

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS



OF THE

Commonwealth of Massachusetts.

PASSED AT

SEVERAL SESSIONS

OF THE

GENERAL COURT,

HOLDEN IN BOSTON.



PUBLISHED AGREEABLY TO A RESOLVE PASSED IN JANUARY,

1808.



BOSTON :

PRINTED BY ADAMS AND RHOADES,

PRINTERS TO THE STATE.

1808,

LAWS

PASSED AT THE SESSION COMMENCED ON THE
TWENTY-EIGHTH OF MAY, 1806.

HATFIELD BRIDGE.

June 19, An. 1806.

CHAPTER I.

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

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the sum of ten thousand dollars be raised by a Lottery, for the purpose of completing Hatfield Bridge, in the county of Hampshire, in consideration of the many and singular losses, by the proprietors thereof sustained; and that Samuel Porter, Elijah Dickinson, Isaac Abercrombie, Samuel F. Dickinson, Esquires, and Dr. John Hastings, be, and they hereby are appointed managers of said lottery; whose business it shall be, from time to time, to make and publish such scheme or schemes, as shall, in their opinion, best promote the purposes of said lottery; and to draw said lottery, and to transact all other business pertaining thereto.

Sum to be raised.

Managers.

SECT. 2. *Be it further enacted,* That said managers, before entering on the duties of their said office, shall give separate bonds, with sufficient sureties, to the proprietors of said bridge, to be lodged with the treasurer thereof, in the sum of six thousand dollars each, conditioned each one to be answerable for his own defaults, faithfully to perform the duties of his said office; and also to refund all monies by them severally received for tickets, provided any class in said lottery shall not be drawn within six months after the time appointed and advertised for that purpose; and also to pay into the treasury of said proprietors from time to time, the nett proceeds arising from said lottery; and said bonds shall severally remain in the treasury of said proprietors, for and during the term of one whole year after all the classes in said lottery shall be drawn and completed, that all persons aggrieved by the doings of said managers, may have the benefit thereof. And said managers, before entering

Managerstogive bonds.

—to be under
oath.

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

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

SECT. 3. *Be it further enacted*, That the prizes in said lottery shall be paid by the managers, in thirty days after the drawing of any class therein shall be completed. And all prizes, not demanded in one year next thereafter, shall be considered as generously given for the purposes for which this lottery was granted. And the said managers are hereby directed, from time to time, as any class in said lottery may be drawn, to pay into the treasury of said proprietors the nett proceeds thereof, after deducting a reasonable allowance for their services and expenses. Which nett proceeds shall be faithfully applied for the purpose of finishing and completing the aforesaid bridge. And the proprietors of said bridge, before any proceedings shall be had under this act, shall give bond with sufficient sureties, in such sum as the Governor, with advice of Council, shall direct, to this Commonwealth, conditioned, that the said nett proceeds of said lottery shall be faithfully applied for the purpose of completing said bridge, and also for the actual completion of the same.

Proprietors to
give bonds for
the faithful ap-
plication of the
nett proceeds.

Managers' duty.

SECT. 4. *Be it further enacted*, That said managers shall, from time to time, publish, in one or more of the public newspapers printed in this Commonwealth, the scheme of each class respectively, the time and places, severally, of drawing the same, and also lists of prizes. They shall, also, after the business of said lottery is completed, lay an exact account of their doings therein, with the amount of tickets sold in each class, the expense and nett proceeds thereof, before the Governor and Council, for their examination and approbation; and they shall be severally holden, by their said bonds, until their said accounts shall be so examined and approved.

Price of fraction-
al parts of tickets
not to be advanced.

SECT. 5. *Be it further enacted*, That it shall be the duty of said managers, to prevent, as far as in their power, the selling of any fractional parts of tickets; and if any person shall sell any fractional part of a ticket in said lottery for an advanced price, the person purchasing such fractional part may recover back the whole sum, which shall appear to have been paid therefor, in an action for money had and received to his use.

SECT. 6. *Be it further enacted*, That by the non-acceptance, resignation or death of any of said managers, such vacancy or vacancies shall be supplied by said proprietors at a meeting to be called specially for that purpose.

SECT.

LICENSES.—SPRINGFIELD LANDS. *June 19, An. 1806.*

SECT. 7. *Be it further enacted,* That this act shall continue in force for the term of two years, from and after the passing of the same, and no longer.

[This act passed *June 19, 1806.*]

CHAP. II.

An act to authorize the Court of General Sessions of the Peace, for the county of Essex, to grant licenses to inn-holders and retailers in a certain case not provided for by law.

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, for the county of Essex, at their session, to be holden by adjournment at Ipswich, in said county, on the fourth Tuesday of June, of this present year, one thousand eight hundred and six, be, and hereby are empowered and authorized to grant licenses to such persons as may be duly approbated for inn-holders or retailers agreeably to law, which licenses shall continue and be in force until the second Tuesday of October, in the year of our Lord one thousand eight hundred and seven, any law usage, or custom, to the contrary notwithstanding.

[This act passed *June 19, 1806.*]

CHAP. III.

An act in addition to an act, entitled “an act for incorporating certain interval Lands, belonging to certain inhabitants of Springfield and West-Springfield, lying on the west side of Connecticut river, and on both sides Agawam river, into a common field;” passed on the twenty-seventh day of June, in the year of our Lord one thousand seven hundred and eighty-two.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the line of said common field be so varied, as to exclude from said common field the land lying north-wardly of the road from Springfield Bridge, on the west side of Connecticut River, to Agawam Bridge; and that the line of said common field begin on the west side of Connecticut River,

Boundaries

River, on the south side of said Springfield Bridge, thence running westwardly, the south side of the new county road, till it strikes the old county road, thence the south side of said old road, as lately altered by a county committee, to the northeast corner of Aribet Leonard's land, near Agawam Bridge, thence by the line of said field, as described in the act to which this is in addition; *Provided* that nothing in this act shall be so construed as to affect the rights of the towns of Springfield or West-Springfield, to the taxation of the lands hereby excluded from said common field.

Proviso.

[This act passed *June 19, 1806.*]

CHAP. IV.

An act to change the name of the town of Partridgefield, in the county of Berkshire.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the date of this act, the name of the said town of Partridgefield shall cease, and the said town shall be henceforth called and known by the name of Peru, any law to the contrary notwithstanding.

[This act passed *June 19, 1806.*]

CHAP. V.

An act establishing the Salaries of the Justices of the Supreme Judicial Court.

WHEREAS, the Constitution requires that permanent and honorable Salaries should be established by law, for the Justices of the Supreme Judicial Court of this Commonwealth:—

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 first day of January next, the Salary of the Chief Justice of said Supreme Judicial Court shall be the sum of *two thousand five hundred dollars*, and of the other Justices thereof, the sum of *two thousand four hundred dollars*, respectively, for every year during their continuance in office; and said Salaries shall be paid to said Justices quarterly, out of the Treasury of this Commonwealth;

Salaries established.

monwealth ; the first quarter commencing with said first day of January aforesaid.

SECT. 2. *Be it further enacted*, That from and after the first day of January aforesaid, all laws heretofore made, establishing the Salaries of the Justices aforesaid, be, and they are hereby repealed. Laws repealed.

[This act passed June 20, 1806.]

CHAP. VI.

An act to incorporate Samuel H. Flagg and others, by the name of the Proprietors of Prison-Point Dam 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 Samuel H. Flagg, and all others, who have, or shall hereafter become interested with him, in the enterprise of building a Dam from Prison-Point, in Charlestown, to Lechmere's-Point, in Cambridge, and erecting Mills on the same, be, and they hereby are incorporated and made a body politic, by the name of The Proprietors of Prison-Point Dam Corporation ; and by that name may sue and be sued, prosecute and be prosecuted to final judgment and execution ; and the said corporation may make and establish such rules and regulations as shall be necessary or convenient for the government of said corporation, and effecting the purposes hereinafter mentioned ; *Provided* the same are not repugnant to the laws of this Commonwealth. Proprietors incorporated.

SECT. 2. *Be it further enacted*, That the said proprietors be, and they are hereby authorized and empowered to build and make a Dam, not exceeding sixty nor less than fifty feet wide, from the wharf of this Commonwealth, at Prison-Point, aforesaid, to Lechmere's-Point, aforesaid, and erect water mills in such number, and of such descriptions, and for such purposes as they shall find most for their interest ; and maintain and keep up the same forever : *Provided* nevertheless, that the corporation shall always keep in good repair one or more grist mills on said dam or waters, and the said dam shall be fenced with suitable railing at the sides thereof, and well lighted with lamps, at the distance of not more than one hundred and fifty feet from each other, and that nothing in this act shall be so construed as to prevent any person or corporation, who shall be injured in his, her or their property, by the erecting of said dam, from maintaining Proprietors may build a dam.
Provide.
Dam to be raised and lighted.

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

Proprietors to
make a dam &
wharf.

SECT. 3. *Be it further enacted*, That the said proprietors shall be holden to make in said dam one lock of twenty-seven feet wide in the clear, and of sufficient width for vessels of two hundred tons burthen to pass and repass through the same; and there shall also be erected a wharf above and below said dam, adjoining said locks; and that five cents a ton shall be allowed and paid by the said corporation, for detention of all sea vessels of more than forty tons burthen, which shall pass with freight through said locks either way; but no consideration shall be paid for vessels without freight; which lock shall be in that part of the channel between the said points, in which there is the greatest depth of water, and where it will be most convenient for vessels to pass and repass; and whenever they are requested by any person or persons, who wish to pass with his or their vessel or vessels, shall open said lock, at any time when there is sufficient water for said vessel or boat to pass the lock; and in case said proprietors shall unreasonably neglect or refuse to open said lock, as aforesaid, they shall forfeit and pay to the person or persons so requesting the same to be opened, double the amount of the damage, which such person or persons shall sustain, by means of said proprietors neglecting and refusing to open said lock, as aforesaid.

To build and
keep in repair a
lock for the use
of the proprie-
tors of Middle-
sex Canal.

SECT. 4 *Be it further enacted*, That the said proprietors shall be holden to build and make, and keep in repair, forever, for the accommodation of the proprietors of the Middlesex Canal, a lock, with all the accommodations for the passing and repassing of boats and rafts which are embraced by the lock built by the proprietors of said canal, at their mills in said Charlestown, which lock shall forever be subject to the control and management of the proprietors of said canal; and in case the said proprietors of Prison-point Corporation shall unreasonably neglect or refuse to build, make and keep in repair a lock of the description aforesaid, in the dam aforesaid, for the accommodation of the proprietors of said canal, it shall be lawful for the same proprietors to build, make and keep in repair such lock, and sue for and recover of the proprietors first mentioned, double the amount of the expenses necessarily incurred in making said lock, and keeping the same in repair: *Provided always*, that the Commonwealth reserve the right to alter this section in such manner as the public good may require.

proviso.

SECT. 5. *Be it further enacted*, That the proprietors of the said Prison-Point Dam shall be holden to erect for the proprietors of the Middlesex Canal, below the Dam aforesaid, mills equal in power and value with those in said Charlestown, now owned by the proprietors of said canal, of such description and in such situation as, in the judgment of the directors of said canal corporation, shall best accommodate the proprietors of said canal: *Provided*, the proprietors of said canal make no demand upon the proprietors of said dam, for the injury which may be done to the mills aforesaid, which they now own in said Charlestown, by means of erecting the dam aforesaid.

Proprietors to erect a mill.

Proviso.

SECT. 6. *Be it further enacted*, That the proprietors of said dam, in erecting the same, and in building the lock aforesaid, shall not unnecessarily impede or interrupt the navigation of said canal, and if the proprietors aforesaid erect said dam before they shall have completed the locks of the description aforesaid, and thereby obstruct the navigation of said canal, it shall be lawful for the proprietors of said canal to open a passage way through said dam, of such size as the navigation of said canal may require.

SECT. 7. *Be it further enacted*, That the proprietors of said canal shall have a right to secure their boats and vessels, employed in doing business in said canal, and rafts passing on the same, by making them fast to the dam aforesaid, and by mooring them within or without said dam, and in order to facilitate the passing and repassing through said dam, with vessels, boats and rafts, it shall be lawful for the proprietors of said canal to erect one wharf within, and one without said dam. And the proprietors of said canal shall have a right to require, on reasonable notice to the proprietors of said dam, that the waters which may be above said dam shall be drawn off for a reasonable time, so that the proprietors of said canal may secure any goods or timber which may be sunk by accident, or repairing the locks in said dam and canal: *Provided however*, the Middlesex Canal Corporation shall so secure their timber, rafts and boats, as not to injure private property, or to destroy or injure the inside of said dam, and if they shall cause any such damage, they shall pay such individuals, and the Prison-Point dam Corporation, the full amount of all such damage.

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

Proviso.

SECT. 8. *Be it further enacted*, That the proprietors of said dam may purchase and hold any land over which they may make said dam, and which may be necessary for the accommodation of the mills which may be erected on said dam,

Proprietors may hold lands necessary for their accommodation.

Corporation liable for damages.

Provide.

dam, and the said corporation shall be holden to pay all damages which shall arise to any person by taking his land for said dam, and the mills which may be erected thereon, where it cannot be obtained by voluntary agreement, to be estimated by a committee to be appointed by the Court of Common Pleas, in the county of Middlesex, saving to either party a right to trial by Jury, according to the laws which make provision for the recovery of damages happening by laying out public highways; *Provided always*, that this act shall be of no avail or effect, and that the privileges and authorities herein and hereby vested shall never be exercised by the persons herein named, or by any other person or persons, until a release and discharge of all the covenants of warranty made by this Commonwealth of any of the lands conveyed by said Commonwealth, lying at or near Lechmere's Point mentioned in this act, shall be obtained from the person or persons, who are legally authorized to make such release and discharge, on such terms as may be agreed on by His Excellency the Governor, by and with the advice of Council, who is hereby authorized to adjust and settle the same in such manner as shall be equitable and right, and advantageous to the Commonwealth, with the person or persons who may be authorized to grant a release and discharge of all the covenants by which this Commonwealth may be supposed to be bound, either in law or equity, to warrant and defend the said lands conveyed and granted by said Commonwealth, as lands formerly belonging to Richard Lechmere, Esq. and which lie in the neighbourhood of Lechmere's Point.

[This act passed June 21, 1806.]

CHAP. VII.

An act in addition to an act, entitled, "An act incorporating certain persons by the name and style of the Middlesex Turnpike Corporation, for the purpose of making a turnpike road from Tyngsbury Meeting House, to a point in Bedford, and from thence two branches, one to Cambridge and the other to Medford."

Preamble.

WHEREAS the directors of said Middlesex Turnpike Corporation have petitioned this Court, setting forth that many important advantages would be obtained to said corporation, and the public, by altering the present circuitous

cuitous route from said point in Bedford, to Buisket Bridge in Tyngsbury, so far as to enable them to make said road from said point in Bedford, to said Buisket Bridge, in nearly a straight line :

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said Middlesex Turnpike Corporation be, and hereby are authorized, so far to vary and alter the course of said road, as to enable them to make the same in the nearest practicable route from said point in Bedford, crossing Nutting's Pond, to said Buisket Bridge in Tyngsbury.

SECT. 2. *Be it further enacted,* That the aforesaid Corporation shall pay for all labor which has been performed, and all damages which have been sustained before the passing of this act, in the town of Chelmsford, by order of the directors, in making the road according to the route or directions pointed out in the act to which this is an addition.

Proprietors to
pay damages.

[This Act passed *June 23, 1806.*]

CHAP. VIII.

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

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Ebenezer Thayer, of Quincy, in the county of Norfolk, his successors, and all such others as may be associated with him, be, and hereby are empowered, to build a dam across Quincy town river, so called, for the purposes of erecting a mill or mills on the same, above James Brackett's landing, and near said Thayer's upper wharf.

E. Thayer and as-
sociates empow-
ered.

SECT. 2. *Be it further enacted,* That said Thayer and his associates, shall pay all damages that may arise to the owners of any land that may be flowed in consequence of said dam, to be ascertained in the same manner that damages for flowage are by law.

—to pay dama-
ges.

SECT. 3. *Be it further enacted,* That said dam shall be so constructed as to prevent any person or cattle from passing over the same, and that the passage way at the flood gates shall be at least twelve feet wide.

Gates to be opened, if required.

SECT. 4. *Be it further enacted*, That whenever any two of the owners of the meadow above said dam, whose meadow may be flowed in consequence of said dam, shall give said Thayer or his heirs or assigns, one day's notice, that they wish said flood gates to be opened, for the purpose of cutting the grass on said meadow, the same shall be opened for two days immediately after said notice, once in each year.

[This act passed *June 23, 1806.*]

CHAP. IX.

An act to incorporate a number of the inhabitants of the town of Sanford, in the county of York, into a Religious Society by the name of The Baptist Society in Sanford.

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 Ezra Thompson, Solomon Thompson, Ebenezer Linscott, Elisha Allen, Eleazer Chadbourn, Thomas Woster, William Woster, John Thompson, Mark Prime, Ephraim Gatchel, Joseph Chaney, John Hanson, Thomas Keeler, Shelden Hobbs, Zebulon Beals, Ebenezer Reading, Gideon Dearing, Jonathan Witham, John Quint, Moses Plumer, Moses Chick, Timothy Boston, Joshua Hanson, James Chadbourn, Stephen Hobbs, Samuel Quint, Nathaniel Quint, Joseph Quint, Joseph Ricker, Ephraim Low, Abraham Morison, William Starby, Thomas Willard, James Muny, Samuel Ricker, John Paul, Richard Plumer, Nathan Powers, Nathaniel Moor, Jotham Stearns, Timothy Langdon, Thomas Parsons, John Goodwin, Daniel Bean, Benjamin Libby, Napthali Harmon, Ebenezer Gane, Nathan Hatch, Joseph Butler, Joseph Welkerson, Samuel Chadbourn, Benjamin Chadbourn, John Moore, jun. William Gowen, Moses Pugsley, Rook Stillings, Isaac Channard, Phineas Thompson, Jotham Webber, and Joshua Tibbet, with their families and estates, be, and they are hereby incorporated into a Religious Society by the name of The Baptist Society in Sanford, with all the powers, privileges, and immunities to which parishes are entitled by the Constitution and Laws of this Commonwealth. *Provided*, that all such persons shall be holden to pay their proportion of all monies assessed in the said town of Sanford for parochial purposes prior to the passing this act.

Provided.

SECT.

SECT. 2. *Be it further enacted,* That any person belonging to the said town of Sanford, being of the Baptist denomination, who may at any time hereafter actually become a member of, and unite in religious worship with the said society, and give in his or her name to the clerk of the 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, fourteen days previous to the town or parish meeting therein to be held in the month of March or April, shall from and after giving such certificate, with his or her polls and estates, be considered part of said society.

How to join this society.

SECT. 3. *Be it further enacted,* That if any member of said Baptist society, shall at any time hereafter see cause to leave the same, and unite in religious worship with the parish in which he or she may reside, shall lodge a certificate of such his or her intention with the clerk or minister of said Baptist society, and also with the clerk of the town or parish in which he or she may reside, fourteen days at least before the annual town or parish meeting, to be held therein in the month of March or April, and shall pay his or her proportion of all the monies assessed on said society previous thereto, such person shall from and after giving in such certificate, with his or her polls and estate, be considered as belonging to the town or parish in which he or she may reside, in the same manner as if he or she had never belonged to said Baptist society.

How to leave this society.

SECT. 4. *Be it further enacted,* That any justice of the peace in the county of York, is hereby authorized to issue his 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.

How the first meeting is to be called.

[This act passed *June 23, 1806.*]

CHAP. X.

An act to authorize the owners of lots of land adjoining on Accushnett River, in the town of New Bedford, in the county of Bristol, from Clark's Point, so called, to the head of navigation in said river, to build and extend wharves beyond low water mark in said river.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the owners and proprietors of lots of land adjoining Accushnett River, in the town of New-Bedford, in the county of Bristol, between Clark's Point, so called, and the head of navigation in said river, their heirs and assigns, shall be, and hereby are authorized and empowered to erect, continue and maintain, wharves parallel with the line of their several lots, as they abut upon said river; said wharves to extend to the channel of said river, if the owners of said lots think proper; and each owner of said lot shall have authority to provide docks, or erect wharves, as aforesaid on the aforesaid extended portion of his said lot, in such way and manner as he may think proper, not exceeding the limits of said channel of said river.

Proprietors may
erect wharves.

SECT. 2. *And be it further enacted,* That if at any time hereafter, it shall be made to appear to the satisfaction of the General Court of the Commonwealth of Massachusetts, that the erection, maintaining, or continuing said wharves or docks, mentioned in the first section of this act, operates any obstruction to the navigation of said river, or to the right of taking shell or other fish, in said river, in that case the said General Court shall have a right, notwithstanding this act, to make such provisions respecting the navigation of said river, and the right of taking said fish, as they may think the public interest requires.

Power of Gen-
eral Court.

[This act passed June 23, 1806.]

CHAP. XI.

An act to establish a Corporation by the name of the Stoughton 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 Jonathan Leonard, and Lemuel Gay, together with such persons as have, or may hereafter associate with them

Persons incorpo-
rated.

them and their successors and assigns, shall be a Corporation by the name of The Stoughton Turnpike Corporation, for the purpose of making a turnpike road from near the dwelling house of John Tucker, in Canton, to near the meeting house in Stoughton, and from thence to terminate in the Taunton and South Boston Turnpike, in such place to the northward of the dwelling house of Joshua Gilmore, of Easton, as the proprietors may think expedient : and for this purpose, shall have all the powers and privileges and be subject to all the duties, requirements and penalties contained in an act entitled " An act defining the general powers and duties of turnpike corporations," passed the sixteenth day of March, in the year of our Lord one thousand eight hundred and five.

SECT. 2. *Be it further enacted,* That the said Corporation shall be entitled to one gate with the usual toll, or two gates with one half the usual toll at each gate ; and when that part of the road from John Tucker's to Stoughton meeting house shall be completed and accepted by the Court's committee, they shall then have liberty to erect a gate thereon, and demand and receive one half the usual rates of toll. Toll gates.

SECT. 3. *Be it further enacted,* That any person who shall travel on any part of said turnpike road, not made on an old road, and shall turn off from said turnpike road, with an intent to avoid passing the next gate, shall be liable to pay, and the said Corporation shall be entitled to demand and receive, the same rate of toll for his carriage, team, sleigh, horses or cattle, as he would be liable to pay if he actually passed such gate.

[This Act passed June 23, 1806.]

CHAP. XII.

An act to establish the Taunton and South Boston 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 John Gilmore, Joshua Gilmore, Samuel Bais, Esq. and William P. Whiting, while they remain proprietors, and all such as are or may hereafter become proprietors, and their associates, successors, and assigns, be, and they hereby are constituted a Corporation, by the name of The Proprietors incorporated.
Taunton

Taunton and South Boston Turnpike Corporation, with all the powers, privileges, and advantages, and under all the restrictions, and liable to all the penalties which are expressed in an act passed March the sixteenth, one thousand eight hundred and five, defining the general powers and duties of Turnpike Corporations; for the purpose of laying out, making and keeping in repair a turnpike road from Taunton Green, so called, in the county of Bristol, nearly on a straight line, to the cross way over the great Cedar Swamp, so called, and from thence over said cross way near to the house of Joshua Gillmore in Easton, and from thence through the towns of Bridgewater and Stoughton, the most direct and convenient route to the Blue Hill Turnpike, where a locating committee, with the consent of said corporation, may lay out the same.

Toll gates:

Provide.

SECT. 2. *And be it further enacted*, That when said road is completed, and so certified by the committees to be appointed according to law, said Corporation shall be authorized to erect two whole toll or half toll gates to the same amount, on said road, in such places as they may find most expedient; *Provided*, that there shall not be more than one whole toll, or two half toll gates south of a point one mile north of the house of Joshua Gillmore in Easton; *provided also*, that whenever one half of said road is completed, and so certified by said committees, said Corporation shall be authorized to erect one whole toll, or two half toll gates on the same.

Corporation may
hold estate.

SECT. 3. *Be it further enacted*, That said Corporation may purchase and hold real estate adjacent to, and for the accommodation of said road to any amount not exceeding fifteen thousand dollars.

SECT. 4. *Be it further enacted*, That said Corporation are hereby authorized to grant monies to such persons as rendered service to the proprietors in exploring said route, and otherwise previous to this act of incorporation.

[This act passed June 24, 1806.]

CHAP. XIII.

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

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

same, That from and after the passing of this act, William Hunt, of Boston, otherwise called William Chamberlain Hunt, be allowed to take the name of William Hunt Chamberlain; any thing in the act passed the 14th day of March last, and entitled, "An act to alter the names of certain persons therein mentioned," to the contrary, notwithstanding; that Samuel Williams, of Boston, in the county of Suffolk, merchant, son of Gideon Williams, of Taunton, in the county of Bristol, be allowed to take the name of Samuel Gideon Williams; that Thomas Legate, the third, of Leominster, in the county of Worcester, be allowed to take the name of Thomas Charles Legate; that Robert Cunningham, a minor, and grandson of David Murray, of the town of New-Castle, in the county of Lincoln, be allowed to take the name of Robert Murray; that Edmund Jewett, of Shirley, in the county of Middlesex, be allowed to take the name of Edmund Morrill Jewett. And each of the persons before named, shall in future, be respectively known and called by the names which they are severally allowed to take as aforesaid; and the same shall be considered as their only proper names to all intents and purposes.

[This act passed *June 24, 1806.*]

CHAP. XIV.

An act to determine the time of holding the Courts of Common Pleas, and Courts of General Sessions of the Peace, within and for the county of Oxford.

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 there shall be two terms of the Court of Common Pleas, and Court of General Sessions of the Peace, to be holden at Paris, within and for the county of Oxford, one on the second Tuesday of May, and the other on the fourth Tuesday of September, annually.

Courts to be holden.

SECT. 2. *Be it further enacted*, That all writs, processes, recognizances and other matters and things, returnable or continued to the Court of General Sessions of the Peace, and Court of Common Pleas, by law to be holden at Paris, within and for the county of Oxford, on the second Tuesday of October next, shall be returned to, continued and

Time of Term altered.

C

have

have day in Court, to be holden on the fourth Tuesday of September next.

SECT. 3. *Be it further enacted*, That all laws heretofore made and passed, fixing and establishing the times and places of holding the Court of Common Pleas, and the Court of General Sessions of the Peace, within and for said county of Oxford, be, and the same hereby are repealed.

[This act passed June 24, 1806.]

Laws repealed.

CHAP. XV.

An act amendatory of the acts to regulate the Manufacture of Nails.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That hereafter the inspector of Nails, or either of his deputies, shall receive for every cask of Nails inspected according to law, *Fifty cents*, and no more; to be paid and charged in the manner already provided by law.

[This act passed June 24, 1806.]

CHAP. XVI.

An act in addition to an act, entitled, An act for incorporating the proprietors of the Boston Pier, otherwise called the Long Wharf, in the town of Boston.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Proprietors of Boston Pier, or Long Wharf so called, in the town of Boston, be, and they are hereby declared capable in law, in their corporate name and capacity, to purchase, and to have, hold and enjoy, and possess, the land or flats on which the Island Wharf, so called, near to said Long Wharf, has been erected, together with any and all such lands, tenements and hereditaments, and the rents, profits and benefits thereof, as the same proprietors shall judge necessary or expedient for the improvement of said wharf, and for widening the passages thereto: *Provided*, that such lands, tenements and hereditaments, at the time of the purchase, shall not exceed, in value, the sum of fifty thousand dollars, and shall not extend more than one hundred and fifty feet northerly or southerly of the present north

Proprietors may hold land.

Proviso.

north and south lines of State-Street, or of the said Boston Pier.

SECT. 2. *And be it further enacted*, That at the next annual meeting of said Proprietors, or at any previous meeting, notified by their clerk, according to their existing regulations, the said proprietors, or a competent majority, formed according to the provisions of their act of incorporation, shall or may agree on a method of calling future meetings; and at the same, or any subsequent meeting, may make and establish any rules and regulations that shall be necessary or convenient for regulating said wharf and appurtenances, and the same rules and regulations may cause to be kept and executed, and for the breach of any of them, may order and enjoin fines and penalties, not exceeding three dollars. Their power.

[This act passed June 24, 1806.]

CHAP. XVII.

An act to render valid the doings of Charles Folger, Deputy Sheriff within and for the county of Nantucket.

WHEREAS, divers writs and precepts have been served and executed by Charles Folger, Deputy Sheriff within and for the county of Nantucket, since the resignation of John Gardner, Esq. late Sheriff of the county of Nantucket, and before the appointment and qualification of his successor in office; Preamble.

BE it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all writs and precepts served and executed by the said Charles Folger, Deputy Sheriff under the said John Gardner, Esq. Sheriff, within and for said county of Nantucket, from and after the first day of March last past, and until the fourteenth day of the present month of June, shall be considered as duly and legally served and executed; and the same are hereby rendered legal and valid, in every respect, so far as relates to the service or execution of said writs or precepts: *Provided* the same have been legally and duly executed in every other respect but what relates to the resignation of the said John Gardner, Esq.

[This act passed June 24, 1806.]

CHAP. XVIII.

An act to remit a part of a sentence passed by the Senate of this Commonwealth against John Vinal, of Boston, in the county of Suffolk, upon an impeachment by the House of Representatives, on the twenty-sixth day of January, in the year of our Lord, one thousand eight hundred.

Preamble.

WHEREAS, John Vinal has represented to the Legislature the great affliction and distress suffered by himself and family, under a sentence of the Senate of this Commonwealth, passed on the twenty-sixth day of January, in the year of our Lord one thousand eight hundred. And the said John Vinal, having since the passing of the said sentence, conducted himself as a good citizen :

Sentence re-
mitted.

BE it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so much of the said sentence, and no more, as declares the said John Vinal disqualified from holding any office of honor, trust, or profit under the government of this Commonwealth, be, and it is hereby remitted. And the said John Vinal is hereby restored to all the rights and privileges of a citizen as though the sentence aforesaid had never been passed.

[his act passed June 24, 1806.]

CHAP. XIX.

An act to provide for the Inspection of Hops for exportation.

Hops may be ex-
posed condi-
tionally.

S. CT. 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 ensuing, Hops shall not be shipped or exported from this Commonwealth, except they are of the quality hereinafter mentioned, and have been duly inspected and marked agreeably to the provisions of this act; and that the Hops, so inspected, shall be in square bags or pockets, each bag to contain four hundred weight, and each pocket two hundred weight of merchantable Hops, as near as may be.

Their quality to
be merchantable.

S. CT. 2. *Be it further enacted,* That Hops shall not be deemed merchantable, unless they have been well picked, are free from stems and leaves, and dried on a kiln, with charcoal fire; and the bags or pockets in which they are packed, shall be made sufficiently strong to preserve the

Hops

Hops from damage, and of such a texture as will fairly receive the marks of the cultivator and inspector; and the bags or pockets shall be marked with the name of the cultivator, and the town in which he lives.

SECT. 3. *Be it further enacted*, That there shall be an inspector of Hops for this Commonwealth, who shall be appointed by the Governor with advice of Council; who shall be removable at pleasure, who shall give bond, with sufficient sureties, to the treasurer of this Commonwealth, in the penal sum of three thousand dollars, for the faithful discharge of his duty, and shall be sworn faithfully to perform the same; and such inspector shall have power to appoint deputy inspectors; who shall be removable by him at pleasure, for whose conduct he shall be answerable; and from whom he may require sufficient bonds for the faithful discharge of their duty.

SECT. 4. *Be it further enacted*, That it shall be the duty of the inspector, or one of his deputies, to examine the contents of every bag or pocket of Hops, intended to be exported, in such manner as to ascertain the quality of such Hops, and if found merchantable, as before prescribed; and that they are firmly packed, and have been so packed at least ten days previous to said examination; and that the bags or pockets are such as have been before prescribed; he shall distinguish the same, by marking them in legible characters, with the words *first sort*, or *second sort*, or *refuse*, as their quality may be; he shall add thereto the date of the year of which, in his opinion, they are the growth, together with the initials of his (the Inspector's) christian, and the whole of his surname, and the letters *Mass.* (for *Massachusetts*) for which inspecting, marking, weighing, and delivering an attested schedule of the same, he shall receive at the rate of ten cents for every hundred pounds weight so inspected, to be paid to him by the purchaser, exclusive of the charges of repacking and mending the bags or pockets, when necessary, which shall be paid by the vender of the Hops; and exclusive also of storage, should said Hops be stored by said inspector more than thirty days after being inspected.

SECT. 5. *Be it further enacted*, That no Hops shall be exported from this Commonwealth, unless the master or owner of the vessel, in which such Hops are shipped, shall produce to the collector, or other officer, authorized by the laws of the United States to clear out vessels, a certificate of the inspector or one of his deputies, for which he shall be allowed

allowed to charge twenty five cents, to be paid by the shipper, that the same has been duly inspected, marked and weighed, agreeably to the directions of this act; which certificate shall express the number of bags or pockets of each sort of Hops, with the weight of each bag or pocket; and the master or owner of every vessel, in which Hops are so exported, shall, on producing such certificate, take and subscribe the following oath, viz.—“I do swear, that, according to the best of my knowledge and belief, the certificate hereunto annexed contains the whole quantity of hops on board the _____, of which _____ is master, and that there are no hops on board said vessel, for the use of the ship's company, on freight or on cargo, but what have been inspected and marked, according to the law of this Commonwealth—So help me God.”

Oath.

SECT. 6. *Be it further enacted*, That if an inspector of Hops, on application made to him to examine any Hops, shall unnecessarily neglect or delay to examine, mark and weigh them, the inspector, so neglecting or delaying, shall for each offence, forfeit and pay the sum of five dollars.

Penalties.

SECT. 7. *Be it further enacted*, That if any person shall counterfeit or alter any mark belonging to, or proper to be used by the inspector of Hops, his deputy or deputies; or shall mark any bag or pocket of Hops with any letters or marks aforesaid, he shall forfeit the Hops so marked, and for each offence, the sum of ten dollars.

SECT. 8. *Be it further enacted*, That if any person shall empty any bag or pocket of Hops, marked as by this act is required, and put in any other Hops, for sale or exportation, without first cutting out said marks, the person or persons so offending, shall, for each offence, forfeit the sum of five dollars.

Fees.

SECT. 9. *Be it further enacted*, That the inspector of Hops shall be entitled to receive from his deputies one fifth part of all the fees said deputies may receive in the execution of this act.

SECT. 10. *Be it further enacted*, That if the inspector of Hops, or any of his deputies, shall be guilty of any fraud in inspecting Hops, contrary to the true intent and meaning of this act, or shall put their marks on any bag, pocket or package of Hops, which have not been actually examined, inspected and found merchantable, he or they shall forfeit and pay twenty dollars for each and every bag, pocket or package so falsely marked.

Penalty.

SECT.

SECT. 11. *Be it further enacted*, That if any person shall intermix, take out, or shift any Hops from any bag or pocket, inspected and marked as by this act is required, or shall put in any other Hops for sale or exportation, contrary to the true intention of this act, the person or persons so offending, shall forfeit and pay twenty dollars for every such offence.

SECT. 12. *Be it further enacted*, That all penalties and forfeitures, arising in virtue of this act, shall be recoverable by action of debt on information in any court proper to try the same, one moiety to the use of the town wherein the offence shall be committed, the other moiety to him who shall sue for the same. Penalties how disposed of.

SECT. 13. *Be it further enacted*, That if any person or persons shall export or ship for exportation out of this Commonwealth, any Hops not inspected and marked as by this act is directed, every such exporter or shipper, and the master of every vessel, having on board such uninspected Hops, shall, on conviction, respectively forfeit and pay the sums following: the owner or exporter shall pay the sum of twenty dollars; the master of every vessel having the same on board, the sum of ten dollars, for every bag or pocket exported or shipped for exportation. Penalties for exporting hops before inspected. And it shall be lawful for the inspector or any of his deputies, on information given of any Hops being put on board any vessel as aforesaid, not inspected and marked as required by this act, to issue a warrant directed to the Sheriff or his deputy, or to a constable, requiring them respectively to make a seizure of any such Hops, not inspected and marked as aforesaid, and to secure the same in order for trial; and said officers are hereby respectively required and empowered to execute the same; and it shall be the duty of any person, when requested, to give the necessary aid for that purpose, on pain of forfeiting five dollars for his refusal. Hops may be seized. *Provided always*, that Provided. nothing in this act contained, shall be so construed to affect any Hops shipped coastwise to Boston or elsewhere, within this State, for the purpose of being inspected and marked as aforesaid, in which case a certificate from the owner shall accompany the same so shipped coastwise for the purpose aforesaid, setting forth the owner's name, the number of bags, pockets, or packages, and the name of the inspector, to whom they are sent for inspection.

[This Act passed June 24, 1806.]

CHAP. XX.

An act in addition to an act, entitled, "An act to establish Day's Academy," passed March 13, 1806.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all those persons who now are, or hereafter may be, the deacons of the first Congregational Society in the town of Wrentham, in the county of Norfolk, shall, together with such other persons as are named in the first section of the said act, be the Trustees of said Academy; and they shall have all the rights, powers and privileges, which the Board of Trustees, constituted by said act, have by virtue thereof.

Trustees.

[This act passed June 24, 1806.]

CHAP. XXI.

An act to cede to the United States, the Jurisdiction of certain lands for the erection of light houses.

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 Agent of the United States, duly authorized for the purpose, may purchase such tract or tracts of land, as may be found necessary and convenient for the erection and accommodation of the light houses, authorized by Congress to be erected, at or near the entrance of Chatham harbour, on Cape-Cod, containing about twelve acres; and a description thereof, shall be recorded in the Registry of Deeds for the county of Barnstable, *Provided however,* That this Commonwealth shall, and doth hereby retain, a concurrent jurisdiction with the United States, in and over the same twelve acres, so far, that all civil and criminal processes issued under the authority or by any officers of this Commonwealth, shall have full force and effect within the said tract or tracts of land, or in any buildings, which may be erected thereon, this cession of jurisdiction notwithstanding.

Agent authorized to purchase lands

Proviso.

SECT. 2. Be it further enacted, That the jurisdiction of a quantity of land not exceeding twelve acres, and the right of this Commonwealth therein, be and hereby is granted to the United States, to be located on an island called Franklin Island, near the mouth of George's River, in this Commonwealth,

Lands granted.

monwealth, as shall be most suitable and convenient for the erection, and accommodation of a light house on said Franklin Island; which quantity of land shall be laid out, at the time of erecting said light house, and a description thereof, in writing, shall be recorded in the Registry of Deeds for the county of Lincoln. *Provided always*, that this Commonwealth shall and doth hereby reserve to itself a concurrent jurisdiction in and over the land hereby ceded, in the fullest manner, as is provided in the first section of this act. *And provided also*, That if the said United States, shall at any time hereafter, make any compensation, to any of the United States, for any cession, made for the like purposes of this grant, similar compensation shall be required of the United States, for the present grant according to its value.

[This act passed June 24, 1806.]

CHAP. XXII.

An act to set off Clement Sumner, and his estate from the first to the third parish in Roxbury.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Clement Sumner with his estate, consisting of about twenty-two acres of land, and a dwelling house thereon, in the town of Roxbury, for himself, his heirs and assigns, be, and hereby is separated from the first, and annexed to the third parish in said Roxbury.

[This Act passed June 24, 1806.]

CHAP. XXIII.

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

WHEREAS the penalty provided by the fourth section of an act entitled "an act to establish The Twelfth Massachusetts Turnpike Corporation," has been found insufficient for the purpose intended, and for the protection of the property of said Corporation :

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That if any person, from and after the passing of this act, shall pull down and destroy, or wantonly

D

ly

Persons injuring
the road, &c.

ly and maliciously deface or injure, any gate which is, or may be by law established on said Turnpike, or shall throw down or destroy any part of the wall erected for securing gravel on the same, or shall pull down, destroy, or deface any railing erected thereon for the safety and security of travellers, or shall pull down, destroy or deface, any sign, expressing the rates of toll, granted by law to said Corporation, or shall pull down, destroy or deface any guide board or mile stone, erected on said Turnpike, such person shall forfeit and pay a fine not exceeding *one hundred dollars*, nor less than *fifty dollars*, for each and every such offence; to be recovered in an action of trespass, by the treasurer of said Corporation, for the use thereof.

Penalty.

Owners of land
not to make
another road.

SECT. 2. *Be it further enacted*, That if any person, through whose land said Turnpike may pass, shall suffer a road to be kept open, or any new road to be made on his land, running in the same direction with the Turnpike, within forty rods of any gate erected on the same, so as to admit persons, other than the owner of said land to pass said gate, with intent to evade the toll, such person shall forfeit and pay a fine not exceeding *one hundred dollars*, nor less than *fifty dollars*, to be recovered by the treasurer as aforesaid, for the use of said Corporation, in an action of trespass on the case.

Jus. C. Pleas, to
fix the place for
the gate.

SECT. 3. *And be it further enacted*, That the Justices of the Court of Common Pleas within and for the county of Berkshire, or any two of them, are hereby authorized to fix, determine and establish, the place where the gate that is now placed at the foot of Molasses Hill, on said Turnpike, shall hereafter be placed, fixed and established; and whenever said justices have so fixed and established said gate, they shall cause their said determination respecting the place where said gate is to be fixed, placed and established, to be recorded by the clerk of said Court of Common Pleas at the next term of said Court, after such determination by them had as aforesaid; *provided however*, that said justices shall give notice in such way and manner as they may think proper, to all persons interested in the location and establishing of said gate, of the time and place of their meeting for the purpose of determining on the fixing, locating and placing of said gate; to the intent that all persons interested may have an opportunity to appear before them, and be heard relative to said location and placing of said gate.

Proviso.

SECT. 4. *Be it further enacted*, That if any person with his or her horse, cattle, team, or carriage, shall go round any gate

gate established on said Turnpike, with intent to evade the toll, such person shall forfeit and pay a fine of five dollars, to be recovered as aforesaid by the treasurer, in an action of trespass on the case, for the use of the Corporation. Penalty for evading toll.

SECT. 5. *Be it further enacted*, That from and after the passing of this act, the rates of toll to be demanded and received at each of the gates of the said Corporation, shall be equal, and the same at both of said gates, and shall be the same as are fixed in the additional act establishing the said Corporation; excepting in the following articles, viz. each sled or sleigh drawn by two horses or oxen, shall in future pay only four cents; and all waggons or carts drawn by two horses or oxen, shall in future pay six cents only at the *west gate*; and all horses, mules, or cattle, led or driven, shall pay one cent each; any thing in the before mentioned acts, to which this is an addition, to the contrary notwithstanding. Rates of toll.

[This act passed *June 24, 1806.*]

CHAP. XXIV.

An act to incorporate a number of the inhabitants of the town of Arundel, in the county of York, into a Religious Society, by the name of The Baptist Society in Arundel.

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 Merrill, Pelatiah Greenough, James Blunt, Joshua Elliot, Abner Huff, Daniel Bickford, Josiah Hutchins, jun. Robert Patten, John Goodwin, James Patten, Forest Burnham, Benjamin Thompson, jun. Shibuel Boston, John Mitchell, Isaac Burnham, Andrew Staples, James Thompson, Stephen Thompson James Tarbox, John Tarbox, Nathan Walker, Samuel Smith, Nathan Thompson, Thomas Durrell, Nathaniel Currier, Nahum Tarbox, Lemuel Tarbox, Samuel Ham, John Walker, Samuel Fairfield, Israel Whitten, Jedediah Dorman, Andrew Walker, Timothy Hanskom, George Goodwin, Obed Merrill, Jeremiah Smith, George Bickford, Jacob Merrill, Samuel Merrill, John Merrill, Andrew Miller, Samuel Colman, Enoch T. Colman, Daniel Town, Edward Nafon, and James Adams, with their families and estates, be, and they are hereby incorporated into a Religious Society, by the name of The Baptist Society in Arundel, with all the powers, privileges, and immunities. Persons incorporated.

nities

nities to which parishes are entitled by the constitution and laws of this Commonwealth: *Provided* that all such persons shall be holden to pay their proportion of all monies assessed in said town of Arundel for parochial purposes, prior to the passing of this act.

Qualification necessary to become a member.

SECT. 2. *Be it further enacted*, That any person belonging to said town of Arundel, and being of the Baptist denomination who may at any time hereafter actually become a member of, and unite in religious worship with the said society, and give in his or her name to the clerk of the 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, fourteen days previous to the town or parish meeting therein, to be held in the month of March or April, shall, from and after giving in such certificate, with his or her polls and estates, be considered as a part of said society.

In case of leaving the society.

SECT. 3. *Be it further enacted*, That if any member of said Baptist society shall, at any time hereafter, see cause to leave the same, and unite in religious worship with the parish in which he or she may reside, and shall lodge a certificate of such his or her intention with the clerk or minister of said Baptist society, and also with the town or parish clerk in which he or she may reside, fourteen days at least, before the town or parish meeting to be held therein in the month of March or April, and shall pay his or her proportion of all money assessed on said society previous thereto, such person shall, from and after giving such certificate, with his or her polls and estates, be considered as belonging to the town or parish in which he or she may reside, in the same manner as if he or she had never belonged to said Baptist society.

Justice authorized to issue warrants.

SECT. 4. *Be it further enacted*, That any justice of the peace in the said county of York, is hereby authorized to issue his 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 24, 1806.*]

CHAP. XXV.

Act act to incorporate fundry persons by the name of *The Truro Pond Harbor 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 Jason Ayres, Caleb U. Grozer, and others their associates, together with their successors and assigns, be, and they are hereby created a body politic and corporate, by the name of *The Truro Pond Harbor Corporation*, and by that name may sue and be sued, plead and be impleaded, pursue and be pursued to final judgment and execution in any court of record proper to try any matter which may be in controversy, and may have a common seal, and may exercise and enjoy all the rights and powers which are by law incident to similar corporations, for the purpose of opening a passage from the sea into a certain pond and quagmire, lying on the western side of said town, near the sea, and of clearing out said pond and quagmire so as to make the same a competent and convenient harbor, for the admission and security of vessels, with the right to hold the same pond and quagmire, together with all the lands surrounding the same to the distance of four rods therefrom, to them and their successors forever. And the said Corporation shall have power to make and put in execution, such bye-laws and regulations as to them shall seem fit for the government of said Corporation and the prudent management of their affairs; *provided* the said bye-laws be not repugnant to the constitution and laws of this Commonwealth: And said Corporation shall always be subject to the rules and regulations herein prescribed.

Persons incorporated.

Their powers.

Proviso.

SECT. 2. *Be it further enacted,* That the said Corporation may purchase and hold any other lands or flats which may impede the prosecution of said undertaking, and shall be under obligation to pay to the owners or proprietors of said pond or quagmire, and to any other person or persons whose lands or flats may be taken as aforesaid, or whose right may be impaired by the privileges and rights hereby granted to said Corporation, such damages as may be sustained by the taking of said pond, quagmire, lands and flats, to be estimated as in cases of turnpike roads, where the same cannot be done by voluntary agreement.

May take property, making compensation.

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

Duties obligatory.

Harbor in a sufficient state of repair for the reception and safe lodgment of vessels; and to construct on the shores thereof, and keep in sufficient repair, convenient wharves for the loading and delivery of cargoes to and from said vessels. And when said harbor and wharves shall be prepared and constructed as aforesaid, the said Corporation shall be entitled to demand and receive from each vessel entering said Pond Harbor, the following rates of toll, viz:

Rates of toll.

For every vessel under twenty tons burthen, lying at a wharf in said harbor, *thirty cents* per day, otherwise *twenty cents*, per week; for every vessel of twenty tons burthen, and more, and not exceeding fifty tons, lying at a wharf, *fifty cents* per day, otherwise, *thirty cents* per week; for every vessel of fifty tons burthen, and upwards, lying at a wharf, *one dollar* per day, otherwise *fifty cents* per week; for every boat entering said harbor, *eight cents*; besides the same rates for all articles received or landed by such boat, as is established for wharfage of articles received or discharged by other vessels. And said Corporation shall be entitled to demand and receive the following rates of wharfage: For every bag of coffee, pimento, or sugar, *two cents*; for every bale of cotton, and every bag of hops, *ten cents*; for every chest, crate, case, trunk, box and package, *twelve and a half cents*; for every barrel *four cents*; for every cask of nails, *four cents*; for every thousand of boards, staves or hoops, *twenty-five cents*; for every box of sugar, *seven cents*; for every box of chocalate, candles, soap or glass, *two cents*; for every thousand of brick, *twenty-five cents*; for every thousand of clapboards, *twenty cents*; for every quintal of green salt fish *one cent*; for every quintal of dry salt fish *two cents*; for every bushel of grain, *one cent*; for every half barrel and firkin, *two cents*; for every keg, *one cent*; for every bundle of hay, *ten cents*; for every hoghead or pipe, *ten cents*; for every ton of iron, cordage or timber, *thirty cents*; for every thousand of laths, *six and one quarter cents*; for every ton of stones, *twenty cents*; for every hundred feet of timber, *ten cents*; for every bolt of duck, *one cent*; for every hoghead of salt, *six and a quarter cents*; for every thousand of shingles, *six and one quarter cents*; for every tierce, *seven cents*; for every cord of wood or bark, *twelve and a half cents*; for every hundred of posts or rails, *twelve and a half cents*; for every hundred weight of beef, pork or cheese, *two cents*; for every bushel of apples, turnips or potatoes, *one cent*; for every empty cask, half the rates before-mentioned; for all other articles not herein enumerated, such reasonable rates of

of wharfage, (not exceeding one per cent. on the value of the property) as said Corporation may agree upon; saving that the said Corporation shall at no time have a right to demand any wharfage for green unsalted fish. And the wharfage of all goods landed from said harbor, shall be paid by the person landing the same, except the wharfage of wood and lumber, which shall be paid by the purchaser thereof; and the wharfage of all articles taken on board any vessel in said harbor, shall be paid by such vessels, or the person shipping the same.

SECT. 4. *Be it further enacted*, That no shark, dog-fish, or offal of other fish, shall be left or thrown into said harbor, or near to the mouth thereof, so as to be floated thereinto by the tide, on penalty for each offence of not more than thirty dollars, nor less than three dollars, according to the aggravation of the offence; to be recovered before any court proper to try the same, by the treasurer of said Corporation, in an action of the case; one half of which penalty shall be to the use of said Corporation, and the other half to the poor of said town. And no person shall throw any ballast, or other matter or thing, into the said harbor, or the entrance thereof, on pain of forfeiting *ten dollars* for each ton of ballast, or other matter or thing, thrown in as aforesaid; to be recovered to the use of the said Corporation, by the treasurer thereof, in an action of the case before any court proper to try the same.

Harbor to be kept clear.

SECT. 5. *Be it further enacted*, That if said Corporation, or any person in their employ, shall unreasonably delay, or refuse to receive, any boat or vessel into said harbor; or shall demand and receive more toll or dockage than is by this act allowed, the said Corporation shall forfeit and pay to the party aggrieved a sum not exceeding five hundred dollars, nor less than ten dollars, to be recovered by action of the case in any court proper to try the same. And in all cases, the leaving of an attested copy of a writ against said Corporation, with the clerk or treasurer thereof, shall be deemed a proper service of such writ, and said clerk or treasurer, or any member of said Corporation shall be allowed to defend any suit instituted against the same without any special authority therefrom.

Corporation subjected to penalties in cases.

SECT. 6. *Be it further enacted*, That the stock or property of said Corporation, shall be held by the proprietors thereof, in shares not exceeding one hundred and fifty, and shall be numbered in progressive order, beginning at number one. And every original holder of any such share, shall receive

Manner of holding stock.

receive a certificate under the seal of said Corporation, signed by the treasurer and clerk thereof, certifying his property in the share in such certificate mentioned.

SECT. 7. *Be it further enacted,* That Jason Ayres be, and he is hereby authorized, to call the first meeting of said proprietors, by posting a notification thereof at the front door of the north meeting-house in said town, seven days, at least, before the time appointed for holding said meeting: At which meeting said proprietors may choose a President, Directors, Clerk, Treasurer, and Dockmaster, and such other officers as they may think proper for regulating their concerns; and in such meeting may also agree upon a method of calling future meetings. And said elections, and all others made by said Corporation, and all other questions which may at any time come before them, shall be determined by a majority of votes, reckoning one vote to each share; provided that no one person shall be entitled to more than ten votes. And shares in said Corporation shall be taken, deemed and considered personal property, to all intents and purposes whatever; and shall and may be transferable, and the mode of transferring the same shall be by deed, acknowledged before any justice of the peace, and recorded by the clerk of said Corporation in a book to be kept for that purpose; and the said shares shall be liable to attachment and execution.

SECT. 8. *Be it further enacted,* That if said Corporation shall neglect, for the space of five years, to complete the said Pond Harbor, and provide wharves therein as aforesaid, this act shall then become null and void.

[This act passed June 24, 1806.]

[END OF JUNE SESSION, 1806.]

Meetings to be
appointed for
regulating their
concerns