

MAINE STATE LEGISLATURE

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L A W S



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 :

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1808.

JAN 3 1852

L A W S

PASSED AT THE SESSION COMMENCED ON THE
SEVENTH OF JANUARY, 1807.

ELECTIONS:

June 24, An. 1806.

CHAP. XXVI.

An act, in addition to the several acts regulating Elections.*

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 hereafter be the duty of the selectmen, and of the town or district clerks, in the several towns or districts within this Commonwealth, and of the assessors of plantations, which are entitled by the Constitution to the privilege of voting for Governor and Lieutenant Governor, and for Senators and Counsellors for their respective districts, to make and seal up a separate list of the persons voted for as Governor and Lieutenant Governor, in the several towns, districts or plantations, and transmit the same to the Secretary of the Commonwealth, or to the Sheriffs of their respective counties, according to the provisions of the Constitution. And when the said lists shall be received at the office of the secretary, the seals thereof shall not be broken; but the same shall be safely kept entire, as they were received, until delivered by him to the two branches of the General Court, at the commencement of their next session, to be by them examined agreeably to the Constitution.

Duty of Selectmen, Clerks and Assessors, respecting persons voted for as Gov. and Lt. Gov.

Secretary to preserve the seals entire.

SECT. 2. *Be it further enacted,* That it shall further be the duty of the several selectmen, clerks and assessors, aforesaid, to make and seal up a separate list of the persons voted for as Counsellors and Senators, in the several towns, districts and plantations, and transmit the same to the Secretary of the Commonwealth, or to the Sheriffs of their respective

Duty of Selectmen, &c. respecting Counsellors and Senators.

* This act was returned by the Governor with objections; but was passed by the Legislature notwithstanding.

pective counties, according to the provisions of the Constitution. And when the said lists shall be received at the office of the Secretary, the seals thereof shall not be broken; but the same shall be safely kept entire, as they were received, until delivered by him to the Governor and Council, or to the executive authority of the Commonwealth, for the time being, to be by them examined agreeably to the Constitution.

SECT. 3. *Be it further enacted,* That when the returns of votes from the several towns, districts and plantations, within this Commonwealth, for Representatives in Congress for their several districts, shall be received in the Secretary's office, the seals thereof shall not be broken; but the same shall be safely kept entire, as they were received, until delivered by him to the Governor and Council, or to the executive authority of the Commonwealth, for the time being, to be by them examined agreeably to law.

SECT. 4. *Be it further enacted,* That the selectmen of the several towns and districts, and the assessors of the several unincorporated plantations, as aforesaid, shall hereafter, before entering on the execution of their respective offices, take an oath, or if they have conscientious scruples, an affirmation, according to law, before some justice of the peace, or the clerk of the town, district, or plantation, whereof they are selectmen or assessors, faithfully and impartially to discharge the duties of their office respecting all elections, and the returns thereof; and a certificate of said oath or affirmation shall be recorded in the records of such town, district, or plantation accordingly.

[This act passed June 24, 1806.]

CHAP. XXVII.

An act to rectify and establish the line between the towns of Chesterville and Farmington, in the county of Kennebeck.

Preamble:

WHEREAS, in the act incorporating the town of Chesterville, a mistake was made in one of the lines, which it was then intended to be adopted:

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 Chesterville and Farmington

ington shall hereafter be as follows, viz. Beginning at the confluence of the stream called the Little Norridgewock with Wilson's Stream, and down said stream to its confluence with the stream called Sandy River. And the said line between the towns or Chesterville and Farmington, shall always be considered, held, and taken to be a line drawn on the middle of said Wilson's Stream, by the courses it runs, from its confluence with the waters of the Little Norridgewock, to the confluence of its waters with those of Sandy River.

Boundaries.

[This act passed *February 3, 1807.*]

CHAP. XXVIII.

An act, in addition to an act, entitled " An act to regulate the catching Salmon, Shad and Alewives, and to prevent obstructions in Merrimack River, and in the other rivers and streams running into the same, within this Commonwealth, and for repealing several acts 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 so long as any mill or mills, or mill dam, shall stand and be kept and maintained across Beaver-brook, in the town of Dracut, at the place where the mills of Joshua Bradley now stand; the owner or occupant of such mill or mills, and mill dams, shall be required and held to keep open a passage or sluice way for the fish to pass up and down through the same, which shall not be less than six feet wide; and the waters therein, not less than six inches deep; and the owner, or occupant of such mill and dam, shall be holden to keep the said passage or sluice way below the dam in good repair.

Obligations
quired of own
and occupants
mills.

SECT. 2. *Be it further enacted,* That so long as the owner, or occupant of such mill or mills as aforesaid, shall cause to be made and kept in good repair, and left open such passage or sluice way, through such dam or dams, of the dimensions and depth of water aforesaid, such proprietor or occupant shall not be subject to any prosecution under or by virtue of the act, to which this is an addition, nor to any forfeiture or penalty therein contained.

Fulfilling cor
tions—not lia
to prosecution

Feb. 6, An. 1807.

SECT. 3. *And be it further enacted,* That this act shall continue and be in force for the term of three years from the passing thereof, and no longer.

[This act passed Feb. 3, 1807.]

CHAP. XXIX.

An act in addition to an act, entitled "An act, describing the duty and power of Coroners," and for repealing an act passed the seventh day of March, eighteen hundred and six,

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 Coroner, within the county for which he is appointed, shall, after the return of an inquisition of the Jury, upon the view of a dead body of any stranger, bury said body in a decent manner; and the expenses thereof, together with all the expenses of said inquisition and the Coroner's fees, shall be paid to said Coroner out of the Treasury of this Commonwealth, an account of said expenses being first examined and allowed by the General Court, in the same manner that accounts for State paupers are allowed. *Provided,* the Coroners who shall return the inquisition, shall certify under oath, that the person found dead, was a stranger, not belonging to this Commonwealth, according to the best of his knowledge and belief; otherwise, the expenses of taking up and burial, shall be paid to such Coroner, by the town where such dead body was found, and repaid to them by the town to which said stranger belonged, if an inhabitant of this Commonwealth; and the expenses of said inquisition shall be paid to the Coroner, by the county in which the inquisition shall be taken.

SECT. 2. *And be it further enacted,* That an act, in addition to an act, entitled, "An act, describing the duty and power of Coroners," passed the seventh day of March, one thousand eight hundred and six, be and is hereby repealed.

[This act passed Feb. 6, 1807.]

CHAP. XXX.

An act to authorize John Wood to build a Mill Dam, with a passage way, across Aponeganset River, in the town of Dartmouth.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That under the direction of the Selectmen of the town of Dartmouth, for the time being, John Wood, of the said town, is hereby authorized to build a Grist Mill, and for that purpose to erect a Mill Dam across Aponeganset River, in the said town of Dartmouth, with a sufficient passage, or sluice way, for the passing of such vessels, boats, or rafts, as may go up said river, free from any expence to the passengers or their vessels. And the said passage way shall be at least twenty-two feet wide, and the place, and the manner of building the same, and the times and circumstances of passing the same, shall at all times be regulated and directed by the Selectmen of the said town of Dartmouth. And upon the refusal or neglect of said John Wood, his heirs or assigns, to open the flood gates, when requested and when practicable, he shall forfeit and pay to the person making the request, for each offence, the sum of two dollars, to be recovered before any justice of the peace for the said county of Bristol. *Provided always*, that nothing in this act shall be construed to prevent owners of meadow or marsh land, which may be flowed in consequence of said Dam, from recovering the damage sustained thereby.

John Wood authorized to build a mill, &c.

Passage way.

Penalty in case of neglect.

Proviso.

And provided also, That a passage way, to and from the Ship Yard of the said John Wood, to the great road, shall always remain free for the use of the inhabitants of said town.

[This act passed February 6, 1807.]

CHAP. XXXI.

An act to annex a part of a tract of land, commonly called The Oxford South Gore, with the inhabitants and estates thereon, to the town of Oxford.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Lemuel Cudworth, Craft Davis, Ezekiel Davis, David

Persons and estates annexed to the town of Oxford.

Boundary.

David Fitts, Abijah Harris, Joseph Kingsbury, Ephraim Kingsbury, Samuel Kingsbury, Jeremiah Kingsbury, jun. John Learned, John Learned the 3d, living on, or being owners, of a tract of land lying between the towns of Dudley, Douglas, and Oxford, commonly called The Oxford South Gore, together with James Wallis, of Dudley, and all other the inhabitants living on, or owning lands, in that part of said Gore, hereby set off, with their families and estates, although not particularly named in this act, and without the line of the town of Oxford, as the same is described by the following bounds, be, and hereby are annexed to, and made a part of the said town of Oxford, viz. Beginning at the line, at the southeast corner, between Dudley and Oxford, and running north, thirty-four degrees west, three hundred and twelve rods; thence east, eight degrees north, two hundred and ten rods; thence north, eight degrees and twenty minutes west, two hundred and thirty-two rods; thence east, eighteen degrees north, three hundred and eighty-eight rods; thence south, two degrees and forty minutes west, one hundred and thirteen rods; thence west, two degrees and forty-five minutes north, eighty-five rods; thence south, twenty-one degrees and forty-five minutes west, four hundred and thirty rods; thence south, eight degrees and twenty minutes east, eighty-nine rods, to the corner first mentioned.

[This act passed February 6, 1807.]

CHAP. XXXII.

An act, in addition to the acts already made, for establishing and regulating Day's Academy in Wrentham.

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 trustees of Day's Academy, be, and they hereby are authorized and empowered to enter into any engagements, and to make any contracts, which they may judge proper to effect the purposes of the said corporation.

Trustees authorized.

SECT. 2. **Be** it further enacted, That the said trustees be and they hereby are empowered, to have and to hold any lands, monies or other property, heretofore given, or which shall hereafter be given, granted, devised or bequeathed to the said trustees and their successors, in trust, for the use of the said Academy; on such terms and under such conditions and

—Empowered to hold property bequeathed to the Academy.

and provisions as may be expressed in any deed or instrument of bequest or conveyance, made to them: *Provided*, Provido, the amount do not exceed the sum specified in a former act.
 [This act passed *February 6, 1807.*]

CHAP. XXXIII.

An act, to prevent the destruction of the fish called Shad and Alewives, in their passage up and down the river and other streams in the town of Orrington, in the county of Hancock, and for regulating the taking and disposing of said fish.

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 said town of Orrington, 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, and others, 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 may 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 to the Selectmen of said town, their accounts for settlement, and allowance, and pay the balance remaining in their hands, if any there be, to the treasurer of said town of Orrington, for the town's use.

SECT.

Inhabitants authorized.

Committee to be sworn.

—Their duty.

Committee to be compensated.

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 sluice of any mill or other water works erected, or that may be erected on said river, or across any of the streams in said town, 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 requested by said committee, or the major part of them, as aforesaid; and the said committee shall also have full powers to remove any other obstruction that may be made to the free passage of said fish, in the river and streams into the several ponds; and for their repassing from said ponds into the sea. And the said committee, or either of them, going, or passing on or across the land of any person for any of the aforementioned purposes, shall not be deemed or held to be trespassers; and any dam, or sluice, or passage-way that may be opened as aforesaid, shall continue open to such a depth and width, and for such length of time, as shall be necessary for the passing or repassing 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 of said town, such person or persons so offending, shall forfeit and pay a sum not exceeding *One Hundred Dollars,* nor less than *Twenty Dollars.*

SECT. 3. *And be it further enacted by the authority aforesaid,* That if any person or persons, other than said committee, or such person or persons, as shall be by them employed, under lease or contract, as the case may be, shall take any of the said fish in the river, or any part of any of the streams in the said town, at any time, or by any ways or means whatsoever; each person, or persons, so offending, shall forfeit and pay a sum, not exceeding *Twenty-five Dollars,* nor less than *Ten Dollars* for every such offence.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the town of Orrington, at their meeting in March or April, annually, shall appoint particular places in said river, and in each stream in said town, where said fish may be taken; and the committee chosen as aforesaid, shall appoint four days in each week, from the first day of April annually, to the first day of July, when said fish shall be taken; and shall set up notifications in two public places in said town, of the time and places of taking said fish; and

Powers of the Committee.

Penalty in case of obstructions.

Persons prohibited from taking fish.

Times appointed for taking fish.

said committee shall have power to let or farm out to the highest bidder any of said fishing places in said town, (excepting those owned and held as private property, in case there should be any such) to be under the direction of said committee, as aforesaid.

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 said town of Orrington, for the time being, in any court in the county of Hancock, proper to try the same; and all sums so recovered, shall be appropriated to the use of said town of Orrington. 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 parent, master or guardian 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 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; 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 the breach of this act.

Treasurer authorized to prosecute.

[This act passed February 6, 1807.]

CHAP. XXXIV.

An act in addition to an act, entitled "An act establishing the times and places of holding the Courts of Common Pleas and General Sessions of the Peace, in the County of York."

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 term of the Court of Common Pleas, by the act to which this is in addition, established and appointed to be held at Biddeford, in said County, on the first Monday of January, annually, shall be held at Alfred, in said County, on the said first Monday of January, annually; any thing in the act to which this is in addition, to the contrary notwithstanding.

Place for holding Court Common Pleas.

SECT. 2. *Be it further enacted,* That all actions, suits, appeals, complaints, bills, informations, recognizances, and things
F whatsoever,

whatsoever, now pending by continuance, appeal, or otherwise ; or which may be hereafter commenced, to be heard and tried at the Court of Common Pleas, to be holden at Biddeford aforesaid, on the said first Monday of January, shall be continued to, have day in, acted upon, heard and tried at the Court of Common Pleas, appointed by this act, to be held at Alfred aforesaid.

[This act passed *February 7, 1807.*]

CHAP. XXXV.

An act to incorporate William Widgery and others, into a Company, by the name of the United Marine and Fire Insurance Company, in Portland.

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 Widgery, John Musley, Thomas Webster, Josiah Cox, Albert Newhall, William Chadwick, Nathan Kinsman, and Elijah Elder, together with such persons as have already, or hereafter may become Stockholders in said Company, being citizens of the United States, be, and hereby are incorporated into a company, or body politic, by the name of the United Marine and Fire Insurance Company of Portland, for the term of twenty years from 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 herein after mentioned.

Empowered a body politic.

SECT. 2. *Be it further enacted,* That the Capital Stock of said company, exclusive of premium, notes and profits arising from said business, shall consist of *one hundred thousand dollars*, and shall be divided into shares of *one hundred dollars* each, of which Capital Stock *twenty thousand dollars* only, shall be invested in real estate.

Amount of capital.

SECT. 3. *Be it further enacted,* That the stock, property, affairs, and concerns of said company, shall be managed and conducted by seven directors, one of whom shall be the president thereof, who shall hold their offices for one year, and until others are chosen, and no longer ; which directors shall, at the time of their being elected, be stockholders.

Directors to be annually chosen.

holders and citizens of this Commonwealth, and shall be elected on the first Tuesday in April in each and every year, at such times of the day, and at such places 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, by posting up notice thereof in two public places in said town, and advertising the same fourteen 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 the election of the directors 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 entitled to more than twenty votes, and the stockholders not present may vote by proxy, under such regulations as the said company shall prescribe; and, if in case of any unavoidable accident, the said directors shall not be chosen on the first Tuesday in April, it shall be lawful to choose them on another day, in manner herein prescribed.

Elected by
ballot.

Provido.

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, and be sworn faithfully to discharge the duties of his office; and in case of death, resignation or inability to serve, either of the President or any of the directors, such vacancy shall be filled for the remainder of the year in which it may happen by a special election for that purpose, to be held in the same manner as is herein before directed respecting annual elections for Directors and President.

Choice of Presi-
dent.

SECT. 5. *Be it further enacted*, That the President and four of the Directors, or five Directors in the absence of the President, shall be a board competent 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 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 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

Number to con-
stitute a quorum.

—Powers.

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

Times for stated
and other meet-
ings.

SECT. 6. *Be it further enacted,* That there shall be stated meetings of the Directors, at least once in every month, and as often in 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 all kinds of marine insurance, against fire, insurance on lives, and on inland transportation of goods, wares and merchandize; and generally to transact and perform all the business relating to the objects aforesaid; 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 Directors of said company, and countersigned by the Secretary, and shall be binding and obligatory on the said company; and the assured may maintain an action upon the case against the said company, and all cases duly arising under any policy so subscribed, may be adjusted and settled by the President and Directors, and the same shall be binding on the company.

Further powers.

Dividends.

SECT. 7. *Be it further enacted,* That it shall be the duty of the Directors, on the first Tuesday of July and January, in every year, to make dividend of so much of the interest arising from the capital stock, and the profits of the said company, as to them shall appear advisable; but the monies received, and the notes taken for premiums, on risks which shall be undetermined and outstanding at the time of making such dividend, 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 holden accountable for the deficiency that may be due on his share, at the time of said loss or losses taking place, to be paid into the said company by assessments, or such other modes, 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 year, 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 partic-
ular

Estates account-
able in case of loss-
es.

ular 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 or indirectly, deal or trade, in buying or selling any goods, wares, merchandize, or commodities whatsoever ; and the capital stock of said company, shall, within six months after being collected, at each instalment, 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 any committee which the proprietors shall appoint for that purpose.

Appropriation of capital stock.

SECT. 9. *Be it further enacted*, That fifty dollars on each share in said company, shall be paid within four months after the first meeting of said company ; and the remaining sums due on each share, within one year afterwards, at such equal instalments, and under such penalties, as the said companies shall direct ; and no transfer of any share in said company shall be valid until all the instalments on such share shall have been paid.

Assessments to be made.

SECT. 10. *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 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.

Estates liable in certain cases.

SECT. 11. *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 the public newspapers, the amount of their stock, and against what risks they mean to insure, and the largest sum they mean to take on any risk ; *provided nevertheless*, that the said President and Directors, shall not be allowed to take more on any one risk, than ten per centum of the amount of the capital stock of said corporation actually paid in.

Further duty of Directors.

SECT. 12. *Be it further enacted*, That Elias Thomas, Joshua Richardson, and Josiah Cox, or any two of them, are hereby authorized to call a meeting of the stockholders of said company, as soon as may be, to be holden in Portland, by advertising for two weeks in the Portland newspapers previous to such meeting, for the purpose of electing the first board

Persons authorized to call a meeting.

board of Directors, who shall continue in office until the first Tuesday of April, in the year one thousand eight hundred and eight.

Eligibility of a Director. SECT. 13. *Be it further enacted,* That no person being a Director in any other company carrying on the business of marine insurance, shall be eligible as a Director of the company by this act established.

To submit to Legislative examination. SECT. 14. *Be it further enacted, by the authority aforesaid,* That the President and Directors of said company, shall, when, and so 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.

[This act passed Feb. 9, 1807.]

CHAP. XXXVI.

An act, in further addition to an act, entitled, "An act to incorporate sundry persons by the name of the President and Directors of the Union Bank."

Directors to be appointed in behalf of the Commonwealth. 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 appointed, on behalf of this Commonwealth, six directors of the Union Bank Corporation, who shall be chosen by joint ballot of both Houses of the Legislature; and who shall continue in office until the first Monday in September next; and that there shall in like manner, annually, be appointed six Directors of the said Bank, who shall continue in office one year from the day next preceding the said first Monday in September: *Provided always,* that the Directors to be appointed, in pursuance of this act, shall not be entitled to claim any allowance for any services they may render as Directors of said Bank.

[This act passed February 10, 1807.]

CHAP. XXXVII.

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

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 appointed on behalf of this Commonwealth,

Commonwealth, six Directors of the Boston Bank Corporation, who shall be chosen by joint ballot of both houses of the Legislature, and shall continue in office until the first Monday of June next; and that there shall in like manner, annually be appointed, six Directors of the said Boston Bank, who shall continue in office one year from the day next preceding the said first Monday in June. *Provided always,* that the Directors to be appointed in pursuance of this act, shall not be entitled to claim any allowance, for any services that they may render, as Directors of said Bank.

Directors to be appointed on behalf of the Commonwealth.

Proviso.

[This act passed February 10, 1807.]

CHAP. XXXVIII.

An act, in addition to an act, entitled, "An act authorizing the town of Deerfield to loan the interest of certain monies in the Treasury of said town.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the inhabitants of the town of Deerfield, in their corporate capacity, are hereby authorized and empowered, to sequester and apply, all monies that now are, or hereafter may be in the Treasury of said town, not otherwise appropriated, not exceeding the sum of five hundred dollars, to a fund, already established by the act to which this is in addition, for the support of the ministry in said town; which money, when so sequestered and applied, shall be considered as a part of the fund above mentioned; and shall be proceeded with in the same manner as is already provided in the act to which this is an addition: *Provided,* however, that nothing in this act shall be so construed, as to hinder or deprive any person or persons, who are of a different religious denomination from those to which said fund now belongs, in said town, from drawing his or their just proportion of all monies so to be sequestered and applied, by his or their applying for the same.

Inhabitants empowered to loan money.

Proviso.

[This act passed February 11, 1807.]

CHAP. XXXIX.

An act, to establish a Corporation for the purpose of draining Green's Harbour Marsh, in the town of 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 Isaac Winflow, Luke Wadsworth, Judah Thomas, and Benjamin White, proprietors in Green's Harbour Marsh, in the town of Marshfield, together with their associates, and such others as may hereafter associate with them, and their heirs and successors, shall be a Corporation by the name of Green's Harbour Canal Company, with all the powers and privileges incident to similar Corporations; for the purpose of draining the stagnant water on Green's Harbour Marsh, in the town of Marshfield, and for better improving said Marsh, by erecting dikes or removing bars of sand, rocks, or other obstructions that oppose the draining of said marsh; for digging a canal or canals for said water to pass into Duxbury or Plymouth bay; and building a bridge or bridges across said canal or canals, if the same should intersect any private or public highway; and by the name aforesaid, may sue or be sued, and do and suffer whatever other similar bodies politic may or ought to do and suffer.

Justices empow-
ered to issue
warrants.

SECT. 2. *And be it further enacted,* That any Justice of the Peace in the county of Plymouth, be, and he is hereby empowered and directed, upon application in writing, from every five 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 think most convenient, the purposes to be expressed in said warrant, by posting up copies of said warrant with the notification thereon, at the fourth meeting-house in the town of Marshfield, seven days at least before the time of holding said meeting; and the said Proprietors when legally assembled as aforesaid, shall have power to choose a clerk, committee or committees, 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.

Election of
officers.

law. And said Corporation shall, at their first meeting, agree and determine upon the method of calling future meetings; and each Proprietor shall vote according to the number of shares he holds in said Corporation, *Provided*, no one Proprietor shall be allowed more than five votes; and said Corporation shall at their first meeting, or at any other meeting legally called for that purpose, have power to vote and raise monies for all expenses that have arisen, or may arise in draining the marsh aforesaid, or better improvement of the same, including the making of canals, erecting dikes, removing dams and bars of sand, building a bridge or bridges across said canal, purchasing lands necessary to carry the object of said corporation into effect, as likewise paying the damages individuals may sustain by reason of the erection of the dikes, or digging the canals aforesaid, and all monies voted and raised aforesaid, shall be assessed on each Proprietor in the marsh aforesaid, in proportion to the number of acres, or value thereof, he or she may own in said marsh; and if any proprietor shall neglect or refuse to pay the sum or sums assessed upon him or her as aforesaid, after sixty days' notice, so much of his or her marsh land aforesaid, shall be sold as will be sufficient to pay the same, with legal costs, in the same manner as non-resident proprietors' land, in this Commonwealth, are sold to pay taxes.

SECT. 3. *And be it further enacted*, That said Corporation shall have full power to purchase and hold any real estate not exceeding fifty acres, that may be necessary to carry their designs into effect; and said Corporation shall be holden to pay all damages which shall arise to any person through whose land said canal or canals shall be dug, or on whose land said dikes shall be erected; when it cannot be obtained by voluntary agreement, said damages to be estimated by a committee appointed by the Court of General Sessions of the Peace, in the county of Plymouth, saving to either party a right of trial by Jury, according to the law which makes provision for the recovery of damages happening by the laying out of public highways.

[This act passed *February 11, 1807.*]

CHAP. XL.

An act to incorporate a Baptist Society in Windfor, in the County of Berkshire.

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 Samuel Ammidon, Joshua Beals, Thomas Belknap, Ebenezer Blanchard, Josiah Blanchard, Stephen Blanchard, Jesse Buffley, Amos Bowen, Samuel Chapman, Ezra Chapman, Ezra Chapman, jun. Daniel Chapman, Daniel Chapman, jun. Joseph Dunbar, Samuel Durham, Cornelius Dunham, Smith Eddy, Jeremiah Erskine, Nathaniel Geer, John Hall, John Harrod, Lyman Kendall, Chester Lamb, Nathaniel Luther, Ezra McIntire, William Moor, Zebulon Packard, Simeon Park, Gideon Pierce, Eber Pierce, John Pierce, William Read, Benjamin Remington, Jabez Spaulding, William Smith, Joseph Talcott, Zadock Thomas, Isaac Tyler, Daniel Tyler, Rufus Wescot, Sylvanus Wentworth, and Shadrach Pierce, together with such others as have, or may hereafter associate with them, and their successors, with their families and estates, be, and they are hereby incorporated into a Society, for Religious purposes only, by the name of the Baptist Society in Windfor, with all the powers and privileges to which other parishes or religious societies are entitled by the Constitution and Laws of this Commonwealth.

Members to
obtain a certifi-
cate.

SECT. 2. *Be it further enacted,* That any person in the said town of Windfor, being of the Baptist denomination aforesaid, 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 said 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 Baptist Society in Windfor, fifteen days previous to the annual town or parish meeting, shall, from and after the giving such certificate, with his or her polls and estate, be considered as part of said Society. *Provided, however,* that such person shall be held to pay his or her proportion of all money assessed for parochial purposes in the town or parish to which he or she had previously belonged.

Provide.

SECT. 3. *Be it further enacted,* That if any member of said Baptist Society, shall at any time see cause to leave the
same,

same, and to unite in religious worship with any other religious Society in said town, and shall declare such intention in writing, to the minister or clerk of such religious society fifteen days at least before the annual town or parish meeting, and shall previously pay his or her proportion of all money assessed for parochial purposes therein, such person shall, from and after declaring such intention, with his or her poll and estate, be considered as belonging to the society to which he or she has thus united.

Measures necessary in case of leaving the society.

SECT. 4. *And be it further enacted,* That any Justice of the peace for the county of Berkshire, is hereby authorized, upon application therefor, to issue a warrant, directed to some member of the said Baptist Society, requiring him to notify and warn the members thereof to meet at such convenient time and place as shall be appointed in said warrant, for the choice of all such officers as other parishes or religious societies are by law required to choose at their annual meetings.

Choice of officers.

[This act passed *February* 11, 1807.]

CHAP. XLI.

An act authorizing the town street School District, in the town of Deerfield, to erect two or more School Houses within said District.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the inhabitants of the town street School District, in the town of Deerfield, be, and they hereby are, authorized and empowered to raise money for the purpose of erecting and keeping in repair two or more School Houses within said District, in the same manner, and subject to the same restrictions, as the inhabitants of other School Districts are authorized to raise money for the purpose of erecting and keeping in repair one School House, by virtue of an act, entitled, "An act in addition to an act, entitled an act to provide for the instruction of Youth, and for the promotion of good education;" passed February twenty-eighth, in the year of our Lord, one thousand eight hundred.

[This act passed *February* 11, 1807.]

CHAP. XLII.

An act, to incorporate certain persons by the name of the Proprietors of the Boston Athenæum.

Preamble.

WHEREAS, the persons hereinafter named, together with fundry other persons, their associates, have, at very considerable expense, collected a library, consisting of rare and valuable books; and, whereas the laudable object of their association, is to form, as far as their funds shall from time to time admit, a still more valuable and extensive collection of such rare and valuable works, in ancient and modern languages, as are not usually to be met with in our country, but which are deemed indispensable to those who would perfect themselves in the sciences. And whereas it is the further design of the said associates, when their funds shall admit thereof, to form a museum of natural and artificial curiosities and productions, scientifically arranged; also, an apparatus for the performance of experiments in the various branches of natural philosophy, and for geographical improvements as well as a repository for models of new and useful machines, and of statues, paintings, and other objects of the fine arts, more especially of our native artists; for which important objects no adequate provision has hitherto been made or formed within this Commonwealth, although similar establishments have long since partially existed in many of our sister States:—

Persons incorporated.

SECT. 1. *Therefore, be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Theophilus Parsons, John Davis, John Lowell, William Emerson, John T. Kirkland, Peter Thacher, William S. Shaw, Robert Hallowell Gardner, Joseph S. Buckminster, Obadiah Rich, the present trustees of the said association, together with such other person or persons as shall from time to time be duly admitted members of the said association, according to the rules, orders, and conditions which shall or may from time to time be established by the bye-laws or regulations of the Corporation, herein after created; shall forever hereafter be, and they hereby are created a body politic and corporate, by the name of "The Proprietors of the Boston Athenæum;" and by the said name, shall and may sue and be sued, plead and be impleaded, defend and be defended, in all and any court or courts of law or elsewhere, in all manner of actions, suits, pleas or controversies whatsoever; and in their*
said

Legally empowered as a body politic.

said corporate capacity, and by their said name, they and their successors shall be capable in law to purchase, receive, have, hold, take, possess and enjoy, in fee simple or otherwise, lands, tenements, rents, and hereditaments, not exceeding in the whole, the yearly value of *Two Thousand Dollars*, exclusive of the building or buildings which may be actually occupied or used for the literary purposes aforesaid; and the said Corporation shall be capable of taking, receiving, and holding, by donation, subscription, bequest or otherwise, money, goods, chattels, effects, and credits, to an amount, the yearly value of which, shall not exceed *Three Thousand Dollars*, so that the estate aforesaid, be appropriated for the purposes aforesaid, and for the promotion of literature, of the arts and sciences, and not otherwise; and moreover, the said Corporation shall have power to give, grant, sell, alien, convey, exchange, or lease, all, or any part of their lands, tenements and other property whatsoever, for the benefit and advantage of said Corporation.

SECT. 2. *Be it further enacted*, That it shall and may be lawful for the said Corporation, to have a Common Seal for their use and benefit, with full power to alter, change and renew it, whenever they shall think the same expedient. Common Seal.

SECT. 3. *Be it further enacted*, That the said Corporation shall have full power and authority to determine at what times and places their meetings shall be holden, and on the manner of notifying the associates or proprietors to convene at such meetings; and they shall have power to elect once in every year, or oftener, from amongst the said proprietors, such officers with such powers as they shall judge expedient; and also further to ordain and enact any bye-laws for the due government of the said Corporation, and for the due and orderly conducting of the affairs thereof; and for, and concerning all matters and things relating to said Corporation, and the same at pleasure to alter, amend, or repeal; *Provided however*, that the powers vested in their said officers and the said bye-laws shall not be repugnant to the Constitution and laws of this Commonwealth. To determine times of meetings, &c.

SECT. 4. *Be it further enacted*, That, for the giving the more effectual sanction to the said bye-laws, the said proprietors shall have power to impose suitable fines, not exceeding *Five Dollars*, for the non-fulfilment or breach of the same; and that for the recovery thereof, the said Corporation shall have a suitable remedy by action at law, in any court of law within this Commonwealth, proper to try the same. Impose penalties.

SECT.

Government to
have access to
the library, &c.

SECT. 5. *Be it further enacted*, That the Governor, the Lieutenant Governor, the Members of the Council, of the Senate and of the House of Representatives, for the time being, shall have free access to the Library, Museum, and Repository of the Fine Arts of the said Corporation, and may visit and consult the same at all times under the same regulations as may be provided by the bye-laws of said Corporation, for the Proprietors thereof.

Charter subject
to alteration.

SECT. 6. *Be it further enacted*, That the Legislature of this Commonwealth, may, from time to time, appoint a committee or committees, to examine the state of the affairs of said Corporation, and the manner in which the same may be administered, and that the said Legislature may at any time alter, amend, or repeal the charter of said Corporation at their pleasure, reserving however, to the proprietors for the time being, their property in the buildings, funds, books, and other property, at such time appertaining to the said Corporation.

Measures in
case of neglect
to pay assess-
ments.

SECT. 7. *Be it further enacted*, That whenever any proprietor shall neglect or refuse to pay any assessment, duly imposed upon his share or shares in said Corporation, for the space of 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, after duly notifying in some newspaper printed in the town of Boston, the sum due on such share or shares, and the time and place of sale, at least thirty days before the time of sale; and such sale shall be a sufficient transfer of the share or shares so sold to the person purchasing; and upon producing a certificate of such sale from the treasurer, such purchaser shall be entitled to a transfer of the share or shares so sold, on the books of the Corporation, and shall be considered, to all intents and purposes, the proprietor thereof; and the overplus of such sale, if any there be, after payment of such assessment and incidental charges, shall be paid on demand by such treasurer, to the person whose shares were so sold as is before provided.

Persons author-
ized to call
meetings.

SECT. 8. *Be it further enacted*, That the said Theophilus Parsons, John Davis, John Lowell, William Emerson, John T. Kirkland, Peter Thacher, William S. Shaw, Robert H. Gardner, Joseph S. Buckminster, Obadiah Rich, or any three of them, shall have power to call the first meeting of the said proprietors, by advertising the same three weeks, successively, before the time of such meeting, in some new-
paper

paper printed in the town of Boston, and that at the said meeting the said proprietors may proceed to execute any or all the powers vested in them in this act.

[This act passed February 13, 1807.]

CHAP. XLIII.

An act, determining at what times and place the Court of Common Pleas, and Courts of General Sessions of the Peace, shall be holden within and for the county of Bristol, 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 from and after the first day of April next, the times and place for holding the Courts of Common Pleas, within and for the county of Bristol, shall be at Taunton, on the second Monday of June, the second Monday of September, the second Monday of December, and the second Monday of March, annually; and that the Courts of General Sessions of the Peace, shall be holden at said Taunton, within and for the said county, on the second Monday of September, and the second Monday of March, annually.

Times and places for holding courts.

SECT. 2. *Be it further enacted,* That the Grand Jury, for the body of the said county of Bristol, shall be convened and attend those terms of the said Court of Common Pleas, by this act to be holden in the months of September and March, and no other; *Provided, however,* that the said Grand Jury shall be convened and attend at that term of the said Court of Common Pleas, which, according to the provisions of this act, is to be holden on the second Monday of June next.

Grand Jury to convene:

SECT. 3. *Be it further enacted,* That all actions, suits, appeals, complaints, bills, informations, recognizances, and things whatsoever now pending by continuance, appeal, or otherwise, or which may be hereafter commenced, to be heard and tried at the Court of Common Pleas, which, before the passing of this act, was by law to be holden at Taunton, within and for said county, on the Monday next preceding the third Tuesday of April next, shall be continued to, have day in, be acted upon, heard and tried, at the Court of Common Pleas, which, by virtue of the first section of this act,

Actions, &c. continued.

act, is to be holden on the second Monday of June next, and all petitions, and other matters, and things now pending in, or to be commenced at the Court of General Sessions of the Peace, which, before the passing of this act, was to have been holden on the Monday next preceding the third Tuesday of April next, shall be continued to, have day in, be acted upon, heard and determined, at the Court of General Sessions of the Peace, to be holden, by virtue of the first section of this act, on the second Monday of September next.

Repeal.

SECT. 4. *Be it further enacted,* That from and after the first day of April next, all laws heretofore made, determining at what times and place, the Courts of Common Pleas and Courts of General Sessions of the Peace, shall be holden within and for the county of Bristol, be, and they are hereby repealed.

[This act passed Feb. 13, 1807.]

CHAP. XLIV.

An act, to incorporate the Proprietors of the Female Academy, in the town of Pittsfield.

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 Joshua Danforth, Joseph Merrick, and Ezekiel Bacon, together with the persons who now are, or who hereafter shall be proprietors of the building lately erected for the purpose of a Female Academy, in the town of Pittsfield, in the county of Berkshire, and of the land under and adjoining the same, be, and they hereby are incorporated and made a body politic, by the name of the Proprietors of the Pittsfield Female Academy; and in that name may sue and be sued, and shall be invested with all the powers, privileges and immunities, to which other similar corporations in this Commonwealth are 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 building aforesaid, shall not at any time exceed the value of twelve hundred dollars.

Empowered.

Assessments.

SECT. 2. *Be it further enacted,* That the proprietors of said Academy, be, and they hereby are authorized and empowered, to raise, by an assessment on the shares in said corporation,

poration, such sum or sums of money for the keeping and maintaining a school for the instruction of females in useful and elegant accomplishments; for the support and maintenance of instructors, repairing or enlarging said building, or erecting others for the purposes aforesaid, and defraying other expenses incident thereto, as they shall agree on, at any legal meeting called for that purpose; and the sums so assessed, shall be paid by the proprietors of said shares; and if any proprietor shall neglect to pay any assessment which shall be legally made upon his or her share or shares, for the space of sixty days after the same shall have been made, the treasurer of said proprietors shall be authorized and empowered to sell and convey so many of said delinquent's shares in the said corporation, as shall be necessary to pay his or her assessments so remaining unpaid, at public auction, to the highest bidder, first giving notice thereof, fourteen days at least previous to the sale, by posting up notifications thereof, at two public licensed houses in Pittsfield; and also, by advertising the same two weeks successively, in some newspaper printed in said Pittsfield, the last publication, to be in like manner, at least fourteen days previous to said sale, and upon such sale, to execute a good and sufficient deed or deeds thereof; and after deducting the amount of said delinquent's assessment and all incidental charges, the said treasurer shall pay the surplus, if any there be, to such delinquent proprietor.

Delinquent's
shares to be sold.

SECT. 3. *Be it further enacted*, That Joshua Danforth, 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; at which meeting, or at any other meeting duly warned and holden, said proprietors may agree upon the mode of warning all future meetings.

Choice of officers.

[This act passed Feb. 13, 1807.]

CHAP. XLV.

An act, regulating the hunting of Deer.

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, if

H

any

Penalty.

any person shall hunt or kill any Deer, except his own tame Deer, or Deer kept in his park, or on his island, between the first day of January and the first day of August, in any year, he shall forfeit the sum of fourteen dollars for every Deer so killed: to be recovered in any Court proper to try the same; one moiety thereof to the use of the person suing for the same, and the other moiety to the use of the town within which such offence shall be committed.

SECT. 2. *And be it further enacted,* That if any person, from and after the passing of this act, shall, with his hounds or dogs, hunt, chase, or kill any Deer within the county of Barnstable, he shall for every such offence, forfeit and pay the sum of fourteen dollars, to be recovered in manner aforesaid, and to the uses aforesaid.

Act repealed.

SECT. 3. *And be it further enacted,* That the act passed the twenty-third day of June, in the year of our Lord one thousand eight hundred and two, be and hereby is repealed.

[This act passed February 13, 1807.]

CHAP. XLVI.

An act to incorporate a number of inhabitants of the North Parish in the town of Hingham, in the county of Plymouth, into a religious Society, by the name of the third Congregational Society in Hingham.

Preamble.

WHEREAS, a number of the inhabitants of the North Parish of Hingham, have petitioned this Court to be incorporated into a religious society; and it appearing reasonable to this Court that the prayer of their petition should 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 Joseph Thaxter, Benjamin Cushing, Benjamin Lincoln, Thomas Gill, Joseph Blake, Levi Lincoln, Ebed Hearsey, Samuel Norton, Noah Hearsey, Joseph Hammond, Jairus Leavit, Moses Whiton, Isaiah Cushing, John Barker, Thomas Andrews, Thomas Thaxter, jun. Thomas Loring, William Cushing, Jacob Thaxter, Thomas Thaxter, Abner Lincoln, John Souther, Peter Loring, Ephraim Andrews, Peter Hearsey, David Lane, Benjamin Andrews, Daniel Thaxter, Henry Nye, David Lincoln, jun. John Beal, jun. Levi Lincoln, jun. Samuel Andrews, Caleb Bates, Loring Bailey, Perez Lincoln, Nathaniel Wilder, Peter

ter Hearsey, jun. Edward Thaxter, Jarad Lane, Rachel Loring, Christiana Loring, Sarah Lane, Sufanna Thaxter, Chrissy Cushing, Sufanna Barker, Sufan Barker, Deborah Barker, Sarah Barker, Bethiah Barker, Samuel Norton, jun. Jerusha Howard, Jerom Cushing, Abigail Thaxter, Ruth Loring, Elizabeth Loring, Celia Thaxter, Hannah Thaxter, Elizabeth Thaxter, Quincy Thaxter, Lydia Loring, Abigail Lane, Caleb Thaxter, John Bassett, Ezra Whiton, Nathan Lincoln, Thomas Wilder, jun. David Lincoln, Seth Stoddard, Lydia Stoddard, Nabby Bangs, Warren Burr, Ebenezer Gay, Robert Thaxter, George French, George Barnes, Caleb Rice, John Souther, jun. Martin Lincoln, Benjamin Jones, Samuel Hobert, Ensign Barnes, Joseph Hammond, junior, Canterbury Barnes, John Beal, Mary Cushing, Ezekiel Lincoln, Elijah Whiton, 3d, Nathan Rice, Spiller Fillmore, Laban Folger, Beza Lincoln, Jonathan Lincoln, Afa Lincoln, Ambrose Lathrop, Reuben Stoddard, David Andrews, Silence Cushing, and Starks Whiton, the petitioners, with their polls and estates, now lying within said north parish, and what they shall respectively hold on the first day of May annually, in said parish, shall belong to said Third Religious Society, be, and hereby are incorporated into a religious society, by the name of the Third Congregational Society in Hingham, with all the privileges, powers and immunities, to which other religious societies in this Commonwealth are by law entitled.

SECT. 2. *Be it further enacted,* That any of the members belonging to the said north parish, or the said Third Congregational Society, desiring to change their relation from one parish to the other, shall have full right and liberty so to do, with their polls and estate, at any time previous to the first day of February, which will be in the year of our Lord one thousand eight hundred and eight; *provided,* they shall signify in writing, under their hands, to the clerks of the said parish and society, their wish and determination to be considered members of said parish or society, and they shall accordingly be recorded as such by the said clerks.

Time of becoming members.

SECT. 3. *Be it further enacted,* That all young persons within the limits of said north parish, when they shall attain the age of twenty-one years, shall have full liberty, at any time within twelve months after they shall attain said age, to join, with their polls and estates as aforesaid, the said parish or society, by signifying in writing their determination

Measures necessary to become members.

tion to the clerks of said parish and society, to which parish or society it is their wish to join.

SECT. 4. *Be it further enacted*, That if any person who may hereafter settle within the limits of said parish, shall be desirous to join the society aforesaid, he shall have full liberty to do it, any time within twelve months from his settlement in the parish, by signifying his determination of the same, in the manner pointed out in the third section of this act.

Justice to issue his warrant.

SECT. 5. *And be it further enacted*, That Samuel Norton, Esq. or any other Justice of the Peace, in the county of Plymouth, be, and he is hereby authorized to issue his warrant directed to some member of the said Third Congregational Society, requiring him to warn the members of the said society, qualified to vote in parish affairs, to assemble at such convenient and suitable time and place as shall be expressed in the said warrant, 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 for the well-being of said society.

[This act passed Feb. 13, 1807.]

CHAP. XLVII.

An act to incorporate an Academy in the town of Farmington, in the county of Kennebeck, by the name of the Farmington Academy.

Academy established.

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, an Academy in the town of Farmington, in the county of Kennebeck, by the name of the Farmington Academy, for the purpose of promoting piety and virtue, and for the education of youth, in such languages, and in such of the liberal arts and sciences, as the trustees hereinafter provided shall order and direct.

Persons incorporated.

SECT. 2. *Be it further enacted*, That Mr. Church Brainerd, Nathan Cutler, Esq. Mr. Thomas Hiscock, Ezekiel Porter, Esq. Mr. Timothy Smith, Doctor Ebenezer Taylor, Stephen Titcomb, Esq. and Mr. Thomas Wendell, all of Farmington; Benjamin Abbot, Esq. of Temple; Eben. Eaton, Esq. of Wilton; Thomas Fillebrown, Esq. of Hal-
lowell; Doctor Thomas Flint, of New Vineyard; John Hovey,

Hovey, Esq. of Mount Vernon ; William Read, Esq. of Strong ; and the Reverend Jotham Sewall, of Chefferville ; all of the said county of Kennebeck, be, and they are hereby appointed trustees of the said Academy ; and they are hereby incorporated into a body politic, by the name of the Trustees of Farmington Academy ; and they and their successors shall be, and continue a body politic and corporate, by the same name, forever.

SECT. 3. *Be it further enacted,* That the number of trustees for the said Academy shall never be more than fifteen nor less than nine, five of whom at least shall be necessary to constitute a quorum for transacting business. And, as often as any one of said trustees shall die or resign, or in the judgment of the major part of the trustees, shall be rendered incapable, by reason of age, infirmity, or otherwise, of discharging the duties of his office, the trustees, then surviving, shall elect one or more persons to fill such vacancy or vacancies. Trustees.

SECT. 4. *Be it further enacted,* That the trustees aforesaid, and their successors, be, and they are hereby made capable in law to take and hold, by gift, grant, devise, bequest, or otherwise, any lands, tenements, or other estate, real or personal, which hath heretofore been given or subscribed for the purpose aforesaid : *Provided,* that the annual income of the said real estate shall not exceed the sum of two thousand dollars, and the annual income of the said personal estate shall not exceed the sum of three 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 trustees and their successors, and be valid in law. Authorized.

SECT. 5. *Be it further enacted,* That the said trustees and their successors, shall have one common seal, which they may break, change and renew, from time to time, as they may see cause ; and they may also 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 Farmington Academy, and may appoint an agent or agents, to prosecute and defend such suits. Common seal.

SECT. 6. *Be it further enacted,* That the trustees aforesaid, and their successors, be, and they are hereby constituted, the visitors, trustees, and governors of the said Academy, in perpetual succession forever, to be continued in the way and manner herein provided, with full power and authority to elect and appoint such preceptors, teachers, and other Trustees constituted.

other officers, and to make and ordain such laws, rules, and orders, as they may from time to time judge necessary and convenient for the good government of the said Academy; *Provided*, they are in no case repugnant to the constitution and laws of this Commonwealth.

SECT. 7. *And be it further enacted*, That either of the justices of the peace, for the county of Kennebeck, be, and he is hereby authorized, to appoint the time and place for holding the first meeting of the said trustees, and shall notify them thereof accordingly.

[This act passed February 13, 1807.]

CHAP. XLVIII.

An act to establish an Academy at Canaan in the county of Kennebeck, by the name of the Canaan 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 Seth Carrier, Esq. Mr. Josiah Lock, Mr. Judah McLellan, Mr. Benjamin Shepard, Mr. Solomon Steward, Eli Weston, Esq. Mr. John Weston, and Mr. Seth Wyman, all of Canaan: Doctor John Lawrence, of Cornville; Rev. Joshua Cushman, of Winslow; Reuben Kidder, Esq. of Waterville; William Jones, Esq. and Daniel Steward, of Norridgwock, all of the county of Kennebeck, and their successors in said office, shall be, and hereby are, made a body corporate, by the name of the Trustees of Canaan Academy.

SECT. 2. *Be it further enacted*, That the Trustees aforesaid, and their successors, be, and they are hereby made capable in law, to receive in trust, and in the behalf of said Academy, to hold, use, and improve, any lands, tenements, or other estate, real or personal, which hath already been given, or subscribed, or which may hereafter be given or subscribed, for the uses and purposes aforesaid, *provided*, that the whole annual income of said real estate shall not exceed the sum of *one thousand dollars*, and the annual income of said personal estate shall not exceed the sum of *three thousand dollars*, and all deeds, or other instruments, which the said Trustees may lawfully make, shall be sealed with their seal, and shall bind the said Trustees, and be valid in law.

SECT. 3. *Be it further enacted*, That the number of the said Trustees shall never be more than thirteen, nor less than

Proviso.

Time of meeting.

Persons incorporated.

Authorized to hold estate.

Number of trustees.

than nine—five of whom, at least, shall be a quorum for doing business; and as often as any one or more of said Trustees shall die or resign, or in the judgment of the major part of the said Trustees, is rendered incapable, by reason of age, infirmity, or otherwise, of discharging the duties of his trust, the Trustees then surviving may supply such vacancy by a new election.

SECT. 4. *Be it further enacted*, That the Trustees aforesaid, and their successors, shall be the visitors and governors of the said Academy, to be continued in the manner provided by this act, with full power and authority to appoint a Preceptor, and such other teachers and officers, as they may from time to time judge necessary for the good government of the said Academy, and also to make and establish such wholesome laws and regulations, with reasonable penalties for the breach thereof, as in their judgment may be requisite and expedient, and such laws and regulations shall be valid and obligatory, *Provided* they be in no case repugnant to the Constitution and Laws of this Commonwealth. Trustees to make laws.
Provido.

SECT. 5. *Be it further enacted*, That the said corporation of Trustees shall keep a Common Seal, to be used only in the name and behalf of the said Academy, which they shall have power to change or renew, and all deeds or other instruments executed by order of the said corporation, and in their behalf signed, sealed, delivered, and acknowledged by the treasurer and clerk of said corporation, shall be good and valid in law; and the said corporation may sue and be sued, in all actions, real, personal, or mixed; and prosecute and defend the same to final judgment and execution. Common Seal.

SECT. 6. *Be it further enacted*, That either of the Justices of the Peace, for the County of Kennebeck, upon application therefor, may appoint the time and place for holding the first meeting of the said trustees, and notify them accordingly. Justices to issue a warrant.

[This act passed February 13, 1807.]

CHAP. XLIX.

An act to continue in force an act for regulating the passage way for fish through the dam at the mouth of Stoney Brook, so called, in the town of Chelmsford, in the county of Middlesex.

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

Act continued
in force.

the same, That an act made and passed on the ninth day of March, in the year of our Lord, one thousand eight hundred and four, entitled, "An act in addition to an act, entitled, an act to regulate the catching Salmon, Shad and Alewives, and to prevent obstructions in Merrimack River, and in the other rivers and streams running into the same, within this Commonwealth; and for repealing several acts heretofore made for that purpose," be, and hereby is continued in force for the term of three years from the expiration thereof, any limitation in the same act contained, to the contrary notwithstanding.

[This act passed *February 13, 1807.*]

CHAP. L.

An act to incorporate the plantation heretofore called Davistown, into a town by the name of Montville.

Montville in-
corporated.

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 called Davistown, lying partly in the county of Lincoln partly in the county of Kennebeck, and partly in the county of Hancock, being the second grand division of the twenty associates' lands, and agreeably to the boundaries thereof, together with the inhabitants thereon, be incorporated into a town by the name of Montville, viz. beginning at a hemlock stake, at the southwesterly corner of said second grand division, in the line of the first grand division of said twenty associates' lands, marked 7 M 272 R, and a spruce tree standing near said stake, marked 20 A corner, &c.; thence running north thirty four degrees; east, seven miles two hundred and seventy two rods to a yellow birch tree, marked 20 A E corner, &c.; thence north, thirty four degrees; west, six miles, to a hemlock tree, marked 20 A N corner, &c.; thence on the easterly line of the Plymouth Company claim, as run by E. Bullard; south, twenty-five degrees; west, two miles and two hundred and seventy-six rods to a beech tree, by a large fugar maple, marked =; thence south, thirty-nine degrees; west, four miles and one half a mile to a small beech tree in a thicket, marked; thence south, forty-three degrees; west, one hundred and fifty rods to a stake; thence south, thirty four degrees; east, on the dividing line between the said first and second grand divisions,

fix

six miles, to the bounds first mentioned; and the said town of Montville is hereby vested with all the powers and privileges, and shall also be subject to all the duties and requisitions to which other towns are entitled and subjected by the Constitution and laws of this Commonwealth; and the whole of the said town of Montville, shall be, and hereby is annexed to the county of Lincoln.

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

Justice authorized to issue his warrant.

[This act passed February 18, 1807.]

CHAP. LI.

An act to incorporate a number of the inhabitants of the town of Loudon, and district of Bethlehem, as a religious society, by the name of the United Congregational Society, in Bethlehem and Loudon.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Amos Adams, Samuel Adams, Edmund Bancroft, Joshua Bartlett, Moses Beard, James Brakenridge, Samuel Byington, jun. Isaiah Clark, Timothy Cole, Joseph Fowler, Thaddeus Granger, Thaddeus Granger, 2d, Isaac Hunter, John Hunter, Samuel Hunter, Chauncy Ives, Adonijah Jones, Miles Jones, Seth P. Kingsbury, Joseph Kingsbury, David Manley, Daniel Manley, Shubael Manley, George Manley, John Meril, Nathan Pearl, Richard Pearl, Joshua Shaw, Lucius Smith, Samuel Smith, Daniel Smith, Joel Smith, Justus Smith, Elijah Smith, Elijah Smith, 2d, John Spear, Daniel Sumner, William Sumner, Samuel Underwood, Thomas Ward, Abner Waters, Benjamin Waters, Benoni Webb, Reuben Webb, Jonah Webb, David Webster, and John Webster, all of Bethlehem; and Samuel Baldwin, Abel Barber, Benjamin Barber, Roswell Barber, Elisha Cook, John Cook, Thomas Cook, Jeremiah Daly, John Davison, Thomas Davison, James Dwolf, Joshua Eames, Ozias Hawley, Phineas Jones, Paul Larcom, John Manning,

Persons incorporated.

Sylvanus Marvin, Jonathan Norton, Roderick Norton, Elijah Owen, jun. Samuel Petton, Charles Segar, Jonathan Stickland, and Samuel Thomas, all of Loudon, together with all such as may hereafter associate with them, and their successors, shall be, and hereby are incorporated into a religious society, by the name of the United Congregational Society in Bethlehem and Loudon, with all the powers and privileges exercised and enjoyed by other parishes and religious societies, according to the Constitution and laws of this Commonwealth.

Requisition to become a member.

SECT. 2. *Be it further enacted,* That any person within the said Bethlehem and Loudon, or on the adjoining tracts of unincorporated lands aforesaid, who may desire to join as a member of the said United Congregational Society, and shall declare such intention in writing, delivered to the minister or clerk of said society, fifteen days, at least, previous to the annual parish meeting, and shall receive 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 them, such person shall, from the date of such certificate, be considered with his or her polls and estate, a member of said society.

Measures necessary in case of leaving the Society.

SECT. 3. *Be it further enacted;* That when any member of the said United Congregational Society shall see cause to leave the same, and to unite in religious worship with any other religious society, in either of the places aforesaid, and shall give notice of such intention to the minister or clerk of the said United Society; and shall also give in his or her name to the minister or clerk of such other society, fifteen days, at least, previous to their annual meeting; and shall have received a certificate of membership, signed by the minister or clerk of said society, such persons shall, from the date of such certificate, with his or her polls and estate, be considered a member of said society: *Provided however,* that every such person shall always be held to pay his or her proportion of all parish charges in the society to which such person belonged, assessed and not paid previous to the leaving of said society.

Justice to issue his warrant.

SECT. 4. *And be it further enacted,* That any Justice of the Peace for the county of Berkshire, upon application therefor, is hereby authorized to issue a warrant, directed to some member of the said United Congregational Society, requiring him to notify and warn the members thereof to meet at such convenient time and place, as shall be appointed in said warrant, for the choice of such officers as parishes

parishes or religious societies are by law empowered to choose at their annual parish meetings.

[This act passed February 18, 1807.]

CHAP. LII.

An act to establish a Corporation by the name of the Lancaster 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 Merrick Rice, Esq. Timothy Whiting, Esq. and John Prentiss, together with such persons as have or may hereafter associate with them, and their assigns and successors, be, and hereby are, made a corporation by the name of the Lancaster Turnpike Corporation, for the purpose of laying out and making a Turnpike road, beginning near the house of Thomas Miles, in Fitchburg; thence through the southerly part of Leominster to the meeting-house in Lancaster; thence through the southerly part of Bolton and Stow to Sudbury Causeway, in the county of Middlesex; 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, one thousand eight hundred and five.

Persons incorporated.

And, whereas the Fifth Massachusetts Turnpike Corporation may be affected and the profits thereof lessened by making the road aforesaid, therefore,

SECT. 2. Be it further enacted, That whenever said road shall be made and opened, the said Lancaster Turnpike Corporation shall be obliged to erect one gate, with a convenient toll-house for the reception of toll thereat, within two miles from where their road commences and Barbary-hill, so called, in the said town of Leominster, which said gate and toll-house shall remain and be kept in repair for the use of said Fifth Massachusetts Turnpike Corporation, who shall be entitled to receive the same rate of toll thereat as they are entitled to receive at any of their other gates; and the said Lancaster Turnpike Corporation shall, whenever thereto required by said Fifth Massachusetts Turnpike Corporation, remove the said gate and toll-house to such place within said distance as they may require, and there to keep

Corporation to erect gate and toll-house.

—To remove when required

keep the same in repair as aforesaid, during the existence of this act; and the said last named Corporation shall be vested with all the powers and privileges, for the recovery of the toll at said gate, which are contained in the said general act herein before mentioned: *Provided always*, that the said Fifth Massachusetts Turnpike Corporation shall keep and support a gate, and continue to demand and receive the same rate of toll at their lower or eastern gate which they now demand and receive at the same, during the existence of this act.

Proviso.

Committee to locate the road.

SECT. 3. *And be it further enacted*, That Salem Town, John Spurr, and John Robbins, Esquires, be, and hereby are, appointed a committee to locate said road in the best direction, according to their best skill and judgment, from near the house of Thomas Miles, in Fitchburg, to Sudbury Causeway; and the said committee are hereby empowered to assess such damages as any individual may sustain by reason of laying out and making said road; when the corporation and such individual cannot agree, reserving to either party the right of trial by jury, according to the law which provides for the recovery of damages accruing by the laying out of public high-ways, and when the said committee have completed their business, they shall make return to the next Court of General Sessions of the Peace to be holden within the counties of Worcester and Middlesex, of the courses and distances, and damages assessed in each county, which shall have the same effect as though the same had been done by a committee appointed by said courts for the same purposes, and the expenses of said committee shall be paid by said corporation.

[This act passed *February* 18, 1807.]

CHAP. LIII.

An act for allowing a further time to the Proprietors of the Fifteenth Massachusetts Turnpike, 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 two years from the twelfth day of February, in the year of our Lord one thousand eight hundred and seven, be, and hereby is allowed to said proprietors

proprietors to complete said turnpike road ; any thing in the original act of incorporation to the contrary notwithstanding.

[This act passed February 18, 1807.]

CHAP. LIV.

An act authorizing the sale of the School Lands in the town of Jay, to raise a fund for the support of Schools in said town, and for appointing Trustees for those 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 Craft, Samuel Wheat Eufis, Oliver Fuller, Scarborough Parker, William Chenery, Nathan Craft, and Edward Richardson, be, and hereby are appointed trustees to sell the school lands in the said town of Jay, and to put out at interest the monies arising from such sale, in manner hereinafter mentioned : And for that purpose,

Trustees appointed.

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 Jay Schools, in the county of Oxford ; 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 alteration at their pleasure, and they may sue and be sued, in all actions, real, personal, or mixed, and prosecute and defend the same to final judgment and execution by the name aforesaid.

—Incorporated.

SECT. 3. *Be it further enacted,* That the said trustees and their successors, shall annually elect a president, and clerk, to record the doings and transactions of the trustees at their meetings, and a treasurer to receive and apply the monies hereinafter mentioned as hereinafter directed, and any other needful officers for the better managing their business.

Trustees to elect officers.

SECT. 4. *Be it further enacted,* 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 inhabitants of said town, and shall have power to remove any of their number who may become unfit and incapable from age, infirmity, misconduct, or any other cause, of discharging

Empowered.

discharging their duty, and supply vacancies so made by a new choice from the town aforesaid, and the said trustees shall annually hold a meeting, in March or April, and as much oftener as shall be found necessary to transact their necessary business, which meetings, after the first, shall be called in such a way and manner as the trustees shall hereafter direct.

H. Thomas, Esq.
authorized.

SECT. 5. *Be it further enacted*, That Holmes Thomas, Esq. be, and he hereby is authorized, to fix the time and place for holding the first meeting of the trustees, and to notify each trustee thereof.

Trustees author-
ized to sell lands.

SECT. 6. *Be it further enacted*, That the said trustees be, and they hereby are authorized to sell and convey in fee simple all the school lands belonging to the said town, 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 town to the purchaser to all intents and purposes whatever.

Proceeds to be
put to interest.

SECT. 7. *Be it further enacted*, That the monies arising from the sale of said lands, together with all donations or grants that may be made hereafter to said corporation, for the use of schools in said town, shall be put to use as soon as may be, and secured by mortgage of real estate, to the full value of the estate sold or money loaned; or by two or more sufficient sureties 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.

Interest appro-
priated.

SECT. 8. *Be it further enacted*, That the interest arising from said funds shall be annually appropriated for the use of public schools in said town; and it shall never be in the power of said town to alter or alienate the appropriation of the fund aforesaid.

Treasurer to
give bonds.

SECT. 9. *Be it further enacted*, That the treasurer of the trustees shall give bonds faithfully to perform his duty, and to be at all times responsible for the faithful application and appropriation of the monies that 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.

SECT. 10. *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

from the fund aforesaid, but a reasonable compensation shall be paid them by the town aforesaid.

SECT. 11. *Be it further enacted*, That the said trustees and their successors, shall exhibit to the town, at their annual meeting in March or April, a regular and fair statement of their doings.

SECT. 12. *Be it further enacted*, That the said trustees, and each of them, shall be responsible to the town for their personal negligence or misconduct, whether they be officers or not, and 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 to the towns.

[This act passed Feb. 20, 1807.]

CHAP. LV.

An act to incorporate sundry persons into a society by the name of the Massachusetts Society for promoting Christian knowledge.

WHEREAS Samuel Abbot and sundry other persons have associated themselves for the benevolent purpose of promoting evangelical truth and piety, by a charitable distribution of bibles, testaments, psalters and other religious books and tracts, among poor and pious christians, in new towns, plantations, and other places; and also by supporting charity schools, and pious missionaries in places destitute of the means of religious knowledge, or where such means are but sparingly enjoyed; and have petitioned this Court for an act of incorporation, whereby they may be the better enabled to carry into effect the object of their association; and, as it is reasonable, that the prayer of said petition should be granted; therefore, to promote and encourage the same:

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 Abbot, of Andover, Esq. Rev. Joshua Bates, of Dedham, Rev. Daniel Chaplin, of Groton, William Coombs, of Newburyport, Esq. Rev. Joseph Dana, of Ipswich, D. D. Rev. Daniel Dana, of Newburyport, Rev. Peter Eaton, of Boxford, Samuel Farmer, Esq. and Rev. Jonathan French, of Andover, Caleb Gannett, of Cambridge, Esq. Rev. William Greenough, of Newton, Mr. William Hilliard, and Rev. Abiel Holmes, D. D. of Cambridge,

Persons incorporated.

bridge, Rev. David Kellogg, of Framingham, Rev. James Kendall, of Plymouth, Rev. Joseph Lyman, of Hatfield, D. D. Rev. Jedediah Morfe, of Charlestown, D. D. Mark Newman, A. M. Eliphalet Pearson, L. L. D. and John Phillips, jun. Esq. of Andover, Rev. Thomas Prentiss, of Medfield, Rev. Samuel Stearns, of Bedford, Dr. James Thacher, of Plymouth, John Treadwell, Esq. of Salem, Rev. Benjamin Wadsworth, of Danvers, and Mr. Samuel Hall Walley, of Boston, be, with such others as they shall elect, and they hereby are incorporated and made a body politic, for the purpose aforesaid, by the name of the Massachusetts Society for propagating christian knowledge. And the society aforesaid, shall have perpetual succession, and may have a common seal, which it shall be lawful for them to change, break, alter, and make new at pleasure; and may purchase, and receive by gift or device, land, tenements, and real estate of any kind, and the same hold in fee simple, or less estate, the annual income and profits whereof, not to exceed the value of six thousand dollars. And the said society is hereby enabled to take and receive subscriptions of charitably disposed persons, and may take any personal estate in succession; and all donations to the society either by subscription, legacy, or otherwise, (excepting such as may be differently appropriated by the donors) shall make a part of, or be put into the capital stock of the society; which shall be put out on interest on good security, or otherwise improved to the best advantage; and the income or profits applied to the purpose of promoting christian knowledge, in such manner as they shall judge most conducive to answer the design of their institution; and the said society is hereby empowered to give such instructions, orders, and encouragement to their officers, and to those they shall employ, as they shall judge necessary; and the persons employed as teachers in any capacity, shall be persons of the protestant religion, of reputed piety, loyalty, prudence, knowledge and learning, and of other christian and necessary qualifications, suited to their respective stations.

Their powers.

Qualifications of teachers.

Officers to be chosen by ballot.

SECT. 2. *And be it further enacted,* That the said society may choose by ballot, a president, vice-president, clerk, secretary, treasurer, and such other officers as they shall see fit: and may, at their first meeting under this corporation, by the vote of two thirds of the members present at said meeting, adopt such constitution or system of rules and by-laws, as they shall think necessary for the orderly conducting and executing

executing the business of said society ; and for the most effectually securing the object of their institution ; which constitution or system of rules and by-laws, shall be for the government of said society, and shall not be altered at any subsequent meeting, but in the manner therein pointed out ; *Provided*, such rules and by-laws be not repugnant to the constitution and laws of this commonwealth.

SECT. 3. *And be it further enacted*, That the society aforesaid, may at all times, under the name, style, and title aforesaid, sue and be sued, plead or be impleaded, appear, prosecute, and defend to final judgment and execution ; and may appoint an agent or agents to prosecute and defend suits, with power of substitution ; and it shall be lawful for the said society to make sale of any estate or personal property, given or purchased as aforesaid, or in any other way or right accruing to them in their corporate capacity, (unless that which is given, be otherwise expressly ordered or appropriated by the donor,) and convey the same by deed, or other legal instrument, duly executed, and when the property to be conveyed is real estate, under the hand of the president, and the seal of the society ; provided that all monies arising from such sale, be applied to the same use to which the income thereof was before applied.

And to the end, that the members of said society, and all contributors to said design, may know the state of the funds of said society, and the disposition thereof, and of all the donations made to said society,

SECT. 4. *Be it enacted*, That particular accounts of such funds, and the disposition thereof, shall be exhibited by the treasurer ; or, in case of his absence, by the clerk, at the stated annual meeting of said society, a committee of said society having first examined and certified the same to be true ; and fair entries shall be made in proper books, provided for that purpose, of all donations made to the society ; and of all the estate, both real and personal, belonging to the same ; and said books shall be brought to the general stated meetings, and be there open for the perusal and examination of the members.

SECT. 5. *Be it further enacted*, That Samuel Abbot, John Treadwell, and John Phillips, jun. Esq's, or any two of them, be, and they hereby are authorized, by notification in two of the Boston newspapers, to call the first meeting of said society in their corporate capacity, at such time and place as they shall judge proper.

SECT. 6. *And be it further enacted,* That the Legislature of this Commonwealth may at any time after the expiration of ten years from the passing of this act, alter, amend, or repeal the charter of said corporation, at their will and pleasure, reserving however to the proprietors for the time being, their property which they may have appertaining to said corporation.

[This act passed Feb. 20, 1807.]

CHAP. LVI.

An act to incorporate a number of the inhabitants of the town of Edgecomb, in the county of Lincoln, as a religious society, by the name of the first Congregational Society in Edgecomb.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the* *same,* That Stephen Adams, Azariah Baker, Joseph Burnham, Isaac Clifford, William Clifford, William Clifford, jun. Moses Davis, Moses Davis jun. Henry Dodge, Malachi Dodge, John Dodge, Winthrop Dodge, John Fly, William Fly, William Fly, jun. Ebenezer Gove, John Gove, David Gove, jun. Benjamin Hagget, Benjamin Hagget, jun. William Hagget, William Hodge, Abner Hood, Daniel Hood, Simon Merrill, Stephen Merrill, Ebenezer Moore, James Moore, Nathaniel Moore, William Moore, Aaron Ring, Thomas Ring, Barnabas Sears, Enoch Trask, Daniel Trask, Solomon Trask, Solomon Trask, jun. Benjamin Tilton, Daniel Tilton, John Tilton, and David Webber, jun. with their families and estates, together with such others as have, or may hereafter associate with them, and their successors, be, and hereby are made a corporation, with perpetual succession, by the name of the first Congregational Society in Edgecomb, with all the powers and privileges to which other parishes or religious societies are entitled by the constitution and laws of this commonwealth.

SECT. 2. *Be it further enacted,* That any person in the said town of Edgecomb, who may be desirous of becoming a member of the said first Congregational Society, and shall declare such intention in writing, given in to the clerk of the said first society, fifteen days previous to the annual parish meeting, and shall receive a certificate signed by the clerk or the minister of the said society, that he or she has actually

Persons incor-
porated.

Members to ob-
tain a certificate.

actually become a member of, and united in religious worship with the said first Congregational Society in Edgecomb, such person shall, from the date of such certificate, be considered, with his or her polls and estate, as a member of said society.

SECT. 3. *Be it further enacted,* That when any member of the said first Congregational Society in Edgecomb, shall see cause to leave the same, and unite in religious worship with any other religious society in the said town, and shall give notice of such intention to the clerk of the said first society, and shall also give in his or her name to the clerk of such other society, fifteen days previous to the annual meeting of said society, and shall have received a certificate of membership, signed by the minister or clerk of said society, such person shall, from the date of such certificate, with his or her polls and estate, be considered as a member of said society: *Provided however,* that every such person shall always be held to pay his or her proportion of all parish charges in the society to which such person formerly belonged, assessed and not paid previous to leaving said society.

Persons leaving,
to signify their
intention.

SECT. 4. *And be it further enacted,* That either of the justices of the peace for the county of Lincoln, upon application therefor, is hereby authorized to issue a warrant, directed to some member of the said first Congregational Society in Edgecomb, requiring him to notify and warn the members thereof, to meet at such convenient time and place as shall be appointed in said warrant, for the choice of such officers as parishes are by law required to choose at their annual parish meetings.

Justices to issue
a warrant.

[This act passed Feb. 20, 1807.]

CHAP. LVII.

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 Kennebeck River at Fort Western, in the town of Hallowell."

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 said bridge shall be authorized hereafter, to demand and receive for each horse with one rider, *twelve and one half cents*; and for each single horse-cart,

Toll fixed.

horse-cart, sled or sleigh, *sixteen cents*; and all the other rates of toll for passing said bridge remain and continue as provided in the said act, passed on the fifth day of February, in the year of our Lord one thousand seven hundred and ninety-nine.

[This act passed Feb. 20, 1807.]

CHAP. LVIII.

An act to incorporate a part of the plantation of Porterfield into a town by the name of Porter.

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 part of the plantation called Porterfield, and all other lands in the county of Oxford, contained within the following boundaries, together with the inhabitants thereon, be, and hereby are incorporated into a town by the name of Porter, viz. Beginning on the north bank of great Offipee river, on the line between the State of New Hampshire and the District of Maine, thence northwardly, by New Hampshire line, one thousand nine hundred and seventy rods, to a stake and stones; thence south, eighty-three degrees east, one thousand three hundred rods, to a stake and stones on the east line of the plantation of said Porterfield; thence southwardly by said Porterfield line to great Offipee river; thence up in the middle of said river to New Hampshire line, the place began at. And the said town of Porter is hereby vested with all the powers, privileges and immunities, which other towns in this commonwealth, do or may enjoy by the constitution and laws thereof.

Porter incorporated.

SECT. 2. *And be it further enacted,* That Samuel Ayer Bradley, Esq. or any other justice of the peace, in and for said county of Oxford, be, and hereby is empowered to issue his warrant, directed to some suitable inhabitant of said town of Porter, 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 months of March or April annually.

Justice to issue a warrant.

[This act passed February 20, 1807.]

CHAP. LIX.

An act to authorize Ephraim Lincoln and Thomas L. Chafe to make use of the waters of Rocky Pond.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Ephraim Lincoln and Thomas L. Chafe, be, and they are hereby authorized, to dig a drain on the easterly side of Rocky Pond, so called, lying in the Gore of Land between the towns of Westminster and Leominster, in the county of Worcester, and to erect Sluices and Dams necessary to retain the waters of said Pond, to be appropriated for their use and benefit, in turning Mills owned by said Lincoln and Chafe. Dams to be erected.

SECT. 2. *And be it further enacted by the authority aforesaid,* That any owner of land adjoining on said Pond shall have the right of damages, if any there be, in consequence of draining or flowing said Pond, to be recovered in the same way and manner as is by law provided for the flowing of lands for the use of mills. Damages recovered.

[This act passed February 20, 1807.]

CHAP. LX.

An act for the preservation of the Fish in Massapaug Ponds, (so called) 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 from and after the passing of this act, it shall not be lawful for any person whatever, in the night time, to kill, take, or destroy, any fish, in the ponds called Massapaug Ponds, lying between the towns of Dunstable, Groton, and Tyngsborough, or in the streams running into, and issuing therefrom, with spears, or any implement whatever, which is made use of, for the purpose of stabbing or killing the fish in the said ponds or streams. Fish not to be taken at night!

SECT. 2. *Be it further enacted,* That if any person or persons, from and after the passing of this act, in the night time, after the setting and before the rising of the Sun, with spears, or any other implement which is made use of for the purpose of killing or taking fish, shall kill, take, or destroy, any fish in said ponds, called Massapaug Ponds, or in the streams running into or issuing therefrom, such person

Penalty.

son shall, for each and every fish so taken, killed, or destroyed, forfeit and pay the sum of *Fifty Cents*, to be recovered before any court proper to try the same by action, in which the whole penalty shall enure to the use of such person as shall first sue for the same.

[This act passed *February 20, 1807.*]

CHAP. LXI.

An act to incorporate certain tracts of land in the county of Oxford, into a town by the name of Denmark.

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 Academy grant, Pleasant Mountain Gore, and Foster's Grant in said county of Oxford, and all other lands contained within the following boundaries, viz. beginning at the north-east corner of Fryburg, and running southerly by Bridgeton to Baldwin line, thence south, sixty degrees west, six hundred and one rods, to a hemlock tree, marked; thence south, eighty-seven degrees west, sixteen hundred and ten rods to a maple tree on the bank of Saco river; thence up by said river to a pine tree, marked thus, No. 1. SI. EB.; thence north, twelve degrees west, eight hundred and fifteen rods, to a maple tree by Pleasant Pond; thence northwardly by the Pond afore said, to Fryburg line; thence north, forty-three and an half degrees east, by Fryburg to the first bound, together with the inhabitants thereon, be and hereby are incorporated into a town by the name of Denmark; and the said town of Denmark 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.*

Denmark incorporated.

SECT. 2. *And be it further enacted by the authority afore said, That Timothy Osgood, Esq. or any other Justice of the Peace, in and for said county of Oxford, be, and hereby is empowered to issue his warrant directed to some suitable inhabitant of said town of Denmark, 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 months of March or April annually.*

Justice to issue his warrant.

[This act passed *February 20, 1807.*]

CHAP. LXII.

An act to incorporate the easterly part of the plantation heretofore called Ballstown, into a separate town by the name of Jefferfon.

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 side of the plantation heretofore called Ballstown, in the county of Lincoln, as described within the following bounds, be, and hereby is incorporated into a town by the name of Jefferfon, viz.—Beginning at a red oak tree, marked for a corner, standing near Travel Pond, so called; from thence running south, sixty degrees east, five miles and two hundred and eighty poles, to Union line, to a hemlock tree, marked for a corner; thence south one mile and one hundred and forty poles, to a tree marked for a corner; thence south, sixty-six degrees west, one mile and two hundred and forty poles, to a tree marked for a corner, on Waldoborough line; thence south-west two miles and two hundred and sixty poles, to Nobleborough line, to a tree marked for a corner; thence west northwest two miles and eighty poles, to a tree marked for a corner, standing on the shore of Damiscotta pond; thence across said pond to the western shore of said pond, thence down said pond, as said pond runs to New-Castle line, to a tree marked for a corner; thence west northwest three miles and forty poles, to a stake and stones at Turner's Brook, so called, for a corner; thence north, twenty-seven degrees east, eleven miles and twenty poles, to the bound first mentioned. And the said town is hereby vested with all the powers and privileges, and subject to all the duties and requirements, to which other towns are entitled or subjected, by the Constitution and laws of this Commonwealth.

Jefferfon incor-
porated.

SECT. 2. *And be it further enacted,* That either of the Justices of the peace, for the county of Lincoln, be, and he is hereby authorized, to issue a warrant, directed to some inhabitant of said town of Jefferfon, requiring him to notify and warn the inhabitants of the said town, to meet at such convenient time and place as shall be appointed in said warrant, for the choice of such officers as towns are by law required to choose at their annual town meetings.

Justice to issue
a warrant.

[This act passed February 24, 1807.]

CHAP. LXIII.

An act to incorporate a number of the inhabitants of the plantations of Ballstown, and other placés adjoining, in the county of Lincoln, into a religious society, by the name of the Calvinistic Baptist Society, in Ballstown.

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 Arril, Joseph Baley, David Boynton, John Boynton, John Boynton, jun. Richard Boynton, David Carlton, Samuel Carlton, Abraham Choat, Moses Choat, John Dake, Isaac Davis, Benjamin Fowles, Joseph Fowles, William Fowles, Abraham Hilton, Isaac Hilton, Thomas Hilton, John King, John Murphy, James Murphy, jun. Jere Norris, Daniel Noyes, Jonathan Noyes, Nathaniel Noyes, jun. Aaron Potter, John Philbrick, Richard Poor, David S. Trask, Jonathan Trask, John Trask, Thomas Trask, Thomas Trask, jun. and John Woodman, with their families and estates, together with such others as already have, or may hereafter associate with them, and their successors, be, and hereby are made a corporation, by the name of the Calvinistic Baptist Society in Ballstown, and by that name shall have perpetual succession, with all the powers and privileges exercised and enjoyed by other religious societies, according to the Constitution and laws of this Commonwealth.

Persons incor-
porated.

SECT. 2. *Be it further enacted,* That any person belonging to the said plantation of Ballstown, or in the adjacent towns or plantations who may be desirous to join the said Calvinistic Baptist Society, and shall declare such intentions in writing, to the elder or clerk of said society, fifteen days at least, previous to the annual society meeting, and shall receive a certificate signed by the said elder and clerk, that he or she has actually become a member of, and united in religious worship with the said society in Ballstown, such person shall, from the date of such certificate, be considered, with his or her polls and estate, a member of said society.

Members to
obtain a cer-
tificate.

SECT. 3. *Be it further enacted,* That when any member of the said Calvinistic Baptist Society in Ballstown, shall see cause to leave the same, and to unite in religious worship with any other society, and shall give notice of such intentions to the elder or clerk of the said Baptist Society, and shall also give in his or her name, to the minister or clerk of such other society, fifteen days, at least, previous to the
annual

Members leav-
ing, to signify
their intention.

annual society meeting, and shall have received a certificate of membership, signed by the minister and clerk of such society, such person shall, from the date of such certificate, with his or her polls and estate, be considered a member of said society: *Provided however*, that every such person shall always be held to pay his or her proportion of all parish charges in the society to which such persons belong, assessed and not paid previous to leaving said society.

SECT. 4. *And be it further enacted*, That either of the Justices of the Peace for the county of Lincoln, is hereby authorized to issue a warrant, directed to some member of the said Calvinistic Baptist Society, requiring him to notify and warn the members thereof, to meet at such convenient time and place, as shall be expressed in the said warrant, for the choice of such officers as parishes or religious societies are by law empowered to choose at their annual parish meetings.

Justice to issue
a warrant.

[This act passed *February 24, 1807.*]

CHAP. LXIV.

An act, setting off Bracey Banks and others, from the Congregational Society in the town of Saco, and annexing them to the first Baptist Society in the town of Buxton.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Bracey Banks, Samuel Woodson, Josiah King, Thomas Andrews, Robert Cleaves, Ephraim Bryant, Robert Cleaves, jun. Benjamin Simpson, Joseph Gilford, Stephen Seavey, Joseph Richards, Samuel Chamberlain, Nathan Hopkinson, and Ephraim Bryant, jun. of Saco, in the county of York, with their polls and estates, both real and personal, be set off from the Congregational Society, in Saco, and annexed to the first Baptist Society in Buxton: *Provided*, that the said Bracey Banks, Samuel Woodson, Josiah King, Thomas Andrews, Robert Cleaves, Ephraim Bryant, Robert Cleaves, jun. Benjamin Simpson, Joseph Gilford, Stephen Seavey, Joseph Richards, Samuel Chamberlain, Nathan Hopkinson, and Ephraim Bryant, jun. shall pay to the said Congregational Society all taxes, lawfully assessed on them, in the same manner they would have been holden to do, had not this act passed.

Persons set off.

[This act passed *February 24, 1807.*]

CHAP. LXV.

An act to divide the town of Cambridge, and to incorporate the southerly parish therein as a separate town, by the name of Brighton.

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 town of Cambridge situate on the south side of Charles River, heretofore known as the Third Parish, and as described within the following bounds, together with the inhabitants thereon, be, and the same is hereby incorporated into a separate town, by the name of Brighton—viz. Beginning at Brookline line, where Charles River intersects the same, and running on a line in the middle of said Charles River, until it strikes Newton line, thence along Newton line until it intersects Brookline line; thence on said line of Brookline to said Charles River, first mentioned; and the said town of Brighton is hereby vested with all the powers, privileges, and immunities, and shall also be subjected to all the duties to which other corporate towns are entitled and subjected by the constitution and laws of this commonwealth: *Provided however,* that nothing in this act shall be so construed as to impair the right or privilege of the Congregational ministers of the said town of Brighton, which they hold in Harvard College.

SECT. 2. *Be it further enacted,* That the said town of Brighton shall be entitled to hold such proportion of all the real and personal estate, now belonging to, and owned in common by the inhabitants of the present town of Cambridge, as the property of the inhabitants of the said town of Brighton now bears to the property of all the inhabitants of the present town of Cambridge, according to the latest valuation thereof, excepting always, all right of common landing places, uses, and privileges, heretofore possessed by the inhabitants of said town of Cambridge, all which shall be held and enjoyed by the towns respectively within whose limits the same may be.

SECT. 3. *Be it further enacted,* That the said town of Brighton shall be holden to pay their proportion, to be ascertained as aforesaid, of all the debts and claims now due and owing from the said town of Cambridge, or which may hereafter be found due and owing by reason of any contract

Brighton incor-
porated.

Boundaries.

Proviso:

Proportion of
property to be
held by Bright-
on.

To pay their
proportion of
debts, &c.

tract, engagement, judgment of Court, or any matter or thing, now or heretofore entered into or existing.

SECT. 4. *Be it further enacted,* That the said town of Brighton shall be holden to support their proportion of the present poor of the town of Cambridge, which proportion shall be ascertained as aforesaid, and all persons, who shall or may hereafter become chargeable as paupers, shall be considered as belonging to that town on whose territory they have gained a legal settlement at the passing of this act, and shall be supported by that town only.

Supporting the poor.

SECT. 5. *Be it further enacted,* That the said town of Brighton shall keep up and support their proportion of a bridge over Charles River, between said town and the town of Cambridge, so long as said bridge may be deemed by law, necessary; said proportion to be ascertained by the state valuation from time to time.

Supporting the bridge.

SECT. 6. *Be it further enacted,* That either of the justices of the peace for the county of Middlesex, is hereby authorized to issue a warrant, directed to some inhabitant of the said town of Brighton, requiring him to notify and warn the inhabitants thereof to meet at such convenient time and place as shall be expressed in the said warrant, for the choice of all such officers, as towns are by law required to choose, in the months of March or April, annually.

Justice to issue his warrant.

SECT. 7. *Be it further enacted,* That the said town of Brighton shall pay their proportion of all state and county taxes, as are already, or may hereafter, be assessed upon the inhabitants of the town of Cambridge, until the General Court shall lay a tax upon said town of Brighton,

To pay proportion of taxes.

[This act passed February 24, 1807.]

CHAP. LXVI.

An act, in addition to an act, entitled An act to enable the proprietors of Social Libraries to manage the same.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That any seven or more persons, who are officers in any division of the militia of this commonwealth, who shall by writing, associate themselves for the purpose of forming a Military Library Society, within the limits of their division, may become a body politic, by the name of the Military Library Society, in the division, for the express

Military Library Society.

expres purpose of purchasing, holding, increasing, preserv-
 ing, and using such library ; and to this end, any five or
 more of them may make an application in writing to any
 justice of the peace, within the limits of the division to
 which said applicants may belong, stating the purposes of
 their meeting, and requesting him to call a meeting of the
 said proprietors. And the said justice may thereon grant
 his warrant to any one of them, directing him to call a
 meeting of the said proprietors at the time and place ex-
 pressed in such warrant ; and said meeting shall be called
 by posting up the purport of said warrant, in such public
 places, within the division, where the said library is to be
 kept, or by publishing the same in one or more newspapers
 printed within the said division, twenty days at least, before
 the time of said meeting, as the said justice shall order. And
 the said proprietors being thus met and organized, may
 then agree and determine upon the method of calling future
 meetings ; and shall be entitled to all the other rights, pow-
 ers, and privileges, and be under all the limitations and re-
 strictions, mutatis mutandis, which are contained in the act
 to which this is an addition.

[This act passed Feb. 24, 1807.]

CHAP. LXVII.

An act to incorporate certain persons for the purpose of
 making a Canal, on Moose Brook, in the town of Brown-
 field, in the county of Oxford, by the name of the Pro-
 prietors of Moose Brook Canal.

SECT. 1. **BE** it enacted by the Senate and House of Repre-
 sentatives, in General Court assembled, and by the authority of
 the same, That Cyrus Ingals, Elias Berry, Dean Osgood,
 Joseph Walker, Enoch Perley, Seth Spring, Joseph Howard,
 Robert Andrews, Isaiah Ingals, Phineas Ingals, Jacob
 Smith, Daniel Brigham, James Emerfon, James Flint, Jo-
 seph Sears, and Henry Y. B. Osgood, together with such
 other persons as may hereafter be associated with them,
 and their successors, shall be a corporation by the name of
 the proprietors of the Moose Brook Canal, and by that
 name may sue and be sued, defend and be defended, prose-
 cute and be prosecuted : shall have a common seal, which
 they may at pleasure alter, and shall enjoy all privileges and
 powers,

Persons incor-
 porated.

powers, and do and suffer all such matters and things as are incident to similar corporations.

SECT. 2. *Be it further enacted*, That the proprietors aforesaid, be, and hereby are empowered, within the term of five years from the passing of this act, to make a Canal from the bridge near Ingals' Mill, so called, in Brownfield, aforesaid, to the mouth of Moose Brook into Saco River, in the most convenient direction and most suitable places for making said canal, and for loading and unloading and transporting any lumber and other commodities therein.

Empowered to make a canal.

SECT. 3. *Be it further enacted*, That if any person or persons shall suffer any damage by means of said canal, and the parties cannot agree upon the amount of damages thus occasioned, nor upon some suitable person or persons to estimate the same, then, and in such case, some disinterested committee of three freeholders in said county, shall be appointed by the Court of Common Pleas, or by two justices of the quorum, in and for said county, and the determination of the committee or referees so appointed, shall be the measure of said damages; *Provided however*, that if either party shall be dissatisfied with the report of said referees so appointed, and shall, at the same session of the court aforesaid, at which said report shall be made, apply to said court for a trial by jury, in the manner other causes are determined, the court aforesaid, shall have power to determine the same by jury as aforesaid; and if the verdict of the jury shall not give to the party applying a greater sum in damages than said referees shall have awarded as aforesaid, then the said court shall award costs against the applicants; but if said last decision shall be more favorable to the party applying than the report of said referees, then the said court shall render judgment accordingly, and issue execution in either case.

Method of determining the amount of damages.

Provido.

SECT. 4. *Be it further enacted*, That if any person or persons shall wilfully and mischievously in any way destroy or injure said canal, or any works or part thereof, or divert or obstruct the waters to the damage of the proprietors thereof, he, she, or they shall pay treble the value of such damage, as said proprietors shall, before the court and jury before whom the trial shall be had, make to appear, said proprietors have sustained by means of said trespass, to be sued for and recovered in any court proper to try the same.

Penalty for mischievously injuring.

SECT. 5. *Be it further enacted*, That for the purpose of remunerating said proprietors for the monies by them expended,

Toll granted.

pended, and to be expended in building and supporting said canal, a toll be, and hereby is granted and established for the benefit of said proprietors, their heirs, successors and assigns, according to the rates following, viz. for each mill-log one cent, for each thousand of clapboards and shingles one and an half cent, for each thousand of board, plank, and slitwork, three cents; for masts, spars, ranging and other timber, three cents per ton; provided, that nothing in this act shall in any way diminish the toll of one cent on a mill-log to the within named Cyrus Ingals for passing through the said Ingals' slip above said canal.

SECT. 6. *Be it further enacted*, That said proprietors shall, as soon as said canal is, in the opinion of the Court of Common Pleas in said county of Oxford, or in the opinion of a committee appointed by said court, completed, have power to recover the toll as aforesaid, on all the several articles as they pass and repass, and to retain them or any part of them, if payment should be refused.

SECT. 7. *Be it further enacted*, That upon the application of any three of said proprietors to any justice of the peace in the said county of Oxford, requesting him to call a meeting of said proprietors, to be holden at some convenient place near said canal, such justice shall be, and is hereby empowered to issue his warrant directed to one of said proprietors, (requesting him to notify and warn his associates to meet at such time and place as shall be directed in said warrant,) who, when met, may agree upon a method for calling future meetings of said proprietors, and do and transact all such other matters and things of the propriety as shall be expressed in said warrant, and not contrary to the laws and constitution of this commonwealth.

SECT. 8. *Be it further enacted*, That said proprietors be, and they hereby are authorized and empowered to purchase and to hold to them and their successors, forever, so much real estate as shall be necessary for the purposes aforesaid, not exceeding one thousand dollars.

SECT. 9. *Be it further enacted*, That each proprietor shall have a right to vote in proprietary meetings according to his interest, either in person or by legal representation.

[This act passed February 24, 1807.]

CHAP. LXVIII.

An act to repeal the fifth section of an act, entitled, "An act authorizing a Lottery for 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 fifth section of the act, aforesaid, be, and the same is, hereby repealed.

SECT. 2. *Be it further enacted by the authority aforesaid,* That no one shall be permitted to sell any parts of tickets in any future class of the aforesaid Lottery, except such as are signed by some one or more of the Managers of said Lottery.

[This act passed February 24, 1807.]

CHAP. LXIX.

An act to incorporate a number of the inhabitants of the second Precinct in the town of Attleborough, into a religious society, by the name of the Second Congregational Parish in Attleborough.

WHEREAS, a number of the inhabitants, belonging to the religious society of the second Precinct in the town of Attleborough, in the county of Bristol, whereof the Rev. Nathan Holman is their present Pastor, have petitioned this court to be incorporated; shewing that the said Precinct is possessed in their own right, of a small lot of land, called the meeting-house lot, in said Precinct, with a meeting-house thereon, and also of *eleven hundred and forty dollars*, as a fund for supporting a Minister of the Gospel in said Precinct.

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 Noah Blandin, Jacob Bolkcom, Joab Dagget, Thomas French, Caleb Richardson, jun. Nathaniel Robinson, Henry Sweet and Peter Thacher, together with such other persons as have, or may hereafter associate with them and their successors, be, and they are hereby incorporated into a body politic, with perpetual succession, by the name of The Congregational Society in the second Precinct in Attleborough.

Persons incorporated.

SECT.

Trustees ap-
pointed.

SECT. 2. *Be it further enacted*, That Noah Blandin, Jacob Bolkcom, Joab Dagget, Thomas French, Caleb Richardson, jun. Nathaniel Robinson, Henry Sweet, and Peter Thacher be, and they hereby are, appointed trustees, to manage such funds as already are, or shall be hereafter raised and appropriated, to the support of a minister of the Congregational denomination in said society; and for this purpose, the trustees before named, and their successors forever, shall be known in law, by the name of The Trustees of the Congregational Society in the Second Precinct in Attleborough; and the said trustees, in behalf, and under the direction of the said society, shall have power, from time to time, to receive, possess, enjoy, improve and retain, monies, and securities for money already raised; and all monies, subscriptions, donations, and securities for real or personal estate, which may be hereafter given, raised, or subscribed, for the purpose aforesaid, and shall have power to sell and convey lands and tenements, the fee whereof may vest in them, by way of mortgage, or operation of law. And the said trustees may put, and keep to use or interest, the *eleven hundred and forty dollars* aforesaid, until the principal and interest, with what may be added thereto, shall amount to *four thousand dollars*, from which time, and afterwards, the interest, or annual income thereof, shall be annually paid for the support of such Congregational teacher of Religion, as now is, or shall be hereafter, regularly ordained and settled in said Precinct, by the joint concurrence of the Church and inhabitants in said Precinct, being legal voters and attendants at the stated religious meetings of the said Congregational teacher or minister.

Empowered.

Further powers.

SECT. 3. *Be it further enacted*, That during any vacancy in said Precinct, of a regularly ordained minister; as aforesaid, the said trustees shall appropriate such interest or income, to increase the principal of the fund; and also at all times to add to the principal of the fund, after it may amount to the sum of *four thousand dollars*, all monies or securities for money, donations, or securities for real or personal property; and, *Provided also*, that if at any time, the annual income or interest of the whole, shall be more than sufficient to pay the stated minister what he hath a legal right by contract to receive, the overplus may be applied to rebuilding, enlarging, or repairing, of their meeting-house, or any other purpose of public utility, as the said society shall direct.

SECT. 4. *Be it further enacted,* That the said society may fill all vacancies among the trustees, or other officers of the said society, whether they happen by death, resignation, or otherwise, so that there may always be seven trustees, and no number less than three trustees shall constitute a quorum for doing business; and the said society may make their officers such compensation for their time and services, as they may judge reasonable, but no part of the principal of said fund shall ever be expended for any purpose whatsoever.

Vacancies filled.

Compensation.

SECT. 5. *Be it further enacted,* That the said society shall hold their first meeting on the last Monday in March next, and shall then choose a clerk, who shall be sworn to make a fair record of all the proceedings of the society, and also a treasurer, who shall receive all money and securities belonging to said fund, when the trustees shall order the same into his hands, and shall keep an account of all monies and securities for money, belonging to the said fund, to whom it is loaned, and for what time. And the said society may at their first meeting, and from time to time afterwards, as occasion may require, make such rules and by-laws, and for the admission of members, as they may think necessary, and to establish the manner of calling future meetings, and to appoint an agent or agents, in behalf of said society, when they may judge it expedient.

Choice of clerk and treasurer.

SECT. 6. *And be it further enacted,* That any Justice of the Peace for the county of Bristol, is hereby authorized to issue a warrant, directed to some member of said society, requiring him to notify and warn the members thereof to meet at such convenient time and places, as shall be expressed in said warrant, for the choice of trustees, and such other officers, as Parishes are by law empowered to choose at their annual parish meetings.

Justice to issue a warrant.

[This act passed February 24, 1807.]

CHAP. LXX.

An act for the better preservation of the growth of the wood and timber, on a tract of woodland, lying in the towns of Wenham and Hamilton.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That for the better preservation of the growth of

M

the

the wood and timber, on a certain tract or parcel of woodland, commonly known by the name of Wenham Great Swamp, and bounded as follows, viz. Beginning at Pleasant Pond brook, commonly so called; thence southerly by Pleasant Pond and land of adjacent proprietors; westerly on a meadow, known by the name of Wenham Great Meadow, to the Nail Maple, so called, near Ipswich river in Topsfield; thence to said river, and northerly by said river to land of Reuben Smith; thence easterly by land of said Smith, and other adjacent proprietors, to Pleasant Pond brook, aforementioned; the proprietors of said lands, their heirs and assigns, be, and hereby are incorporated and invested with all the powers and privileges which the proprietors of common and general fields by law are invested with.

SECT. 2. *And be it further enacted*, That if any of the said proprietors, or any field driver, or hay-ward duly appointed by them, shall find any horse, or horse kind, neat cattle or sheep, going at large in said woodland, the owner or owners thereof, shall forfeit and pay to the use of said proprietors, or field driver, or hay-ward, *one dollar* a head for neat cattle, and the same for each horse or horse kind, and *thirty cents* for each sheep so found going at large; the same to be recovered as in cases of creatures taking damage saifant in any general and common field.

SECT. 3. *Be it further enacted*, That said adjacent proprietors shall be severally entitled to have and hold all the fence now standing on the dividing line between their respective closes and said swamp, and they shall severally be holden to make and maintain a legal and sufficient fence upon the whole of the line aforesaid, during the continuance of this act, and at the expiration thereof, one half the fence on the line aforesaid, shall revert to, and be holden by said proprietors; and the said adjacent proprietors severally, shall be entitled to demand and receive of the said proprietors, at and after the rate of *seventy cents* for each and every rod of one half the fence on the dividing line aforesaid, and if the said proprietors, shall fail for the space of six months after the making and completing such fence, and due notice thereof given to their clerk, to pay the amount which may be due for such half of the fence, then the said adjacent proprietors, severally, shall be entitled to an action for the recovery thereof, in any court proper to try the same.

SECT.

Boundaries.

Proprietors incorporated.

Penalty.

Proprietors to make and maintain a fence.

SECT. 4. *Be it further enacted*, That this act shall continue and be in force for the term of ten years from the passing thereof, and no longer. Term of continuance.

[This act passed *February 24, 1807.*]

CHAP. LXXI.

An act authorizing the Fourteenth Massachusetts Turnpike Corporation to erect a gate, and take toll at the same, when a part of their road shall be completed.

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 that part of the fourteenth Massachusetts Turnpike Road, which extends from Calvin Munn's, in Greenfield, to the widow Kemp's, in Shelburn, where it intersects the county road, leading from Greenfield to Charlemont, shall be sufficiently made, agreeably to the acts establishing and relating to said turnpike, and shall be so allowed by a committee to be appointed by the Court of General Sessions of the Peace, for the county of Hampshire; then said corporation shall be authorized to erect a gate, and take toll, at the rates established by the act incorporating the proprietors of said road, at such place as said proprietors shall choose, with the consent and approbation of the committee aforesaid.

[This act passed *February 24, 1807.*]

CHAP. LXXII.

An act to incorporate sundry persons by the name of The First Baptist Society of Vassalborough.

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 Farfield, James Brackett, jun. John Brackett, W. D. Moody, Holman Johnson, Allen Wing, Phineas Weeks, Jesse Martin, Solomon Brun, Gideon Wing, Barnabas Parker, Phillip Colebey, Timothy Hamblin, Coker Marble, Parker Burges, Maltiar Famis, Francis M. Rollins, Jonas Priest, Joseph Blafdel, Thomas Sewell, William Getchell, Sannel Livermore, John C. Webster, Frederick W. Heerman, Asa Gould, Jabez Hamblin, William Dickey, Nathaniel Doe, Samuel Godfrey, Ezekiel Wyman, David Burges,

Persons incorporated.

Burges, Giles Sowards, William Pullen, Michael Crowell, and Joseph Robinfon, jun. with such as have, or hereafter shall join them, be, and they are hereby incorporated into a body corporate and politic, by the name of the first Baptist Society in Vaffalborough, with all the privileges and immunities belonging to parishes in this commonwealth, and subject to all the duties to which parishes are subject by the constitution and laws of this commonwealth.

Justice to issue
a warrant.

SECT. 2. *Be it further enacted,* That any justice of the peace for the county of Kennebeck, is hereby authorized, upon application of any three of said society, to issue a warrant for the first meeting of said society, to be directed to any member of said society, and to be served as in said warrant shall be directed; and said society may, at said meeting, agree upon the method of calling future meetings.

[This act passed Feb. 24, 1807.]

CHAP. LXXIII.

An act to incorporate John Gilman Taylor and others, by the name of the Proprietors of the Salt Works in North Yarmouth.

Preamble.

WHEREAS, John Gilman Taylor, a citizen of the United States, has obtained letters patent, bearing the seal of the United States, dated November 15th, 1805, for the manufacturing of Sea Salt on a new plan; and whereas, the said John G. Taylor and others, his associates, have formed a company in North Yarmouth, in the county of Cumberland, for the purpose of carrying on the manufacture of Sea Salt on said new plan, and have petitioned the General Court that they may be incorporated, with such powers as may enable them, more conveniently and effectually, to execute the purpose aforesaid.

Proprietors of
Salt Works 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 John Gilman Taylor, Ammi Ruhamah Mitchell, Elifha Pomeroy Cutler, Edward Ruffell, and Seth Mitchell, with others, their associates, and all persons who may hereafter become partners in said company, be, and they hereby are made and constituted a body politic and corporate, by the name of "The Proprietors of the Salt Works in North Yarmouth," and by that name may sue and

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 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 or her 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 in respect thereto, thenceforward a member of said corporation, vested with all the rights, and subject to all the duties, penalties and payments which the assignee thereof was, or might have been vested with, or liable to.

Provido.

SECT. 2. *Be it further enacted*, That the said corporation may be lawfully seized and possessed of such real estate as may be necessary and convenient for establishing and carrying on said manufactory and the business aforesaid, and of such personal estate as shall be actually employed therein: *Provided*, such real estate shall not exceed the value of thirty thousand dollars, and the personal estate two hundred thousand dollars.

Corporation may hold real estate.

SECT. 3. *Be it further enacted*, That the property of said corporation shall be, and hereby is divided into sixty shares, and shall be numbered in progressive order, beginning at number one, and every original number thereof shall have a certificate under the seal of the corporation, and signed by the treasurer.

Property divided.

SECT. 4. *Be it further enacted*, That the said corporation shall annually elect a clerk, who shall be under oath to the faithful performance of his duty; a treasurer, who shall give bonds in such sum as the corporation shall deem proper, and such other officers, directors, agents, factors and committees, as to said corporation shall appear necessary for the management and government thereof, and each member shall have one vote for every share, not exceeding six; and the said corporation, at any legal meeting may make reasonable rules and by-laws, and the same may repeal at pleasure; *Provided* said rules and by-laws, shall not be repugnant to the constitution and laws of this commonwealth; and provided, that the proprietors of forty shares shall assent thereto.

Provido.

SECT. 5. *Be it further enacted*, That said corporation, at any legal meeting, may from time to time assess upon each share, such sum and sums of money, as shall be judged by said corporation necessary for carrying on said manufactory,

Assessments.

tory,

tory, and defraying the expences thereof and other charges incident thereto, to be paid to their treasurer at such time or times, or by such instalments as shall be directed by the corporation; and if the sum assessed on any share, shall be in arrear and unpaid, either in the whole or in part, for ten days after the time directed for payment as aforesaid, the treasurer shall have full power and authority to sell such share at public auction to the highest bidder, the time and place of such sale being made public in such manner as said corporation shall have before directed, by some uniform rule or by-law made for that purpose; and upon such sale, the treasurer may execute and acknowledge a legal deed thereof, which deed being recorded by the clerk in a book to be kept for the purpose of recording deeds of transfer, and produced to the treasurer so recorded, he shall give to the purchaser a certificate, executed as aforesaid; and the treasurer shall deduct from the purchase money so much of the said assessment as shall be in arrear, and the reasonable charges of sale, and the residue he shall pay to the delinquent proprietor, or his order, upon demand.

Delinquents.

Authority for calling first meeting.

SECT. 6. *Be it further enacted,* That any three of said proprietors may call the first meeting of the said corporation, to be holden at Seth Mitchell's, innholder, in said North Yarmouth, on the second Monday of March next, they giving notice to every member of the corporation five days at least previous to said meeting; and all future meetings of the said corporation shall be called in such method, and by such officer or officers as the said corporation shall, at their said first meeting, or at any future meeting hereafter direct.

Shares transferable.

SECT. 7. *Be it further enacted,* That any share may be alienated by the proprietor thereof, by a deed under his hand and seal, and acknowledged before some justice of the peace, and recorded by the clerk; and any new proprietor, on producing to the treasurer such deed so recorded, and delivering up the former certificate, shall be entitled to a new certificate.

Dividends equally apportioned.

SECT. 8. *Be it further enacted,* That all dividends of monies arising from the profits of the said manufactory, shall be apportioned upon the several shares equally; that no dividends shall be made, but pursuant to a vote of the corporation, passed at a meeting legally called, and such dividends shall be paid by the treasurer to the proprietors, or their written order on demand.

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 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 chattles of such deceased proprietor. And such executor or administrator, shall or 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.

Duty of executor or administrator in case of decease.

SECT. 10. *Be it further enacted*, That this act of incorporation shall continue and be in full force for the term of thirty years from the passing of the same, and no longer.

Term of continuance.

[This act passed Feb. 25, 1807.]

CHAP. LXXIV.

An act to regulate the taking of fish called Alewives, in a part of Kennebeck River.

WHEREAS, the fish called Alewives, are greatly impeded in their passage up Seven Mile Brook, in the town of Vassalborough, by means of seins drawn at the mouth of said brook, in Kennebeck river :

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, if any person shall by means of seins, or in any other manner take any of the

Prohibition.

the said fish called Alewives, in the river Kennebeck, at the mouth of Seven Mile Brook, in the town of Vassalborough, or within ten rods above, or sixty rods below the mouth of said Seven Mile Brook, at any time in any week, except between sun rise on Monday, and sun rise on Wednesday in each week; the person so offending, shall forfeit and pay the sum of *ten dollars*, for each and every time they shall draw a sein within the limits aforesaid, on the days hereby prohibited; and *one cent* for each of said fish taken in any other manner, to be recovered by the treasurer of said town, and to the use of the inhabitants of said town of Vassalborough, in an action of debt in any court proper to try the same.

Penalty.

[This act passed *February 25, 1807.*]

CHAP. LXXV.

An act to incorporate the plantation called Medunkook, in the county of Lincoln, into a town by the name of Friendship.

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 Medunkook, in the county of Lincoln, as described within the following boundaries, with the inhabitants thereon, be, and hereby are incorporated into a town, by the name of Friendship, viz.—Beginning at the southerly corner of Waldoborough, and running southerly by the line of the town of Cushing and Medunkook river, so called, to the ocean; thence westerly to Martin's point; thence northerly by the sea shore, until it comes to Goose river, so called; thence up the said Goose river, until it comes to the line running easterly between Waldoborough and Medunkook; thence on said line easterly, to the first mentioned bounds, including also, within said corporation Carver's Island, Crotch Island, and Long Island; and the said town of Friendship is hereby vested with all the powers and privileges, and shall also be subject to all the duties and requisitions, to which other towns are entitled and subjected by the Constitution and laws of this Commonwealth.

Friendship incorporated.

Boundaries.

Justice to issue a warrant.

SECT. 2. *And be it further enacted*, That either of the Justices of the Peace for the county of Lincoln, is hereby authorized to issue a warrant, directed to some inhabitant
of

of the said town of Friendship, requiring him to notify and warn the inhabitants thereof, to meet at such convenient time and place, as shall be appointed in said warrant, for the choice of such officers as towns are by law required to choose at their annual town meetings.

[This act passed February 25, 1807.]

CHAP. LXXVI.

An act for fixing the times and places of holding the Court of Probate, within and for the county of Cumberland, 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 the Court of Probate, within and for the county of Cumberland, from and after the first day of May next, shall be holden at the several times and places hereinafter mentioned: *That is to say*, at Brunswick, on the third Wednesday in May, annually; at North-Yarmouth, on the first Tuesday in May annually; at Standish, on the first Wednesday in August, annually; at New-Gloucester, on the first Wednesday in October, annually; at Freeport, on the first Wednesday in November, annually; at Gorham, on the first Wednesday in February, annually; and at Portland, on the second Wednesday of every month in the year, except the month of March, and on the fourth Wednesday of every month in the year, except the months of May, June, and November.

Places and times for holding Court.

SECT. 2. *Be it further enacted*, That when the said times and places shall be found to interfere with the terms, or sessions of other Courts, or when the Judge of said Court of Probate, for the time being, shall be prevented by reason of sickness, inevitable casualty, or other cause, from holding the same at the time prefixed therefor; or when it shall appear to him, to be for the general benefit or the interest of individuals, he shall be, and is hereby fully authorized and empowered, to appoint such other times and places for holding said court, as he shall deem expedient, by giving public notice thereof, or notifying all concerned; and the said court shall, and may be adjourned from time to time; and any suit, process, or proceeding therein, continued to such time and place as the said judge may order and direct; any law to the contrary notwithstanding.

Judge authorized to alter in case of interference.

Laws repealed.

SECT. 3. *Be it further enacted*, That from and after the first day of May next, all laws heretofore made, determining the times and places for holding the Court of Probate, within and for the county of Cumberland, be, and the same are hereby repealed.

[This act passed February 25, 1807.]

CHAP. LXXVII.

An act providing for the cession of one hundred acres of land, on Quaddy Head, to the United States of America.

Land ceded.

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 lot of land containing one hundred acres, situate on West Quaddy Head, so called, and lying nearest to the Light-House, which is, or may be erected on that place, be, and the same is hereby ceded and granted to the United States of America, to be used and improved by such person as may from time to time have the employment of keeper of such Light-House.

Condition.

SECT. 2. *Be it further enacted*, That this cession and grant is on this express condition, that this Commonwealth shall have concurrent jurisdiction with the United States in and over the aforesaid tract of land, so far as that all civil processes, and criminal processes issued under the authority of this Commonwealth, may be executed therein, as though this cession and grant had not been made.

[This act passed February 25, 1807.]

CHAP. LXXVIII.

An act to confirm the doings of a committee appointed to locate the places for the erection of gates on the tenth Massachusetts Turnpike.

Doings of committee confirmed.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the doings of a committee appointed by the Court of General Sessions of the Peace, for the county of Berkshire, for locating and fixing the places for the erection of toll gates, on the tenth Massachusetts Turnpike, be, and hereby are confirmed and made valid, any want of formality in the proceedings of the said committee to the contrary notwithstanding.

notwithstanding. And the said toll gates shall in future remain fixed and established as they now stand on the road laid out and made by the tenth Massachusetts Turnpike Corporation, according to the report of a committee appointed by the Court of Common Pleas for the said county, made to the said court on the twenty ninth day of December, one thousand eight hundred and six. *Provided how-^{Provisd}ever*, that nothing contained in this act shall be so construed as to exempt the said corporation in future from being subject in all cases to the act, entitled, "An act defining the general powers and duties of turnpike corporations;" passed the sixteenth day of March, one thousand eight hundred and five.

[This act passed *February 25, 1807.*]

CHAP. LXXIX.

An act in addition to an act, entitled, "An act to cede to the United States, the jurisdiction of certain lands for the erection of Light Houses;" passed the twenty-fourth day of June, one thousand eight hundred and six.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That if the agent or person employed for the United States, and the owner or owners of such tract of land as shall be found necessary and convenient for such Light House, cannot agree in a sale and a purchase thereof, such agent or person employed, may apply to the Court of Common Pleas, which may at any time be holden, within and for the county of Barnstable, who shall appoint a committee of three disinterested freeholders, to determine a just equivalent, to the owner or owners of such land, which committee shall be sworn to the faithful discharge of their trust; and shall forthwith proceed to view, set off, and appraise such tract of land, and shall make such return of their doings to the same court, as soon as may be, which award and return, being accepted by the said court, and the amount of such appraisement being paid to the owner or owners of land so appraised and set off by such committee; or if the owner or owners shall not appear, or shall refuse to receive such amount of money as the said court shall order, then the amount of the appraisement aforesaid, shall be lodged in the office of the treasurer of the county of Barnstable,

Referees to be appointed.

Barnstable, to be received by the owners or any person legally authorized to receive the same; and the tract of land so appraised and set off, shall be vested in the United States, and shall be taken, possessed and appropriated for the purposes aforesaid; *Provided*, that all charges of such application and appraisement shall be paid by the United States; and *provided*, that the land which may be set off for the purposes aforesaid, shall not exceed the quantity of twelve acres in the whole.

[This act passed February 25, 1807.]

CHAP. LXXX.

An act to incorporate William King and others, into a company, by the name of the Bath 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 William King, Peleg Tallman, Benjamin Jones Porter, John Richardson, Joshua Wingate, John Peterfon, Mark Langdon Hill, Andrew Greenwood, and Samuel Davis, together with such persons as have already or hereafter may become stockholders in said company, being citizens of the United States, be, and hereby are incorporated into a company by the name of the Bath Fire and Marine Insurance Company, for and during the term of twenty years from the date 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.

SECT. 2. *Be it further enacted*, That a share in the capital stock of said company, shall be one hundred dollars, and the number of shares shall be one thousand, and if the said number of shares are not already filled, subscriptions shall be kept open under the inspection of the president and directors of 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 one hundred thousand dollars, exclusive of premium notes, or profits arising from said business, of which capital stock or property,

Provido.

Persons incorporated.

Shares limited.

Amount of capital stock.

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 of April, in each and every year, at such time of the day, and at such place in the town of Bath, as a majority of directors for the time being shall appoint ; of which election public notice shall be given by posting notice thereof in two public places in said town, for the space of fifteen 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 twenty votes, and the stockholders not present may vote by proxy, under such regulations as the said company shall prescribe ; and if in case of any unavoidable accident, the said directors should, on the said first Tuesday in April, not be chosen 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 hereinbefore 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 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

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 said business, and with such salaries and allowances to them, as to the said board shall seem meet; *Provided*, that such by-laws, rules and regulations, shall not be repugnant to the constitution and laws of this commonwealth. *Provided also*, that the by-laws so made by the directors, shall be laid before the stockholders at some public meeting called therefor, for their approbation; and the stockholders at any such meeting may disapprove of, alter or amend the same, as they, or a majority of those present may see fit.

Proviso.

Meeting of directors.

SECT. 6. *Be it further enacted*, That there shall be stated meetings of the directors, at least once in every month, and as often in 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, in behalf of the company, to make all kinds of marine insurance; insurance against fire; insurance on lives, and on inland transportation of goods, wares and merchandize; and generally to transact and perform all the business relating to the objects aforesaid, 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 directors of said company, and countersigned by the secretary, and shall be binding and obligatory on the said company, and the assured may maintain an action upon the case against the said company, and all cases duly arising under any policy so subscribed, may be adjusted and settled by the president and directors, and the same shall be binding on the company.

To transact all business.

Dividends.

SECT. 7. *Be it further enacted*, That it shall be the duty of the directors on the first Tuesday of July and January, 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 advisable; but the monies received, and the notes taken for premiums on risks which shall be undetermined and outstanding at the time of making such dividend, shall not be considered as part of the

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 holden accountable for the deficiency that may be due on his share at the time of said loss or losses taking place, to be paid in to the said company by assessments, or such other modes, 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 year, 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.

SECT. 8. *Be it further enacted*, That the said company shall not, directly or indirectly, deal or trade, in buying or selling any goods, wares, merchandize, or commodities whatsoever ; and the capital stock of said company, shall, within six months after being collected, at each instalment be invested either in the funded debt of the United States, or of this commonwealth, or in the stock of the United States bank, or of any incorporated bank of this commonwealth, at the discretion of the president and directors of said company, or of any committee which the proprietors shall appoint for that purpose.

Stock to be funded.

SECT. 9. *Be it further enacted*, That fifty dollars on each share in said company shall be paid within four months 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 valid, until all the instalments on such share shall have been paid.

Instalments to be paid.

SECT. 10. *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 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.

Estate of directors liable.

SECT. 11. *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 public newspapers the amount of their stock, and against what

To publish amount of stock annually.

what risks they mean to insure, and the largest sum they mean to take on any one risk; *Provided nevertheless*, that the said President and Directors shall not be allowed to take more on any one risk, than *ten per centum* of the amount of the capital stock of said corporation, actually paid in.

SECT. 12. *Be it further enacted*, That no person being a Director in any other company carrying on the business of Marine Insurance, shall be eligible as a Director of the company, by this act established.

SECT. 13. *Be it further enacted*, That the President and Directors of said company shall, when, and so 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.

SECT. 14. *Be it further enacted*, That the persons herein named, or any of them, are hereby authorized to call a meeting of the stockholders of said company as soon as may be, to be holden in Bath, by posting notice of the same in two public places in said town of Bath, fifteen days previous thereto, for the purpose of electing the first board of Directors, who shall continue in office until the first Tuesday of April, in the year of our Lord, one thousand eight hundred and eight.

[This act passed February 25, 1807.]

CHAP. LXXXI.

An act to authorize the Marine Society of the town of Marblehead, to erect Monuments and Land Marks on certain Islands and Rocks on the Sea Coast of the town of Marblehead.

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 Marine Society of the town of Marblehead, in the county of Essex, is hereby authorized and allowed, after the passing of this act, to set out trees, and to erect monuments or land marks, on Ram Island, Tinker's Island, Marblehead Rock, and Cat Island Rock, and to preserve the same.

SECT. 2. *Be it further enacted by the authority aforesaid*, That if any person or persons shall, on said Islands or Rocks, mar, injure, or deface, any of the trees or buildings aforesaid, or do any other injury to the aforementioned places or

land

Subject to legislative examination.

Land Marks.

Penalty for injuring Land Marks.

land marks, every such person or persons, shall severally forfeit and pay, for each, and every offence, the sum of *twelve dollars*, to the use of the Marine Society aforesaid, to be recovered by special action on the case, before any court proper to try the same.

SECT. 3. *And be it further enacted by the authority aforesaid*, That if any person or persons shall take away from the Islands and Rocks aforesaid, any earth, stones, or gravel, each and every person so offending, shall forfeit and pay as a fine, to the use of the Marine Society of Marblehead, as aforesaid, the sum of *twelve dollars*, for each ton of *earth, stones, or gravel*, so taken away, and so in proportion for any greater or less quantity, to be recovered as aforesaid.

Penalty for pilfering.

[This act passed *February 25, 1807.*]

CHAP. LXXXII.

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, That from and after the passing of this act, Mary Ann Avery, daughter of John Avery, late of Boston, in the county of Suffolk, Esquire, deceased, shall be allowed to take the name of Mary Ann Smith Avery; That Tabitha Glover, daughter of Benjamin Stacey Glover, late of Marblehead, in the county of Essex, gentleman, deceased, shall be allowed to take the name of Malvina Tabitha Glover: That Asa Hammond, of Boston, in the county of Suffolk, son of Samuel Hammond, late of Newton, in the Commonwealth of Massachusetts, deceased, shall be allowed to take the name of Samuel Hammond; That Samuel Putnam, lately of Lynnfield, in the county of Essex, now of Salem, in said county, trader, shall be allowed to take the name of Samuel Kimbal Putnam; That Henry Hills, of Boston, in the county of Suffolk, shall be allowed to take the name of Henry Woodbridge Hills; That Mark Farley, of Leominster, in the county of Worcester, student at law, and son of Benjamin Farley, of the state of New-Hampshire, shall be allowed to take the name of Benjamin Mark Farley; That Jeremiah Smith Boies Hubbard, of Milton, in the county of Norfolk, a minor, and son of William Hubbard, Esquire, of New-Brunswick, shall be allowed to take

Names altered.

take the name of Jeremiah Smith Hubbard Boies; That John Foster, of Salem, in the county of Essex, a minor, and son of John Foster, of said Salem, shall be allowed to take the name of John Burchmore Foster; That Elizabeth Winflow, of Boston, in the county of Suffolk, single woman, shall be allowed to take the name of Elizabeth Jane Winflow; That Stephen Blyth, of Salem, in the county of Essex, shall be allowed to take the name of Stephen Cleveland Blydon; That Sarah Blyth, of Salem, aforesaid, the wife of said Stephen Blyth, be allowed to take the name of Sarah Blydon; That Lucy Cleveland Blyth, of Salem, aforesaid, and daughter of said Stephen Blyth, shall be allowed to take the name of Sarah Cleveland Blydon; That William Cleveland Blyth, of Salem, aforesaid, and son of said Stephen Blyth, shall be allowed to take the name of William Cleveland Blydon; That Joseph Pike, of Newburyport, in the county of Essex, and son of Nicholas Pike, of said Newburyport, shall be allowed to take the name of Joseph Smith Pike; That Joseph Pike, of Newburyport, aforesaid, and son of John Pike, of Somersworth, in the county of Stafford, and state of New-Hampshire, shall be allowed to take the name of Joseph Trevet Pike; That Hezekiah Stone, of Rutland, in the county of Worcester, gentleman, shall be allowed to take the name of Hezekiah Fletcher Stone; That Alpheus Stone, of Greenfield, in the county of Hampshire, physician, shall be allowed to take the name of Alpheus Fletcher Stone; That Samuel Foster, of Newburyport, in the county of Essex, merchant, shall be allowed to take the name of Samuel H. Foster; That John Buffinton Snupe, of Beverly, in the county of Essex, merchant, shall be allowed to take the name of John Buffinton; That Samuel Lee, a minor, and son of Jonas Lee, of Concord, in the county of Middlesex, shall be allowed to take the name of Samuel Cordis Lee; That Samuel Willard, of Boston, in the county of Suffolk, and son of the late President Willard, of Cambridge, in the county of Middlesex, shall be allowed to take the name of Samuel Sheaf Willard; That Francis Jones, of Sandwich, in the county of Barnstable, merchant, be allowed to take the name of Francis Freeman Jones; That Catharine Low, of Chelmsford, in the county of Middlesex, single woman, be allowed to take the name of Catharine Mary Gibson; and Samuel Loud, of Weymouth, be allowed to take the name of Samuel Prince Loud; and that said persons shall in future be respectively known and called by the names which they are respectively allowed to take as

aforesaid;

aforesaid; and the same shall be considered as their only proper names, to all intents and purposes.

[This act passed February 27, 1807.]

CHAP. LXXXIII.

An act to incorporate sundry persons for the purpose of establishing a Ferry over Penobscot river, at Fort-Point.

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 Johnston, Joshua Woodman, Bradshaw Hill, Joseph Perkins, Job Nelson, Doty Little, Silvanus Upham, John Perkins, Thomas Adams, and such other persons as have associated or may associate with them for the purpose of establishing and supporting a Ferry, from a place called Fort-Point, in the town of Prospect, across Penobscot river, in the best direction to the town of Penobscot, shall be a corporation and body politic, by the name of "The Proprietors of Fort-Point Ferry, on Penobscot river;" and shall so continue for the term of ten years, and from and after the passing of this act; and by that name may sue and prosecute, and be sued and prosecuted, to final judgment and execution, and shall do and suffer all other matters and things which bodies politic and corporate may do and suffer; and the said corporation shall have full power and authority to establish and maintain a Ferry at the place aforesaid, for the term aforesaid, for the purpose of transporting across said river, such travellers, with their horses, cattle, teams, carriages, goods, and effects, as may be disposed to pass the aforesaid Ferry, and to take and receive to their own use, such toll or ferriage, as shall be ordered and established, as in and by this act is herein after provided; and to purchase and hold real estate on both sides of the said river, for the accommodation of the said Ferry; and also to make, have, and use a common seal, and the same to break, alter, and renew at pleasure.

Persons incorporated.

Powers of the Corporation.

SECT. 2. *Be it further enacted,* That the ways for said Ferry, on each side of said river, commonly called the Ferry-ways, shall be well and sufficiently made, and secured with proper materials, and of sufficient width; and the said corporation shall provide good, safe, and sufficient boats, and assistants, for transportation of passengers, as also their horses, cattle, teams, carriages, goods and effects, and the rates

Boats to be provided.

rates of toll or ferriage, shall be established from time to time by the Court of General Sessions of the Peace, for the county of Hancock, in the same manner as the toll or ferriage is or may be established for other ferries in said county, and subject to the same orders and regulations.

Property divid-
ed into shares.

SECT. 3. *Be it further enacted,* That the property and interest of the said corporation, may and shall be divided into such a number of shares as the said proprietors may order and appoint, at any meeting to be called for that purpose, and the said property and interest shall be deemed, held, and taken to be personal estate, and transferable accordingly, in such form and manner as the said corporation may direct and appoint; and the said corporation shall have power to assess upon each share, such sums of money as may be deemed necessary for establishing and maintaining the said Ferry, and for making the necessary purchases of real or personal estate, and for the improvement and good management of the said property and interest, and may sell and dispose of the share or shares of any delinquent proprietors for the payment of assessments, in such way and manner as the said corporation, by their rules and regulations may determine and agree upon.

Assessments.

Proprietors to
vote in propor-
tion to shares
held.

Provido.

SECT. 4. *Be it further enacted,* That each proprietor, or his agent duly authorized in writing, shall have right to vote in all meetings of the said corporation, and be entitled to as many votes as he holds shares; *Provided,* that no person shall be entitled to more than ten votes; and that a meeting of said corporation shall be holden at the house of Capt. John Perkins, in Castine, on Monday, the thirtieth day of March next, for the purpose of choosing a President, Treasurer, and Clerk, and such other officers as shall be deemed necessary; and also to agree upon a mode of calling meetings of the said corporation thereafter, and that the said several officers shall be chosen annually, by a majority of votes, and that the day of said annual election, shall be established at the first meeting, subject nevertheless, to be altered at any subsequent meeting; and the President and Clerk of the said Corporation shall sign the certificates of the shares of the said proprietors, and the said clerk shall be sworn to the faithful discharge of his said office, before entering on the duties thereof.

Meetings to be
called.

[This act passed February 27, 1807.]

CHAP. LXXXIV.

An act to incorporate the plantation of Hiram, into a district by the name of Hiram, in 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 the territory described within the following bounds, viz. Beginning at a baswood tree, on the bank of Offipee river, the corner of the plantation of Porterfield, and running northwardly by the line of said plantation, seventeen hundred and seventy rods, to a stake and stones; thence south, eighty three degrees east, two hundred and thirty rods, to a stake and stones, a corner of Brownfield; thence north, sixty degrees east, four hundred and eighty rods, to Saco river; thence across the said river, south, eighty seven degrees east, one thousand six hundred and ten rods, to a hemlock tree marked, on Baldwin's line; thence south, sixty degrees west, by Baldwin's line, nine hundred and thirty rods, to the corner of Prescott's Grant; thence south, thirty degrees east, three hundred and fifty-one rods, to a tree marked thus, H P; thence south sixty degrees west, five hundred and fifty one rods, to Saco river; thence down in the middle of Saco river, to great Offipee river; thence up said Offipee river to the first bound; together with the inhabitants thereon, be, and hereby are incorporated into a district by the name of Hiram, in the county of Oxford aforesaid; and the said district of Hiram is hereby vested with all the powers, privileges and immunities, which towns in this commonwealth do or may enjoy, excepting the privilege of sending a representative to the General Court; and the inhabitants of said district shall have liberty to join with the inhabitants of Brownfield aforesaid, in choosing a representative, and shall be notified of the time and place of election, by a warrant from the selectmen of said Brownfield, directed to a constable of said district, requiring him to warn the inhabitants of said district to attend the meeting at the time and place appointed, which warrant shall be duly returned by said constable, and the representative may be chosen from the said town or district, and the pay or allowance to be borne by the town and district, in proportion as they shall from time to time pay to the State tax.

Boundaries

Brownfield and Hiram to unite in choosing a representative.

SECT. 2. *And be it further enacted, by the authority aforesaid,* That any justice of the peace for said county of Oxford,

Justice to issue his warrant.

Feb. 27, An. 1807.

Oxford, upon application therefor, is hereby empowered to issue his warrant, directed to some suitable inhabitant of said district of Hiram, 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, at their annual town meetings.

[This act passed Feb. 27, 1807.]

CHAP. LXXXV.

An act, in addition to fundry acts, establishing and regulating the Essex Turnpike Corporation, and the Andover and Medford Turnpike Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the proprietors of the Andover and Medford Turnpike Corporation, and the proprietors of the Essex Turnpike Corporation, be, and they hereby are authorized to unite their toll gates near the line of the two counties of Essex and Middlesex, where the said two turnpike roads meet, and at some such convenient place near said point of meeting, as shall be approved by the commissioners appointed to inspect and approve said roads, and to receive such toll, and such proportion to each corporation, as may be determined by said commissioners in conformity to the several acts and resolves relating to the said corporation.

[This act passed February 27, 1807.]

CHAP. LXXXVI.

An act for erecting a Bridge across Kenduskeig stream, in the town of Bangor.

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 town of Bangor be authorized to build and maintain a bridge over the Kenduskeig, from the county road, on the northerly side of said stream, to the landing, on the southerly side thereof, near the house of William Hammond.

Bridge to be built

SECT.

SECT. 2. *Be it further enacted*, That for the reimbursing to the said town of Bangor, the money that may be expended in erecting, and supporting said bridge, a toll is hereby granted, to the sole benefit of the said town of Bangor, according to the rates following, to wit: For every foot passenger, one cent; for every man and horse, four cents; for every two wheeled carriage for the conveyance of persons, ten cents; for every market cart, drawn by one beast, six cents; for every cart or waggon, drawn by two oxen or horses, ten cents; for every cart or waggon drawn by more than two oxen or horses, twelve and an half cents; for every four wheeled carriage for the conveyance of persons, twenty-five cents; for every sled or sleigh, drawn by one beast, four cents, and if drawn by more than one beast, eight cents; for all cattle, horses or mules, led or driven, beside those in carriages, or for the use of riders, one cent each; for all swine or sheep, at the rate of three cents by the dozen: *Provided however*, the said toll shall not be demanded or received of any person going to or from public worship, school, or on military duty, or of any person passing to any part of his farm, or his ordinary business.

Toll granted.

Rates of.

SECT. 3. *Be it further enacted*, That it shall be lawful for the said town of Bangor, at their annual meeting in March, notice thereof being given in the warrant for calling said meeting, to suspend or reduce all or any part of said toll, for the benefit of the public, the said town, or any individual, for one year from the said meeting; and to commute the toll of any individual or corporation, by receiving an annual sum in lieu of the legal toll.

Town may suspend or commute the toll.

SECT. 4. *Be it further enacted*, That the said toll shall begin whenever the bridge shall be completed and fit for passing, and shall continue to the said town of Bangor, for the term of ten years: *Provided however*, that if the said town shall think it necessary to discontinue the same at any time within the said term of ten years, the same shall be discontinued.

Term of continuance of the toll.

SECT. 5. *Be it further enacted*, That the said bridge shall be well built, of good and suitable materials, and at least twenty feet in width, with sufficient railings on each side for the safety of passengers, and shall be kept in good, safe, and passable repair; and if the said town shall unreasonably neglect to keep the same 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

Bridge to be well built and kept in repair.

in

in the power of said court to prohibit the said town from receiving toll, until it is put in repair, and deemed sufficient by said court; and when it shall cease to be a toll bridge, it shall be supported by the said town, in the same manner as other bridges on county roads are supported, and the said town shall be subject to the same penalties in case of neglect. [This act passed *February 27, 1807.*]

CHAP. LXXXVII.

An act to incorporate a part of the plantation of Porterfield, in the County of Oxford, with the town of Brownfield.

Part of Porter-
field annexed to
Brownfield.

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, described within the following bounds, be, and hereby is annexed to, and shall in future form the town of Brownfield, viz. Beginning at a pine tree, on the bank of Saco river, thence south sixty degrees west, four hundred and eighty rods, to a stake and stones, making the southwest corner of Brownfield; thence north, eighty-three degrees west, one thousand five hundred and thirty rods, to New Hampshire line, to a stake and stones; thence northwardly, by the line of New Hampshire, to the corner of Fryeburg; thence north, seventy-seven degrees east, nine hundred and eighty rods, to a stake and stones, the corner of Fryeburg; thence north, forty-three degrees east, forty rods, to Saco river; thence across said river by Fryeburg line, to Pleasant Pond; thence eastwardly by said Pond, to a maple tree; thence south, twelve degrees east, eight hundred and fifteen rods, to Saco river, to a pine tree, marked; thence by a line drawn on the middle of Saco river, to the first mentioned bounds.

[This act passed *Feb. 27, 1807.*]

CHAP. LXXXVIII.

An act for incorporating certain persons for the purpose of building a Bridge over Charles River, by the name of the Canal Bridge, and for extending the interest of the Proprietors of West Boston Bridge.

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

the same, That John C. Jones, Loammi Baldwin, Aaron Dexter, Benjamin Wild, Joseph Coolidge, jun. Benjamin Joy, Gorham Parsons, Jonathan Ingersol, John Beach, Abijah Cheever, William B. Hutchins, Stephen Howard, and Andrew Cragie, with all those who are or who may be associated with them, for the purpose of erecting a bridge and causeway, in manner hereinafter described, from the north-westwardly end of Leverett street, in Boston, to Lechmere's Point, in Cambridge, and Barrell's Point, in Charlestown, be, and they hereby are made and constituted a corporation, and body politic, by the name of the Proprietors of the Canal 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 or ought to do and suffer; and that said corporation shall and may have full power and authority to make, have, and use, a common seal, and the same to alter and renew at pleasure; and shall also have power to choose nine directors, and a president and secretary, treasurer, and such other officers as may be necessary at such time and place, and in such manner as said corporation at any legal meeting of the members thereof may think proper to direct; and said corporation shall also have power to make all necessary and proper rules, regulations, and by-laws, not repugnant to the laws and constitution of this commonwealth, and especially for the transferring of shares, and for the sale of the shares of delinquent proprietors.

Persons incor-
porated.

Powers of the
corporation.

SECT. 2. *And be it further enacted*, That the interest in said bridge and causeway, shall be divided into twelve hundred shares, and that one third part shall be held by, and shall be subscribed for, by individuals who are proprietors in the Middlesex Canal Corporation, and that one third part thereof shall be subscribed for and held by individuals who are proprietors in the Newburyport Turnpike Corporation; and that the remaining one third part shall be subscribed for and held by Andrew Cragie, Esq. and his associates; provided all the said shares shall be so subscribed for within sixty days from the passing of this act; and if at the expiration of said number of days, any shares shall remain unsubscribed for, in either of the aforesaid divisions, such remaining shares shall be equally subscribed for and held by the persons associated under the two other divisions of associates; provided such shares be so subscribed for within thirty days next following the expiration of

Division of
shares.

sixty days ; and if not so subscribed for within said thirty days, the same or any remaining portion thereof may be subscribed for and held without regard to this division of interest ; and no person who becomes a member of this corporation, under either one of said divisions of interest, shall be permitted to subscribe for shares in either of the other divisions, unless they be such shares as may remain unsubscribed for after the expiration of the aforesaid periods.

SECT. 3. *And be it further enacted*, That the said bridge and causeway shall be erected from the north-westwardly end of Leverett street, in the direction of said street, by the Alms House fence, to the east end of Lechmere's Point, and from thence to Barrell's Point, in Charlestown. And the corporation to be created by this act, shall also lay out and make, or cause to be laid out and made, a good and sufficient road, from Barrell's Point, aforesaid, in the most convenient line, to Page's tavern, in Charlestown.

SECT. 4. *And be it further enacted*, That the said bridge may be erected and made of wood, and the piers of wood or stone, in all parts of the channel of Charles river, through which it may be built ; and that the residue thereof may be constructed of stone, timber and earth : *Provided always*, that there be made proper and sufficient passages for the water of said river ; and there shall be made and kept two sufficient draws, or passage-ways, at least thirty feet wide, suitable and proper for the passing and repassing of vessels at all times, toll free ; and that there be built and kept in good repair, a substantial and sufficient pier on each side of said draws, of one hundred and fifty feet in length, for the use of vessels in passing through ; and the inside of said draws, and the front of said piers, shall be planked with good pine plank, of not less than three inches thick, and placed horizontal on the same, to be secured with trunnels ; the said draw and piers to be so planked from the surface of the water, at low water, to the top of said piers, and in the draw, to the under side of the same ; and that the said bridge shall not be less than forty feet wide, with sufficient railings on each side, with a foot-way, divided on each side from the carriage-way on said bridge, by proper railing ; and that there shall be a suitable number of lamps put up on said bridge and causeway, not more than fifty feet distant from each other, and kept burning until midnight. *Provided however*, that the leaves of said draws may be reduced in length, so
that

Places from and to where the bridge is to be built.

Materials.

Proviso.

Draws.

Materials and manner of building the bridge.

that the travelling path over the same shall not be less than twenty feet.

SECT. 5. *And be it further enacted,* That the rates of toll on said bridge, shall be the same as are now by law demandable for passing over Charles river bridge, which rates of toll shall be written on a sign board, in large or capital letters, and such sign board shall be kept constantly exposed to view, over the doors of such toll-houses as may be erected on said bridge. Rates of toll.

SECT. 6. *And be it further enacted,* That the proprietors of the Middlesex Canal Corporation, shall have full right and lawful authority, to erect, or cause to be erected, on either side, or on both sides of said bridge, in such manner as they may think best, and at their own proper cost and expense, all such locks, and other works, as may be necessary and convenient for the conducting the boats, rafts, and floats of said proprietors, or others, using said canal, by the sides of said bridge and causeway, at all times, the whole length of said bridge and causeway, as well towards the town of Boston, as from the said town, free from all toll and charge: *Provided,* the said proprietors of the Middlesex Canal do not obstruct in any manner the passing on said bridge, or through the draws thereof. Canal corporation to have authority to erect locks, &c.

SECT. 7. *And be it further enacted,* That the said proprietors of the Middlesex Canal, be, and they hereby are authorized and empowered to erect such dam, or other works, northwardly of the line drawn from said Lechmere's Point, and westwardly of said bridge and causeway, as may be necessary and proper, for retaining the water for the boats of said canal to pass on. — to make a dam.

SECT. 8. *And be it further enacted,* That at all legal meetings of the members of the corporation, erected and constituted by this act, the concerns of said corporation shall be decided by the majority of votes, and each member present shall be permitted to give one vote for every share whereof he is proprietor, unless he be proprietor of more than twenty shares, and one vote for every five shares above, and absent members of said corporation, may vote by proxy, authorized in writing. Majority of votes to decide in legal meetings.

SECT. 9. *And be it further enacted,* That whenever any five members shall, in writing, request the president to call a meeting of the members of said corporation, hereby erected, he shall cause a meeting to be notified, in the manner which may have been agreed upon for calling meetings of said corporation.

Term of con-
tinuance.

SECT. 10. *And be it further enacted,* That the proprietors of the said canal bridge and causeway, shall continue to be a corporation and body politic, for and during the term of seventy years, to be computed from the day of completing said bridge and causeway, and opening the same for passengers; and at the expiration of the said term of seventy years, said canal bridge and causeway shall revert to, and be the property of the commonwealth, and shall be surrendered in good repair.

Act void in
case.

SECT. 11. *And be it further enacted,* That if the said corporation shall neglect or refuse to complete the said bridge and causeway, for the space of five years from the passing of this act, then this act shall be void, and of no effect.

Meeting of pro-
prietors for cer-
tain purposes.

SECT. 12. *And be it further enacted,* That John C. Jones, Gorham Parsons, and Andrew Cragie, may call a meeting of said proprietors and their associates, hereby incorporated, for the purpose of deciding on the manner of subscribing and holding the shares in this corporation, agreeably to the provisions of the second section of this act, and for any other purposes; and the manner of calling said meeting, shall be by publishing, in any three of the Boston Newspapers, an advertisement of the time, place, and purposes of the meeting; the first publication whereof shall be twenty days before the time of meeting.

Proprietors of
Newburyport
turnpike em-
powered.

SECT. 13. *And be it further enacted,* That the proprietors of Newburyport turnpike, be, and they are hereby authorized and empowered to continue and extend their road from Malden bridge, to the bridge herein authorized to be erected, and to take and appropriate, for the purpose of making such part of said road, any lands through which the same may run, on the like terms and conditions, and in like manner as by law they were authorized to do through lands in which the said turnpike now runs: *Provided however,* that if the said Newburyport turnpike corporation shall neglect to make and extend their road from Malden bridge, to the said canal bridge, for the space of five years, from and after the passing of this act, then this provision shall be void and of no effect.

Proviso.

Proprietors to
pay a premium
to vessels pass-
ing the draws.

SECT. 14. *And be it further enacted,* That the proprietors of said bridge shall pay to the master of every vessel that shall be loaded in whole, or to the amount of one half of her burthen, and of more than twenty tons, register measure, that shall pass up through either of said draws, for the purpose of unloading her cargo, ten cents a ton, for each

each and every ton said vessel shall measure; and it shall be lawful, at any period after two years, from the time said bridge shall be open for passengers, for any party interested, to make application to the Governor, who, with the advice of Council, is hereby authorized, upon such application, in writing, desiring that a revision of said premium of *ten cents*, as aforesaid, may be made, to appoint three impartial men to hear the parties, examine the premises, and increase or diminish said premium of *ten cents*, as they shall think just and reasonable, and their award, signed by them, or a major part of them, signed, sealed, and certified, to the Governor, and by him published, shall be binding upon all parties, and shall be the sum thereafter to be paid, and in like manner, and by similar application and process, the same premium may be increased or diminished, at the expiration of every two years successively, during the continuance of this act.

Subject to a revision.

SECT. 15. *And be it further enacted*, That the said corporation shall be holden to pay to the proprietors of West-Boston bridge, *three hundred and thirty-three dollars and thirty-three cents*, for each and every year that both said corporations shall exist. *And be it further enacted*, That a lock, draw, or sluice-way, shall be made in that part of the bridge or dam between Lechmere's Point, and Barrell's Point, at least twenty-seven feet wide, which shall be opened and lifted at all times, free of expense, by said proprietors, for vessels, boats, and rafts to pass, and that nothing contained in this act, shall go to destroy or impair any rights or privileges already granted to the Prison Point Dam Corporation.

Annual sum to be paid the proprietors of West-Boston Bridge.

SECT. 16. *Be it further enacted*, That the proprietors of the West-Boston bridge shall continue to be a corporation and body politic, for and during the term of seventy years, from the time of erecting and completing the said Canal Bridge, subject to all the conditions and regulations prescribed in an act, entitled, An act for incorporating certain persons for the purpose of building a bridge over Charles River, from the westerly part of Boston to Cambridge, and for extending the interest of the proprietors of Charles River Bridge, for a term of years, and the several acts in addition thereto; and during the aforesaid term of seventy years, the said proprietors of the West-Boston bridge, shall and may continue to collect and receive all the toll granted by the aforesaid act, and the several acts in addition thereto; *Provided however*, they shall also continue

Term of continuance of West-Boston Bridge corporation.

Provido.

to

to pay annually to Harvard College, the sum of *six hundred and sixty-six dollars and sixty-six cents*; and at the expiration of said term of seventy years, said West-Boston bridge shall revert to, and be the property of the Commonwealth, and shall be surrendered in good repair.

Conditions of
this act.

SECT. 17. *Provided always, and be it further enacted,* That this act shall be of no avail or effect, and that the privileges and authority 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 warrantee contained in the deed of James Prescott, Joseph Hosmer, and Samuel Thatcher, Esq. unto Andrew Cabot, and his assigns, shall be made and obtained from Andrew Cragie, or the person or persons who are legally authorized to make such release and discharge, so that the said Commonwealth, and all and every person or persons, acting in their behalf, may be forever released, exonerated, and discharged, from all of said covenants, and from all damages, claim of damages, or cost, which have been, or shall hereafter be incurred, either in law or equity, by reason of said covenants of warrantee, or any other covenants in the same deed; said release and discharge to be made to the acceptance and satisfaction of His Excellency the Governor, with the advice of Council: *And provided also,* that this act, and every part thereof, shall be void, and of none effect, unless such release and discharge, duly executed, acknowledged, and recorded, to the satisfaction of the Governor and Council, shall be made, and filed in the office of the Secretary of the Commonwealth, within one year from and after the passing of this act.

Penalty in cases
of neglect to
open the draws.

SECT. 18. *Be it further enacted,* That in case the proprietors of said Canal Bridge, or any toll-gatherer, or officer, by them appointed, shall neglect or refuse to open the draws of said Bridge, at any time, by night or by day, or unnecessarily detain any vessel, about to pass through the same, the said proprietors shall forfeit and pay for every such refusal, neglect, or unreasonable detention, a sum not exceeding *fifty dollars*, nor less than *twenty dollars*, to be recovered by the master or owner of such vessel, in any court proper to try the same.

[This act passed February 27, 1807.]

CHAP. LXXXIX.

An act to incorporate Joseph Williams, John Balch, and others, into a company, by the name of The Union Marine and Fire Insurance Company, in Newburyport.

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 Williams, John Balch, and others, and 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 Union Marine and Fire Insurance Company, in Newburyport, 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.

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 two 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 *two hundred thousand dollars*, exclusive of premium notes, or profits arising from said business, of which capital stock or property, a sum not exceeding *thirty thousand dollars*, shall be invested in real estate.

SECT. 3. *Be it further enacted,* That the stock, property, affairs and concerns of said company, shall be managed and conducted by thirteen Directors, one of whom shall be 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 not Directors in any other company carrying on the business of Insurance, and shall be elected on the first Tuesday in January, in each and every year, at such times of the day, and at such places in the town of Newburyport, as a majority of the Directors for

Persons incor-
porated.

Shares limited.

Amount of
capital stock.Concerns of the
company to be
managed by Di-
rectors.Manner of elect-
ing Directors.

for the time being shall appoint; of which election, public notice shall be given in all the newspapers which are at the time printed in Newburyport, 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 twenty votes, and the stockholders not present, may vote by proxy, under such regulations as the company shall prescribe.

Choice of President.

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 until another shall be chosen, and shall be sworn faithfully to discharge the duties of his office; and in case of the death, resignation, or inability to serve, of the President or any Directors, such vacancy or vacancies shall be filled for the year in which they may happen, by a special election for that purpose, to be held in the same manner as is herein before directed respecting annual elections for Directors and President.

Directors empowered.

SECT. 5. *Be it further enacted*, That the President and six of the Directors, (or seven of the Directors in the absence of the President) shall be a board competent to transact business; and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, effects, and estate 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 appoint a secretary and so many clerks and servants for carrying on the said business, and with such salaries and allowances to them, as to the said board shall seem meet; *Provided*, such by-laws, rules and regulations, shall not be repugnant to the Constitution or Laws of this Commonwealth.

Provide.

SECT. 6. *Be it further enacted*, That the President shall not receive any compensation for his services, unless by consent of a majority of the stockholders of said company.

SECT.

SECT. 7. *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 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, in behalf of the company, to make insurance upon vessels, freight, money, goods and effects, 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 when the capital stock or fund of said company shall amount to the sum of *two hundred thousand dollars*, and not before, shall also be authorized to make insurance on any mansion house, or other building, and on the goods and property therein contained, 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.

Meeting of Directors.

Committee of Directors to be appointed.

Powers of Directors.

SECT. 8. *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 profits of the said company, as to them shall appear advisable; but the monies received, and notes taken for premiums on risks which shall be outstanding at the time of making such dividends, shall not be considered as part of the profits of the company; and in case of any loss or losses, whereby the capital stock of the company shall be lessened, before all the instalments are paid in, each proprietor's or stockholder's estate, shall be held accountable for the deficiency that may be due on his share or shares at the time of said loss or losses taking place, to be paid in to the said company by as-

Dividends.

vestment, or such other mode, and at such time or times as the Directors shall order; and no subsequent dividend shall be made until a sum equal to such diminution shall have been added to the capital; and that once in every two years, and oftener, if required by a majority of 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. 9. *Be it further enacted,* That the said company shall not, directly or indirectly, deal or trade, in buying or selling any goods, wares, or merchandize whatsoever; and the capital stock of said company, after being collected, at each instalment, shall, within six months, be invested either in the funded debt of the United States, or of this Commonwealth, or in the stock of the United States Bank, or of any incorporated bank 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.

Stock to be funded.

Instalments to be paid.

SECT. 10. *Be it further enacted,* That fifty 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 one year afterwards, at such equal instalments, and under such penalties as the said company shall direct; and no transfer of any share shall be permitted, or be valid, until the expiration of one year after the first instalment shall have been paid.

Members, property liable to attachment.

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 by law prescribed, to be left with the defendant, a like summons shall be left with the secretary of said company, and the debtor's share or shares in the said company's funds, together with the interest and profits due, or growing due thereon, or so much thereof as shall be sufficient, shall thereby be held to respond said suit according to law; and all transfers of the debtor's shares not noted in the books of the company previous to the delivery of such summons, shall be barred thereby, and execution may be levied upon the property of any stockholder in said company, and his share or shares therein exposed to sale, in the same manner as is by law prescribed, where personal estate is taken in execution;

execution; and it shall be the duty of the officer who extends such execution to leave an attested copy thereof, with his doings thereon, with the secretary of said company, and the purchaser shall thereupon be entitled to the reception of all dividends and stock, 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 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. Estates of Directors liable

SECT. 13. *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 all the newspapers printed at the time in Newburyport, the amount of their stock; against what risks they mean to insure, and the largest sum they mean to take at any one risk. Amount of stock to be published.

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. Subject to Legislative examination.

SECT. 15. *And be it further enacted,* That Joseph Williams, and John Balch, 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 newspapers printed in said town, for the purpose of electing the first board of Directors, who shall continue in office until the first Tuesday of January next, following, and until others are chosen in their room. Meeting to be called.

SECT. 16. *And be it further enacted,* That the said President and Directors shall not be allowed to insure, on any one risk, a larger sum than *ten per centum* of the amount of the capital stock of said corporation, actually paid in. Insurance limited.

SECT.

SECT. 17. *Be it further enacted*, That nothing in this act, shall prevent any future Legislature from altering, and amending it in any part.

[This act passed *February 27, 1807.*]

CHAP. XC.

An act confirming the doings of the Court of General Sessions of the Peace, for the county of Hampshire, respecting the location of the Fourteenth Massachusetts Turnpike Road, and empowering said court to determine by a jury, or a new committee, the damages, the owners of lands over which said road is located, have sustained by laying out the same.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the doings of the Court of General Sessions of the Peace, for the county of Hampshire, respecting laying out the Fourteenth Massachusetts Turnpike Road, and assessing damages to owners of lands over which said road is located, be, and they hereby are confirmed and made valid, notwithstanding any informality respecting the same. *Provided however*, that the owner or owners of land over which said road has been located, or any of them, shall be entitled to the right of trial by jury, for any damages which they may have sustained by laying out said road, or by a new committee if the parties shall agree, if said owner or owners, or any of them, shall apply for a jury at the first Court of General Sessions of the Peace, to be holden in said county, next after passing this act, and not otherwise, in the same manner they would have been entitled, if they had applied at the first Court of General Sessions of the Peace, holden in said county next after the acceptance of the report of the committee who located said road, any thing in this, or any former act to the contrary notwithstanding.

[This act passed *February 27, 1807.*]

CHAP. XCI.

An act in addition to an act, entitled, “ An act to incorporate Rufus Davenport, and others, by the name of the Cambridge Port Aqueduct Corporation.”

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the *the same*, That the Cambridge Port Aqueduct Corporation, may be, and hereby is authorized and empowered to purchase, hold, and use, in such manner, and for such purposes, as are described in the act to which this is an addition, a certain piece or parcel of land, supposed to contain springs, on or by the hills near the house of Mr. Peter Tufts, in Medford; and the said corporation may also purchase and hold in manner aforesaid, one or more piece or pieces of land which the said corporation shall require; *Provided*, that all the land so purchased and holden by said corporation, shall not in quantity exceed six hundred feet square; and for the purposes aforesaid, a meeting of the proprietors may be called and held, in the manner provided in the act to which this is an addition.

Empowered to purchase and hold lands.

[This act passed February 27, 1807.]

CHAP. XCII.

An act to incorporate Benjamin Lincoln, and others, into a Society, for the purpose of building a Meeting-House, for public religious worship, in the north parish of Hingham, in the county of Plymouth.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the *the same*, That Benjamin Lincoln, Nathan Rice, Abner Lincoln, and Levi Lincoln, junior, their associates and successors, be, and they hereby are constituted and made a corporation and body politic, by the name of the New North Meeting-House Corporation; shall, by that name, sue and be sued, shall have a common seal, and may also ordain and establish such by-laws and regulations, as to them shall seem necessary and convenient for the government of said corporation: *Provided*, such by-laws and regulations shall be in no wise contrary to the Laws and Constitution of this Commonwealth; may purchase and hold land for the erection of a house

Persons incorporated.

Proviso.

house for public worship thereon ; shall have power from time to time, to raise money to keep the same in repair ; and may purchase, receive by gift and devise, and hold real and personal estate, the annual income of which shall not exceed the sum of one thousand dollars, for the purpose of building a meeting house, and supporting public worship therein.

Property of the corporation divided into shares.

SECT. 2. *Be it further enacted,* That the property of said corporation shall be divided into such a number of shares, as the proprietors shall agree upon ; *Provided,* that the number shall, in no case, exceed one hundred ; and the same shall be considered personal estate ; and the certificates of such shares, and of all transfers of the same, shall be recorded in the books of the town clerk of Hingham, and shall be numbered from one, upwards, and the number which each certificate shall bear, shall designate the pew to which the proprietors who shall hold the said certificate, shall be entitled.

Pews to be sold at auction.

SECT. 3. *Be it further enacted,* That within fourteen days after the said house shall be finished, the clerk of said corporation shall advertise the pews for sale, at public auction, among the proprietors only, first giving seven days notice of the time and place of sale, by posting notifications thereof at the said meeting house ; and each proprietor shall have a right to purchase as many pews as he holds shares, in the said corporation, and no more.

Shares of delinquent proprietors to be sold.

SECT. 4. *Be it further enacted,* That whenever any proprietor shall neglect or refuse to pay any assessment, duly voted, for the purpose of this corporation, to the treasurer thereof, within thirty days after the same shall be made payable, the said treasurer is hereby authorized to sell, at public vendue, the share or shares of such delinquent proprietor, to defray such assessment, and all necessary charges, after giving notice, thirty days at least before such sale, by posting notifications at the said meeting house, and at two or more public places, within the said town of Hingham, of the time and place of sale, and of the causes thereof ; and the purchaser or purchasers, under any such sale, shall receive from the clerk, executed in the manner hereinafter prescribed, a certificate or certificates, of such share or shares as he shall purchase as aforesaid, and shall thereby have and hold all the estate, right, title and interest, which such delinquent proprietor possessed in such share or shares, and in the pew or pews designated by the number or numbers of such share or shares ; and after deducting such assessments, and necessary

fary charges, the overplus, if any, shall be paid to the said delinquent, by the treasurer, on demand.

SECT. 5. *Be it further enacted*, That each proprietor or his agent, duly authorized in writing, shall have a right to vote in all meetings of said corporation, and be entitled to as many votes as he has shares: *Provided*, that no person shall be entitled to more than five votes.

Every proprietor entitled to vote.

SECT. 6. *Be it further enacted*, That a meeting of said corporation shall be holden at the house of Ephraim Andrews, innholder, in said Hingham, on the first Saturday of March next, at three o'clock, in the afternoon, for the purpose of choosing a president, treasurer, and clerk, and such other officers as shall be deemed necessary, and also to agree upon the mode of calling meetings of said corporation in future.

Meeting to be holden.

SECT. 7. *Be it further enacted*, That the several officers of said corporation shall be chosen annually, by a majority of votes, given in at the time of the election, and that the day of the annual election shall be established at the first meeting of said corporation.

Officers to be chosen annually.

SECT. 8. *Be it further enacted*, That the president and clerk shall sign the certificates of the shares of the proprietors in this corporation, and that the clerk shall make a record of the same, in a book, to be kept for that purpose.

SECT. 9. *And be it further enacted*, That the clerk, before he shall enter upon the duties of his office, shall be sworn to the faithful discharge of the same.

[This act passed Feb. 27, 1807.]

CHAP. XCIII.

An act to exempt the Cotton Mills and Manufactures of Jeduthan Fuller and Seth Bemis from taxation, for five years.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all the buildings which now are, or hereafter may be erected in the town of Watertown, by Seth Bemis, and Jeduthan Fuller, for the purpose of establishing a Cotton Manufactory, in said town, and all the materials and stock to be employed in the manufacture of Cotton, be, and they are hereby exempted from taxes, of every kind,
for

for and during the term of five years, from and after the passing of this act, and no longer.

[This act passed February 27, 1807.]

CHAP. XCIV.

An act for allowing further time to the New Bedford and Bridgewater Turnpike Corporation, for completing their Road.

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 six months, from the twenty-eighth day of February next, be, and hereby is allowed to said corporation, to complete said turnpike road; any thing in the original act of incorporation to the contrary, notwithstanding.

[This act passed Feb. 27, 1807.]

CHAP. XCV.

An act to divide the town of Cambridge, and to incorporate the Westerly Parish therein, as a separate town, by the name of West Cambridge.

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 town of Cambridge, heretofore known as the second parish, and as described within the following bounds, together with the inhabitants thereon, be, and the same is hereby incorporated into a separate town, by the name of West Cambridge, viz. Beginning at Charlestown line, where the little river intersects the same, and running on a line, in the middle of said little river, until it strikes Fresh Pond, so called; thence west, ten degrees fouth, until it intersects the line of the town of Watertown; thence on Watertown and Waltham line, until it strikes Lexington line; thence on Lexington line, until it strikes Woburn line; thence on Woburn and Charlestown line, to the said little river, first mentioned. And the said town of West Cambridge, is hereby vested with all the powers and privileges, and shall also be subject to all the duties to which other corporate towns are entitled and subjected, by the constitution and

Second parish in
Cambridge in-
corporated.

Boundaries.

and laws of this commonwealth : *Provided however*, that nothing in this act shall be so construed, as to impair the right or privilege of the Congregational minister of the said town of West Cambridge, which he now holds in Harvard College.



SECT. 2. *Be it further enacted*, That the inhabitants of the said town of West Cambridge, shall be entitled to hold such proportion of all the real and personal property now belonging to, and owned in common by them, and the inhabitants of the present town of Cambridge, as the property of the said inhabitants of West Cambridge now bears to the property of all the inhabitants of the late town of Cambridge, according to the latest valuation thereof; excepting always, all rights of common landing places, uses, and privileges, now and heretofore possessed and enjoyed by the inhabitants of said Cambridge, which shall hereafter belong and appertain to that town only, in which the same may fall.

Inhabitants to hold a proportion of property owned in common.

SECT. 3. *Be it further enacted*, That the inhabitants of the said town of West Cambridge, shall be holden to pay all arrears of taxes, due from them, together with their proportion, (to be ascertained as aforesaid) of all the debts and claims now due and owing, from the said town of Cambridge, or which may hereafter be found due and owing; by reason of any contract, engagement, judgment of court, or other matter or thing, heretofore entered into, or now existing.

--- to pay arrears of taxes.

SECT. 4. *Be it further enacted*, That the said town of West Cambridge, shall be holden to support their proportion of the present poor of the town of Cambridge, which proportion shall be ascertained by the present valuation of the town; and all persons who may hereafter become chargeable, as paupers, to the towns of Cambridge and West Cambridge, shall be considered as belonging to that town, on the territory of which they had their settlement, at the time of passing this act, and shall, in future, be chargeable to that town only.

--- to support their proportion of poor.

SECT. 5. *Be it further enacted*, That the said town of West Cambridge, shall be held to keep up and support their proportion of the old bridge, over Charles river, between the first and third parishes of Cambridge, which proportion shall be ascertained from time to time, by the state valuation.

--- to support their proportion of the old bridge.

SECT. 6. *Be it further enacted*, That the said town of West Cambridge, shall be holden to pay their proportion

--- to pay state & county taxes.

of all state and county taxes, assessed on the inhabitants of the said town of Cambridge, until the General Court shall lay a tax on the said town of West Cambridge.

SECT. 7. *Be it further enacted*, That this act shall not have any force or effect, until the first day of June, one thousand eight hundred and seven.

SECT. 8. *Be it further enacted*, That any justice of the peace for the county of Middlesex, upon application therefor, is hereby authorized to issue his warrant, directed to some freeholder of the said town of West Cambridge, requiring him to notify and warn the inhabitants thereof to meet at such time and place as shall be appointed in said warrant, for the choice of such officers, as towns are by law required to choose, at their annual town meetings.

[This act passed *February 27, 1807.*]

Justice to issue
a warrant.

CHAP. XCVI.

An act to exempt the lands of certain persons, within the bounds of the North Parish in Danvers, from taxation, towards the support of the Ministry, in the said North Parish.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That so much of the land, now owned by Jonathan Procter, Timothy Felton, Moses Preston, Nathaniel Felton, Francis Procter, James Procter, and John Needham, jun. as lie within the lines of the north parish in Danvers, be, and hereby are exempted from taxation, towards the support of the ministry, and other parochial expenses, in the said north parish, so long as the act continues, entitled An act "to empower the proprietors of the south meeting house, in the late south parish in Danvers, to raise money, by a tax on the pews and seats, in the said meeting house." [This act passed *February 27, 1807.*]

CHAP. XCVII.

An act for incorporating certain persons for building a Bridge over Presumpscut River, near the mouth thereof.

WHEREAS, the erecting a bridge over Presumpscut river, in the town of Falmouth, in the county of Cumberland, will be of great public utility—

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* Isaac Parker, Lemuel Weeks, Joseph Titcomb, Ebenezer Mayo, Richard Hunnewell, Thomas Webster, Daniel Tucker, George W. Duncan, Stephen M'Lellan, Isaac Illsley, Joshua Rogers, Aaron Kinsman, John Thacher, Joseph Young, jun. Arthur M'Lellan, Nathaniel Jones, Matthew Cobb, Levi Cutter, Richard Derby, William Brown, Robert Boyd, Nathaniel Coffin, James Deering, James Neal, Joel Hall, Ammi R. Mitchell, Samuel Freeman, David Hale, Samuel Butts, James D. Hopkins, Jacob Noyes, Thomas Robison, jun. Robert Illsley, Joseph Swift, Thomas Sawyer, Edward Barneville, Nathaniel F. Foddick, Thaddeus Robbins, Thomas B. Wait, Dummer Mitchell, and Caleb Graffan, be, and they are hereby constituted a corporation and body politic, for the purpose of building a bridge over Presumpscut river, near the mouth thereof, at the most convenient place between Martin's Point, and Thompson's Point, so called, in said Falmouth, 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 Casco bridge; and by that name may sue and prosecute, be sued and 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.

Persons incorporated.

SECT. 2. *And be it further enacted, That* Lemuel Weeks, Joseph Titcomb, and Ebenezer Mayo, or any two of them, may, by advertisement, in either of the newspapers, published in Portland, call a meeting of the said proprietors, to be holden at any proper place, after fifteen days from the publication of said advertisement; and the proprietors, by a vote of the majority of those present, or represented, at the said meeting, accounting and allowing one vote to each single share; (provided, that no one proprietor shall have more than ten votes in any case) shall have power to transact any business for the benefit of said corporation: *Provided*, it be not repugnant to the constitution and laws of this commonwealth; and also to choose seven directors, a clerk, and treasurer. And this act, and all rules and regulations, and votes of said corporation, shall be fairly and truly

Meeting to be called.

truly recorded, by the said clerk, in a book, or books, kept for that purpose.

SECT. 3. *And be it further enacted,* That for the purpose of reimbursing the said proprietors for the monies by them expended; or that may be hereafter expended, in building and supporting said bridge, a toll be, and hereby is granted, and established, for the sole benefit of said proprietors, according to the rates following, that is to say: For each foot passenger, two cents; for each person and horse, six cents; for each chaise or fulkey, drawn by one horse, twelve and one half cents; for each sleigh, drawn by one horse, eight cents; for each sleigh, drawn by two horses, twelve and one half cents; for each coach, phaeton, or curricle, twenty-five cents; for each cart, waggon, sled, or other carriage of burthen, drawn by one or two beasts, eight cents, and for each additional yoke of cattle in the same team, two cents; and for each wheelbarrow, hand-cart, or other vehicle, capable of carrying a like weight, with one person, three cents; for neat cattle, or horses, other than those rode on, or in carriages or teams, two cents each; for sheep and swine, at the rate of eight cents the dozen; and to each team, one person, and no more, shall be allowed as a driver, to pass free of toll. And at all times when the toll-gatherer shall not attend his duty, the gate shall be left open; and the said toll shall commence on the day of the opening said bridge for passengers, and shall continue for and during the term of fifty years; after which term, it shall be subject to the regulations of government.

SECT. 4. *And be it further enacted,* That said bridge shall be well built, at least thirty feet wide, of good and suitable materials, and be well covered with plank, gravel, 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; and the proprietors, at the place or places where the toll shall be received, shall erect, and keep constantly in 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.

SECT. 5. *And be it further enacted,* That if the said proprietors shall neglect, for the space of three years, from the passing this act, to build and erect said bridge, then this act shall be void, and of no effect.

SECT.

Tolls established.

Rates of toll.

Dimensions and materials of the bridge.

Act void in case.

SECT. 6. *And be it further enacted, by the authority aforesaid,* That the said proprietors shall build and keep a convenient and sufficient draw, or passage-way, at least thirty-two feet wide, at some place 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 and maintain in good repair, a suitable pier, or wharf, upon each side of said bridge, and adjoining the draw, sufficient for vessels to lie at; and the said draw shall be lifted for all vessels, without toll or pay, except for boats or vessels passing for pleasure; and all vessels, intending to pass said draw, shall be free of charge at the wharf, or pier, until a suitable time shall offer for passing the same: the passage-way for vessels, through said bridge, shall be lined, from low water mark to the top, with plank, two and an half inches thick; *Provided,* the town of Falmouth shall not be at any expense in making and completing any road or highway, leading from Back Cove Bridge, to Martin's Point, nor in making and completing any new road or highway, leading from the bridge, on the easterly side of said river, unto the place where it shall strike the present travelling road; and that the proprietors shall have one arch in said bridge, near Martin's Point, for the convenience of rafts, passing through the same, at least forty feet in width.

Draw & wharf to be built.

Proviso.

[This act passed Feb. 27, 1807.]

CHAP. XCVIII.

An act, in further addition to an act, entitled An act to incorporate a part of the counties of York and Cumberland, into a separate county by the name of Oxford.

WHEREAS, no provision is made by law to empower the Supreme Judicial Court, holden according to law, in the county of Cumberland, to take original cognizance in cases civil or criminal; or original, or appellate cognizances in probate causes, arising in the county of Oxford:

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 from and after the passing of this act, the Supreme Judicial Court, to be holden in the county of Cumberland, shall be holden for the counties of Cumberland and Oxford, and shall from time to time have the

Jurisdiction of S. J. Court in Cumberland and Oxford.

same

same jurisdiction, power and authority for the trial of all actions, civil and criminal, the cause whereof has arisen or shall arise within the body of the county of Oxford, and to hear and determine all other matters and things arisen, or which shall arise within the body of the said county of Oxford, and shall have the same jurisdiction of all matters, criminal, civil, and mixed, arisen or which shall arise in said county of Oxford, as if the same actions, matters, and things, had arisen within the body of the said county of Cumberland.

Conducting of
appeals.

SECT. 2. *And be it further enacted*, That all appeals which have already been claimed according to law, or which may hereafter be claimed from the decrees and orders of the judge of Probate, for the county of Oxford, shall, and may be heard and determined at the Supreme Judicial Court, to be holden in the said county of Cumberland, in the same way and manner, as appeals from the orders and decrees of the Judge of Probate for the county of Cumberland, may be heard and determined.

[This act passed February 27, 1807.]

CHAP. XCIX.

An act to incorporate the proprietors of Salt Marsh, on Cart-Creek, in Newbury, to make and maintain a Dyke, 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, John Noyes, Caleb Titcomb, Isaiah Rogers, Josiah Adams, Stephen Adams, John Longfellow, Simon Thurla, Enoch Little, and Simeon Titcomb, their heirs and assigns, proprietors of the greater part of a tract of Salt Marsh, situate on Cart-Creek, in Newbury, in the county of Essex, be, and hereby are incorporated, with all the powers and privileges incident to similar corporations.

Persons incor-
porated.

Manner of call-
ing Meetings.

SECT. 2. *And be it further enacted*, That the manner of calling meetings of the said proprietors, shall be by an application, in writing, from three or more of said proprietors, to any Justice of the Peace, in the county of Essex, who is hereby empowered and directed to issue his warrant to one of said proprietors, to meet at such time and place as he shall think most convenient, and for the purposes to be

be expressed in said warrant ; and copies of said warrant, with the notification thereon, shall be posted up at two or more houses of public worship, in said Newbury, and one or more houses of public worship in each town where any of the proprietors of said Marsh may dwell, ten days at least, before the time of holding said meetings ; and the said proprietors, or the major part of such of them as shall be assembled at any legal meeting, called as aforesaid, shall have power to choose a clerk, committee, assessors, collector or collectors of taxes, and a treasurer, all of which officers 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 place, which may be annually, or as often as occasion may require, which officers, so chosen and sworn, shall have the same power to perform, execute, and carry any legal vote, or order, of said corporation, into as full effect, as town officers of like description have, by law, to do and perform. And the said corporation shall have power to erect and make a Dike, and Dam, of sufficient heighth and width, across said Cart-Creek, in or near the same place where a Dike, or Dam, was formerly made, so far as a Dike or Dam, may be found necessary ; and to erect and keep in repair, such a Fence, as the said proprietors may, at a legal meeting, agree to have, where a Fence may be found necessary ; and at a legal meeting, called as aforesaid, for that purpose, may vote and raise monies to defray the necessary expenses of such Dike, Dam, and Fence, and keeping the same in repair ; and to pay all other expenses which 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 of the aforesaid proprietors, and their heirs and assigns, of the Marsh aforesaid, by them owned, in proportion to the number of acres he or she may own ; and if any proprietor aforesaid, 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 Marsh shall be sold, at public vendue, as will be sufficient to pay the same, with costs ; notice of such sale to be given, by posting up advertisements thereof, at one or more houses of public worship, in the town or towns where such delinquent proprietors dwell, three weeks prior to the time of sale, with the names of the proprietors, the amount of the taxes assessed on their Marsh, respectively, and also the time and place of sale ; and if no person shall appear

Power of the corporation.

Assessments.

Property of delinquents may be sold.

appear thereupon to discharge the said taxes, and all necessary intervening charges, then the collector shall proceed to sell at auction, to the highest bidder, so much only of said Marsh, as shall be sufficient to discharge said taxes, and the necessary intervening charges, and shall give and execute a deed or deeds, to the purchaser or purchasers, his or her heirs or assigns, expressing therein the cause of such sale; *Provided*, that Samuel Thurla, shall not be holden to pay any part or portion of the expense of electing and maintaining said Dike, Dam, or Fence, on account of any Marsh which he now owns, above the place where said Dike or Dam is to be erected, nor any other person or persons, who may be heirs or assigns of Samuel Thurla, of said Marsh, now owned by him, for or on account of the same.

Provido.

Owners held to make good any damage.

SECT. 3. *Be it further enacted*, That the said John Noyes, Caleb Titcomb, Isaiah Rogers, Josiah Adams, Stephen Adams, John Longfellow, Simon Thurla, Enoch Little, and Simeon Titcomb, and their heirs and assigns, of said Marsh, by them respectively owned, shall be holden to make good all damage, if any, which the said Samuel Thurla, or his heirs or assigns of said Marsh, owned by said Thurla, may suffer in said Marsh, by the erection of said Dike, Dam, or Fence; which damage, if any, shall be ascertained by a committee, to be appointed by the Court of Common Pleas, for the county of Essex, on application of said Thurla, his heirs or assigns, at any time within five years from the erection of said Dike, Dam, or Fence.

[This act passed February 28, 1807.]

CHAP. C.

An act to incorporate the township, numbered Three, in the first range, north of the Waldo Patent, (commonly called the College Township,) in the county of Hancock, into a town, by the name of Dixmont.

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, numbered Three, in the first range of townships north of the Waldo Patent, (commonly called the College Township,) in the county of Hancock, as described within the following boundaries, with the inhabitants thereon, be, and hereby are incorporated into a

TOWN,

Dixmont incorporated.

town, by the name of Dixmont, viz:—Beginning at the south-west corner of the said township number Three; thence from said corner north, on the dividing line, between the said townships, number Three, in the first range, and number Four, in the second range, to the north-east corner of said township, number Three; thence south, on the dividing line, between said number Three and number Two, to the north line of the Waldo Patent; thence westerly on and by said line, to the bounds first mentioned, being the same township which was originally granted by Government to Bowdoin College. And the said town of Dixmont, is hereby vested with all the powers and privileges, and shall also be subject to all the duties and requisitions, to which other towns are entitled or subjected, by the Constitution and Laws of this Commonwealth.

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

[This act passed February 28, 1807.]

CHAP. CI.

An act to establish the Stockbridge Turnpike.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Elisha Andrews, Ethel Burch, Dan Chappel, Samuel Clark, Samuel Clark, jun. Stephen Comstock, Daniel Curtis, Benjamin Dresser, Ezra Dresser, James Dresser, John Dresser, Daniel Dryer, John Dryer, Ezekiel Griswold, Benjamin Hatch, Eli Hatch, Elisha Hooper, Elisha Hooper, jun. Loammi Mott, John Newell, Grove Pomeroy, Oliver Ruggles, Joseph Seely, Enoch W. Thayer, and William Thompson, together with such others, as already have, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of "The Stockbridge Turnpike Corporation," for the purpose of locating, making, and keeping in good repair, a turnpike road, through the town of Stockbridge, so as to

S

stand

stand connected with "The Housatonic River Turnpike," and "The Fifteenth Massachusetts Turnpike," and for this purpose, shall have all the powers and privileges, and shall also be subject to all the duties, requirements, and penalties, prescribed and contained in an act, 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.

[This act passed February 28, 1807.]

CHAP. CII.

An act enlarging the powers and duties of the Guardians of persons, who spend or waste their estates, by excessive drinking, idleness, gaming or debauchery.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Guardian or Guardians of any person or persons, who have or shall, spend or waste their estates, by excessive drinking, gaming, idleness or debauchery, are hereby authorized and enjoined to pay the debts of such person or persons, and to provide for their maintenance, and the support of their families, out of their real estate when their personal estate shall be insufficient; and for these purposes may sell so much of the real estate of their wards, as shall be necessary therefor, in the way and manner, and under the conditions, restrictions, and limitations under which executors and administrators are empowered to sell the estate of deceased persons; such Guardians first obtaining a license therefor, from the Supreme Judicial Court, or from the Court of Common Pleas, of the county where the real estate shall be, who are hereby respectively empowered to grant the same; *Provided however*, that no such license be granted, unless the person applying for the same, shall produce to the court a certificate under the hands of the overseers of the poor of the town in which said idle, gaming person has gained a legal residence, purporting their consent and approbation to the sale of such proportion of the real estate of such person, as such overseer shall be satisfied is just and equitable to discharge the *bona fide* debts of such idle person, excluding all debts contracted by gaming.

[This act passed February 28, 1807.]

CHAP. CIII.

An act, making further exemptions from military duties.

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 fishermen actually shipped and employed on board of any ship or vessel of more than ten tons burthen, shall be exempted from doing military duty, during the time they are actually shipped and employed as aforesaid: *Provided however*, that they shall be held to produce, to the commanding officer of the company to which they belong, within eight days after any muster, training, view of arms, or other duty, a certificate signed by the owner of such vessel, that at the time of their being warned, and time of training, they were actually shipped and employed as aforesaid.

[This act passed Feb. 28, 1807.]

CHAP. CIV.

An act, providing an additional term of the Court of Common Pleas, and General Sessions of the Peace, in the County of Washington.

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 holden at Machias, in the county of Washington, a term of the Court of Common Pleas, and General Sessions of the Peace, on the third Tuesday of March, annually, until the General Court shall otherwise order.

SECT. 2. Be it further enacted, That this act shall take effect on the twentieth day of August next.

[This act passed Feb. 28, 1807.]

CHAP. CV.

An act to establish the Sheffield and Great Barrington Turnpike.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Thomas Allen, Timothy Arnold, Fenner Arnold, Isaac Baldwin, John Burghardt, the third, Ashbel Cone, Henry Covell, John Ford, Joseph Gibson, Ezekiel Grifwold,

Persons incorporated.

Grifwold, Martin Hart, Andrew Hollenback, Isaac Leavenworth, David Leavenworth, Nathaniel Lewis, Charles Loveland, Miles Morgan, Grove Pomeroy, Samuel Riley, Samuel Rafletter, Stephen Libley, Isaac Seely, John Seely, Enoch Williams Thayer, John Tucker, Jabez Turner, John Vandufen, Charles Whiting, and John Whiting, together with such others as may hereafter associate with them, and their successors and assigns, be, and they are hereby made a corporation, by the name of the Sheffield and Great Barrington Turnpike Corporation, for the purpose of laying out, making and keeping in good repair, a turnpike road through the towns of Sheffield, Great Barrington, and West Stockbridge, viz. Beginning at the south line of this commonwealth, in the town of Sheffield, or at the Hartford and Hudson turnpike, near the dwelling house of captain Uziel Clark; thence to extend in a northerly direction, through the easterly part of said town, and crossing the Hausatonock river; thence on the south side of the dwelling house of Truman Wheeler, in Great Barrington; thence northerly, through the said town of Great Barrington, and into the town of West Stockbridge, near the dwelling house of John Brown, and until the same shall intersect a turnpike road, laid out and established near the dwelling house of Grove Pomeroy, innholder, in said West Stockbridge; and for this purpose shall have all the powers and privileges, and shall also be subject to all the duties, requirements, and penalties, prescribed and contained in an act, 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.

[This act passed *Feb. 28, 1807.*]

CHAP. CVI.

An act, extending the time, in certain cases, that goods and estates attached upon mesne processes, for the security of the debt, or damage sued for, shall be held,

WHEREAS, by the arrangement of the sessions of the Supreme Judicial Court of this commonwealth, it may be that execution cannot be levied on goods and estates attached on the island of Nantucket, within the time limited

limited by law, and thereby a judgment creditor may suffer great loss; to remedy which,

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all attachments of goods and estates, made on the island of Nantucket, to satisfy a judgment obtained on mesne process, shall be held for the space of sixty days after final judgment, to be taken in execution, any law, usage, or custom, to the contrary notwithstanding.

[This act passed Feb. 28, 1807.]

CHAP. CVII.

An act to incorporate the Proprietors of a Public Bathing House in Newburyport.

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 St. Loe Livermore, Jonathan Gage, Stephen Howard, and William Woart, and all such persons as are or may be associated with them, for the purpose of erecting and keeping a Bathing House, in Newburyport, and their successors, shall be, and they hereby are made a corporation, by the name of the Proprietors of a Bathing House in Newburyport; and by that name may sue and be sued, and may have a common seal, and may have and enjoy all the privileges and powers, which are by law incident and necessary to a corporation for the purpose of keeping, using and improving, a public building or buildings, with all necessary and convenient appurtenances, for Bathing.

Persons incorporated.

Common seal.

Choice of officers.

SECT. 2. *And be it further enacted,* That Edward St. Loe Livermore, Stephen Howard, and William Woart, or any one of them, may, by an advertisement in a newspaper, printed in Newburyport, call a meeting of said proprietors, to be held at any suitable time and place, after ten days notice; and the said proprietors, by the vote of a major part of those present, or represented at said meeting, may choose a clerk, treasurer, and three or five directors, as may then be agreed on, one of whom shall be elected president by said directors, and may vest in them such powers as they may deem necessary, and may determine how often, and in what manner, and at what time, said officers shall be chosen, and in what manner future meetings shall

shall be called and held, and make such rules and regulations as may be judged necessary and not repugnant to the constitution and laws of this commonwealth, or of the United States.

Authorized to hold real estate.

SECT. 3. *And be it further enacted,* That the said corporation be, and the same is authorized and empowered, to purchase and hold real estate to the value of twenty thousand dollars; and that the whole interest shall be divided into one hundred shares, which shares shall be deemed and considered to all intents and purposes as personal property, and the ownership thereof shall be evidenced by a certificate signed by the president, and countersigned by the clerk, and sealed with the common seal; and such shares shall be transferable by the owners personally, or by attorney, upon the books to be kept by the clerk for that purpose; and such owner, upon making such transfer, shall deliver up his certificate to the clerk to be cancelled.

Shares may be attached.

SECT. 4. *Be it further enacted,* That the property of every individual member in said corporation, vested therein, 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 debtor, a like summons shall be left with the clerk of said corporation; and the debtor's shares or share therein, together with any interest, profits or rents of any kind, due or growing due thereon, shall be held to respond said suit according to law; and all transfers of the debtor's shares, not noted in the clerk's books previous to the delivery of such summons, shall be barred thereby; and execution may be levied upon the property of any member of said corporation, and his shares therein be exposed to sale in the same way and manner as is by law provided, where personal property or 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 clerk of said corporation, and the purchaser shall thereupon be entitled to all dividends and stock, and to the same privileges as a member of said corporation, that the debtor was previously entitled to; and upon attachment being made, or execution levied on any shares in said corporation, it shall be the duty of the clerk to expose the books of said corporation to the officer, and to furnish him with a certificate under his hand, in his official capacity, ascertaining the number of shares the debt-

Books may be examined.

or holds in said corporation, and the amount of the dividend, if any thereon due.

[This act passed February 28, 1807.]

CHAP. CVIII.

An act to incorporate a number of the inhabitants of the town of Cape Elizabeth, in the County of Cumberland, by the name of the Methodist Society, in Cape Elizabeth.

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 Brooks, Joseph Brown, William Cummings, jun. George Deake, John Duren, Samuel Dun, Reuben Dyer, Reuben Dyer, 3d, Ezekiel Dyer, David Dyer, William Dyer, Edward Dyer, James Dyer, John Fogg, Benjamin Fickett, Samuel Fickett, John Fickett, jun. John Fickett, 3d, William Fickett, jun. Joshua Gammon, Micah Higgins, Samuel Higgins, Samuel Johnson, Solomon Jordan, John Jordan, Jonathan Larrabee, jun. James Maxwell, Thomas Maxwell, Jeremiah Mitchell, Ebenezer Parker, Stephen Randall, Stephen Robinson, Nathaniel Sawyer, James Sawyer, Benjamin Stanford, Jeremiah Stanford, Charles Staple, Theophilus Thomas, Ebenezer Webster, and Nathaniel Webster, with their families, and estates, together with such others as have or may hereafter associate with them, and their successors, be, and they are hereby incorporated into a separate religious society, by the name of the Methodist Society in Cape Elizabeth, with all the powers and privileges to which other parishes are entitled, by the constitution and laws of this commonwealth : *Provided however,* that all such persons shall be holden to pay their proportion of all monies, legally assessed, for parochial purposes, in the parish to which he or she formerly belonged.

Persons incorporated.

Provide.

SECT. 2. *Be it further enacted,* That any person belonging to any other religious society, in the said town of Cape Elizabeth, who may desire to join the said Methodist society, and who shall, at any time within one year from the passing of this act, declare such intention, in writing, delivered to the town clerk, or to the clerk of such other religious society, and shall produce a certificate, signed by the minister or clerk of the said Methodist society, that he or she has actually become a member of, and united in religious

Members to obtain a certificate.

gious worship, with the said Methodist Society, such person shall, from the date of such certificate, be considered, with his or her polls and estate, as a member of said society.

SECT. 3. *Be it further enacted,* That when any member of the said Methodist Society, shall see cause to leave the same, and to unite with any other religious society, in said town of Cape Elizabeth, and shall give notice of such intention, to the Minister or Clerk of the said Methodist Society, and shall also give in his or her name to the Minister or Clerk of such other society, fifteen days, at least, previous to its annual meeting, such person shall, from the date of such certificate, with his or her polls and estate, be considered a member of said society: *Provided however,* that in every such case, such person shall be held to pay his or her proportion of all parochial expenses, incurred previous to the leaving said society.

Members leaving, to give notice.

SECT. 4. *Be it further enacted,* That any Justice of the Peace, for the county of Cumberland, upon application therefor, is hereby authorized to issue a warrant, directed to some member of the said Methodist Society, requiring him to notify and warn the members thereof, to meet at such time and place, as shall be appointed in said warrant, for the choice of such officers as Parishes are by law empowered to choose at their annual Parish Meetings.

Justice to issue warrant.

[This act passed February 28, 1807.]

CHAP. CIX.

An act for incorporating Royal Brewster and others, in the county of York, for the purpose of erecting and supporting a bridge, over Saco River, at a place called the Bar-Mills.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Royal Brewster, John Smith, and Paul Woodman, and such other persons as have already, or may hereafter associate with them, be, and they hereby are constituted a corporation, for the purpose aforesaid, by the name of "The Bar-Mill Proprietors," and under that name may enjoy all the rights, privileges, and immunities, incidental to such corporations in this Commonwealth; and the said Royal Brewster, or any other principal proprietor, may call a meeting of said proprietors, at any reasonable time,

Persons incorporated.

time, after the passing this act, by posting up notifications of such meeting; in the towns of Buxton and Phillipsburgh, for that purpose, to be holden, not less than seven days after such notice shall be published; and said proprietors may then choose a clerk, who shall be sworn to the faithful performance of his duty, and may choose all other necessary officers, and make such rules and regulations as they may judge proper, not repugnant to the laws of this Commonwealth.

Choice of Officers.

SECT. 2. *And be it further enacted*, That the said proprietors be, and they are hereby empowered to build and support the bridge aforesaid, from or near the Bar-Mills, in Phillipsburgh, across Saco river, to a place called Lane's Eddy, in Buxton, in the county of York, and the same shall always be kept in good repair, and be safe and convenient for passengers, and shall not be less than twenty-two feet in width, covered with good plank, and secured with sufficient railing, and so constructed as not to obstruct the logs and other timber, coming down the river, passing under the same.

Bridge to be kept in repair.

SECT. 3. *And be it further enacted*, That for reimbursing to said proprietors the money by them expended, or to be expended, in building and supporting said bridge, a toll be, and hereby is granted and established, for the benefit of said proprietors, according to the rates following, viz:—For each man and horse, *two cents*; for each cart, sled, or pair of wheels, drawn by two oxen, *four cents*; for each cart, sled, or pair of wheels, drawn by four oxen, *six cents*; for each cart, sled, or pair of wheels, drawn by six oxen, *eight cents*; for each cart, sled, or pair of wheels, drawn by eight oxen, *ten cents*; for each wheel carriage, sled or sleigh, drawn by one horse, *four cents*; for each wheel carriage, sled or sleigh, drawn by two horses, *six cents*; for cattle, or horses, *two cents* each; for sheep and swine, *four cents* per dozen; and at all times when the toll-gatherer shall not attend his duty herein, the gate or gates shall be kept open; and the said toll shall commence from and after a committee of the Court of General Sessions of the Peace for the county of York, (who may be appointed for that purpose) shall adjudge the said Bridge is completed, conformable to the provisions in this act, and not otherwise.

Toll.

[This act passed February 28, 1807.]

CHAP. CX.

An act for giving effect to the partition of certain real estate, whereof John Innis Clark, and Joseph Nightingale, were seized, at the time of the decease of the said Nightingale.

Preamble. **W**HEREAS, John Innis Clark, of Providence, in the county of Providence, and State of Rhode-Island and Providence Plantations, Esquire, and Joseph Nightingale, late of said Providence, merchant, deceased, at the time of the decease of the said Nightingale, were joint partners in trade, and seized of fundry lands and tenements, and hereditaments, situated in the several states of Rhode-Island, Massachusetts, Connecticut, New-Hampshire, New-York, Vermont, and Ohio, either jointly, or as tenants in common, and one of said partners was sole seized in trust for the use and benefit of both. And whereas, the said Clark and Elizabeth Nightingale, widow of the said Joseph, and all the children and heirs of the said Joseph, have represented that it is impracticable to make a partition of said estates, conformable to the laws of the several States, upon the particular parcels thereof, within their respective jurisdictions, without great injury to them, and that they have made partition of all the estates holden as aforesaid, in manner satisfactory to themselves, which partition is established by an act of the Legislature of the State of Rhode-Island and Providence Plantations, at a session begun and holden at Providence, on the last Monday of October, in the year of our Lord one thousand eight hundred and four, entitled, "An act for the partition of certain of the real estate, whereof John Innis Clark, and Joseph Nightingale were possessed, at the time of the decease of said Nightingale;" in which act the whole of said estates are described and set forth, and all the parties interested in said partition, having petitioned to have the same confirmed within this Commonwealth—

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 several parcels of land, and the tenements and hereditaments, described and set forth in the aforesaid act of the State of Rhode-Island, as lying within the State of Massachusetts, and assigned to the said Clark, shall vest in him, his heirs and assigns, by the tenure described in said act of partition, and in as full a manner, as though the same had been assigned and set to him by the regular

Acts confirmed.

regular proceedings of any Judicial Court of this Commonwealth.

SECT. 2. *And be it further enacted*, That the several parcels of land, and the tenements and hereditaments, in the act aforesaid, described as being within the Commonwealth of Massachusetts, and assigned to the said Elizabeth Nightingale, and to the children and heirs of the said Joseph Nightingale, shall vest in them severally, by the respective tenures described in said act of partition, and in as full a manner, as though the same had been assigned and set to them by the regular proceedings of any Judicial Court of this Commonwealth. *Provided always*, that this act shall not have force until a copy of the aforesaid act of the State of Rhode-Island, duly authenticated, and attested by the Governor of said State, shall be filed in the office of the Secretary of this Commonwealth, and if the States of Connecticut, New-Hampshire, New-York, Vermont, and Ohio, shall not, within two years, from the passing of this act, pass acts for the establishment of the partition aforesaid, as the same respects the premises, within their respective jurisdictions, the same shall be null and void.

Estates assigned to the widow and children, to vest in them severally.

Provido.

[This act passed February 28, 1807.]

CHAP. CXI.

An act to incorporate Isaac Warren, and others, into a company, by the name of the Middlesex 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 Isaac Warren, and all such persons, citizens of the United States, as have already, or shall hereafter become stockholders, in said company, be, and are hereby incorporated into a company, and body politic, by the name of the Middlesex Insurance Company, for and during the term of twenty-five 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 or convey, any estate, real or personal, for the use of said company, subject to the restrictions hereinafter mentioned.

Persons incorporated.

SECT.

SECT. 2. *And be it further enacted,* That the capital stock of said company shall be divided into shares of *one hundred dollars* each, which shall be paid into the said company in the manner hereinafter provided; and the whole number of shares, shall be one thousand; and the whole capital stock, estate, and property, which the said company shall be authorized to hold, shall never exceed *one hundred thousand dollars*, exclusive of premium notes and profits, arising from the business of said company, and *twenty thousand dollars*, which said company are authorized to invest in real estate, and not more than *thirty thousand dollars* of said capital stock, shall at any one time be invested in real estate.

Capital limited.

SECT. 3. *And be it further enacted,* That the stock, property, affairs, and concerns of said company, shall be managed and conducted by seven Directors, one of whom shall be President thereof, who shall hold their offices for one year, and until others are chosen, and no longer; and who shall, at the time of their elections, be stockholders in said company, and citizens of this Commonwealth; and shall be elected on the first Monday in May, in each and every year, at such time of the day, and at such place, in the town of Charlestown, as a majority of the directors, for the time being, shall appoint; of which election, notice shall be given, in at least two of the newspapers, printed in the town of Boston, and continued for the space of ten days, immediately preceding such election; and the election shall be holden under the inspection of three of the stockholders, not being Directors, to be appointed previous to every election, by the Directors; and the election shall be made by ballot, by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock. *Provided,* that no stockholder shall be allowed more than ten votes; and the stockholders, not present, may vote by proxy, under such regulations as the company shall prescribe. And if through any unavoidable accident, the said Directors should not be chosen on the first Monday of May, as aforesaid, it shall be lawful to choose them on any other day, in the manner herein prescribed.

Directors to be chosen.

Provided.

SECT. 4. *And be it further enacted,* That the Directors, when chosen, shall meet as soon as may be, after every election, and shall choose, out of their own body, one person, to be president, who shall be sworn faithfully to discharge the duties of his office, and who shall preside for one year; and in case of the death, resignation, or inability to serve, of the President, or any Director, such vacancy or vacancies,

President to be chosen.

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

SECT. 5. *And be it further enacted,* That the president, and three of the directors, or four of the directors, in the absence of the president, shall be a board, competent for the transaction of business; and all questions before them, shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks, and servants, employed, and the election of directors, and all such matters as appertain to the business of insurance; and shall also have power to appoint a secretary, and so many clerks and servants, for carrying on said business, and with such salaries and allowances to them, and to the president, as to 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.

By-laws to be made.

Provido.

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 every month, as the president and 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 insurances on vessels, freight, money, goods, and effects, and against captivity of persons, and on the life of any person, during his absence by sea; and in cases of money lent on bottomry and respondentia, and to fix the premiums, and terms of payments. 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 said company, and have like effect and force, as if under the seal of said company. And all losses, duly arising, under any policy, so subscribed, may be adjusted and settled by the president

Directors to meet.

Manner of transacting policies.

president and board of directors, and shall be binding on the company.

SECT. 7. *And be it further enacted*, That it shall be the duty of the directors, on the first Monday in May and November, in every year, to make dividends of so much of the interest arising from the capital stock, and the profits of 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, before all the instalments are paid in, each proprietor or stockholder's estate, shall be held accountable for the instalments that may remain unpaid on his share or shares, at the time of such loss or losses taking place; and no subsequent dividend shall be made, until a sum arising from the profits of the business of the company, equal to such diminution, shall have been added to the capital; and that once in every three years, and oftener, if required, by a majority of the votes of the stockholders, the directors shall lay before the stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends.

SECT. 8. *And be it further enacted*, That the said company shall not, directly or indirectly, deal or trade in buying or selling any goods, wares, merchandize, or commodities, whatsoever; and the capital stock of said company, after being collected at each instalment, shall, within six months, be invested either in the funded debt of the United States, or of this commonwealth, or in the stock of the United States Bank, or of some other incorporated bank or banks, 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 the said stockholders shall, for such purpose, at any meeting appoint.

SECT. 9. *And be it further enacted*, That twenty-five dollars on each share of said company, shall be paid in money, within sixty days after the first meeting of said company, and the remaining sum of fifty dollars on each share, shall be paid, in money, within one year afterwards, at such equal instalments, and under such penalties, as the said company

Dividends to be made.

Statement of profits.

Stock invested.

Instalments to be made.

pany shall direct; and no transfer of any share shall be permitted, or be valid, until the whole capital stock shall have been paid in.

SECT. 10. *And 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 this company, by this act established.

SECT. 11. *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 said company, and the president and directors, after knowing of such loss or losses taking place, shall subscribe to any policies of insurance, their estates, jointly and severally, shall be accountable for the amount of any and every loss that shall take place under policies so subscribed.

Directors' estates liable.

SECT. 12. *And be it further enacted,* That the president 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. But in no case shall they be allowed to take a greater sum than ten per centum on their capital stock, actually paid in.

Highest sum insured to be stated.

SECT. 13. *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.

Directors to be examined.

SECT. 14. *And be it further enacted,* That Isaac Warren be authorized to call a meeting of the members of said company, as soon as may be, in Charlestown, by advertising the same for three weeks successively, in two of the newspapers, printed in Boston, for the purpose of electing a first board of directors, who shall continue in office until the first Monday in May, in the year of our Lord one thousand eight hundred and eight.

Meetings to be advertised.

[This act passed Feb. 28, 1807.]

CHAP. CXII.

An act to empower the inhabitants of the School Districts on Moose Island, to raise an additional sum for the support of Schools.

WHEREAS, great inconvenience arises to the inhabitants of the town of Eastport, in having schools kept

Preamble.

kept

kept for the instruction of youth, owing to the inhabitants being so scattered, on the main land, that schools cannot be kept to benefit but a small part of the community, by reason of which, the town, at their annual meetings in April, do not vote money sufficient to keep schools so long as the inhabitants on Moose Island, a part of said town, desire :—

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 the school districts on Moose Island, to raise, in addition to what may be raised by a vote of the town of Eastport, at their annual meetings in April, such further sum or sums in said districts, as shall enable them to keep a school or schools, the greater part or whole of the year.

School fund
enlarged.

SECT. 2. *And be it further enacted,* That the inhabitants of said school districts, qualified to vote in town affairs, be, and they are hereby empowered, at any meeting, called in manner hereinafter provided, to raise sufficient sums of money for the purposes aforesaid, to be assessed in manner as is hereinafter provided.

SECT. 3. *And be it further enacted,* That for the purposes aforesaid, every man shall be taxed in the district in which he lives for all the estate he holds in the said district, being under his own actual improvement, and all other of his real estate in said district shall be taxed in the district in which it is included; and lands in said districts, where the owner lives without the districts, shall be taxed in the district in which it lies until the town shall be districted anew; and the assessors shall assess in the same manner as town taxes are assessed on the polls and estates of the inhabitants composing said school districts, and on lands in said districts belonging to persons out of the same, all monies voted to be raised by the inhabitants of said districts for the purpose aforesaid, in thirty days after the clerks of the districts shall certify to said assessors the sum voted by the districts to be raised as aforesaid. And it shall be the duty of said assessors to make a warrant in due form of law, directed to one of the collectors of the town of Eastport, requiring and empowering said collector to levy and collect the tax so assessed, and to pay the same within a time to be limited in said warrant, to the treasurer of the town of Eastport, to whom a certificate of the assessment shall be made by the assessors, and the money so collected and paid, shall be at the disposal of the committee of the district, to be by them

Taxes assessed.

Assessors to issue
a warrant.

them applied for the maintenance of a school or schools in the districts aforesaid; and such collector in collecting such tax shall have the same powers, and be holden to proceed in the same manner as is by law provided in collecting taxes.

SECT. 4. *And be it further enacted,* That the treasurer of said town of Eastport, to whom a certificate of the assessment of a district tax shall be transmitted as aforesaid, shall have the same authority to enforce the collection and payment of the money so assessed and certified, as if the same had been voted to be raised by said town of Eastport, for the town's use; and the treasurer and collector shall be paid the same commission on the money collected and paid for the use of said school districts, and the assessors for assessing said tax, shall be allowed by the districts the same sum for each and every day while employed in assessing the same, as is allowed and paid by the said town in similar services.

Treasurer of Eastport empowered to collect.

SECT. 5. *And be it further enacted,* That it shall be the duty of the selectmen of the said town of Eastport, upon application made to them in writing, by three or more freeholders resident within said districts, to issue their warrant directed to one of the persons making such application, requiring him to warn the inhabitants of said districts qualified to vote in town affairs, to meet at such time and place in the said districts, as the selectmen in their warrants appoint; and the warning aforesaid, shall be notifying personally every person in the district qualified to vote in town affairs, or by leaving at their several places of abode, a notification in writing; expressing therein the time, place, and purpose of the meeting, seven days at least, before the time appointed for holding the same; and every vote to raise money for the purpose of defraying the expense of schools in said districts, passed by a majority of the inhabitants of said school districts, present at a district meeting, shall be obligatory on the inhabitants of said school districts, to be assessed, levied, and collected in the manner provided by this act.

Selectmen empowered to issue a warrant.

[This act passed Feb. 28, 1807.]

CHAP. CXIII.

An act to divide the town of Methuen, in the County of Essex, into two parishes, by a line, and to incorporate the westerly part thereof into a distinct parish, by the name of the second parish in Methuen.

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 Methuen, in the county of Essex, be, and it is hereby divided into two distinct parishes, and the westerly part of said town shall be hereafter known and designated by the name of the Second Parish in Methuen, and the following shall be the dividing line between said parishes, viz. Beginning at Andover Bridge, so called, thence running northeastwardly on the middle of the turnpike road in said town, until it comes to the line of the state of New Hampshire, all the inhabitants of said town, living on the westerly side of said line, be, and they are hereby incorporated into a distinct parish, by the name of the Second Parish in Methuen, with all the powers, privileges and immunities to which other parishes are entitled by the constitution and laws of this commonwealth: *Provided nevertheless,* that the following persons living on the westerly side of said line, viz. Amos Barker, Joshua Davis, Joseph Morfe, John Harris, Silas Barker, Jacob Sargent, Stephen Sargent, Jonathan Cluff, Ebenezer Hibberd, James Sargent, Ebenezer Hibberd, jun. James Ordway, Daniel Bartlett, John Sargent, Elijah Jennings, Jonathan Jennings, Benjamin Town, Daniel Cross, Amasa Sargent, James Ordway, 2d, Daniel Morfe, Nathan Town, Solomon Jennings, Dorcas Swan, (with the estate under her care as guardian for her children,) Jacob Tyler, and Noah Stephens, with their families and estates, and such persons as shall hereafter possess or live upon any of said estates, (except it be a person who was an established parishioner in the said second parish, previous to his possessing or living upon said estate) shall still be considered as parishioners in the first parish in said town; any thing contained in this act to the contrary notwithstanding. *And it is further provided,* that any person or persons that are hired to work on any of said estates, shall be taxed to the support of public worship, and other parochial purposes in the first parish in said town, until he or they shall signify his or their desire to join said second parish, by giving in his or their names and

Parish boundaries.

Persons to remain in first parish.

Proviso.

and intentions in writing, to the clerk of said town for that purpose.

SECT. 2. *Be it further enacted,* That the inhabitants of said town, living on either side of said dividing line, shall have liberty at any time within one year from the passing of this act, to join which of said parishes they shall see fit, and establish themselves with their polls and estates therein, by certifying their intentions in writing to the clerk of said town, whose duty it shall be to make a fair record of the same, and make out attested copies thereof, and deliver the same to the assessors of each of the parishes in said town, whenever requested thereto by said assessors; and any person living in either of the parishes established as aforesaid, who does not see fit to join the other parish in manner as aforesaid, prior to the first day of May next, shall be taxed to the support of public worship and other parochial purposes in the parish in which he resides for the year then next following.

Inhabitants to signify which parish they will join.

SECT. 3. *And be it further enacted,* That the said first parish shall have all the power and authority to collect all the taxes legally assessed before the passing this act, upon any of the inhabitants living on the westerly side of said dividing line, the same as though this act had never been passed.

Taxes due to be paid to first parish.

SECT. 4. *And be it further enacted,* That the separate parish in said town of Methuen, which by this act is dissolved, shall have full power and authority to collect all taxes for the support of public worship and other parochial purposes, legally assessed before the passing of this act, and to settle all accounts as though this act had never been passed.

SECT. 5. *And be it further enacted,* That every person living in said town shall hereafter be taxed to the support of public worship and other parochial purposes, in the parish where he belongs, for all the estate which he owns in said town, in whatever part of said town the same may be situated.

Taxes to be paid in the parish where the inhabitant belongs.

SECT. 6. *And be it further enacted,* That any justice of the peace for said county of Essex, be, and is hereby authorized upon application made in writing by any five of the members of said second parish, to issue his warrant directed to any member of said second parish, requiring him to notify and warn all the inhabitants of said second parish, duly qualified to vote in parish affairs, to meet at such time and place as the said justice in his said warrant shall direct,

Choice of officers.

to choose such officers as parishes are by law required and empowered to choose, in the months of March and April, annually, and transact such other business as may be found necessary to be done at said first meeting.

Acts repealed.

SECT. 7. *And be it further enacted*, That an act, entitled an act, for setting off a number of inhabitants of the town of Methuen, in the county of Essex, into a separate parish, passed in the year of our Lord, seventeen hundred and seventy-nine together with three subsequent acts relating to the same, be, and the same are hereby repealed.

[This act passed *February 28, 1807.*]

CHAP. CXIV.

An act in addition to an act, entitled, "An act to secure to owners their property in logs, masts, spars, and other timber, in certain cases."

Preamble.

WHEREAS, the act aforesaid, passed the twenty-second day of February, seventeen hundred and ninety-four, and the act in addition thereto, passed on the sixteenth day of June, eighteen hundred and one, are found in their operation to be insufficient to answer the purposes intended thereby, as far as they respect Saco River, in the county of York:—

Penalties increased.

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 forfeitures of *forty shillings*, mentioned in the first and second sections of the act first above mentioned, shall be, and hereby is increased to the sum of *twenty-five dollars*, and instead of the treble value, mentioned in the first and third section of the same act, the sum of *fifty dollars* shall be, and hereby is substituted, as far as the same respects Saco River; said forfeitures of *twenty-five dollars*, and *fifty dollars*, to be recovered by an action of debt, in any court proper to try the same, with legal cost, by the persons and for the use mentioned in said act.

Logs, &c. not to be detained.

SECT. 2. *Be it further enacted*, That if any proprietors or owners of any Boom or Booms, in or across Saco River, aforesaid, shall unnecessarily detain, or suffer to remain therein, any logs, masts, spars, or other timber, which ought to be turned through the same, they shall forfeit and pay to the owner or owners of such logs, masts, spars, or other

other pieces of timber, unnecessarily detained, or suffered to remain therein, the sum of *two dollars* for each log, mast, spar, or other piece of timber, so detained, to be recovered in the way and manner heretofore provided in this act: *Provided however*, such detention aforesaid, shall not exceed six days.

SECT. 3. *Be it further enacted*, That the owner or owners of any logs or other timber, their agents or servants, shall have liberty, at all times, in a peaceable manner, to enter any mill, or any mill-brow, boom, or raft of logs, or other timber, in search of any logs or other timber which they may suspect to be there; and any person or persons who shall prevent such search, shall forfeit and pay for each and every such offence, a fine, not less than *twenty-five*, nor more than *one hundred dollars*, to be recovered by indictment, in the Supreme Judicial Court, or Court of Common Pleas, where the offence shall be committed, for the use of the county of York.

Penalty for preventing search after timber.

SECT. 4. *Be it further enacted*, That all logs, masts, spars, and other timber, the marks on which have been so defaced as not to be known, (commonly called prize logs,) shall be turned from and through the several booms in Saco River, until they arrive at the Saco Boom; the proprietors of which boom shall carefully raft the same by themselves, and on the first Monday of August in each year, shall sell the same at Public Auction, to the highest bidder, first giving notice of such sale, by posting up advertisements thereof in some public place in the towns of Saco, Biddeford, Buxton, and Phillipsburgh, twenty days at least before the day of sale; and the proceeds of such sale, after deducting the expense of securing and selling the same, shall be appropriated to the clearing and removing obstructions to the passage of logs and other timber, as aforesaid, down Saco River, and be immediately paid to such committee or committees, agent or agents, as shall by said Saco Boom proprietors be legally appointed for that purpose; otherwise to the Selectmen of the town of Saco, Biddeford, Buxton, and Phillipsburgh, in proportion to their population, for the use of the poor of said towns; and any person or persons, not the owners thereof, who shall take, carry away, sell, or mark anew, any such prize logs, mast, spar, or any piece of timber, contrary to the foregoing provision, shall forfeit and pay for each and every such offence, the sum of *twenty-five dollars*, to be recovered by an action of debt, in any court proper to try the same, with legal cost, by the proprietors

Prize logs to be rafted and advertised.

Penalty.

of Saco Boom, to be appropriated in the way and manner, and for the purpose before mentioned in this section.

SECT. 5. *And be it further enacted*, That if the proprietors aforesaid, or any of them, who by this act are authorized and directed to take care of, and secure such prize logs and other timber, aforesaid, as shall from time to time be taken up and secured, at Saco Boom, aforesaid, for the purpose aforesaid, their agents or servants, shall knowingly suffer the same to be taken away, or disposed of, contrary to the intent of this act, for each and every such offence, shall pay a fine, not less than *twenty five dollars*, nor more than *fifty dollars*, for each log, mast, spar, or other piece of timber, so taken away, to be recovered in an action of debt, in any court proper to try the same, with legal cost, by any person who shall prosecute and sue the same.

Fine for neglect
of duty.

SECT. 6. *And be it further enacted*, That such parts of the acts aforesaid, as are inconsistent with the provisions of this act, shall be, as far as they respect Saco River, and hereby are repealed; except that all fines and forfeitures incurred, and all rights of action which accrued under said act, may be prosecuted for, and proceeded in, in the way and manner as though this act had never been passed.

Repeal.

SECT. 7. *Be it further enacted*, That each and every of the duties, liberties, exceptions, fines, forfeitures, and penalties, and every other part and provision in the foregoing act, and in the acts to which this is an addition, as applying to Saco River, be and hereby are extended and applied, and in any court of law shall be taken and construed to include, extend, and be applied to the river called the Great Androscoggin, and to Kennebeck River, below the Bay, called Merry-Meeting Bay, any thing in this act, or in the other acts before mentioned, to the contrary, notwithstanding.

Provisions ex-
tended.

[This act passed *February 28, 1807.*]

CHAP. CXV.

An act in addition to an act, entitled, "An act to incorporate a number of the inhabitants of the town of Pittston, in the county of Lincoln, into a parish, by the name of The Episcopalian Society in Pittston.

WHEREAS, it appears that the late Dr. Sylvester Gardner, for the encouragement and support of a regular administration

Preamble.

administration of Religion, conformable to the Protestant Episcopal mode, in the town of Gardner, and county of Kennebeck, did bequeath, by his last will and testament, the sum of *one hundred twenty-four dollars and forty-four cents*, annually and forever, to be paid by certain heirs, out of the rents and proceeds of lands situated in the town of Gardner and Pittston: and whereas, from the general sale of those lands to numerous individuals, great and embarrassing difficulties may arise, in the collection of said legacy, and the pious intentions of said Donor be frustrated—

SECT. 1. *THEREFORE* be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Wardens of the Episcopal Society in said Gardner, for the time being, be, and they are hereby authorized and empowered, at any time, so far to commute the aforesaid bequest and donations, as to receive and hold land or money, from said heirs respectively the value or amount of which shall be equal to a principal, the annual income or interest whereof shall be at least, as much as the respective sums specified by said testator.

Wardens em-
powered.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the Wardens, with the consent of the vestry of said Society, and their successors in said office, be, and they are hereby authorized and empowered, to make sale and dispose of any lands, tenement, or hereditaments, which by commutation, as aforesaid, or otherwise, shall belong to said Society, the Church or Ministry thereof, and to make and execute good and sufficient deeds of the same, to any persons who shall be disposed to pay the full value thereof, and to lease, or otherwise dispose of the same, in the name and behalf of said Society; and with the money arising from such sale or lease, from time to time, to form a Ministerial Fund, the annual interest of which may be appropriated to the support of Public Worship in said Society.

Fund established.

And, whereas, since the incorporation of said Society, the county of Lincoln, and the town of Pittston, have been divided, and a great proportion of the Members of said Society, and their Church House, are within the town of Gardner, and county of Kennebeck:

Title altered.

SECT. 3. *Therefore be it further enacted by the authority aforesaid*, That the style or title of said Society be, and hereby is so far altered, as, that forever hereafter it shall be denominated The Episcopal Society in Gardner, in the county of Kennebeck.

SECT.

Repeal.

SECT. 4. *And be it further enacted,* That the second section of the act, to which this is an addition, be, and hereby is repealed.

Persons to signify their intention.

Proviso.

Persons leaving.

SECT. 5. *And be it further enacted,* That whenever any person or persons may incline to join the said Episcopal society, in Gardner, and he, she, or they, signify such their desire, in writing, to the recording clerk of said society, by signing a book which may be kept for that purpose, or otherwise; then he, she, or they, with their polls and estates, shall be considered as members of said society: *Provided,* that any such person or persons shall give in their name or names in writing, to the clerk of the parish or religious society they intend to leave, on or before the first Monday of April, annually, signifying such to be their intention; and shall also pay all such taxes as shall have been previously assessed upon them, by the parish or religious society they leave: and whenever any member of said Episcopal society shall wish to join any other incorporated religious society, they shall, in future, give notice thereof to the said recording clerk, fourteen days at least before Easter Monday, by leaving with said clerk a certificate, signed by the minister of said 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 said other religious society; and shall pay his or her proportion of all money which may have been previously and legally assessed in said Episcopal society; then every such person, having given such certificate to the clerk aforesaid, and having paid all the taxes as aforesaid, shall, from and after the Easter Monday following the date of said certificate, be considered, with his or her polls and estates, as a member of the incorporated society, with which he or she has so united.

[This act passed Feb. 28, 1807.]

CHAP. CXVI.

An act to incorporate a number of inhabitants of the town of Wells, as a religious society, by the name of the First Baptist Society in Wells.

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 Abraham Annis, Nehemiah Annis, John Annis,

Annis, Stephen Annis, Isaac Bennett, Joel Bennett, William Bennett, George Bennett, George Bennett, jun. Thomas Bragdon, Joshua Brooks, Nathaniel Brooks, Samuel Chadbourn, Elias Chick, Samuel Chick, Eleazer Clark, jun. Josiah Cradeford, John Cradeford, Stephen Cradeford, Moses W. Day, John Davis, Joseph Eaton, Joseph Eaton, jun. Joshua Eaton, Edward Edes, William Edes, George Getchell, Joseph Getchell, Jeremiah Getchell, Jonathan Getchell, Robert Getchell, Daniel Goodwin, Joseph Goodwin, jun. Asa Hatch, Asa Hatch, 2d, Barack Hatch, Eliab Hatch, Eliab Hatch, jun. Elijah Hatch, Ephraim Hatch, Jesse Hatch, Josiah Hatch, John Hatch, Jonathan Hatch, Jonathan Hatch, jun. Jeremiah Hatch, Lemuel Hatch, Seth Hatch, Samuel Hatch, Storer Hatch, William Hatch, Jonathan Hill, Jonathan Hill, jun. Nathaniel Hill, Samuel Hill, jun. Joseph Hobbs, Sayward Hobbs, Thomas Hobbs, William Hobbs, Jeremiah Hubbard, William Hubbard, Benjamin Joy, Ebenezer Kimball, Nathaniel Kimball, Asa Littlefield, David Littlefield, Daniel Littlefield, Daniel Littlefield, jun. Dependance Littlefield, Elijah Littlefield, Isaac Littlefield, Jesse Littlefield, Moses Littlefield, Noah Littlefield, Nehemiah Littlefield, Joseph Littlefield, 1st, Joseph Littlefield, 2d, Joseph Littlefield, 3d, Joseph Littlefield, 4th, Joseph Littlefield, 5th, Samuel Littlefield, Stephen Littlefield, Richard Lord, John Maxell, jun. Samuel Maxell, Stephen Maxell, Simeon Meryfield, Stephen Meryfield, Samuel Mildrum, Stephen Moffet, Dependance Morrison, Josiah Morrison, John Morrison, Richard Parey, Benjamin Penny, Daniel Penny, Jacob Perkins, Josiah Perkins, James Perkins, Newman Perkins, Seth Shearman, John Staples, jun. Benjamin Stevens, Jonathan Stevens, Benjamin Steward, Ebenezer Storer, Jedediah Storer, Jeremiah Storer, Nicholas West, Benjamin Williams, Joseph Williams, John Williams, and Samuel Williams, all of Wells, with their families and estates, together with such others as may hereafter associate with them, and their successors, be, and they are hereby incorporated, as a religious society, by the name of the First Baptist Society, in Wells, with all the powers and privileges which are exercised and enjoyed by parishes according to the constitution and laws of this commonwealth.

SECT. 2. *Be it further enacted,* That any person within the said town of Wells, who may desire to become a member of the said Baptist society, and shall declare such intention in writing, delivered to the minister or clerk thereof, fifteen days at least previous to the annual meeting, and shall

Members to obtain a certificate.

shall receive a certificate signed by the said minister or clerk, that he or she has actually become a member of, and united in religious worship with the said Baptist society, such person shall, from the date of such certificate, be considered with his or her polls and estate, a member of said society.

Proviso.

SECT. 3. *Be it further enacted*, That when any member of the said Baptist society shall see cause to leave the same, and to unite in religious worship with any other religious society in the said town of Wells, and shall give notice of such intentions to the clerk or minister of said Baptist society, and shall also give in his or her name to the clerk or minister of such other society, fifteen days at least previous to their annual meeting, and shall have received a certificate of membership, signed by the minister or clerk of said society, such person shall, from the date of such certificate, with his or her poll and estate, be considered a member of said society: *Provided however*, that every such person shall always be held to pay his or her proportion of all parish charges in the society to which such person belonged, assessed and not paid previous to the leaving said society.

Justice to issue his warrant.

SECT. 4. *Be it further enacted*, That any justice of the peace for the county of York, upon application therefor, is hereby authorized to issue a warrant, directed to some member of the said Baptist society, requiring him to notify and warn the members thereof, to meet at such convenient time and place, as shall be appointed in said warrant, for the choice of such officers as parishes are by law empowered to choose at their annual parish meetings.

[This act passed Feb. 28, 1807.]

CHAP. CXVII.

An act for the preservation of the fish, called Alewives, in their passage up the rivers and streams, leading through the towns of Salem and Danvers, in the County of Essex, and for regulating the taking said fish in said streams, and for repealing all laws heretofore passed, for regulating the fishery in said rivers and streams.

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 Salem and Danvers, shall be, and they

they are hereby respectively empowered and directed, at their annual town meetings, to choose by ballot, a number, not exceeding five persons in each town, as a fish committee, whose duty it shall be to see that the laws respecting the passage-ways for said fish be duly observed; and each person so chosen, shall take an oath for the faithful discharge of the duties required of him by law; and the committees from each of said towns, shall meet together annually, on or before the first day of April, as the person first chosen by the town of Salem shall appoint, to be by him duly notified; and the major part of the committees present at such meetings, are hereby authorized and empowered to order the times, not exceeding three days in any one week, and the places where, and the manner in which said fish may be taken, within the limits of either of the said towns. And the members of the committees aforesaid, shall have joint and concurrent jurisdiction, in either of the said towns; and the said committees, or either of them, or the members of either of them, shall have full power to act as such, in either of said towns. And in case either of said towns shall neglect to choose such committee, the town not neglecting, shall have all the emoluments arising from the fishery, hereafter mentioned. And the said committees, or either of them, on neglect, as aforesaid, shall have power to cause the whole natural course of the streams, through which said fish pass, in both the said towns, to be kept open, and without obstruction, to remove such as may be found therein, to make the passage-ways of such streams wider or deeper, if they may deem it necessary. And the said committees, or either of them, or any member thereof, shall have authority to go on the land of any person, through which such river or stream runs, or on which such land may be bounded, for the purpose aforesaid, without being considered as trespassers; and any person who shall molest or hinder the said committees, or either of the members thereof, in the business and execution of their office, or shall obstruct any passage-way in such river or stream, otherwise than may be allowed by such committee or committees, he or she shall forfeit and pay a sum not exceeding fifty dollars, nor less than five dollars.

Fish committee to be chosen.

To meet annually,

Advantages arising from choosing.

Disadvantages in case of neglect.

Dams to be opened.

SECT. 2. *Be it further enacted,* That the said committees, or the major part of them present, at any meeting duly notified, being not less than three in number, shall be, and they are hereby authorized and empowered to open any dam or sluice-head of any mill erected, or that may be erected,

erected, on or over any such river or stream, at the expense of the owner or owners of such dam, or sluice, if such owner or owners shall neglect to open the same, when thereto required by said committees, or the major part of them, as aforesaid; and the dam or sluice so opened, shall continue open, such depth and width as the said committees, or the major part of them shall order, from the tenth day of April, to the last day of May, in every year; and the said committees may (when they shall deem it necessary) order the passage-ways open at an earlier period, not prior to the first day of April. And in case any person or persons shall obstruct the passage-way allowed or ordered by said committees, or the major part of them, in any dam or sluice, each person so offending, shall forfeit and pay a sum not exceeding fifty dollars, nor less than ten dollars.

Penalty for obstructing passage-ways.

SECT. 3. *Be it further enacted*, That the owner or owners of any tide-mills erected, or that may be hereafter erected, shall (in addition to the regulations before prescribed for mill-dams) keep a sluice-gate hoisted, or passage-way open, of three feet in width, and two feet high, three hours before high water, and to continue open such width and depth, until high water, and the bottom of such passage-way so opened, shall be as low as the said committees shall direct, on penalty of forfeiting for each tide, when such sluice-gate is not hoisted, or said passage-way so opened, a sum not exceeding twenty dollars, nor less than five dollars.

Owners of tide-mills to make sluice-gate.

SECT. 4. *Be it further enacted*, That the committee, appointed as aforesaid, are hereby authorized and empowered to lease or sell at public vendue, or otherwise, the privilege of taking and disposing of said fish, when they shall deem it expedient; and the person or persons purchasing the said privilege, shall pay one moiety thereof to the treasurer of the town of Salem, and the other moiety thereof to the treasurer of the town of Danvers, on or before the last day of September, annually, under the penalty of paying one hundred dollars for the use of the said towns; and no person hiring or purchasing said privilege, shall demand of any person more than at the rate of thirty cents for each hundred of said fish thus sold, on penalty of paying five dollars for each offence; and any person or persons, taking any of said fish, not being authorized by the said fish committee, shall pay a fine of not more than ten dollars, nor less than one dollar.

Privilege of taking fish to be leased at auction.

Price of fish limited.

SECT. 5. *Be it further enacted,* That when the committees aforesaid, or either of them, or any member thereof, shall detect any person or persons, not authorized by said committee, in attempting to take any of said fish, and shall find such fish with such person or persons, they shall be doomed to have taken said fish, and be subject to the penalties of this act accordingly; and any net or other machine, found in any such river or stream, for the purpose of taking said fish, (not authorized by the said committees) shall be forfeited; and no person, by reason of his being one of either of the committees aforesaid, shall thereby be disqualified from being a witness in any prosecution, for a breach of this act.

Penalty for taking fish without authority.

SECT. 6. *Be it further enacted,* That any justice of the peace in either of the said towns of Salem and Danvers, may hear and determine any complaint under this act, to the amount of thirteen dollars and thirty-three cents, his being an inhabitant of the said town, notwithstanding; and in case any minor or minors shall offend against any part of this act, and thereby incur any or either of the penalties aforesaid, in all such cases, the parent, master, or guardian, of such minor or minors, shall be answerable therefor; and in case of a prosecution of such minor or minors, the action shall be commenced against the parent, master, or guardian of such minor or minors, respectively, and judgment rendered accordingly.

Prosecutions to be commenced before any justice in Salem or Danvers.

SECT. 7. *Be it further enacted,* That all sums recovered, as forfeited by this act, shall be appropriated, one moiety thereof to the prosecutors, and the other moiety equally divided between the said towns of Salem and Danvers.

Sums recovered to be divided.

SECT. 8. *And be it further enacted,* That all laws heretofore passed, concerning the fishery in the rivers and streams aforesaid, be, and the same are hereby repealed, excepting so far as may relate to any forfeitures or penalties, incurred for the breach of those laws.

Repeal.

[This act passed Feb. 28, 1807.]