in the County of *Lincoln*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after passing this Act, the fish called alewives in the town of *Boothbay*, shall not be taken in any other way or manner than with dip-nets, nor more than three days in a week, which days shall be assigned by the Selectmen of said town in the month of *March* or *April* annually; any law to the contrary notwithstanding.

How the fish are to be taken.

SECT. 2. *And be it further enacted,* That if any person shall be guilty of taking said fish in said town in any other time or manner than is provided in this Act, he or they shall be liable to pay a fine not exceeding *thirteen dollars*, nor less than *three dollars* for each and every offence so committed; to be sued for and recovered in any Court within the county of *Lincoln* proper

Penalty for breach of the law.

proper to try the same : And all fines and forfeitures recovered by virtue of this Act, shall accrue to him or them who shall sue for and recover the same.

[This Act passed February 18, 1802.]

An ACT to alter the Name of the Town of *Thomsonborough*, in the County of *Lincoln*. June 22, 1799.

WHEREAS the inhabitants of the town of *Thomsonborough* have petitioned the Legislature to alter the name of said town, and have stated the great length thereof as a reason for such alteration : Therefore,

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the town of Thomsonborough, in the county of Lincoln, shall hereafter be designated and known by the name of Lisbon.

[This Act passed February 20, 1802.]

An ACT to incorporate the Plantation of *Chester*, in the County of *Kennebeck*, into a Town by the Name of *Chesterville*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the plantation of Chester, in the county of Kennebeck, as described within the following bounds, with the inhabitants thereon, be, and they are hereby incorporated into a town by the name of Chesterville : Beginning at a beach tree at the southerly corner of Tyngstown ; thence north fifty-eight degrees east, one mile and two hundred and five rods, to a hemlock tree standing in the south-west corner of Farmington ; thence north sixty-seven degrees east, one mile and seventy-five rods, to the confluence of the Little Norridgewock with Wilson's Stream ; thence north forty-nine degrees east, one mile and ninety rods, to the confluence of said Wilson's Stream with Sandy River ; thence easterly by said Sandy River, and bounding thereon, one mile and twenty rods, to the mouth of Gurdy's brook or stream ; thence southerly by said Gurdy's brook, and bounding thereon, three miles and one hundred and eighty rods, to a hemlock tree at the south-east corner of Chester purchase ; thence continuing on said brook southerly two miles and eighty rods, to a hemlock tree marked, near the mouth of Perry's Stream, so called ; thence south thirty-nine degrees east, one mile and two hundred rods, to Parker's Pond ; thence southerly by said pond, to the north line of Fayette ; thence westerly by the said north line of Fayette, four miles and eighty rods,*

Boundaries.

rods, to a birch tree standing at the south-east corner of *Livermore*; thence northerly by the east line of *Jay*, five miles and forty-eight rods, to the first mentioned bound: And the said town is hereby vested with all the powers, privileges and immunities to which other towns are entitled by the Constitution and laws of this Commonwealth.

SECT. 2. *And be it further enacted*, That *Stephen Titcomb*, Esq. be, and he is hereby authorized to issue his warrant, directed to some suitable inhabitant of the said *Chesterville*, requiring him to notify and warn the inhabitants of said *Chesterville*, to meet at such convenient time and place as shall be expressed in said warrant, to choose all such officers as towns are by law required to choose in the months of *March* or *April* annually.

[This Act passed *February 20, 1802.*]

An ACT to set off certain Tracts of Land, being Part of *Fayette*, and Part of the late Plantation of *Goshen*, and to annex them to the Town of *Mount Vernon*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the several parcels of land, with the families living thereon, with their estates, be, and hereby are set off from the town of *Fayette*, and the late plantation of *Goshen*, in the county of *Kennebeck*, and annexed to and made a part of *Mount Vernon*, in said county, viz. Beginning at the north-east corner of lot Number Seventy-three, and bounding on the west line of *Mount Vernon*; thence westerly by the north line of said lot until it strikes *Parker's Pond*; thence southerly by said pond, and bounding thereon, until it strikes the north line of *Fayette*; thence easterly by said pond and the stream issuing therefrom, and bounding on the same, until it strikes the west line of *Mount Vernon*; thence northerly by the west line of *Mount Vernon*, and bounding thereon, to the bound first mentioned.

Boundaries.

[This Act passed *February 20, 1802.*]

An ACT to incorporate the Plantation called *Brownfield*, in the County of *York*, into a Town by the Name of *Brownfield*, and for annexing a Part of said *Brownfield* to the Town of *Fryeburgh*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the plantation heretofore called *Brownfield*, in the county of *York*, as described within the following bounds, with the inhabitants thereon, be, and hereby are incorporated into

into a town by the name of *Brownfield*: Beginning at the south corner of *Fryeburgh*, and running north forty-three degrees and a half east, four hundred and ninety-five rods, to the north-west corner of *Brownfield*, on the east side of *Saco River*; thence south sixty-three degrees east, seventeen hundred and seventeen rods, to a tree marked; thence south thirty degrees east, twelve hundred and twelve rods, to *Flintstown* line; then south sixty-two degrees west, sixteen hundred and ninety-one rods, to *Saco River*; then up said river as it tends to the place where *Brownfield* line comes to *Saco River* on the west side; then across said river south sixty-two degrees west, four hundred and eighty rods, to the south corner of *Brownfield*; then north twenty-eight degrees west, eighteen hundred and seventy-six rods, to the north-east corner of *Porterfield*; then south seventy-six degrees and a half west, five hundred and eighty rods, to the line of *New-Hampshire*; then north six degrees and a half east, to the line of that part of the plantation of *Brownfield* which in this Act is set off to the town of *Fryeburgh*; then north seventy-six degrees and a half east, nine hundred and eighty-five rods, to the bounds begun at: And the said town is hereby invested with all the powers and privileges, rights and immunities to which other towns are entitled by the Constitution and laws of this Commonwealth.

SECT. 2. *And be it further enacted*, That *Moses Ames*, Esq. be, and he is hereby authorized to issue his warrant, directed to some suitable inhabitant of the said town of *Brownfield*, requiring him to notify and warn the inhabitants of the said town of *Brownfield*, to assemble and meet at such convenient time and place as shall be expressed in said warrant, to choose all such officers as towns are by law required to choose in the months of *March* or *April* annually.

SECT. 3. *And be it further enacted*, That the tract of land as described within the following boundaries, and which heretofore made a part of the plantation of *Brownfield*, be, and hereby is annexed to and made a part of the town of *Fryeburgh*, viz. Beginning at the south corner of *Fryeburgh*, at a stake and stones; thence running north forty-six degrees and an half west, eleven hundred and seventy-five rods, on *Fryeburgh* line, to a pine stump on the line of *New-Hampshire*; thence south six degrees and a half west, nine hundred and ten rods, to a beach tree marked *HYB*; thence north seventy-six degrees and a half east, nine hundred and eighty-five rods, to the bounds first mentioned.

SECT. 4. *And be it further enacted*, That the inhabitants of the aforesaid tract hereby annexed to *Fryeburgh*, shall be held to pay their proportion of all debts and taxes owed by the said plantation of *Brownfield*, prior to the date of this Act.

[This Act passed *February 20, 1802.*]

An

An ACT to incorporate the Plantation called *Goshen*, or *Wyman's Plantation*, in the County of *Kennebeck*, into a Town by the Name of *Vienna*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the tract of land as described in the following boundaries, in the county of *Kennebeck*, with the inhabitants thereon, be, and they are hereby incorporated into a town by the name of *Vienna*: Beginning at the north-east corner of lot Number Seventy-three on the west line of *Mount-Vernon*, or the west line of the *Plymouth Patent*; thence northerly to the south-east corner of *New-Sharon*; thence westerly by the south line of *New-Sharon*, until it strikes *Gurdy's Pond*; thence southerly up *Gurdy's Brook* or *Stream*, so called, and bounding thereon, to a large hemlock tree marked, near the mouth of *Perry's Stream*, so called; thence south thirty-nine degrees east, one mile and two hundred rods, to *Parker's Pond*; thence easterly across said pond to the north-west corner of said lot Number Seventy-three; thence easterly by the north line of said lot, to the bound first mentioned: And the said town is hereby vested with all the powers, privileges and immunities to which other towns are entitled by the Constitution and laws of this Commonwealth.

Boundaries.

SECT. 2. *And be it further enacted*, That *Jedediah Prescott*, Esq. be, and he hereby is authorized to issue his warrant, directed to some suitable inhabitant of said *Vienna*, requiring him to notify and warn the inhabitants of the said *Vienna*, to meet at such convenient time and place as shall be expressed in said warrant, to choose all such officers as towns within this Commonwealth are by law required to choose in the months of *March* or *April* annually.

First meeting.

[This Act passed February 20, 1802.]

An ACT to empower the Inhabitants of the Town of *Marblehead* to choose a Board of Health, and for removing and preventing Nuisances in said Town.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the freeholders and other inhabitants of the town of *Marblehead*, qualified to vote for town officers, may, in the month of *March* or *April* annually, or at any other meeting legally called for the purpose, choose a Board of Health, consisting

Members how many, & when to be chosen.

consisting of nine persons, the members of which Board of Health shall elect a President and a Clerk, whose duty it shall be to record the votes and doings thereof; and in case of the death or resignation of any one of the members of said Board, the said freeholders or other inhabitants may, at any meeting legally called for the purpose, elect a member to supply his place.

SECT. 2. *Be it further enacted*, That it shall be the duty of the Board of Health, and each member thereof, to examine into all nuisances and other causes injurious to the health of the inhabitants, whether the same shall be caused by stagnant waters, drains, common sewers, slaughter-houses, tan-yards, fish, fish-houses, docks, necessaries, hog-sties, putrid animal or vegetable substances, or any other cause of whatever kind, which in his or their opinion may be injurious to the health of the inhabitants as aforesaid; and upon complaint on oath being made to any Justice of the Peace, by any member of said Board of Health, or other person, that he suspects any of the nuisances or causes aforesaid to exist in any dwelling-house, cellar, store or other building, ship or vessel, it shall be the duty of such Justice to issue his warrant, directed to the Sheriff of the county of *Essex*, or his Deputies, or to any Constable of the town of *Marblehead*, commanding him or them forcibly to enter, and, together with a member of said Board of Health, to search the same in the day time, and upon the discovery of such nuisance, or other cause injurious to the health of the inhabitants, to remove the same: *Provided however*, That no Sheriff, or Deputy Sheriff, or Constable shall execute any civil process, either by arresting the body or attaching the goods and chattels of any person or persons, under colour of any entry made for the purposes aforesaid, unless such service could by law have been made without such entry; and all services so made under colour of such entry, shall be utterly void, and the officer making such service shall be considered as a trespasser to all intents *ab initio*: And any person or persons who shall resist such search shall forfeit and pay the sum of *thirteen dollars*, to be recovered in manner hereinafter provided: And it shall be the duty of the Board of Health, upon the discovery of any such nuisance, or other cause injurious to the health of the inhabitants of said town, forthwith to remove the same: And upon complaint to any Justice of the Peace within the said town, or in said county, made upon oath by one or more of said Board of Health, briefly therein stating the facts, together with the costs of such removal, such Justice shall grant a warrant, therein expressing the substance of said complaint, directed to the Sheriff of the county of *Essex*, or his Deputy, or any Constable of the town of *Marblehead*, commanding him to notify and require the person or persons in whose

— to examine into nuisances.

Civil processes not to be served under colour of an entry pursuant to this Act.

Justices directed.

whose possession, or upon whose estate such nuisance or other cause aforesaid existed; or in case of his absence his agent or attorney to appear forthwith before such Justice, and if such person or persons shall neglect then and there to appear, or appearing shall not shew good cause, to the satisfaction of said Justice, why judgment should not pass against him or them; the said Justice shall then and there adjudge that such person or persons shall pay a fine of *thirteen dollars*, and the costs of such removal and double costs of prosecution; and shall thereupon issue his warrant, directed to the Sheriff of the county of *Essex*, or his Deputy, or any Constable of the town of *Marblehead*, thereby commanding him to levy the expense of said removal, together with said fine and double costs, on the goods and estate, and for want thereof on the body of the said occupier or proprietor of the house, land, cellar, docks, store or vessel in which said nuisances existed, and said fine shall be paid over to the Town-Treasurer for the use of said town: *Provided always*, That any person or persons aggrieved at any judgment of a Justice, passed against him or them as aforesaid, shall have a right to appeal therefrom to the Court of General Sessions of the Peace then next to be holden within and for the county of *Essex*, who shall hear and determine on such complaint, as the case may require, and thereupon render such judgment as the Justice is herein before authorized to do in an original complaint to him, with additional costs; and the judgment of said Court thereon shall be final: *Provided nevertheless*, That no such appeal shall be granted unless the respondent shall claim the same on the day on which the Justices' judgment shall be rendered, and shall enter into recognizance with two sufficient sureties to prosecute said appeal with effect: And said Board shall have authority to appoint scavengers, and such other officers to assist them in the execution of their office as they shall judge necessary; for payment of whom, and all necessary expenses which may arise in the exercise of their office, the said Board shall be authorized to draw upon the Treasurer of said town.

Appeal allowed.

Proviso.

SECT. 3. *Be it further enacted*, That any person who shall offer for sale in the town of *Marblehead*, or shall have in possession any tainted or putrid salted meat, or pickled fish, which shall be so deemed by any two of the Board of Health, upon conviction thereof in manner aforesaid, shall forfeit the sum of *two dollars* for each barrel so offered for sale, or that he shall have in possession: And it shall be the duty of every licensed packer of provisions and pickled fish, to give information to the Board of Health, or some one of them, of any such meat or fish that shall come to his knowledge, and shall moreover be sworn before the President of the Board of Health, or some one of said Board,

Penalty for offering for sale putrid meat, &c.

Packers of fish and provisions directed.

to

to give such information, before he shall execute that trust, after said Board of Health shall have been chosen; and the said President and members are hereby severally authorized to administer said oath: And if any packer of provisions shall repack any meat or fish that shall be unwholesome, or not fit for use, and be thereof convicted before any Court competent to try the same, he shall forfeit *two dollars* for each barrel so repacked, and shall forever be disqualified for serving again in that capacity; and no provisions shall be repacked in the said town of *Marblehead*, between the first day of *June*, and the first day of *October* in any year, unless in such place or places therein where permission therefor shall be obtained in writing from the Board of Health; and any person or persons who shall repack any provisions within the times aforesaid, in the said town of *Marblehead*, in any place or places where permission therefor in writing hath not been first obtained of said Board of Health, shall forfeit the sum of *two dollars* for each barrel so repacked.

Packing provisions at certain times forbidden, without permit, &c.

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

Regulation with respect to killing sheep, &c.

SECT. 5. *Be it further enacted*, That no untanned hides shall be stored or kept in the town of *Marblehead* aforesaid, between the first day of *May* and the first day of *December*, except in such place or places as the Board of Health shall direct and appoint; and that all such hides, found in any other place or places in said town, within the times last mentioned, shall be forfeited, unless

The Board to direct the places for storing untanned hides,

Penalty for
throwing filth,
&c. into the
docks, &c.

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

Certain powers
of the Select-
men transfer-
red.

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

Visiting Physi-
cian.

SECT. 7. *Be it further enacted*, That the said Board of Health be, and hereby are empowered, from time to time, to choose a suitable and discreet person to act as a Visiting Physician to said Board, whose duty it shall be to visit all vessels coming from any place or places in which the said Board shall think any contagious sickness prevails; and such Physician shall be under the direction of said Board, and may be removed by them whenever they shall see cause.

And whereas by the eleventh section of the Act of this Commonwealth, entitled, "An Act to prevent the spreading of contagious sickness," it is enacted, that each town and district in this Commonwealth may, at their meeting held in *March* or *April* annually, or at any other meeting legally warned for that purpose, when they shall judge it to be necessary, choose and appoint a Health Committee, in the manner and for the purposes in said eleventh section mentioned:

SECT.

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

The Board to exercise the powers of a Health Committee.

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

Appropriation of fines.

[This Act passed *February 22, 1802.*]

AN ACT to incorporate the Plantation Number Two, in *Abbot's Purchase*, lying on both Sides of *Sandy River*, in the First Range of Townships north of *Great Amerefskoggen River*, in the County of *Kennebeck*, into a Town by the Name of *Avon*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the plantation Number Two, in *Abbot's Purchase*, so called, lying on both sides of *Sandy River*, in the first range of townships north of *Great Amerefskoggen River*, in the county of *Kennebeck*, with the inhabitants thereon, as described within the following bounds, be, and they are hereby incorporated into a town by the name of *Avon*: Northerly by Number Three in the same range, easterly by the town of *Strong*, southerly by Number One in the same range, and westerly by the townships numbered Five and Six; containing twenty-two thousand and five hundred acres, as appears by a survey made by *Samuel Titcomb* in the year 1793, a plan of which is remaining in the office of the Committee for the sale of eastern lands, reference thereto being had: And the said town of *Avon* is hereby invested with all the powers, privileges, rights and immunities with which other towns are vested by the Constitution and laws of this Commonwealth.

Boundaries.

SECT. 2. *And be it further enacted*, That *William Read*, Esq. be, and he is hereby authorized to issue his warrant, directed

First meeting.

rected to some suitable inhabitant of said *Avon*, requiring him to notify and warn the inhabitants of the said town, qualified by law to vote in town affairs, to meet at such convenient time and place as shall be expressed in said warrant, to choose all such officers as towns within this Commonwealth are by law required to choose in the months of *March* or *April* annually.

[This Act passed *February* 22, 1802.]

An ACT to incorporate the Plantation Number Two, or *New-Vineyard*, in the First Range of Townships lying on the west Side of *Kennebeck River*, and north of the *Plymouth Claim*, in the County of *Kennebeck*, into a Town by the Name of *New-Vineyard*.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the plantation heretofore called Number Two, or *New-Vineyard*, in the first range of townships lying on the west side of *Kennebeck River*, and north of the *Plymouth Claim*, in the County of *Kennebeck*, as described within the following bounds, with the inhabitants thereon, be, and they are hereby incorporated into a town by the name of *New-Vineyard*: Beginning at the north-west corner of *Anson*; thence south six miles and one quarter, to the south-west corner of said *Anson*; thence west four miles and forty rods, on the plantation called *Industry*; thence south one mile and one hundred and fifty-nine rods, to *Clearwater Pond*; thence south-westerly by said pond and bounding thereon eighty-six rods, to the east line of *Farmington*; thence north two hundred and twenty-five rods, to the north-east corner of said *Farmington*; thence west one mile and one hundred and ninety-six rods, to the south-west corner of *Strong*; thence north seven miles and one hundred and twenty-five rods, to the north-east corner of said *Strong*; thence east six miles, to the bound first-mentioned: And the said town is hereby invested with all the powers, privileges, rights and immunities with which other towns are vested by the Constitution and laws of this Commonwealth.

Boundaries.

SECT. 2. *And* be it further enacted, That *Supply Belcher*, Esq. be, and he hereby is authorized to issue his warrant, directed to some suitable inhabitant of said *New-Vineyard*, requiring him to notify and warn the inhabitants of the said town, qualified by law to vote in town affairs, to meet at such time and place as shall be expressed in said warrant, to choose all such officers as other towns within this Commonwealth are by law required to choose in the months of *March* or *April* annually.

First meeting.

[This Act passed *February* 22, 1802.]

An

An ACT in addition to the several Acts passed respecting *Andover Bridge*.

March 19,
1793. June 22,
1799.

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 *Andover Bridge*, in the county of *Essex*, be, and hereby are authorized and empowered to rebuild said Bridge with suitable materials, in the manner as in said Acts are provided, to be at least twenty feet in width, instead of twenty-eight, as in the Acts aforesaid is directed.

[This Act passed *February 25, 1802.*]

An ACT granting a Lottery for the Purpose of rendering the Locks and Canals at *South-Hadley*, passable for Boats and Rafts of Timber, without the Aid of a Dam across *Connecticut River*.

Additional Act,
March 7, 1804.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the sum of *twenty thousand dollars* be raised by lottery, for the purpose of rendering the locks and canals at *South-Hadley*, passable for boats and rafts of timber, without the aid of a dam across *Connecticut River*, and that *Thomas Dwight, Justin Ely, Jonathan Dwight, Joseph Lyman, jun. and John Williams*, Esquires, be, and they hereby are appointed managers of said lottery, whose business it shall be, from time to time, to make and publish such scheme or schemes as shall, in their opinion, best promote the purposes of said lottery, and for drawing said lottery and transacting the other business thereof.

Managers.

SECT. 2. *And be it further enacted,* That the said managers, before they enter on the duties of their said office, shall give separate bonds to the Proprietors of the locks and canals on *Connecticut River*, in the sum of *five thousand dollars*, with sufficient surety, each to be answerable for his own default, and shall take an oath for the faithful performance of said trust.

Bonds and an
oath required.

SECT. 3. *And be it further enacted,* That the prizes in said lottery shall be paid by the managers, in thirty days after the drawing of each class of said lottery is completed; those prizes not demanded within one year after the publication of the drawing of the said lottery, shall be considered as generously given for the purpose for which this lottery is granted: And the managers are hereby directed, from time to time, as the classes shall be drawn, to pay to the Treasurer for the time

Prizes: when to
be paid, &c.

time

time being of said Proprietors of locks and canals, the nett proceeds, after deducting the compensation that the said Proprietors shall allow them for their services.

Schemes, &c. to
be published.

SECT. 4. *And be it further enacted*, That the Managers shall publish the schemes of this lottery, the time and place of drawing, and the list of prizes, in one or more of the public newspapers.

Parts of tickets
not to be sold
at an advance.

SECT. 5. *And be it further enacted*, That it shall be the duty of the said Managers, and of every of them, to prevent, as far as may be, the selling of any fractional parts of tickets; and if any person shall deceitfully, or by any pretence of convenience to the purchasers, make, utter or sell any fractional part of a ticket in the said lottery, or any class thereof, putting upon any such part any advance, the person or persons purchasing such fractional part of a ticket, may recover back the whole sum which shall appear to have been paid therefor, and may have an action for the same for money had and received to his or their use.

Continuance of
the Act limit-
ed.

SECT. 6. *And be it further enacted*, That this Act, as to the grant of the said lottery, shall continue and be in force for the term of four years, and until the end of the next session of the General Court which shall be then after, and no longer.

[This Act passed February 25, 1802.]

An ACT to incorporate certain Persons as Trustees of a Fund for the Support of a Congregational Minister in the Town of *Kingston*, in the County of *Plymouth*.

Preamble.

WHEREAS there are in the treasury of the town of *Kingston*, certain monies and securities amounting to eleven hundred dollars, which the town, at a legal meeting, have appropriated as a fund for the support of a Congregational Minister in said town, and have petitioned the Legislature for an Act of incorporation of certain persons for the due management thereof:

Trustees.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Zephaniah Willis, John Gray, Ebenezer Washburn, Jedediah Holmes, John Faunce, John Thomas, and Jedediah Holmes, jun.* be, and are hereby appointed Trustees to manage such fund as are or shall be raised and appropriated to the use aforesaid, in and for the town aforesaid, and for that purpose they are hereby incorporated into a Body Politic, by the name of *The Trustees of the Funds appropriated to the Support of a Minister of the Congregational Denomination in the Town of Kingston*; and they and their

their successors in said office are hereby vested with full power to receive into their hands all money, or securities for money already raised, and all monies, subscriptions, donations, securities for real or personal estate that may hereafter be subscribed, given or raised for the purpose aforesaid, and put the same to use or interest, until it shall accumulate by the interest arising thereon to a sum the interest of which shall be adequate to the support of a Minister as aforesaid: *Provided*, That the same fund shall never exceed *nine thousand dollars* in the whole; and to apply the whole, or so much as may be necessary of the interest arising therefrom, to pay the salary of such Minister as aforesaid, as the majority of the Church and Congregation have settled or shall settle, but not in any case to lessen or make use of any part of the principal; and in case the whole of said annual income and interest should be more than sufficient to pay the salary as aforesaid, then the surplus, if any there be, shall be appropriated for the support of schools in said town, or for enlarging said fund, as the town may from time to time order or direct; and if it shall so happen that said Trustees shall become seized of land or tenements by mortgage, as security for payment of any debts due to said Society or Corporation, or by levying executions on lands for the discharge of debts due to said Trustees or town, and the fee thereof shall in due course of law be vested therein, it shall be lawful for said Trustees, for the time being, to execute good and well authenticated warrantee deeds of the same.

Fund limited.

Trustees to execute deeds.

SECT. 2. *Be it further enacted*, That the Trustees before mentioned shall forever hereafter hold a meeting in the town of *Kingston*, in the month of *April* annually, the time and place of said meeting to be notified by the major part of the Trustees, by posting an advertisement in some public place in said town, seven days at least before the time of said meeting: At such meeting the major part of the Trustees present may choose a Treasurer, with whom the money, or securities for money, constituting the funds, may be deposited, and who shall, under the control and by the order of the Trustees, or major part of them, receive in, demand, sue for and recover, as well from all subscribers to said fund, their heirs, executors and administrators, the sums they have respectively subscribed for the purposes aforesaid, or the interest of the same only, as from any person who shall hereafter subscribe a sum for the purposes aforesaid, his heirs, executors and administrators, and shall deliver up or pay out such money or securities; and the person so chosen shall give bond, if required, at the discretion of the Trustees, for the faithful performance of his duty; and the major part of the Trustees present at such meeting are also empowered to choose a Clerk annually, who shall be under oath to keep a true

Annual meeting.

Treasurer and Clerk, & their duties.

true record of the proceedings and doing of the Trustees; and the Trustees are further empowered, from time to time, at any of their meetings, in the manner aforesaid, to fill up the vacancies occasioned by the death, resignation or removal of the Trustees.

Trustees
countable
the town.

SECT. 3. *Be it further enacted*, That the said town shall have full power, from time to time, to call said Trustees to an account for their conduct in managing said fund, and the estate of each Trustee shall be liable to be taken in execution, on any judgment against such Trustees, recovered by the said town, which is hereby authorized to commence and prosecute an action against said Trustees, or any of them, for any embezzlement or neglect of refunding monies in their hands, and the debt or damage recovered by the said town in any such judgment, shall be to and for the use aforesaid.

How a Trustee
will forfeit his
office.

SECT. 4. *Be it further enacted*, That if judgment shall be recovered against the said Trustees, or any of them, for embezzlement or neglect as aforesaid, such Trustee or Trustees shall by that fact vacate his or their said office, and the vacancy shall be filled up in the manner before provided.

[This Act passed February 26, 1802.]

An ACT to incorporate *Joseph Woodman*, and others, for the Purpose of maintaining a Boom across *Saco River*, between *Buxton* and *Phillipsburg*, in the County of *York*.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Joseph Woodman*, *Stephen Hopkinson*, *Richard Palmer*, *Joseph Rankins*, *Andrew Palmer*, *Joseph Spencer*, *Stephen Woodman*, *John Garland*, *John Woodman*, *John Smith*, *Edmund Woodman*, *John Edgarly*, *James Woodman*, *Moses Atkinson*, and *William Woodson*, together with such others as now are or may hereafter become Proprietors in the said Boom, be, and hereby are constituted and made a Corporation for laying and maintaining a Boom across *Saco River*, by the name and style of *The Proprietors of the Bar-Mill Boom*, and by that name may sue and be sued, prosecute and be prosecuted to final judgment and execution, and to do and suffer all such matters and things as Bodies Corporate may or ought to do and suffer; and the said Corporation shall have power to keep and use a common seal, and the same to break, alter and renew at pleasure.

SECT. 2. *And be it further enacted*, That the said *Joseph Woodman* and others his associates, or any five of them, may, by an advertisement posted up at some public place or places,
in

in each of the said towns of *Buxton* and *Phillipburgh*, call a meeting of the said Proprietors, to be holden at some suitable time and place, giving at least ten days notice of such meeting; and the said Proprietors being so met, by a vote of the major part of the Proprietors present or represented at said meetings, shall proceed to choose a Clerk and Treasurer, and such other officers as they may from time to time find necessary, who shall be duly sworn to the faithful discharge of their respective trusts, and shall also agree upon a method for calling future meetings of the said Proprietors; and at the same, or any subsequent meeting, may make and establish any rules and regulations which may be found necessary or convenient for regulating the said Corporation, for collecting the toll or fees herein established, and for the more effectually executing and completing the general purposes of this Act; and shall have power to assess and recover reasonable fines and penalties, for any breach or breaches of such rules and regulations, not exceeding *fifty dollars*: *Provided*, That such rules and regulations shall not be repugnant to the Constitution or laws of this Commonwealth; and all applications or representations made at such meetings, shall be in writing, and signed with the name of the person making the same, which shall be filed with, and recorded by the Clerk; and this Act, with all the rules, regulations, votes and doings of the said Corporation, shall be fairly and truly recorded by the said Clerk, in a book or books for that purpose to be provided and kept.

Proprietors to meet & choose a Treasurer & Clerk.

A record of rules, &c. enjoined.

SECT. 3. *And be it further enacted*, That the said Corporation shall be entitled to, and receive of the respective owner or owners of masts, logs and other timber which shall, or may be rafted and secured at said Boom, by any person or persons, not a Proprietor thereof, the following respective fees or toll, viz. For each mast, *six cents*; for each mill-log of more than one foot diameter, *two cents*; for each ton of oak, pine or other timber, *three cents*; for each thousand feet of ranging timber, *six cents*: *Provided however*, That the fees or toll aforesaid, shall at all times hereafter be subject to the revision and alteration of the Legislature.

Fees.

SECT. 4. *And be it further enacted*, That for the securing and recovering the payment of the respective fees or toll aforesaid, it shall be lawful for the said Corporation, by their agent or other person whom they may appoint for that purpose, to sue for and recover, in a due course of law, by an action of debt, all such fees for rafting masts, logs and timber as aforesaid, when payment shall be refused by the person or persons subject to pay the same.

—may be sued for.

SECT. 5. *And be it further enacted*, That any person or persons, who shall wilfully and maliciously injure or destroy the

the

Penalty for in-
juring boom,
&c.

Proprietors,
&c. may pass
over any land,
&c. to their
boom, upon
certain condi-
tions.

Certain timber
&c. to be turn-
ed through the
boom.

the said Boom, or any of its appendages, or means of using and improving the same, shall be liable to pay such reasonable damages, with costs of suit, as shall be determined in a due course of law, to be sued for and recovered by the said Proprietors, in an action of trespass, or on the case.

SECT. 6. *And be it further enacted*, That said Proprietors, and those in their employ, or other person or persons who may have occasion therefor, shall have free liberty to pass and repass on foot, to and from the Boom aforesaid, over the lands on the banks of both sides of said *Saco River*, through which it may be necessary to pass in taking care of, guiding and rafting masts, logs and other timber as aforesaid, and for the securing the same to the banks or shores of said river, or at the Boom aforesaid; and also to make any repairs which may from time to time be necessary in swinging the said Boom; subject however to pay such reasonable sum to the owner or possessor of such land, for damages done to the same, or their appurtenances, which may arise or happen thereto, in prosecuting the said business of rafting and securing as aforesaid; which damages shall be determined and adjudged by some disinterested person or persons, mutually chosen by the owner or possessor of the land thus damaged, and the person or persons who may be charged with committing such damage, and the Proprietors of the said Boom, as the case may be; and in case they cannot agree, such person or persons to be appointed by any disinterested Justice of the Peace, or by the Court of General Sessions for the said county of *York*, whose determination shall be the measure of such damage: *Provided*, That said Proprietors shall not, nor any person employed in said business, take down or remove any bars or fences belonging to the owner or possessor of said lands, without liberty first obtained of the owner or possessor thereof.

SECT. 7. *And be it further enacted*, That the said Proprietors shall, from time to time, as soon as such masts, logs and other timber can be conveniently secured, take care, and cause to be turned through the said Boom, all such masts, logs and other timber aforesaid, coming down said river, as shall not belong to the said Proprietors or others, secured or to be secured for the use of such owners of masts, logs or other timber as aforesaid.

[This Act passed *February 26, 1802.*]

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

WHEREAS in the first enacting clause in the said Act the said Corporation are entitled, at each of their turnpike gates, to receive for all oxen, horses, mules and neat cattle, led or driven, besides those in teams and carriages, *two cents* each; for all sheep and swine, *three cents* by the dozen; for every chaise, chair or other carriage, drawn by one horse, *nine cents*; which rates of toll are considered unequal: Therefore,

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Corporation, from and after the first day of *April* next, shall let oxen, horses, mules and neat cattle, led or driven, besides those in teams and carriages, sheep and swine, pass their turnpike gates free from toll, and be entitled to receive at each of their turnpike gates, for every chaise, chair or other carriage, drawn by one horse, *twelve cents five mills*; any thing in the said incorporating Act to the contrary notwithstanding.

[This Act passed *February 27, 1802.*]

An ACT for allowing a further Time to the Proprietors of *Connecticut River Bridge* for completing the same.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a further time of one year from the first day of *May* next, be, and hereby is allowed to said Proprietors to complete their Bridge; any thing in the original Act, or an Act in addition thereto, passed the fourth day of *February*, in the year eighteen hundred, notwithstanding.

[This Act passed *February 27, 1802.*]

An ACT in further addition to an Act, entitled, "An Act to regulate the Alewife Fishery in the Town of *Bridgewater*, in the County of *Plymouth*, and for repealing all Laws heretofore made for that Purpose," passed in the Year of our Lord One thousand seven hundred and ninety-seven.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That it shall and may be lawful for the town of *Bridgewater*,

in

in the county of *Plymouth*, hereafter to take the fish called alewives in said town, at such times and places as were provided in an Act, entitled, "An Act for regulating the alewife fishery in the town of *Bridgewater*, in the county of *Plymouth*, and for repealing all laws heretofore made for that purpose," passed the ninth day of *March*, in the year of our Lord one thousand seven hundred and ninety-one; any law to which this is in addition to the contrary notwithstanding.

[This Act passed *February 27, 1802.*]

An ACT for incorporating a Number of the Inhabitants of the Town of *Plymouth*, in the County of *Plymouth*, into a separate Parish.

Preamble.

WHEREAS a number of the inhabitants of the town of *Plymouth* have petitioned this Court to be incorporated into a separate parish, and it appearing reasonable that the prayer of said petition be granted:

Persons incorporated.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Bishop, Benjamin Warren, Nathan Read, David Diman, Lot Harlow, Jesse Bartlett, Samuel Robbins, Barnabas Churchill, Anthony Dike, William Weston, jun. Anthony Dike, jun. Moses Nichols, Seth Harlow, jun. Sylvanus Churchill, James Morton, Thaddeus Churchill, Solomon Churchill, Joseph Bartlett, Nathaniel Bartlett the fourth, Thomas Morton the third, John Bartlett, jun. Joseph Warren Nelson, Lemuel Cobb, Thaddeus Faunce, Jesse Harlow, jun. Nathaniel Clark, jun. Benjamin Warren, jun. Zachens Kempton, Sylvanus Bartlett, William Ryder, Nicholas Smith, John Swift, John Swift, jun. Gilbert Holmes, Samuel Holmes, jun. Caleb Battles, Thaddeus Churchill, jun. Ephraim Morton, Joseph Swift, John Bishop, jun. Caleb Faunce, Nathaniel Harlow, Ansel Lucas, William Nelson, Clark Raymond, Branch Churchill, Elnathan Holmes, jun. Amaziab Harlow, Jesse Robbins, Charles Robbins, Joseph Ryder, Stephen Bartlett, George Bacon, Nathaniel Clark the third, William Davie, jun. Lemuel Robbins, William Robbins, Jabez Swift, William Bradford, Joshua Torrey, Jacob Howland, Nathaniel Sylvester, Thomas Covington, jun. Samuel Churchill, George Ryder, Nathan Holmes, Moses Breck, Daniel Doten, Benjamin Morton, Bela Lucas, Benjamin Lucas, Davis Holmes, George Thraßer, Elijah Macumber, Joseph Brainhall, Thomas Morton, Nathaniel Warren Leonard, Job Cobb, Barnabas Faunce, John Clark, Lemuel Cobb, jun. Thaddeus Ripley, Nathaniel Clark, William Holmes, jun. William Sargent, jun. David Holmes, jun. Elijah Donham, Seth Harlow, Elkanah Bartlett, jun. Robert Finney, Levi Whiting, Nathaniel Doten, George Sampson, Joseph Whiting,*

Whiting, Oliver Kempton, John Perry, Louth Clark, Lemuel Leach, Clark Finney, Elkanah Finney, Isaac Bartlett, Moses Hoyt, Joseph Holmes, Ephraim Whiting, Diman Bartlett, Andrew Bartlett, jun. George Finney, Nathan Whiting, William Manter, Ansel Bartlett, John Donham, Amaziah Churchill, jun. Abraham Whiting, Nicholas Smith, jun. William Parsons, Seth Robbins, Gersham Barden, Isaac Howland, Nathaniel Robbins, Chandler Holmes, Ebenezer Davie, Elkanah Bartlett, Nathaniel Kempton, Samuel Churchill the third, Lewis Finney, Prince Doten, Willson Churchill, William Donham, Benjamin Drew, jun. Ansel Robbins, John Doten, jun. Isaac Donham, Thomas Marsh, Jonathan Crowell, Samuel Ryder, John Doten, Pelham Bradford, Caleb Churchill, Seth Ryder, Joseph Croswell, Josiah Diman, Nathaniel Churchill, Rufus Goddard, Perez Peterson, Deborah Kempton, Joanna Kempton, Rebecca Morton, Patience Diman, Elizabeth Savory, Polly Darling, Hannah Ryder, and Rebecca Diman, the petitioners, together with their polls and estates, be, and hereby are incorporated into a parish by the name of *The Third Congregational Society in Plymouth*, with all the privileges, powers and immunities which other parishes in this Commonwealth are entitled to by law.

Corporate name.

SECT. 2. *Be it further enacted by the authority aforesaid*, That any of said Society, or any inhabitants of the first precinct in *Plymouth*, shall have full liberty to join themselves, with their families and estates that they hold in their own right, to said Society or precinct respectively, at any time within two years from the passing of this Act: *Provided*, they shall first signify, in writing under their hands, to the Clerk of said town of *Plymouth*, their determination of being considered as belonging to the Society or parish to which they may join themselves as aforesaid.

Persons at liberty to join the society or precinct.

SECT. 3. *Be it further enacted by the authority aforesaid*, That forever after the expiration of the said two years, any of said Society, or any inhabitant of the first precinct aforesaid, shall be considered as belonging to said Society or precinct respectively, with their families and estates, by signifying their determination in writing to the Clerk of said town as aforesaid, and at the expiration of eighteen months after signifying such determination in manner above said; *provided* the party applying shall not have withdrawn said application before the expiration of said term.

How to join the society or precinct.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the members of said Society and precinct respectively, and their families, shall be deemed and considered as continuing members of said Society and precinct respectively, with their estates, for the time being, until their relation shall be changed, in manner as above prescribed.

Persons to be considered members till they declare the contrary in form.

SECT.

REGULATION RE-
SPECTING TAXES.

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

EXPLANATION RE-
SPECTING CHATE.

SECT. 6. *Be it further enacted by the authority aforesaid,* That the word estate mentioned in this Act, so far as it relates to real estate, shall extend only to such real estate as the members of said Society and inhabitants of said precinct hold, or may hold in their own right: And that *Joshua Thomas, Esq.* or any other Justice of the Peace, in the county of *Plymouth*, be, and is hereby authorized to issue his warrant, directed to some principal person or member of said Society, requiring him to warn the members of said Society, qualified to vote in parish affairs, to assemble, at some suitable time and place, in said town, to choose such officers as parishes are by law required to choose in the month of *March* or *April* annually, and to transact all such matters and things as are necessary to be done in said parish.

MEMBERS MAY
BE PERMITTED TO
CHANGE THEIR SIT-
UATIONS.

SECT. 7. *And be it further enacted by the authority aforesaid,* That at any meeting of said Society, or said first precinct, regularly warned according to law for that purpose, said Society and said precinct shall respectively have the power by vote, to permit any individual member of said Society or precinct to change his relative situation, and join himself with his family and all his estate, to either said precinct or Society as he may request, and the same vote being recorded, shall effectually transfer said member with his family and estate according to the meaning of said vote.

[This Act passed *March 1, 1802.*]

An ACT to incorporate a Number of the Inhabitants in the Town of *Parsonsfield*, in the County of *York*, into a distinct Religious Society by the Name of *The Congregational Society in Parsonsfield.*

PERSONS INCOR-
PORATED

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Thomas Parsons, Joseph Doe, Joseph Parsons, Josiah Colcord, William Adams, James Hobbs, Israel Hodgdon, John Sanborn, Benjamin Bacheider, John Tuck, Ebenezer Doe,*
John

John Wedgwood, George Lord, Samuel Hobbs, Dudley Page, Simon Marston, Josiah Tuck, Samuel Hobbs, Levi Moulton, Reuben Dearborn, Thomas Leavitt, Taylor Page, Stephen Merrill, Nicholas Emery, Andrew Gilman, Nathaniel Neal, Stephen Parsons, Samuel Garland, Job Colcord, Asa Pease, and Josiah Pease, having for their pastor or teacher in religion, the Rev. *Benjamin Rolfe*, regularly settled in said town, a Congregational Minister, with their families and estates, together with such others as have already associated themselves, or may hereafter associate themselves for the same purpose, in manner hereinafter prescribed, be, and hereby are incorporated into a religious Society, by the name of *The Congregational Society in Parsonsfield*, with all the powers, privileges and immunities to which parishes in this Commonwealth are by law entitled.

SECT. 2. *Be it further enacted*, That any inhabitant of said town of *Parsonsfield*, who may at any time hereafter become a member of, and unite in religious worship with the Society afore-How to become a member of the society. said, and give in his or her certificate in writing, by him or her signed, to the Clerk of the Society afore-How to leave said Society. said, that he or she wishes or consents to become a member of said Society, at any time within thirty days previous to, or at the meetings of said Society, to be held in the month of *March* or *April* annually, shall from and after the giving in his or her certificate as afore-How to leave said Society. said, with his or her polls and estates, be considered as a member of said Society.

SECT. 3. *Be it further enacted*, That when any member of said Congregational Society, shall see cause to leave the same, and unite in religious worship with any other religious Society, and shall give in his or her name to the Clerk of said Congregational Society, with a certificate signed by the Minister or Clerk of the parish, or other religious Society with which he or she may unite, that he or she has actually become a member of, and united in religious worship with such other parish or religious Society, fourteen days at least previous to the meeting of said Congregational Society in *March* or *April* annually, and shall pay his or her proportion of all money assessed in said Society previous thereto; such person shall, from and after giving such certificate, with his or her polls and estates, be considered as a member of the Society to which he or she has so united.

SECT. 4. *Be it further enacted*, That said Congregational Society be, and hereby is invested with the right to, and control over all the real estate heretofore granted, bargained, sold, exchanged, reserved, given or appropriated to the Congregational Society, or for the support or use of the Congregational ministry in said town, with the appurtenances thereof, except the acre of land conveyed by said town to said *Rolfe*,
to

Empowered with respect to real estate.

to be held and appropriated by said Society for the sole use and benefit of the Congregational ministry in said town forever.

SECT. 5. *And be it further enacted,* That *Thomas Parsons, Esq.* or any other Justice of the Peace, in said county of *York*, be, and hereby is authorized and empowered to issue his warrant, directed to some suitable member of the said Society, requiring him to notify and warn the members of the said Society, to meet at such time and place as shall be appointed in said warrant, to choose such officers as parishes in this Commonwealth are by law entitled to choose in the month of *March* or *April* annually.

[This Act passed *March 2, 1802.*]

An ACT for incorporating the *Horse-Neck*, so called, and all the Salt Meadows adjoining, in the Town of *Westport*, in the County of *Bristol*, into a Common and General Field.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all the *Horse-Neck*, so called, and salt meadows adjoining lying in said *Westport*, within the following description and boundaries, viz. Beginning at the sea-shore, on the west side of the highway which is the dividing line between *Dartmouth* and *Westport*; thence south-westerly, as the drift-way goes by the sea-shore, to *Gooseberry-Neck*, so called; thence north-westerly, as the said drift-way goes by the sea-shore to the harbour of *Westport Rivers*; thence northerly and easterly, including all the said *Horse-Neck* and salt meadows adjoining, until it comes to the south side of a pond about eighty rods westerly from the aforesaid highway, which pond, in running out the highway aforesaid, was left for a watering place; thence from the south side of said pond, in the line of the said watering place, until it comes to the south-east corner of *Job Almy's* homestead farm; thence south, in the line of the said highway, to the sea-shore first-mentioned, be, and hereby are incorporated into one Common and General Field; and all the proprietors and owners of said *Horse-Neck* and salt meadows adjoining, within the aforesaid described boundaries, are hereby vested with all the powers and privileges which the proprietors of land in general fields by law are invested with.

[This Act passed *March 2, 1802.*]

An ACT to set off a certain Tract of Land, with the Inhabitants thereon, from the Town of *Westfield*, in the County of *Hampshire*, and to annex it to the Town of *West-Springfield*, in the same County.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Josiah Dewey, Pliny Loomis, Joel Dewey, Seth Viets, Joseph Rice, Noah Copley, Benjamin Copley, Darius Smith, Josiah Dewey, jun. John Smith, and Juba Smith*, with their polls and estates, together with all the land within the following limits, viz. Beginning at the north-east corner bounds of the town of *Southwick*, and running northwardly on the ridge of the mountain which was formerly the bounds between *Springfield* and *Westfield*, until it strikes *Westfield* or *Agawam River*, near *Morley's bridge*; and from thence on a straight line to a white oak tree on the north side of said river, being the bounds between *West-Springfield* and *Westfield*, be set off from the town of *Westfield* and annexed to the town of *West-Springfield*. Boundaries.

SECT. 2. *Be* it further enacted by the authority aforesaid, That the said tract of land, with the inhabitants thereon, shall hereafter be a part of *West-Springfield*, and shall be considered as making part of the fourth parish in said town: *Provided nevertheless*, That the persons aforesaid, and all persons owning land in said tract hereby set off, shall be held to pay all taxes now assessed on them by the town of *Westfield*. Annexed to
W. Springfield.

[This Act passed March 3, 1802.]

An ACT to incorporate certain Lands in the Town of *Dedham*, in the County of *Norfolk*, into a Common Field.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the land in *Dedham*, lying within the limits hereafter expressed, known by the name of *Fowl Meadow*, beginning at *The Major's Bridge*, so called; then eastwardly, in part on the causey, and in part on the land of *George White* and *Michael Harmon*; then northwardly, on land of said *White* and *Harmon* in part, and on land of *Daniel Fisher* or *Asa Fisher, jun.* till it comes to *Neponset River*; then on said river to the bridge aforesaid, be, and hereby are incorporated into a Common and General Field; and the owners thereof are invested with all the powers and privileges which the owners of Common and General Fields are or may be invested by law.

[This Act passed March 3, 1802.]

An ACT to prevent the Destruction of the Fish called Alewives in their Passage up and down in the River and other Streams in the Town of *Kingston*, in the County of *Plymouth*, and for regulating the taking and disposing of said Fish; and for repealing an Act, entitled, "An Act to prevent the Destruction of the Fish called Alewives in their Passage up the Rivers and Streams in the Town of *Kingston*, in the County of *Plymouth*."

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the inhabitants of said town of *Kingston*, at their annual meeting in *March* or *April*, be, and are hereby authorized and empowered to choose a Committee of five or more persons, to see that the laws respecting the passage-ways for said fish be observed; and each person so chosen shall take an oath faithfully to discharge the duties required of him by law; and said Committee shall oversee the taking of said fish in said town, and shall distribute the fish taken by them, or under their direction, as equally as circumstances will admit, to such of the inhabitants of said town as may apply for the same; and for the fish so supplied and delivered, the Committee aforesaid shall demand and receive of the person or persons receiving said fish, payment therefor, at such rate or rates as the inhabitants of said town, at their annual meeting in *March* or *April*, may direct; excepting of such poor persons as may be named in a list to be annually made out by the Selectmen of said town, and who in the opinion of the Selectmen are unable to pay for the same; which list shall be given to the Committee, and the persons borne on the same shall be supplied with such quantities of said fish gratis as the Committee may think expedient: And the Committee aforesaid shall have such allowance for their services as the inhabitants of said town, at the time of appointing said Committee shall determine; and shall annually, in the month of *September* next following their appointment, exhibit their accounts to the Selectmen of said town for settlement and allowance, and pay the balance remaining in their hands, if any there be, to the Treasurer of the town of *Kingston* for the town's use.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said Committee, or the major part of them, be, and are hereby authorized and empowered to open any dam, or the sluice of any mill or other water-works, erected or that may be erected on or across the river or any of the streams in said town, at the expense of the owner or owners of such dam or sluice:

Provided

First Committee to be chosen.

Priest of the fish to be established.

Annual settlement to be made.

Committee empowered to open dams, with a proviso.

Provided such owner or owners shall neglect to open the same when thereto required by said Committee, or the major part of them as aforesaid: And the Committee shall also have full power to remove any other obstructions that may be made to the free passage of said fish, in the river and other streams into the several ponds in said town, and for their re-passing from said ponds into the sea: And the said Committee or either of them, going or passing on or across the lands of any person, for any of the aforementioned purposes, shall not be deemed or held as a trespass; and any dam, or sluice, or passage-way that may be opened as aforesaid, shall continue open, to such depth and width, and for such length of time, as shall be necessary for the passing or re-passing of the said fish as aforesaid: And if any person or persons shall obstruct the passage-way allowed or ordered by said Committee, or the major part of them, in any dam or sluice-way, or shall obstruct the passage of them in the river, or any of the streams in said town, such person or persons so offending, shall forfeit and pay a sum not exceeding *one hundred dollars*, nor less than *fifty dollars*.

Committee-
men not to be
deemed tres-
passers.

SECT. 3. *And be it further enacted by the authority aforesaid*, That if any person or persons, other than the said Committee, or such persons as shall be by them employed, shall take any of the said fish in the river or in any part of any of the streams in said town, at any time or by any ways or means whatsoever, each person so offending shall forfeit and pay a sum not exceeding *twenty-five dollars* nor less than *five dollars* for every such offence.

Penalty for
taking fish
without leave.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the town of *Kingston*, at their meeting in *March* or *April* annually, shall appoint particular places in each stream in said town where said fish may be taken; and no Committee man, or person by them employed, or purchaser, shall be deemed a trespasser in going on the lands of any person in order to take said fish, on their paying a reasonable compensation therefor if required: And the Committee chosen as aforesaid shall appoint certain days in each week, from the first day of *April* annually, not exceeding four for four weeks successively, when the said fish shall be taken; and shall put up notifications in two public places in said town, of the times and places for taking said fish, before the tenth day of *April* annually.

SECT. 5. *And be it further enacted by the authority aforesaid*, That all penalties incurred by the breach of this Act may be sued for and recovered by the Treasurer of the town of *Kingston* for the time being, in any Court in the county of *Plymouth* proper to try the same; and all sums so recovered shall be appropriated to the use of said town: And in case any minor or minors shall offend against any part of this Act, and thereby incur

Recovery of
penalties.

Parents, &c. incur any of the penalties aforesaid, in all such cases the parents, masters or guardians of such minor or minors shall be answerable therefor; and in case of a prosecution of such minor or minors for any such offence, the action shall be commenced against the parents, masters or guardians of such minor or minors respectively, and judgment be rendered against any parent, master or guardian in such case in the same manner as for his or their personal offence: And no person by reason of being an inhabitant of said town, or one of said Committee, shall be thereby disqualified from being a witness in any prosecution for a breach of this Act.

Former Act repealed. **SECT. 6.** *And be it further enacted by the authority aforesaid,* That an Act, entitled, "An Act to prevent the destruction of the fish called alewives, in their passage up the rivers and streams in the town of *Kingston*, in the county of *Plymouth*," passed on the eighth day of *November*, in the year of our Lord one thousand seven hundred and eighty-five, be, and the same is hereby repealed.

[This Act passed March 3, 1802.]

Additional Act, March 8, 1804. **An ACT** to regulate the Alewife Fishery in the Towns of *Lynn*, *Lynnfield* and *Reading*, in the Counties of *Effex* and *Middlesex*, and for repealing all Laws heretofore made for that Purpose.

Privilege of fishing may be sold. **SECT. 1.** *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That it shall and may be lawful for the towns of *Lynn* and *Lynnfield* respectively, in the county of *Effex*, and the town of *Reading*, in the county of *Middlesex*, annually, at any legal meeting of the inhabitants of said towns, to sell or otherwise dispose of the privilege of taking the said fish within their respective limits, at such times, not exceeding three days in a week, and places, and under such regulations as the said towns shall respectively direct; and the emolument arising from said privilege shall be severally appropriated by said towns to such purposes and uses as the inhabitants thereof shall in town meetings from time to time determine.

Penalty for illegally taking the fish. **SECT. 2.** *And be it further enacted,* That if the purchaser or purchasers, manager or managers, or those employed by them, shall presume to take any of the said fish at any other time or place in said towns, or any of them, than shall be by said towns respectively determined; and if any other person or persons whatever, except the purchaser or purchasers, manager or managers of said privilege, or those employed by them, shall presume to take or catch any of said fish, in any of the rivers

rivers or streams within the boundaries of said towns respectively, otherwise than may be by said towns respectively determined, he or they so offending shall, for each offence, forfeit and pay a sum not exceeding *thirteen dollars*, nor less than *one dollar*, at the discretion of the Justice before whom the same shall be tried.

SECT. 3. *And be it further enacted*, That if the purchaser or purchasers, manager or managers of said privilege shall, when in his or their power, neglect or refuse to supply any person or persons with said fish, when green, in any quantity, not exceeding one hundred, to any one person who may apply therefor, at such rates as shall be determined by said towns respectively, not exceeding *twenty-five cents* for one hundred of said fish, he or they so offending shall, for each offence, forfeit and pay the sum of *one dollar*; and if any person or persons shall ask, demand and receive more than *twenty-five cents* for one hundred of said fish, and in that proportion for a less number, at the landing where said fish are taken, he or they so offending shall, for each offence, forfeit and pay the sum of *one dollar*.

Penalty for refusing to sell the fish.

SECT. 4. *And be it further enacted*, That the said towns of *Lynn*, *Lynnfield* and *Reading* shall, at their respective annual meetings, in *March* or *April*, severally choose a Committee, not exceeding nine, nor less than three freeholders of said towns, who shall be sworn or affirm to the faithful discharge of the duties enjoined upon them by this Act; and it shall be the duty of said Committee to cause the natural course of the rivers, passage-ways or streams, through which the said fish pass, to be kept open and without obstruction, during the whole time the said fish pass up or down in said rivers, passage-ways or streams in each year, and to remove any such as shall be found therein; and to make the said passage-ways wider and deeper, if they, or the major part of them shall judge it necessary; and the said several Committees, or any two of either of them, paying a reasonable compensation therefor, if demanded, shall have authority, in discharging the duties enjoined upon them by this Act, to go on the lands and meadows of any person through which such rivers, passage-ways or streams run, or into any building, mill or other water-works on said rivers or streams, without being considered as trespassers; and any person who shall molest or hinder the said Committees, or either of them, in the execution of the business of his or their office, or shall obstruct any passage-way in the said rivers or streams, otherways than may be allowed by the said Committees, or a major part of them respectively, he or they so offending shall forfeit and pay for every such offence a sum not exceeding *ten dollars* nor less than

Fish Committees to be chosen.

Committees not to be deemed trespassers.

one dollar, at the discretion of the Justice before whom the same shall be tried: *Provided nevertheless*, That nothing in this Act shall be considered as authorizing the said Committees to injure the Proprietor of any mill or water-works further than is necessary in order to give the said fish a good and sufficient passage up the said rivers.

Committee to
prosecute, seize
nets, &c.

SECT. 5. *And be it further enacted*, That it shall be the duty of the said Committees respectively to prosecute all breaches of this Act, and for any two of them to seize and detain in their custody any net which may be found in the hands of any person using the same contrary to the true intent and meaning of this Act, until the person so offending makes satisfaction for his offence, or is legally acquitted therefrom; and also to seize to the use of their respective towns all such fish as they shall suspect to have been taken contrary to the provisions of this Act, unless the person in possession thereof can give satisfactory evidence to such Committee that said fish were lawfully taken.

Recovery and
appropriation
of fines.

SECT. 6. *And be it further enacted*, That all the penalties incurred by any breach of this Act, shall be recovered by an action on the case, before any Justice of the Peace within and for the county where the offence shall be committed, allowing an appeal to the Court of Common Pleas of the same county; and all sums of money recovered to either of the said towns as forfeited by this Act, shall be for the support of the poor of the said towns respectively; and no person by reason of his being one of either of the said Committees respectively, or an inhabitant of either of the said towns, shall be thereby disqualified from being a witness in any prosecutions for a breach of this Act.

Former laws
repealed.

SECT. 7. *And be it further enacted*, That all laws heretofore made for regulating the fishery in the said towns of *Lynn*, *Lynnfield* and *Reading*, with joint or separate authority, are hereby repealed.

[This Act passed March 3, 1802.]

Additional
Acts, Feb. 26,
1803, June 18,
1803.

An ACT for incorporating certain Persons for the Purpose of laying out and making a Turnpike Road from *Salem* to *Charles River Bridge*, for building the necessary Bridges on the said Road, and for supporting the same.

Preamble.

WHEREAS the making of the said road and bridges will be of great public utility; and *Edward Augustus Holyoke*, Esq. and others, have petitioned this Court for an Act of incorporation to empower them to lay out and make said road and

and erect said bridges, and have subscribed to a fund for that purpose: Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Edward Augustus Holyoke, William Gray, jun. Nathan Dane, Jacob Ashton, and Israel Thorndike, Esquires, and all such persons as are or shall be associated with them and interested in said fund, and their successors, shall be a Corporation by the name of The Salem Turnpike and Chelsea Bridge Corporation; and shall by that name sue and be sued, and shall have a common seal, and enjoy all the privileges and powers which are by law incident to a Corporation, for the purpose of laying out and making a turnpike road, and building the bridges aforesaid, and keeping the same in repair; that is to say, a road beginning near Buffum's Corner, so called, in Salem, and from thence to be continued through the Salem Great Pastures, so called; thence by the south-easterly side of Farrington's Hill, so called, in Lynn, over Breed's Island, in Lynn Marshes, and by the south-east side of Cbeever's Hill, so called, in Chelsea, to a place on the Chelsea side of Mystic River, between Winnesmit Ferryways and Dr. Aaron Dexter's gate, and over said river to a place on the Charlestown side thereof, north of and near to the Navy Yard; and thence to said Charles River bridge in Charlestown; and of building bridges over the rivers and waters between said Buffum's Corner and Charles River.*

Persons incorporated.

Course of the road.

SECT. 2. *And be it further enacted, That the said Edward Augustus Holyoke, William Gray, jun. Nathan Dane, Jacob Ashton, and Israel Thorndike, Esquires, or any three of them, may, by an advertisement in the Salem Gazette, or in any other newspaper printed in Salem or Boston, call a meeting of the said Proprietors, to be holden at any suitable time and place after fifteen days from the publication of the said advertisement; and the said Proprietors, by vote of the majority of those present or represented at the said meeting, (in all cases accounting and allowing a vote to each single share,) shall choose a Clerk, who shall be sworn to the faithful discharge of his duty; and also shall agree on a method for calling future meetings; and at the same, or at any subsequent meeting, may make and establish any rules and regulations that shall be necessary or convenient for regulating the said Corporation, for effecting, completing and executing the purposes aforesaid, or for collecting the toll hereafter granted; and the same rules and regulations may cause to be kept and executed, or for the breach thereof may order and enjoin fines and penalties not exceeding thirteen dollars and thirty-three cents for any breach thereof: Provided such rules and regulations are not repugnant to the laws or Constitution of this Commonwealth: And*

Meeting to be called, and officers chosen.

the

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

SECT. 3. *And be it further enacted*, That the same turnpike road shall be laid out and made by the said Corporation of sufficient width in every part thereof for the accommodation of the public; and that open uninclosed ground shall be at least four rods wide on the upland, and eight rods wide at least (including the canals) on the marsh, and on said *Breed's Island*, throughout the whole length of said road over said marsh and island, and the made-way or path for travelling shall be of sufficient width, and not less than twenty-four feet wide, in any part thereof, and over the marsh not less than thirty feet wide within the railings; and when the said turnpike road shall be sufficiently made from said *Buffum's Corner* to the blacksmith's shop of *John Messy*, in *Lynn*, and shall be so allowed by the Justices of the Supreme Judicial Court, at any term thereof, in any county of this Commonwealth, then the said Corporation shall be authorized to erect a turnpike gate on the same, between said corner and said *Fairington's Hill*, in such manner as shall be necessary and convenient, and shall be entitled to receive from each traveller and passenger the following rate of toll, to wit: For every coach, phaeton, chariot, or other four wheel carriage for the conveyance of persons, drawn by two horses, *twenty-five cents*,—and if drawn by more than two horses an additional sum of *four cents* for each horse; for every cart, waggon, sleigh or sled, or other carriage of burden, drawn by two oxen or horses, *twelve and an half cents*,—and if by more than two an additional sum of *three cents* for every such ox or horse; for every curricule, *sixteen cents*; for every sleigh for the conveyance of passengers, drawn by two horses, *twelve and an half cents*,—and if drawn by more than two an additional sum of *three cents* for each horse; for every sled or sleigh drawn by one horse, *ten cents*; for every chaise, chair, or other carriage, drawn by one horse, *twelve and an half cents*; for every man and horse, *five cents*; for all oxen, horses and neat cattle, led or driven, besides those in teams and carriages, *one cent* each; for all sheep and swine, *three cents* by the dozen, and in the same proportion for a greater or less number.

SECT. 4. *And be it further enacted*, That when the said road shall be sufficiently made from said blacksmith's shop to

Charles

Width, &c. of
the road pre-
scribed.

First turnpike
gate, and the
toll.

Charles River Bridge, and the said bridge over *Myfick River* shall be sufficiently built, and the said road shall be so allowed by the said Justices as aforesaid, then the said Corporation shall be authorized to erect another turnpike gate on the same, between said *Breed's Island* and *Myfick River*, in such place as shall be necessary and convenient, and shall be entitled to receive of each traveller and passenger, (excepting the inhabitants of *Chelsea*, who shall be travelling or passing from that town to *Boston*, or from *Boston* back to *Chelsea*, through said turnpike gate,) the rates of toll aforesaid.

SECT. 5. *And be it further enacted*, That the said Proprietors shall build, and until the aforesaid road shall be delivered up to the Government shall keep a sufficient draw or passage-way, at least twenty feet wide, at some place in the bridge over *Saugust River*, proper for the passing and repassing of vessels through the same: *Provided however*, That the said Proprietors shall not be obliged to lift or open the leaves of said draw for the passage of any vessel, or put the same down; and that if any person or persons shall keep said draw up longer than is necessary for the passage of the vessel or vessels under his or their care, or shall neglect to put the same down immediately after the passage of such vessel or vessels, he or they, for every such offence, shall forfeit a sum not less than *twenty dollars*, nor more than *fifty dollars*; and that, for the accommodation of the owners of salt-marsh lying to the eastward of said road, the Proprietors shall make and keep, during the term aforesaid, in the places, not exceeding four in number, where the road shall intersect the private ways as they are now used, convenient passage-ways over said road, for waggons, carts and sleds to pass and repass, for the purpose of bringing off their salt hay.

SECT. 6. *And be it further enacted*, That the said bridge over *Myfick River* shall be well built, at least thirty-two feet wide, of good and suitable materials, and be well covered with plank or timber on the top, suitable for such a bridge, with sufficient rails on each side, boarded eighteen inches from the bottom, for the safety of passengers; and the same shall be kept in good, safe and passable repair for the term of seventy years from opening the same, and at the end of said term the said bridge shall be left in like repair; and the said Proprietors shall constantly keep the said bridge accommodated with at least twenty-four lamps, four of which shall be at each draw, and kept burning through the night, and all the said lamps shall be well supplied with oil, and lighted in due season, and those not at the draw kept burning till twelve of the clock at night: And that for the purpose of reimbursing the said Proprietors the monies by them expended or to be expended in building

Second turnpike gate.

A draw to be made in the bridge.

Passage-ways to be allowed the Proprietors of salt-marsh.

Directions respecting bridge over Myfick River.

Lamps to be kept.

Rates of toll.

building and supporting said bridge, a toll be, and hereby is granted and established for the sole benefit of the said Proprietors, according to the rates following, to wit: For each foot passenger, *two cents*; for each person and horse, *five cents*; for each chaise, chair, fulkey or sleigh, drawn by one horse, *twelve and an half cents*; for each horse and cart, *nine cents*; for each team drawn by more than one beast, *twelve and an half cents*; for each coach, chariot, waggon, phaeton and curricule, *twenty-five cents*; for each man and wheel-barrow, hand-cart, or other vehicle capable of carrying a like weight, *three cents*; for each horse and neat cattle, exclusive of those in teams or rode on, *three cents*; for each sheep and swine, *one cent*: And to each team one person and no more shall be allowed as a driver to

Gate to be left open when the toll-gatherer is absent.

pass free from toll; and at all times when the toll-gatherer shall not attend his duty, the gate or gates shall be left open; and the said toll shall commence on the day of the first opening the said bridge for passengers, and shall continue for the term of seventy years, at the end of which time the said bridge shall be delivered up in good repair to and for the use of the Government: And also at the several places where the toll shall be received on said bridge or road, the said Proprietors shall erect and constantly expose to open view, a sign or board, with the rates of toll on the tollable articles fairly and legibly written thereon in large or capital letters: *Provided however*, That at the time of opening said bridge the said Corporation shall cause a true and just account of the expenses thereof, and at the end of every three years then afterwards, a just and true account of their receipts and disbursements, to be returned into the office of the Secretary of this Commonwealth; and that after forty years from the opening said bridge, the General Court may regulate the rates of toll receivable at the said gate.

Expense to be stated.

SECT. 7. *Be it further enacted*, That the said Proprietors shall build, and during the said term shall keep two convenient and sufficient draws or passage-ways, at least thirty feet wide each, at some suitable places in the said bridge proper for the passing and repassing of vessels, by day and by night, through the said bridge; and shall also build at the draw nearest to the *Chelsea* side, and maintain in good repair, a well-constructed and substantial pier or wharf on each side of the said bridge, and adjoining to that draw, every way sufficient for vessels to lie at securely; and the said draws shall be lifted for all ships and vessels without toll or pay, except for boats passing for pleasure: And all ships and vessels intending to pass the said draws, shall be free of charge at the said wharf or pier until a suitable time shall offer for passing the same; and it shall be lawful for the Proprietors of said bridge to make the leaves of each draw sixteen feet long, instead of thirty-two feet, the width of said bridge.

Draws & piers to be erected.

SECT.

SECT. 8. *And be it further enacted,* That said Corporation may purchase and hold any land over which they may make said road; and the Justices of the Court of General Sessions of the Peace in the respective counties through which it passes are hereby authorized, on application from the said Corporation, to lay out such road, or any part thereof within their respective jurisdictions, as with the consent of the said Corporation they may think proper; and the said Corporation shall be holden to pay all damages which shall arise to any person by taking his land for such road, where it cannot be obtained by voluntary agreement, to be estimated by a Committee appointed by the Court of General Sessions of the Peace, in the county in which such damage shall arise, saving to either party a right of trial by Jury, according to the law which makes provision for the recovery of damages happening by laying out public high-ways.

Corporation
may purchase
and hold land.

SECT. 9. *And be it further enacted,* That if the said Corporation, or their toll-gatherer, or others by them employed, shall unreasonably delay or hinder any passenger or traveller at either of said gates, or shall demand or receive more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *two dollars*, to be recovered before any Justice of the Peace of the county where the offence may be committed, by any person injured, delayed, or defrauded, in a special action of the case, the writ in which shall be served on said Corporation, by leaving a copy of the same with the Treasurer, or some individual member of said Corporation, living in the county where the said action may be brought, or by reading the same to the said Treasurer or individual member, at least seven days before the day of trial; and the Treasurer of said Corporation, or individual member, shall be allowed to defend the same suit in behalf of the said Corporation; and the said Corporation shall be liable to pay all damages that shall happen to any person from whom the toll is demandable, for any damage which shall arise from the defect of bridges, or want of repairing said ways, and shall also be liable to presentment by the Grand Jury, for not keeping the same in good repair.

Penalty for de-
laying passen-
gers, or de-
manding ille-
gal toll.

SECT. 10. *And be it further enacted,* That if any person shall cut or break down or otherwise destroy any of said gates, or shall dig up or carry away any earth from the said road, or in any manner damage the same, or shall forcibly pass or attempt to pass by force said gates, without first having paid the legal toll at such gate, such person shall forfeit and pay a fine not exceeding *fifty dollars* and not less than *ten*, to be recovered by the Treasurer of said Corporation to their use, in an action of trespass on the case; and if any person with a team, cattle, or horses,

— for injuring
the gates or
road.

turn

—for attempt-
ing illegally to
evade the toll.

turn out of said road to pass any of the turnpike gates aforesaid, and again enter said road, with an intent to avoid any toll established as aforesaid, such person shall forfeit and pay three times as much as the legal toll at such gate or gates, established as aforesaid, to be recovered by the Treasurer aforesaid, to the use aforesaid, by an action of debt: *Provided*, That nothing in this Act shall extend to entitle the said Corporation to demand or receive toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse, team, or cattle, to or from his common labour, or to or from any mill, or on the common or ordinary business of family concerns, within the said town, or from any person or persons passing on military duty.

Shares deemed
personal estate,
and process of
attachment.

SECT. 11. *And be it further enacted*, That the shares in said road and bridge shall be deemed personal estate to all intents and purposes, and shall be transferable by deed, duly acknowledged before any Justice of the Peace, and recorded by the Clerk of the said Corporation, in a book to be kept for that purpose; and when any such share shall be attached on *mesne process*, or taken in execution, an attested copy of such writ of attachment or execution shall, at the time of the attachment or taking in execution, be left with the Clerk of said Corporation, otherwise the attachment or taking in execution shall be void: And such shares may be taken and sold by execution in the same manner as other personal estate; and the officer or judgment creditor leaving a copy of such execution with the return thereon with such Clerk, within fourteen days after such sale, and paying for the recording thereof, shall be deemed a sufficient transfer of the same.

Statement of
expense and an-
nual income to
be exhibited.

SECT. 12. *And be it further enacted*, That the said Corporation shall, within six months after their toll shall commence at any of the said gates, lodge in the Secretary's office an account of all expenses incurred in making said road, previous to the taking toll at such gate; and within six months after said turnpike road shall be completed, lodge in said office an account of the expenses of the whole of said road, (the said bridge over *Mystick River* excepted;) and that the said Corporation shall annually exhibit to the Governor and Council a true account of the income or dividend arising from said toll, with the necessary annual disbursements on said road; and that the books of said Corporation, both as to the bridge and road, shall at all times be subject to the inspection of a Committee to be appointed by the General Court, or to the inspection of the Governor and Council when called for.

SECT. 13. *And be it further enacted*, That whenever any Proprietor shall neglect or refuse to pay any tax or assessment duly voted and agreed upon by the said Corporation, to their treasurer, within thirty days after the time set for the payment thereof,

thereof, the Treasurer of the said Corporation is hereby authorized to sell at public vendue, the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray said taxes and necessary incidental charges, after duly notifying in one newspaper printed in *Salem*, and the one printed in *Bj-ton*, by the printers of the General Court, the sum due on such shares, and the time and place of sale, at least thirty days previous to the time of sale; and such sale shall be a sufficient transfer of such share or shares so sold, to the person purchasing the same; and on producing a certificate from the Treasurer, to the Clerk of said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of the said Corporation; and such person shall be considered to all intents the Proprietor thereof, and the overplus, if any there be, shall be paid on demand by the Treasurer, to the persons whose shares were then sold.

SECT. 14. *And be it further enacted*, That the General Court may dissolve the said Corporation, so far as may respect the said turnpike road, whenever it shall appear to their satisfaction, that the said income arising from said toll, shall have fully compensated the said Corporation for all monies they may have expended in purchasing, repairing and taking care of the said road, together with an interest thereon, at the rate of *twelve dollars* on the hundred, for a year from the time of the same, and thereupon the interest in the said turnpike road shall vest in the Commonwealth; but the said Corporation shall remain to all intents and purposes, in respect to the said bridge over *Mythic River*, for and during the said term of seventy years, upon the conditions aforesaid; and all the other bridges on said turnpike road shall be well built, and the same, as well as the road over said marsh, shall be secured with sufficient rails: *Provided*, That if the said Corporation shall neglect to complete said turnpike road and bridge for the space of five years from the passing of this Act, the same shall be void and of no effect: *Provided also*, That no toll shall be received at said bridge before the said turnpike road shall be completed.

SECT. 15. *And be it further enacted*, That the said Corporation be, and it is hereby empowered to commute the rate of toll with any person, or with the inhabitants of any town through which their turnpike road is made, by taking of him or them any certain sum annually, or for a less time, to be mutually agreed on in lieu of the toll established in and by this Act: *Provided however*, That the sum to be allowed for the turnpike gates shall always be kept distinct from the sum allowed for the bridge gate.

SECT. 16. *And be it further enacted*, That the said Corporation is hereby allowed to grant monies to such persons as rendered

Corporational-
lowed to hold
real estate.

dered services to the Proprietors, in exploring the rout of the turnpike road, or otherwise, previous to the Act of incorporation: And the said Corporation is hereby authorized to purchase and hold other real estate adjacent to, and for the accommodation of the said road, to the amount of *twelve thousand dollars*.

House to be
built on
Breed's Island.

SECT. 17. *And be it further enacted*, That the said Proprietors shall be holden to erect and keep in repair a convenient dwelling-house on the island called *Breed's Island*, in the marsh aforesaid, and keep a family living in said house during the term for which said turnpike road is granted.

And whereas it is agreed that the *Malden Bridge Corporation* shall have and hold the property of one half of the said *Chelsea Bridge*, without any part of the corporate powers aforesaid, and pay one half of the expenses of the same bridge, and have such information and evidence as may be essential to the preservation of their said property: Therefore,

Proprietors of
Malden Bridge
to own one half
of Chelsea
Bridge.

SECT. 18. *Be it further enacted*, That of the twenty-four hundred shares into which the property of the said *Chelsea Bridge* shall be divided, twelve hundred shall be the property of and invested in the Proprietors of the said *Malden Bridge*; and the President and Directors of the said *Salem turnpike and Chelsea Bridge Corporation* shall make out and deliver to the Treasurer of the said *Malden Bridge Corporation*, one hundred and twenty good and valid certificates of said twelve hundred shares, each certificate containing ten shares, thereby certifying the same to be the property of the said Proprietors; and the President and Directors of the said *Malden Bridge Corporation* shall thereupon assign and transfer ten of said shares to the Proprietor of each share in said *Malden Bridge*, to the intent that the Proprietors of said *Malden Bridge* shall become Proprietors of the said twelve hundred shares in *Chelsea Bridge*, in the same proportions of interest as they now hold their property in said *Malden Bridge*: And a share in said turnpike road, and in the remaining half or part of said *Chelsea Bridge*, shall constitute one share, and entitle the owners thereof to one vote as aforesaid, within the true intent and meaning of this Act: *Provided*, That no one Proprietor in this Corporation shall have more than twenty votes.

No Proprietor
to have more
than 20 votes.

Shares held by
the Malden
Bridge Propri-
etors to be sub-
ject to assess-
ments, &c. &c.

SECT. 19. *Be it further enacted*, That the said twelve hundred shares and every part thereof, to be transferred, shall at all times be subjected to the same assessments, executions, sales and forfeitures as the other shares in said *Chelsea Bridge* are made liable; but no Proprietor or Proprietors, purchaser or purchasers of any part of the said twelve hundred shares so transferred, shall by reason thereof have any vote in this Corporation constituted by this Act; and every such Proprietor or purchaser shall receive

receive his dividend of the Treasurer, from time to time, of the said *Malden Bridge Corporation*: And one half of all the dividends to be declared on all the profits that may arise from the toll of said *Chelsea Bridge*, shall, within ten days from the making such dividends, be paid over by the Treasurer of the said *Salem turnpike and Chelsea Bridge Corporation*, to the Treasurer of the said *Malden Bridge Corporation*, for the use and benefit of the Proprietors of said *Malden Bridge*, in the proportions of their respective shares therein.

SECT. 20. *And be it further enacted*, That the Proprietors of the said *Malden Bridge*, be, and they hereby are, in their corporate capacity, fully authorized, empowered and made capable of receiving and holding, on the terms fixed by this Act, all the shares hereby assigned to them in the *Chelsea Bridge*, to be erected in virtue of and by force of this Act.

Malden Bridge Proprietors authorized to receive the shares.

SECT. 21. *Be it further enacted*, That the said *Malden Bridge Corporation* shall, during the said term of seventy years, have a right to appoint two agents to attend the meetings of the Proprietors and of the Directors of the said *Salem turnpike and Chelsea Bridge Corporation*, which agents, and each of them, shall have a right to sit and debate, but not have a vote in said meetings; and the Clerk of the said Corporation shall, from time to time, at the request of the said agents, or of either of them, make out, attest and deliver to him or them, copies of such parts of the books of said Corporation, respecting said *Chelsea Bridge*, as he or they shall demand.

Said Proprietors to depute two agents to meet with Proprietors of Chelsea Bridge.

[This Act passed March 6, 1802.]

An ACT to incorporate the Plantation called the *Pejepscot Claim*, and *Little's Gore*, in the County of *Cumberland*, into a Town by the Name of *Pejepscot*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the plantation heretofore called the *Pejepscot Claim*, with a gore of land called *Little's Gore*, in the county of *Cumberland*, as described within the following bounds, with the inhabitants thereon, be, and they are hereby incorporated into a town by the name of *Pejepscot*: Beginning north-easterly, by a line drawn on the middle of the *Great Amerefcoggin River*; southeasterly by the town of *Durham*; south-westerly by the town of *New-Gloucester*, and north-westerly by the town of *Poland*: And the said town is hereby invested with all the powers, privileges, rights and immunities, with which other towns are vested by the Constitution and laws of this Commonwealth.

Boundaries:

SECT.

First meeting.

SECT. 2. *And be it further enacted,* That Nathaniel C. Allen, Esq. be, and he is hereby authorized to issue his warrant, directed to some suitable inhabitant of the said town of *Pejepscot*, requiring him to notify and warn the inhabitants of the said town, qualified by law to vote in town affairs, to meet at such convenient time and place as shall be expressed in said warrant, to choose all such officers, as other towns within this Commonwealth are by law required to choose in the months of *March* or *April* annually.

[This Act passed *March 6, 1802.*]

An ACT for the Preservation and regulating the taking of Fish called Alewives, in the Brook running from the *West Quitticus Pond*, to the *East Quitticus Pond*, near the Line between the Towns of *Middleborough* and *Rochester*, in the County of *Plymouth*.

Agents and their duty.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said towns of *Middleborough* and *Rochester*, shall annually, at a regular town meeting, respectively, choose an Agent, whose duty it shall be annually to sell at public auction, the privilege of taking said fish at said brook, on Tuesdays, Wednesdays and Thursdays in each week, and publish their conditions of sale, wherein said Agents shall express the price at which the purchasers shall sell said fish, which shall be at the rate of *twenty-five cents* per hundred; and also the manner of taking and disposing of the same.

Notification to be given of the meeting of the agents.

SECT. 2. *And be it further enacted,* That the Agent of the said town of *Middleborough* the first year, and the Agent of the said town of *Rochester* the second year, and so on alternately forever, shall notify the Town-Clerk of the other town concerned in said fishery, of the time and place in which said Agents shall meet, ten days at least before the time of meeting.

Penalty for neglect of duty.

SECT. 3. *And be it further enacted,* That if either of said towns shall neglect to choose their respective Agents as aforesaid, or if either of such Agents shall neglect to give notice to the other, as above required, such delinquent town or Agent shall forfeit and pay, to the use of the town which shall choose such Agent, for each offence, the sum of *thirty dollars*.

Penalty for illegally taking said fish.

SECT. 4. *And be it further enacted,* That all persons who shall take any of said fish, in said brook, and be thereof convicted before any Court proper to try the same, shall forfeit and pay a sum not less than *two* nor more than *ten dollars*; except the purchaser or purchasers as aforesaid, or those employed

ed by them, who shall have liberty to take said fish on said days.

SECT. 5. *And be it further enacted*, That it shall be the duty of the said Agents, or any other person chosen by the said towns of *Middleborough* and *Rochester* respectively, to sue for the recovery of any forfeiture incurred by the breach of the regulations provided in this Act; and also of such further regulations as may from time to time be provided and established by said Agents; and all fines and forfeitures recovered for any breaches aforesaid, except such as are mentioned in the third section of this Act, shall, together with the net proceeds of said fishing, be equally divided between said towns; and the Treasurers of the towns aforesaid respectively, may, in behalf of their respective towns, recover in an action on the case, of any person or persons, Corporation or Corporations withholding the same, one moiety thereof, in any Court proper to try the same.

Agents to sue for fines.

Appropriation of fines, &c.

SECT. 6. *And be it further enacted*, That the purchasers of the privilege of taking said fish as aforesaid, shall in all respects conform themselves to such regulations and conditions, as said Agents shall publish in their conditions of sale as aforesaid; and in failure thereof, shall forfeit and pay for each offence, a fine not exceeding *one hundred*, nor less than *ten dollars*.

Purchasers to conform to regulations.

SECT. 7. *And be it further enacted*, That either of the Agents for the said towns of *Middleborough* and *Rochester*, may be admitted as competent witness in any prosecution for the breach of any regulations as aforesaid; and said Agents, previous to entering upon the execution of their office, shall be sworn to the faithful discharge of their duty, as other town officers are sworn.

Agents admissible as witnesses.

[This Act passed March 6, 1802.]

An ACT to regulate the Shad and Alewife Fishery in the Town of *Warren*, in the County of *Lincoln*.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That it shall and may be lawful for the town of *Warren*, in the county of *Lincoln*, annually, at any legal meeting of the inhabitants of said town, to sell, or otherwise dispose of the privilege of taking the fish called shad and alewives, in any river or place within the limits of said town, not exceeding three days in each week, under such regulations as the said town shall direct; and the emolument arising from said privilege shall be appropriated by said town to such purposes

Privilege of fishing to be disposed of.

poses and uses as the inhabitants thereof shall, in town meetings, from time to time determine.

Penalty for illegally taking the fish.

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

— for refusal to sell the alewives.

Price regulated.

SECT. 3. *And be it further enacted,* That if the purchaser or purchasers, manager or managers of said privilege shall, when in his or their power, refuse to supply any person or persons, inhabitant or inhabitants of any town lying on *St. George's River*, with any quantity of alewives, when green, not exceeding five hundred to any one person, who may apply therefor, at such rates as shall be determined by said town, not exceeding *twenty cents* for an hundred, he or they so offending shall for each offence forfeit and pay the sum of *one dollar*; and if any person or persons shall ask, demand or receive more than *twenty cents* for an hundred of alewives, and in that proportion for a less number, at the landing where said fish are taken, he or they shall forfeit and pay the sum of *one dollar*.

A Fish Committee to be chosen, & their duty prescribed.

SECT. 4. *And be it further enacted,* That the said town of *Warren* shall, at their annual meeting in *March* or *April*, choose a Committee, not exceeding seven, nor less than three freeholders of said town, who shall be sworn or affirm to the faithful discharge of the duties enjoined upon them by this Act; and it shall be the duty of the said Committee to cause the natural course of the rivers or streams, through which the said fish shall pass, to be kept open and without obstruction, during the whole time the said fish pass up and down said rivers or streams in each year, and to remove any such obstruction as shall be found therein; and the said Committee or a majority of them, in the discharge of their duty, and also those who are lawfully employed in catching the said fish, or in buying the same, shall be permitted at all times to go upon and pass over the lands of any person through or by which said rivers or streams run, without being considered as trespassers; and any person who shall hinder or molest the said Committee in the business of his or their office, or shall obstruct any passage-way in any of the said rivers or streams, otherwise than
may

may be permitted by said Committee, or a majority of them, he or they so offending, shall forfeit and pay for every such offence, a sum not exceeding *thirteen dollars*, nor less than *one dollar*, at the discretion of the Justice before whom the same shall be tried: *Provided nevertheless*, That nothing in this Act shall be considered as authorizing the said Committee to injure the Proprietor of any mill or water-works, further than is necessary to give the said fish a good and sufficient passage up and down the rivers and streams aforesaid.

Committee are not unnecessarily to injure mills, &c.

SECT. 5. *Provided also, and be it further enacted*, That whereas a passage-way for the said fish has been made around certain mills situated at the *Great Falls* in *St. George's River*, so called, in said town, and it is necessary to ascertain whether the same is sufficient for the passage of said fish, before the time for holding the next Court of General Sessions of the Peace in the county of *Lincoln*, *David Fales*, *John McKellar*, and *Moses Copeland*, Esquires, be, and they are hereby appointed a Committee, to repair in the ensuing spring, at the request and expense of the Proprietor of said mills, to the place where said passage-way is, before the usual time for the running of said fish, and to ascertain and determine whether the same is sufficient for the passage of said fish; and if it shall be considered sufficient by the said Committee, and shall be kept by the Proprietor of said mills, during the spring and summer next ensuing, in the same state as when viewed by the said Committee, it shall be considered as sufficient for the passage of said fish for the present year; and it shall be lawful for any owner or occupant of any mill or dam already built, or hereafter to be built upon *St. George's River*, or any stream communicating therewith, within the limits of said town, who is or may be obliged to open any passage for said fish, to apply to the Court of General Sessions of the Peace, next to be holden in and for said county, and the Justices of the said Court, on such application, are hereby authorized and directed to appoint a Committee of three discreet and disinterested freeholders of said county under oath, to repair to the dam or place where such passage is, or is proposed to be opened, and carefully to view and examine the same, and, in the best manner they are able, inform themselves of the proper place for the passage of the said fish up and down the said river and stream, of what dimensions the same shall be, and what part of each year, and how long the same shall be kept open; and the said Committee shall return the same under their hands, or the hands of the majority of them, to the said Court as soon as may be, which return so made, if accepted by said Court, shall be deemed and adjudged the lawful rule of proceeding, in making and keeping open the passage or passages for said fish,

Application may be made to the Court of Sessions for a Committee to inspect any passage-way.

Inspecting Committee to report.

in passing up and down the said river or streams for the future.

Fish Committee to prosecute for fines.

SECT. 6. *And be it further enacted*, That it shall be the duty of the fish Committee appointed by said town, to prosecute for all breaches of this Act, and for any one of them to seize and detain in their custody, any net which may be found in the hands of any person using the same contrary to the true intent and meaning of this Act, until the person so offending makes satisfaction for his offence, or is legally acquitted therefrom; and also to seize, to the use of said town, all such fish as they shall suspect to have been taken contrary to the provisions of this Act, unless the person in possession thereof can give satisfactory evidence to said Committee that said fish were lawfully taken.

Recovery and appropriation of fines.

SECT. 7. *And be it further enacted*, That all the penalties incurred by any breach of this Act, shall be recovered by an action on the case, or by an action of debt, before any Justice of the Peace within and for the county of *Lincoln*, allowing an appeal to the next Court of Common Pleas to be holden in and for said county; and all sums of money recovered in consequence of any breach of this Act, shall be to the use of said town; and no person by reason of his being one of said Committee, or an inhabitant of said town, shall be thereby disqualified from being a witness in any prosecution or suit for the breach of this Act.

[This Act passed March 6, 1802.]

An ACT to set off Nathaniel Prentiss and others, from the Town of Charlestown, in the County of Middlesex, and annex them to the Town of Cambridge, in the same County.

Persons set off.

Boundary land set off.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Nathaniel Prentiss, Josiah Willington, Stephen Goddard, Benjamin Goddard, and Nathaniel Goddard, together with the lands situated within the following lines, viz: Beginning at the south-easterly side of the house-lot of Stephen Goddard, at the point where the boundary line between said house-lot and the lands of *Walter Frost* intersects the north-easterly line of *Cambridge*; thence running north-easterly by said boundary line, to the road leading by the house of *Timothy Tufts*; thence north-westerly by said road, to the line which divides the lands of *Nathaniel Goddard* from the lands of *Nathan Watson*; thence south-westerly by the line last mentioned to *Cambridge* line; thence south-easterly by *Cambridge* line to the

the point of beginning, be, and hereby are set off from the town of *Charlestown*, and annexed to the town of *Cambridge*.

SECT. 2. *Be it further enacted*, That the said *Nathaniel Prentiss*, *Josiah Willington*, *Stephen Goddard*, *Benjamin Goddard*, and *Nathaniel Goddard*, with such parts of their estates as are set off by this Act, shall be held to the payment of all taxes already assessed upon them by the town of *Charlestown*, and also be held to the payment of their respective proportions of the debts due from the town of *Charlestown*, (after deducting therefrom the school funds) as follows, viz. *Nathaniel Prentiss fourteen dollars*, *Josiah Willington fourteen dollars*, *Stephen Goddard twelve dollars*, *Benjamin Goddard eleven dollars*, *Nathaniel Goddard nine dollars*, and the town of *Charlestown* shall have a right to assess the several sums aforesaid on the polls and estates so set off, at any time within one year from the passing of this Act, if the same shall not be paid to the Treasurer of said town prior to such assessment.

Provision respecting debts and taxes.

[This Act passed *March 6, 1802.*]

An ACT in addition to an Act entitled, "An Act for incorporating the Members of the Episcopal Church, in the Town of *Portland*, into a Religious Society."

March 7, 1791.

WHEREAS it appears that the said Society, with others, contemplate rebuilding their church on a different spot, and by the said Act they are not empowered to purchase one for that purpose, which has occasioned some doubts; and whereas only the names mentioned in the said Act are expressly incorporated, without any mention of such as might thereafter join the said church:

Preamble,

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Wardens and Vestry of the said church, be, and they are hereby authorized and empowered, with the real estate now belonging to said church, or the proceeds of the same, to purchase in the name and to the use of said church, any other lot of land or situation in the said town of *Portland*, which may be deemed eligible, for the purpose of rebuilding their house of public worship on the same; and that the said lot of land or situation when so purchased, shall belong to those who shall subscribe for, and assist in rebuilding said house, in proportion to their subscriptions and actual assistance.

The purchase of a new lot authorized.

SECT. 2. *And be it further enacted*, That such persons as shall subscribe for, and build the said house, together with such

others

How to be- others as may hereafter join the said church, by giving notice
come a mem- in writing to the Clerk of the parish or Society which they
ber. shall leave, seven days at least previous to the annual meeting
held in *March* or *April*, by the parish or Society they intend
to leave as aforesaid, and being accepted by said church, shall
be accounted as a member or members of the Corporation of
said church, as established by the Act aforesaid, to all intents
and purposes.

[This Act passed *March 6, 1802.*]

Additional
Acts, Feb. 10,
1803, March
9, 1804, March
15, 1805.

An ACT establishing *The Norfolk and Bristol Turnpike Corporation.*

Persons incor-
porated.

SECT. I. *BE* it enacted by the Senate and House of Representa-
tives, in General Court assembled, and by the author-
ity of the same, That *Ephraim Starkweather, Oliver Starkweather,*
Oziel Wilkinfon, Elishalet Slack, Samuel Slack, William Blacking-
ton, Israel Haich, Elijah Daggett, Joseph Holmes, Fisher Ames,
James Richardson, John Whiting, Timothy Whiting, Timothy Gay,
jun. and all such persons as shall be associated with them and
their successors, shall be a Corporation by the name of *The*
Norfolk and Bristol Turnpike Corporation; and shall by that name
sue and be sued, and enjoy all the privileges and powers which
are by law incident to Corporations, for the purpose of laying
out and making a turnpike road, from the court-house in *Ded-*
ham, in the county of *Norfolk*, to the north parish meeting-house
in *Attleborough*, in the county of *Bristol*, and from thence to
Pawtucket Bridge, so called, and for keeping the same in repair:
The said turnpike to begin at the court-house in *Dedham* afore-
said, and thence to run as near a straight line from the said
court-house in *Dedham* to the said *Pawtucket Bridge*, as a Com-
mittee appointed by the General Court shall, with due regard
to the nature of the ground, direct; and which said Committee
is hereby authorized and directed to locate the same road ac-
cordingly; which road shall not be less than four rods wide,
except in such parts thereof as the said Committee shall think
it expedient otherwise to direct, but said road shall in no part
thereof be less than three rods wide, and the part to be travelled
on not less than twenty feet in width in any place; and that
when said turnpike road shall be sufficiently made, and shall be
so allowed and approved by the aforesaid Committee, then the
said Corporation shall be authorized to erect three turnpike
gates on the same, in such manner as shall be necessary and
convenient, in such places as the aforesaid Committee shall
direct; and shall be entitled to receive from each traveller and
passenger, at each of the said gates, the following rates of toll,

viz.

Course of the
road.

Width.

Number of
gates.

viz. For every coach, phaeton, chariot, or other four wheel carriage, drawn by two horses, *twenty-five cents*, and if drawn by more than two horses, an additional sum of *four cents* for each horse; for every curricule, *seventeen cents*; for every cart, waggon, sled or sleigh, drawn by two oxen or horses, *ten cents*, and if drawn by more than two, an additional sum of *three cents* for each horse or ox; for every chaise, chair or other carriage, drawn by one horse, *ten cents*; for every sled or sleigh, drawn by one horse, *six cents*; for every man and horse, *four cents*; for all oxen, horses, mules and neat cattle, led or driven, besides those in teams and carriages, *one cent* each; for all sheep and swine, *three cents* by the dozen, and in that proportion for a greater or less number: *Provided*, That nothing in this Act shall extend to entitle the said Corporation to demand toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse or team to or from any mill, or with his horse, team or cattle to or from his common labour on his farm, or on the common and ordinary business of family concerns within the same towns, or any person passing on military duty; and that when no toll-gatherer shall be present at either of the said gates, to receive the toll, the said gate shall be left open, and travellers be permitted to pass freely: *Provided also*, That no turnpike gate shall be erected at any place on the present travelled road.

Toll.

Exceptions.

SECT. 2. *Provided also, and be it further enacted*, That the said Corporation be, and it is hereby empowered to commute the rate of toll with any person, or with the inhabitants of any town through which the said turnpike road shall be made, by taking of him or them any certain sum annually, or for a less time, to be mutually agreed on in lieu of the toll established in and by this Act.

Toll may be commuted.

SECT. 3. *And be it further enacted*, That the said Corporation shall, at each place where the toll shall be collected, erect and keep constantly exposed to view a sign or board, with the rates of toll of all the tollable articles fairly and legibly written thereon, in large or capital letters.

Sign-board to be erected.

SECT. 4. *And be it further enacted*, That the said Corporation may purchase and hold land over which they may make said road: And the said Corporation shall be holden to pay all damages which shall arise to any person by taking his land for such road, where it cannot be obtained by voluntary agreement, to be estimated, if lying within the county of *Norfolk* aforesaid, by a Committee appointed by the Court of General Sessions of the Peace, in said county of *Norfolk*; and if such lands lie in the county of *Bristol* aforesaid, by a Committee appointed by the Court of General Sessions of the Peace in said county of *Bristol*; saving to either party the right of trial by Jury, according

Land may be taken.

ing

ing to the law which provides for the recovery of damages accruing by laying out public highways.

SECT. 5. *And be it further enacted,* That if any person cut, break down or destroy either of the said turnpike gates, or shall forcibly pass, or attempt to pass the same by force, without having first paid the legal toll at such gate, such person shall forfeit and pay a fine not exceeding *fifty* nor less than *two dollars*, to be recovered by the Treasurer of the said Corporation to their use, in an action of trespass: And if any person shall, with his cattle, team, carriage or horse, turn out of the said road to pass either of the said turnpike gates, on ground adjacent thereto, and again enter on said road, with intent to avoid the toll due by virtue of this Act, such person shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the Treasurer of said Corporation, to the use thereof, in an action of debt.

Penalty for injuring or forcibly passing the gates.

— for delaying passengers.

SECT. 6. *And be it further enacted,* That if the said Corporation, their toll-gatherers, or others in their employment shall unreasonably delay or hinder any traveller or passenger at either of said gates, or shall demand and receive more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *one dollar*, to be recovered before any Justice of the Peace, not being a Proprietor in said Corporation, of the county where the offence shall be committed, by any person injured, delayed or defrauded, in a special action on the case; the writ in which action shall be served on the Corporation, by leaving a copy of the same with the Treasurer, or with some individual member of the Corporation living within the county where the offence shall be committed, at least seven days before the day of trial; and the Treasurer of the said Corporation, or any individual member, shall be allowed to defend the same suit in behalf of the Corporation; and the Corporation shall be liable to pay all damages which shall happen to any person from whom toll is by this Act demandable, for any damages which shall arise from any defect of bridges or want of repairs within the same way; and shall be also liable to a fine, on the presentment of the Grand Jury, for not keeping the same way or the bridges thereon in good repair.

Road, &c. to be kept in good repair.

Shares deemed personal estate. Mode of transfer and attachment.

SECT. 7. *And be it further enacted,* That the shares in the same turnpike road shall be taken, deemed and considered to be personal estate to all intents and purposes, and shall and may be transferable; and the mode of transferring said shares shall be by deed, acknowledged before any Justice of the Peace, and recorded by the Clerk of said Corporation, in a book to be kept for that purpose; and when any of the said shares shall be attached on *mesne process*, or taken in execution, an attested copy of such writ of attachment or execution shall,

at the time of the attachment or taking in execution, be left with the Clerk of the said Corporation, otherwise such attachment or taking in execution shall be void; and such shares may be sold on execution in the same manner as is or may by law be provided for the sale of personal property by execution, the officer making sale or the judgment creditor leaving a copy of the execution and of the officer's return on the same with the Clerk of the said Corporation, within ten days after such sale, and paying for the recording of the same.

SECT. 8. *And be it further enacted,* That every Proprietor in the said turnpike road, or his agent duly authorized in writing, shall have a right to vote in all meetings of the said Corporation, and be entitled to as many votes as the Proprietor has shares in the same: *Provided* his number of shares do not exceed ten; but no Proprietor shall be entitled to more than ten votes for any greater number of shares he may possess.

Every share entitles to a vote, with a proviso.

SECT. 9. *And be it further enacted,* That whenever any Proprietor shall neglect or refuse to pay any tax or assessment duly voted and agreed upon by the Corporation, to their Treasurer, within sixty days after the set time for the payment thereof, the Treasurer of the said Corporation is hereby authorized to sell at public vendue, the share or shares of such delinquent Proprietor one or more, as shall be sufficient to defray said taxes and necessary incidental charges, after duly notifying in the newspapers printed at *Dedham*, or in some paper printed in *Boston*, the sum due on any such shares, and the time and place of sale, at least twenty days previous to the time of sale; and such sale shall be a transfer of the share or shares sold, to the person purchasing, and on producing a certificate of such sale from the Treasurer to the Clerk of such Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of the said Corporation, and such person shall be considered, to all intents and purposes, the Proprietor thereof, and the overplus, if any there be, shall be paid on demand by the Treasurer to the person whose shares were thus sold.

Mode of proceeding with a delinquent Proprietor.

SECT. 10. *And be it further enacted,* That a meeting of the said Corporation shall be held at the house of *Joseph Holmes*, in *Attleborough*, on the last Tuesday of *March* instant, for the purpose of choosing a Clerk, who shall be sworn to the faithful discharge of his trust, and such other officers as shall then and there be agreed upon by the said Corporation, for regulating the concerns thereof; and that the said Corporation may then and there agree upon such method of calling meetings in future as they may judge proper.

First meeting, and the business of it.

SECT. 11. *And be it further enacted,* That the said Corporation shall, within six months after the road is completed, lodge

Estimates of lodge in the Secretary's office, an account of the expenses and income thereof; and that the said Corporation shall annually exhibit to the Governor and Council, a true account of income or dividend arising from the toll, with their necessary annual disbursements on said road; and that the books of the said Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, or to the inspection of the Governor and Council, when called for.

SECT. 12. *Be it further enacted*, That the said Corporation is hereby allowed to grant monies to such persons as rendered services to the Proprietors in exploring the said road or otherwise, previous to the Act of incorporation.

SECT. 13. *And be it further enacted*, That the General Court may dissolve said Corporation whenever it shall appear to their satisfaction, that the income arising from the toll shall have fully compensated the said Corporation for all monies they may have expended in purchasing, repairing and taking care of the said road, together with an interest thereon at the rate of *twelve per centum* by the year; and thereupon the property of the said road shall be vested in this Commonwealth, and be at their disposal: *Provided*, That if the said Corporation shall neglect to complete the said turnpike road for the space of three years from the passing this Act, the same shall be void and of no effect.

[This Act passed March 8, 1802.]

An ACT to incorporate certain Proprietors of Meadow Lands lying on *Pequit Brook*, within the Town of *Canton*, for the Purpose of flowing and draining off the stagnant Waters, and for the better improving the said Lands.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this Act, all the Proprietors of certain meadow lands adjoining on *Pequit Brook*, between the road that leads from *Canton* to *Stoughton*, and upland owned by Capt. *Archibald McKendry* and Mr. *Elijah Gill*, in the county of *Norfolk*, be, and they are hereby incorporated into a Body Politic by the name of *The Proprietors of Pequit Brook Meadows*; and by that name may sue and be sued, and do and suffer all matters, acts or things which Bodies Politic may or ought to do and suffer.

SECT. 2. *And be it further enacted*, That any Justice of the Peace in the county of *Norfolk* be, and he hereby is empowered and directed, upon application in writing from five or more

Corporate name.

more of said Proprietors, to issue his warrant to one of the Proprietors aforesaid, requiring him to notify and warn a meeting of said Proprietors, at such time and place as he shall think most convenient, and for the purposes to be expressed in said warrant, by posting up copies of said warrant, with the notification thereon, at the houses of public worship in the towns of *Canton* and *Stoughton*, seven days at least before the time for holding said meeting; and the said Proprietors, when legally assembled as aforesaid, shall have power to choose a Clerk, Committee, Assessors, Collector or Collectors of taxes, and Treasurer, who shall be sworn to the faithful discharge of the trust reposed in them, and continue to serve until others are chosen and sworn in their places, which may be annually; which officers, chosen and sworn as aforesaid, shall have the same power to perform, execute and carry any vote or order of said Corporation into full effect, as town officers of like description have by law to do and perform; and said Corporation shall, at their first meeting, agree and determine upon the method for calling future meetings; and said Corporation shall, at their first meeting, or any other meeting legally called for that purpose, have power to vote and raise monies for the purpose of removing the bars and other shoal places in said *Pequit Brook*, for the purpose of draining off the stagnant water from said meadows, from time to time, as shall be found necessary for saving the grass growing thereon, and for making and keeping in repair a floom at the dam where it has usually been in times past, and to pay all other expenses that shall be found necessary for the better management thereof, and for carrying the votes and orders of said Corporation into effect: And all monies raised as aforesaid shall be assessed upon each Proprietor in the meadows aforesaid, in proportion to the number of acres, or the value thereof, he or she owns: And if any Proprietor shall refuse or neglect to pay the sum or sums assessed upon him or her, as aforesaid, after sixty days notice, so much of his or her meadow land shall be sold, as will be sufficient to pay the same, with legal costs, in the same way and manner non-resident Proprietors' lands in this Commonwealth are sold to pay taxes.

Manner of calling the first meeting, and business to be done at it.

Money may be raised.

Lands of delinquents to be sold.

[This Act passed March 8, 1802.]

An ACT in addition to the Act establishing the *Williamstown Turnpike Corporation*.

March 1, 1799.

WHEREAS in and by an Act, entitled, "An Act establishing the *Williamstown Turnpike Corporation*," passed the first day of *March*, in the year of our Lord one thousand seven

Preamble.

seven

seven hundred and ninety-nine, it is provided, that if the said Corporation shall neglect to complete the turnpike road in the said Act mentioned, for the space of three years from the time of passing said Act, that then the same Act should become void and of no effect; and whereas it is reasonable that the said Corporation should be allowed further time for completing said turnpike road: Therefore,

Two additional years allowed for completing the road.

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 allowed the further time of two years from the passing of this Act, for completing the turnpike road aforesaid: And if the said road shall be completed within the time in and by this Act allowed for the completion thereof, and in the manner provided in the Act to which this is in addition, it shall have the same operation and effect in all respects as though the said Corporation had completed the same within the time limited therefor in the Act aforesaid.

[This Act passed March 8, 1802.]

Additional Act,
Feb. 7, 1803.

An ACT for incorporating certain Persons for the Purpose of building a Bridge over *Neponset River*, between *Dorchester* and *Quincy*, and for supporting the same.

Preamble.

WHEREAS the erecting a Bridge over *Neponset River*, from *Preston's Point*, in *Dorchester*, to *Billings' Rocks*, in *Quincy*, will be of great public utility, and *Benjamin Beale*, and *Moses Black*, Esqrs. and others, have petitioned this Court for an Act of incorporation to empower them to build the said Bridge, and many persons under the expectation of such an Act, have subscribed to a fund for the purpose of erecting and completing the same:

Corporate name.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Benjamin Beale, Moses Black, John Davis, John Phillips, and Josiah Quincy, Esqrs. so long as they shall continue to be Proprietors in the said fund, together with all those who are, or shall hereafter become Proprietors in said stock or fund, shall be a Corporation and Body Politic, under the name of The Proprietors of Neponset Bridge; and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution, and do and suffer all matters and things, which Bodies Politic may or ought to do and suffer; and that the 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.*

SECT.

SECT. 2. *And be it further enacted,* That the said Benjamin Beale, Moses Black, John Davis, John Philips, and Josiah Quincy, or any three of them, may, by advertisement in any two newspapers, warn or call a meeting of the said Proprietors, to be holden at any suitable time and place, after fifteen days from the publication of such advertisement; and the said Proprietors, by a vote of the majority of those present or represented at the said meeting, (accounting and allowing a vote to each single share in all cases,) shall choose a Clerk, who shall be duly sworn to the faithful discharge of his office; and shall also agree on a method for calling future meetings; and at the same, or any subsequent meeting, may make and establish any rules and regulations that shall be necessary for regulating the said Corporation, for effecting, completing and executing the purposes aforesaid, or for collecting the toll hereafter granted; and the same rules and regulations may cause to be kept and executed, or for the breach thereof may order and enjoin fines and penalties, not exceeding *thirteen dollars*: *Provided,* the rules and regulations are not repugnant to the laws or Constitution of this Commonwealth: And the said Proprietors may also choose and appoint any other officer or officers of the said Corporation, that they may deem necessary; and all representations at the said meeting shall be proved in writing, signed by the person making the same, by special appointment, which shall be filed with or recorded by the Clerk; and this Act, and all rules, regulations and votes of said Corporation, shall be fairly and truly recorded by the said Clerk, in a book or books for that purpose to be provided and kept.

First meeting.

Officers to be chosen, and regulations established.

SECT. 3. *And be it further enacted,* That for the purpose of reimbursing the said Proprietors the money by them expended or to be expended, in building and supporting the said Bridge, a toll be, and hereby is granted and established, for the sole benefit of the said Proprietors, according to the rates following: For each foot-passenger, *two cents*, excepting all persons who shall be on military duty, and all such persons, with their military baggage, shall pass and repass said Bridge free of toll; for each person and horse, *six cents*; for each horse and cart, *ten cents*; for each team drawn by more than one beast, *twelve cents and five mills*; for each horse and chaise, sulkey or sleigh, *twelve cents and five mills*; for each coach, chariot, phaeton and curricule, *twenty-five cents*; for each man and wheelbarrow, *four cents*; for each horse and neat cattle, exclusive of those in teams or rode on, *three cents*; for sheep, per dozen, *three cents*; and for each swine, *one cent*; and to each team, one person and no more, shall be allowed as a driver, to pass free from toll; and the time when the toll-gatherer

Toll established.

— to continue
70 years.

Estimate of ex-
penses and re-
ceipts to be ex-
hibited.

A road from
Quincy meet-
ing-house au-
thorized.

Directions re-
lative to build-
ing the bridge,
the materials,
&c.

erer shall not attend his duty, the gate or gates shall be left open : And the said toll shall commence on the day of the opening of the said Bridge for passengers ; and shall continue for and during the term of seventy years, at the end of which time the said Bridge shall be delivered up in good repair, to and for the use of this Government : *Provided*, That at the time of opening said Bridge, the said Corporation shall cause a true and just account of the expenses thereof, and at the end of every three years thereafterwards, a just and true account of their receipts and disbursements, to be returned into the office of the Secretary of this Commonwealth ; and that after forty years from the opening said Bridge, the General Court may regulate the rates of toll receivable at the said gate.

SECT. 4. *And be it further enacted*, That the said Proprietors be, and hereby are authorized, to lay out and make a road from the meeting-house in Quincy, not less than three, nor more than four rods wide, leading to said Bridge, and in the direction mentioned in the petition of the said Benjamin Beale and others, or in such other direction as the Justices of the General Sessions of the Peace, for the county of Norfolk, may, upon application from said Proprietors, authorize : And the said Proprietors shall be holden to pay all damages, which shall arise to any person, by taking his land for such road, where it cannot be obtained by voluntary agreement, to be estimated by a Committee to be appointed by the said Court of General Sessions of the Peace, in said county ; saving to either party the right of trial by Jury, according to the law which makes provision for the recovery of damages happening by laying out public highways.

SECT. 5. *And be it further enacted*, That the said Bridge shall be well built, at least thirty feet wide, and of good and suitable materials : and on the easterly side of the channel, a part of the Bridge shall be high enough for a gondola loaded with hay, to pass at high tide ; and shall have, at a suitable place, a good draw or passage-way, thirty feet wide, which shall be constantly attended, and at all times be opened by the Proprietors of the said Bridge, when required, through which vessels may pass both by day and by night, without toll, with a well constructed substantial pier, fifty feet long, and forty feet wide, on the east side ; and a sufficient pier on the west side, for the free use of all vessels, well covered with plank or timber on the top, suitable for such a Bridge and piers, with sufficient rails outside, planked three feet high on each side, and on one side an inside railing, five feet distant, from the outside railing, for the safety of passengers ; and the same shall be kept in good, safe and passable repair, for the term
aforesaid ;

aforefaid; and at the end of the faid term, the faid Bridge fhall be left in like repair: And it fhall be lawful for the Proprietors of faid Bridge to make the leaves of faid draw fixteen feet long, inftead of thirty feet, the width of faid Bridge.

SECT. 6. *And be it further enacted,* That the faid Proprietors fhall, at the feveral places where the toll fhall be received, erect and constantly expofe to open view, a fign or board, with the rates of toll of all tollable articles, fairly and legibly written thereon in large or capital letters, and keep twenty lamps properly placed on faid Bridge, which fhall be constantly fupplied with oil, and kept burning from night-fall until twelve of the clock, and thofe at the draw during the whole night.

A fign-board of the toll to be erected.

And whereas the provifions contained in this Act, for a draw and piers, as appendages to the faid Bridge, are intended to fecure a free and unembarrassed navigation for veffels having occafion to pafs the fame:

SECT. 7. *Be it therefore further enacted,* That from and after two years from the firft opening and receiving toll at faid Bridge, the Legislature, upon representation made, may, from time to time, make fuch further additional provifions and regulations, relating to the draw and paffing of veffels, as upon actual experience will be found neceffary.

Right to regulate the paffing of veffels reserved.

SECT. 8. *And be it further enacted,* That in cafe the Proprietors of the faid Bridge, or any toll-gatherer, or officer by them appointed, fhall neglect or refufe to open the draw, or unneceffarily detain any veffel about to pafs the fame, the faid Corporation fhall forfeit and pay, for every fuch refusal, neglect or unreafonable detention, a fum not exceeing fifty dollars, nor lefs than twenty dollars, to be recovered by the owner or owners of fuch veffels, and to their ufe, in any Court proper to try the fame, by fpecial action on the cafe.

Penalty for unreafonably delaying veffels.

SECT. 9. *And be it further enacted,* That if the faid Proprietors fhall neglect or refufe, for the fpace of five years after the paffing of this Act, to build the faid Bridge, then this Act fhall be void and of no effect.

Time of building limited.

[This Act paffed March 11, 1802.]

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

BE it enacted by the Senate and Houfe of Representatives, in General Court affembled, and by the authority of the fame, That from and after the paffing of this Act, *Humphry Starwood*, of *Newburyport*, in the county of *Effex* and Commonwealth aforefaid, cooper, fhall be allowed to take the name of *Humphry Woodbury*;

Woodbury; and that *Judith Stanwood* and *Agnes Stanwood*, the said *Humphry's* daughters, shall also be allowed to take the surname of *Woodbury*; that *Robert Hallowell* the younger, of *Boston*, in the county of *Suffolk*, gentleman, shall be allowed to take the name of *Robert Hallowell Gardiner*; that *Thomas Denny* the second, of *Leicester*, in the county of *Worcester*, son of *Samuel Denny*, of said *Leicester*, shall be allowed to take the name of *Nathaniel P. Denny*; that *Levi H. Hardy*, of *Worcester*, in the county of *Worcester*, shall be allowed to take the name of *Samuel Hardy*; that *John Benson*, of *Boston*, in the county of *Suffolk*, merchant, son of *Joseph Benson*, of *Scituate*, in the county of *Plymouth*, shall be allowed to take the name of *John Henry Benson*; that *Josiah Vose*, of *Boston*, son of *Joseph Vose*, of *Milton*, in the county of *Norfolk*, Esq. shall be allowed to take the name of *Josiah Howe Vose*; that *Nathaniel Thayer*, of *Boston*, in the county of *Suffolk*, and son of *Ebenezer Thayer*, Esq. of *Braintree*, in the county of *Norfolk*, shall be allowed to take the name of *Nathaniel Frederick Thayer*; and that *Samuel Curwen Ward*, jun. a minor, son of *Samuel Curwen Ward*, of *Salem*, in the county of *Essex*, gentleman, shall be allowed to take the name of *Samuel Curwen*; and said persons shall in future be respectively known and called by the names which they are respectively allowed to take as aforesaid; and the same shall be considered as their only proper names to all intents and purposes.

[This Act passed March 11, 1802.]

Additional Act,
June 24, 1802.

An ACT to establish *The Fourteenth Massachusetts Turnpike Corporation.*

Preamble.

WHEREAS the highway leading from *Greenfield*, through *Shelburne*, *Buckland* and *Charlemont*, to the east end of the *Second Massachusetts Turnpike Corporation*, is circuitous and rocky, and the expense of straightening and repairing the same through the said towns, so as to be conveniently travelled with horses and carriages, is much greater than can be reasonably required of the said towns:

Persons incorporated.

SECT. I. Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Jerom Ripley*, *Calvin Munn*, *Caleb Clap*, *Jonathan Leavitt*, *Hart Leavitt*, *Beriah Willard*, *Daniel Wells*, *Samuel Wells*, *Solomon Smcad*, *David Wells*, and *William Wells*, together with such others as may associate with them and their successors, be, and they are hereby constituted a Corporation by the name of *The Fourteenth Massachusetts Turnpike Corporation*; and shall by that name sue and be sued, and shall have a common seal, and enjoy all the powers and privileges which are by law incident

to

to Corporations; for the purpose of laying out and making a turnpike road from the west end of the Fifth Turnpike Road: Beginning at the dwelling-house of *Calvin Munn*, in *Greenfield*, and continue westward through *Greenfield* street, to the west end of *Samuel Wells's* barn; from thence south-westerly, to *Green River*, (over which there must be a bridge;) then in a direct line to the south side of the dwelling-house of *Solomon Smead*, Esq.; from thence, by the most convenient rout, near to the dwelling-house of Colonel *David Wells*, in *Shelburne*; from thence, in the most convenient and direct line, near to Deacon *Boyd's* house, in *Shelburne*; thence westward, in the most direct line, to a chestnut tree a few rods west of *William Kemp's* dwelling-house; and from thence, in the most direct line, to the most convenient bridge place on *Deerfield River*, being however at or below the Falls, so called; thence by a bridge over said river into the town of *Buckland*; thence westerly, near said river as is convenient, opposite to the dwelling-house of Captain *Ebenezer Montague*, in *Charlemont*; thence across said *Deerfield River*, to the north side of the same, where there must be a bridge; then on the north side of the said river, and as near said river as is convenient, westerly, to the dwelling-house of *Jared Hawks*; from thence, in the most convenient rout, to the east end of the aforesaid Second Turnpike Road, at the west line of the county of *Hampshire*, and for making and keeping the same in repair; which road shall not be less than four rods wide, and the path to be travelled in not less than eighteen feet wide in any place; and that when the said turnpike road shall be sufficiently made, and approved of by a Committee appointed by the Court of General Sessions of the Peace for the county of *Hampshire*, for that purpose, such Committee not having any shares or interest in said turnpike, then the said turnpike Corporation shall be authorized to erect two turnpike gates on the said road, at such places as the said Committee of the said Court of Sessions and the said Corporation shall judge necessary and convenient for collecting the toll; and shall be entitled to receive of each traveller or passenger, at each of the said gates, the following rates of toll, viz. For each coach, phaeton, chariot, or other four wheel carriage, drawn by two horses, *twenty-five cents*, and if drawn by more than two horses, an additional sum of *four cents* for each horse; for every cart or waggon, drawn by two horses or oxen, *twelve and half cents*, and if drawn by more than two oxen or horses, an additional sum of *three cents* for each ox or horse; for every curri-
cle, *sixteen cents*; for every chaise, chair or other carriage, drawn by one horse, *twelve cents and an half*; for every man and horse, *five cents*; for every sled or sleigh, drawn by two oxen or horses, *nine cents*, and if drawn by more than two oxen or horses, an additional

Course of the road.

Two gates allowed.

Toll established.

Proviso.

additional sum of *three cents* for each ox or horse; for every sled or sleigh, drawn by one horse, *eight cents*; for all horses, mules, oxen or neat cattle, led or driven, besides those in teams and carriages, *one cent* each; for all sheep or swine, at the rate of *three cents* for one dozen: *Provided*, That said Corporation may, if they see cause, commute the rate of toll with any person or persons, by taking of him or them a certain sum annually, to be mutually agreed on in lieu of the toll aforesaid: *Provided however*, That no gate shall be erected on the road now travelled, between the house of *William Kemp*, in *Shelburne*, and the *North River*, so called.

Corporation allowed to hold land.

SECT. 2. *And be it further enacted*, That the said Corporation may purchase and hold land over which they may make said road; and the Justices of the Court of General Sessions of the Peace in the county of *Hampshire*, are hereby authorized, on application of said Corporation, to lay out said road, or any part thereof within the county of *Hampshire*, as with the consent of said Corporation they shall think proper: And the said Corporation shall be liable to pay all damages that shall arise to any person by taking his land for such road, where the same cannot be obtained by voluntary agreement, to be estimated by a Committee appointed by the Court of General Sessions of the Peace of the county of *Hampshire*, saving to either party the right of trial by Jury, according to the law which makes provision for the recovery of damages arising from the laying out of highways.

Penalty for unreasonably delaying passengers.

SECT. 3. *And be it further enacted*, That if said Corporation, or their toll-gatherer, or others in their employ, shall unreasonably delay or hinder any traveller or passenger at either of said gates, or shall demand or receive more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *two dollars*, to be recovered before any Justice of the Peace of the county where the offence shall be committed, by any person injured, delayed or defrauded, in a special action of the case, the writ in which shall be served on said Corporation, by leaving a copy of the same with the Treasurer, or with some individual member of said Corporation, living in the county where the action may be brought, or by reading the same to the said Treasurer or individual member, at least seven days before the trial; and the Treasurer of said Corporation, or individual member, shall be allowed to defend the same suit in behalf of the said Corporation: And the said Corporation shall be liable to pay all damages that shall happen to any person from whom the toll is demandable, for any damage which shall arise from defect of bridges, or want of repairs in said way, and shall also be liable to presentment by the Grand Jury, for not keeping the same in good repair.

SECT.

SECT. 4. *And be it further enacted,* That if any person shall cut, break down or otherwise injure or destroy either of the said turnpike gates, or shall dig up or carry away any earth from said road, or in any manner damage the same, or shall forcibly pass, or attempt to pass the said gates by force, without having first paid the legal toll at such gate, such person shall forfeit and pay a fine not exceeding *fifty dollars* nor less than *ten dollars*, to be recovered by the Treasurer of said Corporation to their use, in an action of trespass or on the case: And if any person with his team, cattle, or horse, turn out of said road to pass any of the turnpike gates, and again enter on the said road, with intent to evade the toll due by virtue of this Act, such person shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the Treasurer of the said Corporation to the use of the same, in an action of debt or on the case: *Provided,* That nothing in this Act shall extend to entitle the said Corporation to demand and receive toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse, team or cattle, to or from his common labour on his farm, or to or from any grist-mill, or on the common and ordinary business of family concerns, or from any person or persons passing on military duty.

— for injuring
the road or
gates.

— for attempt-
ing to evade
the toll.

Proviso.

SECT. 5. *And be it further enacted,* That the shares in the same turnpike road shall be taken, deemed and considered to be personal estate to all intents and purposes, and shall and may be transferable: And the mode of transferring said shares shall be by deed, acknowledged before any Justice of the Peace, and recorded by the Clerk of the said Corporation, in a book for that purpose to be provided and kept: And when any share shall be attached on *mesne process*, or taken in execution, an attested copy of such writ of attachment or execution shall, at the time of the attachment or taking in execution, be left with the Clerk of the Corporation, otherwise the attachment or taking in execution shall be void; and such shares may be sold on execution in the same manner as is or may by law be provided for making sale of personal property on execution; the officer making the sale, or the judgment creditor, leaving a copy of the execution, and the officer's return on the same, with the Clerk of said Corporation, within fourteen days after such sale, and paying for the recording of the same, shall be deemed and considered as a sufficient transfer of such share or shares in the said turnpike road.

Shares deemed
personal estate.
Mode of trans-
fer and attach-
ment.

SECT. 6. *And be it further enacted,* That the first meeting of the said Corporation shall be held at the house of *Calvin Munn*, innholder in *Greenfield*, on the fifteenth day of *April* next, at ten of the clock in the forenoon, for the purpose of choosing a Clerk, who shall be sworn to the faithful discharge of

First meeting,
and the business
to be transact-
ed.

of the duties of his said office, and such other officers as may then and there be agreed upon by the said Corporation: And said Corporation may then establish such rules and regulations as shall be judged necessary, for the better management of its affairs; *provided* such regulations shall not be repugnant to the Constitution and laws of this Commonwealth; and the said Corporation may at the same time agree upon a method for calling future meetings.

Estimate of receipts and expenses to be exhibited.

SECT. 7. *And be it further enacted*, That the said Corporation shall, within six months after the said road is completed, lodge in the Secretary's office an account of the expenses thereof; and that the said Corporation shall annually exhibit to the Governor and Council a true account of the income or dividend arising from the said toll, with their necessary annual disbursements on said road; and that the books of the said Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, or to the inspection of the Governor and Council when called for.

Mode of proceeding with a delinquent Proprietor.

SECT. 8. *And be it further enacted*, That whenever any Proprietor shall neglect or refuse to pay any tax or assessment duly voted and agreed upon by the Corporation, to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of the said Corporation is hereby authorized to sell at public vendue, the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray said taxes and necessary incidental charges, after duly notifying in the newspaper printed in *Greenfield*, or in case there shall be no such paper printed there at the time, then in any other newspaper printed in the county of *Hampshire*, the sum due on any such shares, and the time and place of sale, at least thirty days previous to the time of sale; and such sale shall be a sufficient transfer of the share or shares so sold, to the person purchasing the same; and on producing a certificate of such sale, from the Treasurer to the Clerk of said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of the said Corporation; and such person shall be considered to all intents and purposes the Proprietor thereof, and the overplus, if any there be, shall be paid on demand by the Treasurer, to the person whose shares were then sold.

A sign-board to be erected.

SECT. 9. *And be it further enacted*, That the said Corporation shall, at all places where the said toll shall be collected, erect and keep constantly exposed to view, a sign or board, with the rates of toll of all the tollable articles fairly and legibly written thereon, in large or capital characters.

Corporation may be dissolved.

SECT. 10. *And be it further enacted*, That the General Court may dissolve said Corporation, whenever it shall appear to their satisfaction

satisfaction that the income arising from the said toll shall have fully compensated the said Corporation for all monies they may have expended in purchasing, repairing and taking care of said road, together with an interest thereon, at the rate of *twelve per centum*, by the year, and thereupon the property of the said road shall be vested in this Commonwealth, and be at their disposal: *Provided*, That if the said Corporation shall neglect to complete the said turnpike road for the space of four years from the passing of this Act, the same shall be void and of no effect.

[This Act passed *March 11, 1802.*]

An ACT in addition to an Act, entitled, "An Act to incorporate certain Proprietors of Meadow Lands lying on each Side of *Neponset River*, in the Towns of *Dedham, Milton and Canton*, for drawing off the stagnant Waters, and for the better Improvement of said Meadow Lands.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing this Act, all the meadow lands up stream of a line beginning on *Dedham* side, from *Thorp's* bridge to the upland, as the road now runs; thence on *Canton* side, on the river bank below said bridge until it passes by *Francis Dean's* meadow, and a small piece of meadow belonging to the heirs of *Abner Ellis*, deceased, until it comes to a ditch between land belonging to *Isaac Gould* and *Nathaniel Johnson* on one side, and the heirs of *Nathaniel Fisher*, deceased, and *Deacon John Holmes* and *Benjamin Lewis* on the other side, until it comes to *Francis Dean's* swamp, at the southerly corner, which is on the *Canton* side of the said meadows, be, and hereby are exempted from the operation of said Act of incorporation: *Provided nevertheless*, That nothing in this Act shall be construed to discharge any of the Proprietors of the lands exempted in this Act, from being holden to pay their proportion of all charges that have arisen by the operation of the Act to which this is an addition.

[This Act passed *March 11, 1802.*]

I N D E X.

In consulting this Index, articles not otherwise noted, will be found under some of the following general heads, viz.

Academy. Annexation, Aqueduct, Bridge, Canal,	Fishery, Incorporation of Towns and Districts, Insurance Company, Lines and Boundaries,	Names altered, Naturalization, Parishes, Precincts and Religious Societies, Society, Turnpike.
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Under *Annexation* are placed references to all Acts for *setting off* persons and places, unless the annexation relate to a Parish, Precinct or Religious Society. Under *Fishery* are comprehended Laws relative to every description of Fish. *Society* embraces references to all Societies, excepting those included under *Parishes*, &c. The head, *Incorporation of Towns and Districts*, is confined to incorporating Acts and Acts additional thereto. For any other particular relative to those Corporations, reference will be had to their names.]

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* The Act referred to is additional to one passed A. D. 1758. The original Act was not found seasonably to be printed in course, and is here inserted.

An ACT for regulating the Proprietors of the Meadow and Flat Ground, within the Cove called the *Little Harbour*, in the Township of *Hingham*, in the County of *Suffolk*.

WHEREAS the Proprietors of the meadow and flat ground within the cove called the *Little Harbour*, in the township of *Hingham*, in the county of *Suffolk*, in the year one thousand seven hundred and forty, at a great expense erected a dam at the mouth of said harbour, by means of which the same yearly produces a considerable quantity of thatch; but that a growing charge arises from time to time in keeping the said dam in repair, and that of letting in and drawing off the water as is necessary; and that the same for time to come may be well regulated, and the charge thereof equally borne:

Be it enacted by the Governor, Council and House of Representatives, That the Proprietors aforesaid, be, and hereby are invested with the same powers and privileges of calling and regulating meetings, and choosing proper officers, as the Proprietors of common and undivided lands by law are invested with; and by a major vote of the Proprietors, (to be collected according to their interest,) may make such orders and rules as they shall judge necessary, touching the repairing or making any dam or dams, and drawing off the water, and grant and raise any tax or taxes for the defraying their necessary charges, to be assessed and levied on the several occupants of such meadow or flats, in manner as by law public taxes are to be levied.

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* There is no *Fourth Massachusetts Turnpike Corporation*, so named, but the Act establishing the *Williamstown Turnpike Corporation* is in the place, which would render that appellation proper.

† There is a chasm in the course of numbers which was apparently intended to be pursued. There is no *Seventh Turnpike*, and the only Act relative to the subject, between the *Sixth* and *Eighth*, is an Act respecting *Williamstown Turnpike*, authorizing an additional gate.



