

MAINE STATE LEGISLATURE

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LAWS



OF THE

Commonwealth of Massachusetts.

PASSED AT

SEVERAL SESSIONS

OF THE

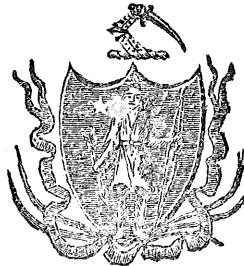
GENERAL COURT,

HOLDEN IN BOSTON.



PUBLISHED AGREEABLY TO A RESOLVE PASSED IN JANUARY,

1808.



BOSTON :

PRINTED BY ADAMS AND RHOADES,

PRINTERS TO THE STATE.

1808,

LAWS

PASSED AT THE SESSION COMMENCED ON THE
SIXTH OF JANUARY, 1808.

COURTS IN OXFORD.

Jan. 18, An. 1808.

CHAP. XLVII.

An act to establish the shire town, and the times and place for holding the Court of Common Pleas, within and for the County of Oxford.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the town of Paris, in said county, be the shire town; and that all the necessary public buildings be erected in said town on land belonging to said county, within and for said county of Oxford. Shire town established.

SECT. 2. *Be it further enacted,* That from and after the passing of this act, there shall be three terms of the Court of Common Pleas, to be holden at Paris, within and for the county of Oxford; one on the second Tuesday of May; one on the fourth Tuesday of September, and the other on the third Tuesday of February, annually. Number of terms and times.

SECT. 3. *Be it further enacted,* That all writs, processes, recognizances and other matters and things, returnable or continued to the Court of Common Pleas, by law next to be holden at Paris, within and for said county of Oxford, on the second Tuesday of May next, shall be returned to, continued and have day in the court to be holden on the third Tuesday of February next. Writs, &c. to be returned.

SECT. 4. *Be it further enacted,* That all laws heretofore made and passed, fixing the times and places of holding the said Court of Common Pleas, within and for said county of Oxford, be, and the same are hereby repealed. Laws repealed.

[This act passed Jan. 18, 1808.]

CHAP.

CHAP. XLVIII.

An act to incorporate a part of the towns of Boylston, Holden and Sterling, into a separate town, by the name of West Boylston.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the tract of land, described within the following boundaries, with the inhabitants thereon, be, and they are hereby incorporated into a separate town, by the name of West Boylston, viz.—Beginning at a black birch tree, on Shrewsbury line, at the south end of the centre line of Malden farm, so called; thence, on said centre line, to a corner of the second precinct in Boylston, near the dwelling house of Reuben Dunton; from thence, following the line between the said first and second precincts in Boylston, to Sterling line; thence, on Sterling line, to a heap of stones, a corner of said precinct; thence, angling as the line now runs, between the first and second precincts in said Sterling, to Holden line; thence, from said Holden line, one hundred rods, to a heap of stones, a corner of said first and second precincts in Holden; thence on the line between the said first and second precincts in Holden, to an apple tree, on Worcester line, near the dwelling house of Artemas Bartlett; thence, angling on the town lines of Worcester and Shrewsbury, to the first mentioned bound; And the said town of West Boylston, shall have and exercise all the rights, powers and privileges, and be subject to all the duties which appertain to other towns, according to the constitution and laws of this commonwealth.

SECT. 2. *And be it further enacted,* That any persons, with their respective families and estates, who dwell within the limits of the said town of West Boylston, and who were not originally incorporated in said second precinct, by the provisions in said act, and who shall choose to belong to the town to which such persons now belong, and shall certify such choice in writing, to the clerk of said town of West Boylston, within six months from the first Monday in March next, such persons, who so certify, shall continue to be inhabitants of such towns respectively, according to such choice.

SECT. 3. *Be it further enacted,* That the inhabitants, dwelling within that part of the town of Sterling, which is by this act made part of the town of West Boylston, shall have

Boundaries.

Certificates requisite.

have their equal proportion of all the public property of the town of Sterling, (excepting real estate, weights and measures) and shall pay their proportionate part of all the state, county and town taxes, and other taxes and debts due from the town of Sterling, previous to the first Monday of March next, according to the proportions in which they have heretofore paid all public taxes, and town debts; and the said inhabitants shall support their due proportion of the poor persons, who are now supported by the town of Sterling: And that any person who may have gained an inhabitancy at any time before the said first Monday of March next, within that part of either the said towns, which is by this act incorporated into the town of West Boylston, and who shall hereafter need to be supported as poor persons, shall be supported by the town of West Boylston. And in the future proportion of state taxes, until a new general valuation shall be made, twenty-seven cents shall be taken from the town of Sterling, as it stands in the aggregate, and set to the town of West Boylston; and the pay of representatives shall be adjusted in the same proportion, until this act shall be in force.

Public property
equally divided.

Description of
poor to be sup-
ported by West
Boylston.

SECT. 4. *Be it further enacted*, That all that part of the town of Holden, which is by this act made part of the said town of West Boylston, shall not be entitled to any part of the public property of the town of Holden, nor chargeable with any part of the expense of supporting those poor persons who are now supported by said town; and any person who hath, or who may hereafter gain an inhabitancy or settlement in that part of Holden, which is by this act made part of the town of West Boylston, shall be supported by the said town of West Boylston; and all monies now raised, or which may be hereafter raised, for public purposes, and all tax bills, which may be sent by legal authority, to said town, before the first Monday in March next, shall be assessed and paid in the same manner as though this act had not passed. And in the future proportion of state taxes, previous to a new general valuation, there shall be seven-teen cents deducted from the town of Holden, as it now stands in the aggregate, and set to the said town of West Boylston. And the expense of representative, until this act shall be in force, shall be paid by the said towns of Holden and West Boylston, in the same proportion which they have heretofore paid.

Town property
—poor, and tax-
es regulated.

SECT. 5. *Be it further enacted*, That the said town of West Boylston shall receive and support four tenths of the

School fund.

the poor persons now chargeable to the town of Boylston ; and that they shall receive the same proportion of all the military stores, and of all monies in the treasury of said town, excepting the donation from Ward Nicholas Boylston, Esq. as a fund for the support of schools in said town. And the said town of West Boylston shall pay their proportion of all debts and taxes now due, and owing by the said town of Boylston, previous to this act being in force ; and until a general valuation shall take place, of the proportion in the state tax, seventy-six cents shall be taken from the town of Boylston, as it stands in the aggregate, and set to the town of West Boylston ; and the expense of representative, shall be paid in the proportion in which it has been heretofore paid.

SECT. 6. *Be it further enacted*, That the provisions in the fourth section of this act, concerning inhabitancy, shall have an equal and uniform effect and operation, alike to the several towns mentioned in this act.

Justice to issue a warrant.

SECT. 7. *Be it further enacted*, That either of the justices of the peace for the county of Worcester, be, and he is hereby authorized to issue a warrant, directed to some inhabitant of the town of West Boylston, 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 all such officers as towns are by law empowered to choose at their annual town meetings.

SECT. 8. *Be it further enacted*, That this act shall be in force, and operate on the first Monday of March, which will be in the year of our Lord, one thousand eight hundred and eight.

[This act passed Jan. 30, 1808.]

CHAP. XLIX.

An act to incorporate certain persons for the purpose of building a Bridge over Androskoggin river, at Lewiston, between the twenty mile falls and the ferry-way.

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 Atkinson, Amos Davis, Joseph E. Foxcroft, Thomas Hale, Josiah Little, Michael Little, Edward Little, Benjamin Merrill and Peter Merrill, and their associates, together with such others as already have, or may

may hereafter become proprietors, shall be a corporation by the name of the Proprietors of Lewiston Bridge, and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution ; and may keep and use a common seal, may exercise and enjoy the powers and privileges incident and belonging to similar corporations, and do and suffer all other acts and things which like bodies corporate may or ought to do and suffer.

Proprietors authorized to build a bridge.

Common seal.

SECT. 2. *Be it further enacted*, That the said bridge shall be erected at Lewiston aforesaid, between the falls called the Twenty mile Falls, and the ferry-way aforesaid, and that it shall be built of good and durable materials, not less than twenty-six feet wide, and well covered with plank or timber, suitable for such a bridge, and with sufficient rails on each side, for the safety of passengers. And the fills or string pieces of said bridge, shall be laid at least eighteen feet above the surface of the water, in a common freshet : and the said bridge shall be so constructed, as to leave a passage between the piers sufficiently wide, to preserve without interruption, the privilege of transportation in boats, rafts, or other water craft, under the said bridge.

Materials.

SECT. 3. *Be it further enacted*, That for the purpose of reimbursing to the said proprietors the money expended in building the said bridge, and keeping the same in good repair, a toll be, and hereby is granted and established, for the sole use and benefit of the said corporation, according to the rates following, viz.—For each foot passenger, two cents ; one person and horse, six cents and five mills ; for a single horse-cart, sled or sleigh, ten cents ; for each wheelbarrow, hand-cart, and every other vehicle, capable of carrying a like weight, four cents ; for each team, including cart, sled or sleigh, drawn by more than one beast, not exceeding four, twelve cents and five mills ; and for every additional beast above four, two cents each ; for each single horse and chaise, chair or sulky, twelve cents and five mills ; for each coach, chariot, phaeton or curricule, thirty-five cents ; for neat cattle or horses, exclusive of those rode on, or in carriages, or in teams, two cents each ; sheep and swine, for each dozen, six cents ; and at the same rate, for a greater or less number. And in all cases the same toll shall be paid for all carriages passing said bridge, whether the same be loaded or not loaded ; and to each team one man and no more, shall be allowed, as a driver, to pass free from payment of toll. And the said toll shall commence at the day of the first opening of the said bridge, for passengers, and

Toll granted and established.

Rates of

Proviso,

shall so continue, for and during the term of thirty years from the said day ; and after the expiration of that term, the said toll shall be subject to be regulated by the legislature : *Provided* the said proprietors shall, at all times, keep the said bridge in good, safe and passable repair, during the term or terms aforesaid : *Provided also*, that all persons going to, or returning from military duty, or public worship, shall, at all times, be permitted to pass said bridge, free of toll.

Manner of calling meetings.

Authorized to choose officers:

Proviso,

Limitation

SECT. 4. *Be it further enacted*, That either of the proprietors before named, may, by advertisement in one or more newspapers, in the counties of Cumberland or Lincoln, notify and call a meeting of the said proprietors, to be holden in Lewiston, at such convenient time and place, as shall be expressed in said advertisement, fifteen days at least, before the time of meeting. And the said proprietors, being thus met, allowing one vote to each share, (provided no person shall be entitled to more than ten votes) shall proceed to choose a clerk, who shall be sworn to the faithful discharge of his office. And the said proprietors may, at the same, or a subsequent meeting, appoint such other officers, as they may deem necessary for conducting the business of the said corporation ; and may also agree on a mode of calling future meetings, and to make and establish rules and regulations, as they may judge necessary and convenient, for executing and completing the building the said bridge, for collecting the toll hereby granted, and for the prudent and regular management of the affairs of the said corporation ; and the same rules and regulations may enforce, and for the breach thereof, may order and enjoin fines and penalties not exceeding twelve dollars : *Provided* that said rules and regulations shall not, in any case, be repugnant to the constitution and laws of this commonwealth.

SECT. 5. *Be it further enacted*, That if the said corporation shall neglect or refuse, for the term of seven years from the passing of this act, to build and complete the said bridge, then this act shall be void and of no effect.

[This act passed Feb. 8, 1808.]

CHAP. L.

An act to establish the Nashua Turnpike Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Zabdiel Boylston Adams, Ithamer Beard, Wallis Little, and Josiah Sterns, together with such others as may hereafter associate with them, their successors, or assigns, be, and they are hereby made a corporation by the name of The Nashua Turnpike Corporation, for the purpose of locating, making, and keeping in good repair, a turnpike road: Beginning near the house of Deacon John White, on Concord common; thence through the westerly part of Concord, the northerly part of Acton, the southerly part of Littleton, and the southerly part of Groton, to the east line of Shirley near the bridge, called Page's bridge; 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, and in any other act or acts, which may be passed regulating or defining the general powers and duties of Turnpike Corporations.

[This act passed February 8, 1808.]

CHAP. LI.

An act in addition to an act, entitled, "An act to establish the Petersham and Monson Turnpike Corporation;" passed February 28th, A. D. 1804, and in addition to one other act, passed 19th June, 1807.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a further time of one year from and after the nineteenth day of June, one thousand eight hundred and eight, be allowed to said Turnpike Corporation for completing said road, any thing contained in the act or acts aforesaid, to the contrary notwithstanding.

[This act passed February 9, 1808.]

CHAP.

CHAP. LII.

An act to incorporate a society by the name of The Massachusetts Missionary Society.

Persons incor-
porated.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Rev. Daniel Hopkins, the Rev. Samuel Spring, Mr. Henry Gray, the Rev. Samuel Niles, and the Rev. Joseph Barker, with their associates, for the purpose of diffusing the knowledge of the Gospel of Jesus Christ among the heathen, and others in remote places, be, and they are hereby incorporated and made a body politic and corporate for the purpose aforesaid, and by the name of The Massachusetts Missionary Society, to continue and exist for and during the term of fifteen years, from the passing of this act; may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution, and may have a common seal, which they may break, change, alter or renew at pleasure.

Allowed to hold
property.

SECT. 2. *Be it further enacted*, That the said corporation are hereby made capable of taking and holding real estate of any kind in fee simple, or other less estate, not exceeding the annual income of fifteen thousand dollars, and of taking and holding personal estate, by donation, bequest or otherwise, not exceeding the annual income of ten thousand dollars; the annual income of all which real and personal estate, shall be applied to the purpose of diffusing Christian knowledge in such manner as the corporation shall judge will be most conducive to the design of their institution: *Provided*, that all the Missionary Teachers, who may be employed by said corporation, shall be of the Protestant Religion, and of reputed piety, prudence, and learning.

Proviso.

Officers to be
chosen.

SECT. 3. *Be it further enacted*, That the said corporation may annually choose by ballot, a president, secretary, treasurer, and such number of trustees as they may think proper, not less than seven; and such other officers as they shall judge necessary; all of which officers, when chosen, may hold their offices until others are chosen in their stead; and in case of death or resignation of either of said officers, said corporation shall have a right in like manner, at any meeting regularly called for the purpose, to choose others to fill any vacancies which may so happen: *Provided*, however, that the officers which have been already chosen

Proviso.

by

by the persons aforesaid, and their associates, shall continue to hold the offices to which they have been respectively elected, until said corporation shall choose others in their stead, agreeably to the directions in this act.

SECT. 4. *Be it further enacted*, That said corporation be, and hereby is authorized at their first meeting to be held under this act, by vote of the majority of the members present at said meeting, to make and establish such rules, regulations, and by-laws, for their government, subject to such revision, alterations or additions, to be made at any regular subsequent meeting as said society shall judge necessary for the well ordering of the affairs of said corporation, and will best promote the design of their institution; and may annex reasonable penalties to the breach of such rules, regulations, and by-laws, provided the same be not repugnant to the constitution and laws of this Commonwealth.

Authorized to make by-laws.

SECT. 5. *Be it further enacted*, That the Rev. Nathaniel Emmons be, and he is hereby authorized to call the first meeting of said corporation, by publishing a notification of the time and place where the same shall be held, in two of the newspapers printed in Boston, fourteen days, at least, previous to such meeting.

Meetings to be published.

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 of all donations made to the same and of the disposal thereof:

Preamble.

SECT. 6. *Be it further enacted*, That particular accounts of such funds and the disposal thereof, shall be exhibited by the treasurer, or, in case of his absence, by the secretary, 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 books, to be provided for that purpose, of all donations made to the society, and of all the real and personal estate belonging to the same, and the said books shall be brought to the general stated annual meetings, and be there open for the perusal and examination of the members.

Accounts to be exhibited annually.

SECT. 7. *Be it further enacted*, That the Legislature of this Commonwealth shall, at any time, have the right, by a committee of their body, to inspect the doings, funds and proceedings of the said corporation; and, for that purpose, shall have access to all books and papers of said corporation.

Privilege of the Legislature.

[This act passed February 9, 1808.]

CHAP.

CHAP. LIII.

An act to annex Peter Perry and others, of the towns of Stockbridge, and West-Stockbridge, to the first Baptist Society in the town of West-Stockbridge.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Peter Perry, Samuel Curtis, Ebenezer Her-
Persons annexed.rick, Abraham Parker, Daniel Smith, Asa Smith, Thomas Whelpley, Samuel Whelpley, Job Priest, John Deming, Obadiah Knap, Jedediah Minkler, Hendrick Brafee, Amasa Spencer, James Picket, Rufus Wilson, Nathan Johnson, William Hooper, and Uriel Smith, together with their families and estates, all belonging to the towns of Stockbridge, and West-Stockbridge, in the county of Berkshire, be, and they are hereby annexed to, and incorporated with the first Baptist Society in the town of West-Stockbridge, for parochial purposes only, and in that connection shall be entitled to all the privileges, and equally subject to all the duties of other members of the said society, in as ample a manner, as if they had been original members thereof: *Provided however,* that each of the persons before named, shall always be held to pay their proportion of all parish or society charges, assessed and not paid previous to their leaving any other society, and their incorporation with the society aforesaid.

[This act passed February 9, 1808.]

CHAP. LIV.

An act to prevent fraud and deception in curing and packing smoked Alewives and Herrings, and to regulate the size and quality of the Boxes, and the exportation thereof from this Commonwealth.

Size and quality of boxes. 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 May next, all boxes, which shall be made for the purpose of packing smoked Alewives or Herrings, and containing the same, shall be made of good sound boards, sawed and well seasoned, the sides, top and bottom, of not less than half inch boards, and the ends of not less than three quarters of inch boards, securely nailed with cut or wrought nails; and shall

be

be seventeen inches in length, eleven inches in breadth, and six inches in depth, in the clear inside. And all alewives or herrings, intended to be smoked and packed, shall be sufficiently salted and smoked, to cure and preserve the same, and afterwards closely packed in the boxes, in clear and dry weather.

SECT. 2. *Be it further enacted*, That all smoked alewives or herrings, shall be divided and sorted by the inspector, or his deputy, and denominated according to their quality, *First Sort*, and *Second Sort*. The first sort shall consist of all the largest and best cured fish; the second sort, of the smaller, but well cured fish; and in all cases the following shall be taken out as *refuse*; all those which are belly-broken, tainted, scorched or burnt, slack salted, or not sufficiently smoked. And each box of alewives or herrings, so inspected, shall be branded on the top, by the inspecting officer, with the first letter of the christian name, and the surname at length, of the inspector who inspected the same; and in the like manner, the name of the owner thereof, with the name of the town where it was inspected, with the addition of *MASS.* and also, with the quality of *first sort*, or *second sort*.

Fish to be sorted.

SECT. 3. *Be it further enacted*, That no smoked alewives or herrings, shall be exported from this commonwealth, by water, in boxes, unless the master or owner of the vessel, shall produce to the collector, or any other officer, authorized by the laws of the United States, to clear vessels out, a certificate from the inspector general or his deputy, that the same has been inspected, packed and branded according to the directions in this act. And the certificate shall express the number of boxes thus shipped, the kind and quality of the fish they contain, with the name of the master and owner, and the name of the vessel in which such fish are received for exportation. And such master or owner of every vessel, shall take and subscribe the following oath or affirmation, before the officer authorized as aforesaid: I, A. B. do swear or affirm, (as the case may be) according to the best of my knowledge and belief, that the certificate hereunto annexed, contains the whole quantity of smoked alewives and herrings on board the _____, master; and that no smoked alewives or Herrings are shipped on board said vessel, for the ship's company, or on freight or cargo, but what are inspected, and the boxes containing the same, branded according to the laws of the commonwealth: So help

Master or owner to produce a certificate.

Oath.

help

help me God. (Or, this I do under the pains and penalties of perjury, as the case may be.)

Fees established.

SECT. 4. *Be it further enacted,* That the fees for inspecting, packing and branding, shall be four cents for each box, which shall be paid by the purchaser; one cent of which to be allowed the inspector general; and returns shall be made of all boxes inspected and branded, in the same manner as returns are required to be made, according to the laws regulating the inspection of pickled fish. And the same inspectors of pickled fish, which now are, or which may be hereafter appointed, shall be also inspectors of smoked alewives and herrings.

Penalty.

SECT. 5. *Be it further enacted,* That no smoked alewives or herrings, which shall not have been inspected and branded, agreeably to the provisions of this act, shall be exported from this commonwealth, under a penalty of two dollars for each box so exported; nor shall any alewives or herrings be taken from any box so inspected and branded, and others of an inferior quality be put in their place, with intent to deceive or defraud any person in the sale of the same, under a penalty of five dollars for each box so changed.

SECT. 6. *Be it further enacted,* That if any inspector or his deputy, appointed by virtue of this act, shall brand any boxes of smoked alewives or herrings, which he has not inspected, packed and nailed, according to the true intent and meaning of this act, or if he shall permit other persons to use his brands, in violation or evasion thereof, he shall forfeit and pay the sum of twenty dollars, for each and every box so branded, and be liable to removal from his office of inspector.

Penalties appropriated.

SECT. 7. *Be it further enacted,* That all penalties and forfeitures arising by force and virtue of this act, shall be recovered by action of debt, in any court proper to try the same; one moiety thereof for the use of the town or plantation wherein the offence shall be committed, and the other moiety to him or them who shall sue for the same.

[This act passed Feb. 9, 1808.]

CHAP. LV.

An act to incorporate Gideon O'Brien and others, for the purpose of maintaining a Boom across the west branch of Machias River, in Machias, 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 Gideon O'Brien, Jacob Longfellow, Amos Boynton, William E. Smith, Jeremiah O'Brien, jun. Samuel P. Clark, John Holway, Francis Libbee, William Holway, Joseph Stuart, William Albee, jun. James W. Crocker, Stephen Jones, Benjamin Bary, Henry Lyon, Jonathan Longfellow, Enoch Longfellow, Levi Fairbank, Josiah Hill, William O'Brien, Joseph L. Meferve and George S. Smith, together with such other persons as now have, or shall hereafter become proprietors in the said boom, be, and they hereby are constituted and made a corporation, for laying and maintaining a boom across the west branch of Machias river, by the name of the Proprietors of Machias Boom; and by that name may sue and be sued, prosecute and be prosecuted to final judgment and execution, and to do and suffer all such matters and things as bodies politic and corporate may or ought to do and suffer; and the said corporation shall have power to keep and use one common seal, and the same to break, alter and renew at pleasure.

Persons incorporated.

Boom.

Manner of calling meetings.

SECT. 2. *And be it further enacted,* That Gideon O'Brien, and others his associates, or any five of them, may, by an advertisement posted up at some public place in Machias, call a meeting of said proprietors at some suitable time and place, giving at least ten days notice of such meetings, and the said proprietors being so met, by vote of the major part of the proprietors present, or represented at said meeting, shall proceed to choose a clerk, treasurer and such other officers as they may from time to time find necessary, who shall be duly sworn to the faithful discharge of their respective trusts, and shall also agree on the method of calling future meetings of the said proprietors, and at the same, or any subsequent meetings, may make and establish any rules and regulations which may be found necessary or convenient, for regulating said corporation, for the collecting the toll or fees, herein established, and for the more effectually executing and completing the general purpose of this act.

H h

and

Proviso,

and shall have power to assess and recover reasonable fines and penalties for any breach or breaches of such rules and regulations, not exceeding ten dollars : *Provided* such rules and regulations shall not be repugnant to the constitution and laws of this commonwealth ; and all applications and representations made at such meetings shall be in writing, and signed with the name of the person making the same, which shall be filed with, and recorded by the clerk ; and this act, with all the rules, regulations, votes and doings of the said corporation, shall be fairly and truly recorded by the said clerk, in a book or books, for that purpose to be provided and kept.

Rates of fees or toll.

SECT. 3. *And be it further enacted*, That the said corporation shall be entitled to receive of the respective owner or owners of masts, logs and timber, which shall be rafted and secured at said boom, by any person or persons, the following respective fees or toll ; for each mast, six cents ; for each pine mill log, of thirty feet in length and upwards, four cents ; for each pine mill log, under thirty feet in length, three cents ; and for each spruce or hemlock mill log or stick of timber, two cents : *Provided however*, that the fees or toll shall at all times hereafter be subject to the revision or alteration of the legislature.

recoverable.

SECT. 4. *And be it further enacted*, That for the securing and recovering the payment of the respective fees or toll aforesaid, it shall be lawful for said corporation, by their agent, or other person whom they may appoint for that purpose, to sue for, and recover in a due course of law, by an action upon the case, all such fees or toll, for all masts, logs or timber, secured and rafted as aforesaid, when payment shall be refused or neglected by the person or persons, subject to pay the same.

Damages in case of.

SECT. 5. *And be it further enacted*, That any person or persons, who shall wilfully and maliciously injure or destroy the said boom, or any of its appendages, or means of using and improving the same, shall be liable to pay treble damages with cost of suit, as shall be determined in a due course of law, to be sued for and recovered by the proprietors of said boom, in an action of trespass, or on the case.

[This act passed Feb. 13, 1808.]

CHAP. LVI.

An act to incorporate a number of the inhabitants of Abington, and the East Parish in Bridgewater, and one person in the West Parish of Pembroke, into a religious society, by the name of the Union Calvinistic Society, in the south part of Abington.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Aaron Hobart, Christopher Dyer, Bela Dyer, Ebenezer Porter, Aaron Hobart, jun. Joseph P. Gurney, Eliab Noyes, jun. James Reed, Noah Gurney, jun. Levi Shaw, Samuel Porter, Elihu Hobart, James Pool, Noah Pool, Benjamin White, Barnabas French, Jacob Fullarton, Joseph Benner, Obadiah Hearsey, Jacob Harden, Seth Harden, Zacheus Gardner, George Bennett, Thomas Hearsey, Joseph Hearsey, Joseph Shaw, jun. Levi Cock, Noah Ramsdell, Nathaniel Cook, Noah Fullarton, Thomas White, Daniel Perry, Jeremiah Reed, Ephraim S. Jenkins, Josiah Torrey, Gideon Gurney, Silas Shaw, Daniel Gurney, Lebeus Gurney, Isaac Alden, Marcus Alden, Simeon Gannett, Eleazer Whitman, Eleazer Whitman, jun. James Barrell, Seth Hobart, Joseph Shaw, Joseph Gannett, Jonathan Reed, Isaac Brown, Meritt Jenkins, Abel Barrell, John Porter, Allen Marshall, Christopher Bates, Asa Whitman, Samuel Foster, Charles Brown, Nathan Dawes, Seth Gurney, Stephen Hearsey, William Hearsey, John Hearsey, Isaac Alden, the second, Eleazer Washburn, Daniel Whitman, John Brown, John Brown, jun. Luther Gannett, David Pratt, Luther Hearsey, Joseph Ramsdell, John Harden, the fourth, Eli Blanchard, John Harden the second, David Brown, Knight Brown, Jonathan Hobart, Eleazer Keith, Gladden Boney, Christopher Bates, jun. Joseph Reed, Jared Reed, Adam Stetson, Isaac Reed, Calvin Reed, Caleb Howard, Samuel Porter, David Allen, Jonathan Alden, John Keith the second, Phillip Torrey, William Hearsey, jun. Thomas White the second, Asa Whitmarsh, David Brown the second, Ebenezer Shaw, Benjamin Hobart, Asaph T. Peterson, and Joseph Dyer, petitioners and inhabitants of the town of Abington and the east parish of Bridgewater, with their families, polls and estates, within said town and parish, and also Isaac Hobart, of the west parish of Pembroke, with his poll and estate in said parish, be, and are hereby incorporated into a religious society of the Congregational denomination, by the name of the Union Calvinistic Society, in the

Persons incorporated.

the fourth part of Abington, with all the powers and privileges to which parishes are entitled by the constitution and laws of this commonwealth.

To join the
society.

SECT. 2. *Be it further enacted*, That any person belonging to the town of Abington, or the east parish of Bridgewater, who may be desirous of becoming a member of the said Union Calvinistic Society, and shall give in his or her name to the clerk of the town of Abington, or the clerk of the east parish of Bridgewater, to which he or she may belong, with a certificate, signed by the clerk of said society, that he or she has actually become a member of said society, at any time previous to the first day of March, in the year of our Lord one thousand eight hundred and ten, shall, from and after giving in such certificate, with his or her polls and estates, be considered a member of said society; *Provided however*, that all such persons shall be held to pay all taxes previously assessed in the town or parish from which he or she may separate.

Proviso.

To leave the
society,

SECT. 3. *Be it further enacted*, That if any member of said society shall see cause to leave the same, and unite with the town of Abington, or the east parish of Bridgewater, to which he or she may belong, and shall lodge a certificate with the clerk of said society, signed by the clerk of the town or parish to which he or she may belong, that he or she has become a member in religious worship, of said town or parish, at any time previous to the first day of March, in the year of our Lord one thousand eight hundred and ten, and shall pay his or her proportion of all money assessed in said society, previous thereto, such person shall, from and after giving such certificate, with his or her polls and estates, be considered as belonging to the town or parish, in the same manner as if he or she had never belonged to the said society.

Qualifications
necessary.

SECT. 4. *Be it further enacted*, That all young persons within the limits of the town of Abington, or the east parish of Bridgewater, when they become twenty-one years of age, shall have full liberty within twelve months after that time, to join with their polls and estates, said society; and also all persons who may settle within the limits of said town or parish, shall have the same liberty to join said society within twelve months from their settlement in said town or parish: *Provided however*, that all such persons shall signify their determination of the same in the manner pointed out in the second section of this act.

Proviso.

SECT. 5. *And be it further enacted*, That Aaron Hobart, jun. Esq. or any other justice of peace, in the county of

of Plymouth, be, and he is hereby authorized to issue his warrant, directed to some member of the said Union Calvinistic Society, requiring him to warn the members of 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 such other matters and things as may be necessary and legal to be done for the said society.

Justice to issue
a warrant.

[This act passed Feb. 18, 1808.]

CHAP. LVII.

An act to explain and amend the Laws respecting Courts of General Sessions of the Peace.

WHEREAS doubts have arisen in the construction of the statute, entitled "An act, in addition to an act, entitled an act establishing Courts of General Sessions of the Peace," passed the third day of July, in the year of our Lord seventeen hundred and eighty-two:

Preamble.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the courts described in said statute, shall have and continue exclusively to exercise all the powers, and perform all the duties which the Courts of General Sessions of the Peace by law had and performed, before the passing of the act aforesaid, on the ninth day of March, in the year of our Lord one thousand eight hundred and four, entitled "An act to enlarge the jurisdiction of the Courts of Common Pleas, and other purposes, except causes of criminal jurisdiction, and also causes relating to the support and maintenance of bastard children, and causes which by law may require the intervention of a jury in court: *Provided however,* the said Courts of Common Pleas shall have power to hear and determine all causes now pending in their respective courts.

Exclusive powers

Proviso.

SECT. 2. *Be it further enacted,* That from and after the passing of this act, instead of the Courts of General Sessions of the Peace, the style of the said courts shall be the Courts of Sessions, within and for their respective counties.

Styled Courts
of Sessions.

SECT. 3. *Be it further enacted,* That the justices of the peace, *quorum unus*, who have been, or may be appointed in the

the several counties, shall continue to have the same powers, and perform the same duties (except as members of the said Court of Sessions) which they by law had and performed, before the passing of the aforesaid statute, on the nineteenth day of June last, past; and all official acts which have been or may be done by the said justices of the peace, *quorum unus*, conformably to such powers and duties, shall be deemed valid in law. And justices of the quorum shall in future be designated by adding the words, (and of the quorum) next after the words justice of the peace, in their commissions.

SECT. 4. *Be it further enacted,* That the Governor be, and hereby is authorized to issue new commissions, in conformity to this act, to the several justices of the General Sessions of the Peace, who have been designated, appointed and commissioned, in conformity to the aforesaid act, which passed the nineteenth day of June, in the year of our Lord one thousand eight hundred and seven; and also to determine the seniority of the several associated justices in their respective courts; a majority of such justices in any county, shall be a quorum; and in the absence of the chief justice, the senior justice present shall preside: *provided*, that nothing contained in this act, shall be deemed to extend the tenure of office of any justice who has been or shall be commissioned under this act, or the act which this act is intended to explain, beyond the term of office specified in his commission as justice of the peace.

SECT. 5. *Be it further enacted,* That it shall be the duty of the several county treasurers, county attornies, sheriffs, and all other persons, holding money or effects, belonging to their respective counties, annually, or oftener, if thereunto required, to exhibit an account of the same to the said Court of Sessions, at such times as they shall appoint; and the same courts are authorized to examine and adjust such accounts, and to make a reasonable allowance for all such services as are not provided for by law; and on settlement, to cause the balances which shall be found due, to be paid into, or from, (as the case may be) the several county treasuries.

SECT. 6. *Be it further enacted,* That in such counties where licenses to innholders and retailers have not been granted at the usual term, it may be lawful for the said Courts of Sessions to grant such licenses at any time before the last Tuesday in June next; any law, usage or custom to the contrary, notwithstanding.

[This act passed Feb. 23, 1808.]

CHAP

Governor to issue
new commissions.

Proviso.

Persons holding
money to exhibit
accounts.

Courts of Sessions
to grant licenses.

CHAP. LVII.

An act to incorporate a number of the inhabitants of the town of Marlborough in the county of Middlesex, into a Religious Society, by the name of The Second Parish in Marlborough.

WHEREAS, a number of the inhabitants of the town of Marlborough, have petitioned this Court to be incorporated into a religious society, and it appearing reasonable that the prayer of their petition should be granted:—

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 George Williams, Samuel Gibbon, Aaron Brigham, Ephraim Barber, Silas Gates, Luke Drury, Josiah Fay, William Arnold, William Holyoke, William Gates, Abijah Berry, Eleazer Howe, Moses How, Stephen Felton, Joel Felton, Thomas Rice, Peter Rice, Abraham How, Eli Rice, Joseph How, jun. Roger Phelps, William Boyd, Ephraim Brigham, Jabez Bent, Daniel Stevens, jun. Elihu Maynard, Abner Brigham, John Stevens, Israel Goulding, Joseph Brigham, Moses Ames, Gersthom Rice, Samuel Brown, John Bond, Warren Brigham, Lovewell How, Samuel How, jun. William Felton, jun. Edward Rice, jun. John Gaffet, Jabez Rice, Paul Hall, Stephen Howe, Phineas Hall, Joseph Trowbridge, Edward Barnes, Jonas Darling, Justin Darling, Ashbel Samuel Brigham, John Gott Brigham, John Boyd, Hezekiah Maynard, Henry How, Benjamin Rice, jun. Windfor Ward, Jotham Brigham, Joel Rice, Zaccheus Gleason, Samuel Hunt, Archelaus How, Gersthom Biglow, jun. Ananias Cook, Joseph How, Samuel Brigham, Joseph Carly, Seth Rice, Sebes Jackson, Francis Hudson, Matthias Rice Brigham, Solomon Barnes, William Barnes, Phinehas How, Phinehas Brooks How, Ithamar Brigham, Josiah Brown, Abraham Gates, Gilbert How, Sylvanus How, Noah How, Winslow How, Aaron How, jun. Levi How, Daniel Stevens, Edward Rice, William Biglow, Ivory Biglow, Caleb Brigham, jun. Samuel Brigham, David Brigham, Stephen Hudson, James Gleason, Stephen Phelps, John Gleason, jun. Caleb Brigham, jun. Samuel Gleason, Simeon Cunningham, Jonah Rice, Nathan Rice, Francis Gleason, Martin Rice, Fortunatus Brigham, James Wright, Benjamin Chapin, Daniel Dunton, Windsor How, Caleb, Witherbee, Benjamin How, Artemas How, William Rice,

Preamble,

Persons incor-
porated.

Rice, jun. Benjamin Rice, and John Gleason, the petitioners, with such others as already have, or may hereafter associate with them and their successors, with their families and estates, be, and hereby are made a corporation, by the name of The Second Parish in Marlborough; and, by that name shall have perpetual succession with all the powers, privileges, and immunities, exercised and enjoyed by other parishes and religious societies, according to the constitution and laws of this Commonwealth.

Inhabitants may
join either
parish.

Provide.

SECT. 2. *Be it further enacted*, That any of the inhabitants of the said town, shall at all times hereafter, have full liberty to join themselves with their families to either of the parishes in the said town; *Provided*, they shall signify in writing under their hands, to the clerk of the said town, sometime in the month of March, annually, their determination of being considered as belonging to the parish to which they may join themselves, as aforesaid.

Considered
members till
they signify
the contrary.

SECT. 3. *Be it further enacted*, That the members of each respective parish, and their families, shall be deemed and considered as continuing members of their respective parishes, with their estates, for the time being, until they shall signify their determination to the contrary, as above expressed, in the second section.

Justice to issue
warrant.

SECT. 4. *And be it further enacted*, That Ephraim Rufel, Esq. or any other Justice of the Peace, in the county of Middlesex, be, and he is hereby authorized to issue his warrant directed to some member of the said Second Parish, requiring him to warn the members of the said parish, 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 the said Second Parish.

[This act passed February 23, 1808.]

CHAP. LVIII.

An act to give the District of Alfred, in the county of York, the rank and privileges of a town.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the District of Alfred, in the county of York,
be,

be, and hereby is made and constituted a town, by the name of Alfred; and the said town is hereby vested with all the powers and privileges, and subject to all the duties and requisitions of other towns, according to the constitution and laws of this Commonwealth.

SECT. 2. *Be it further enacted*, That the said town of Alfred, shall bear its proportion of the pay of representatives heretofore chosen, in the same manner, as if this act had not been passed.

[This act passed February 25, 1808.]

CHAP. LIX.

An act to establish an Academy at Warren, in the county of Lincoln, by the name of The Warren 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 an Academy shall be, and hereby is established in the town of Warren, in the county of Lincoln, for the purpose of promoting piety, morality, and religion, and for the education of youth, in such languages, and such of the liberal arts and sciences, as the trustees herein named, and their successors, shall from time to time direct; and that the Rev. Jonathan Huse, Benjamin Bracket, Esq. James W. Head, Esq. Mr. Thomas Sterret, jun. Samuel Thatcher, Esq. Ebenezer Thatcher, Esq. and captain John Wyllis, all of Warren; the Rev. John R. Cutting, and John Head, Esq. of Waldborough, captain Thomas Vose, of Thomaston, James Malcom, Esq. of Cushing, the Rev. Henry True, and Joseph Maxey, Esq. of Union, be, and they are hereby appointed the trustees thereof; and they and their successors in the said trust, are hereby made and declared to be a body politic and corporate, by the name of The Trustees of Warren Academy; and the said trustees shall have, hold, and continue in perpetual succession, with all the powers and privileges incident and usually given to, and exercised and enjoyed by other Academies: But the number of the said trustees shall never exceed fifteen, nor be less than nine; and not less than five shall be a quorum for doing business. And the said trustees may keep and use a common seal, which they may alter or change when they see cause; and all deeds or other instruments made by the said corporation, shall be signed and sealed with their

Academy established.

Trustees appointed.

Number limited.

seal, and executed, delivered and acknowledged by the treasurer of the said corporation, by order of the trustees, and shall be binding on the said corporation, and shall be good and valid in law.

SECT. 2. *Be it further enacted*, That all the monies, lands, or other property already subscribed, or which may hereafter be given, assigned, or transferred to the said trustees, for the use of the said Academy, shall be received and held by them and their successors in office, in trust; and the said trustees, in behalf of said Academy, may also receive and hold in fee simple, by gift, grant or otherwise, any lands or other estate, real or personal; *Provided*, the annual income thereof shall not exceed the sum of five thousand dollars; and the said trustees may sell and dispose of the same, and apply the rents or profits thereof, in such way as they may determine will be the most productive to the general interests of said Academy, and the promotion of literature. And the said trustees, in their corporate capacity, are hereby made capable in law, to sue, and to 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 Warren Academy.

SECT. 3. *Be it further enacted*, That the said trustees shall have power to appoint a secretary, treasurer, and such other officers and instructors in the said Academy, as they may from time to time judge necessary; to fix the tenure of their respective offices, and to define their several powers and duties; to vacate the place of any trustee, officer or instructor, when, in their opinion, by reason of age or otherwise, he is become incapable of discharging the duties of his office, and to fill all vacancies which may so happen; to fix the times and places for the meetings of the said corporation, and the mode of notifying the members; and to prescribe and establish such reasonable statutes and by-laws, as will best promote and cultivate a spirit of obedience, and a just and mild government in the said Academy; and to annex reasonable penalties for neglect of duty or breach of the laws: *Provided however*, that such statutes and by-laws, shall not in any case, be repugnant to the constitution and laws of this Commonwealth.

And, whereas, it appears to this Court, that the petitioners and subscribers to the said Academy, have fulfilled the conditions in this case required by the Legislature, and have raised the sum of three thousand six hundred and eighty dollars:

SECT. 4. *Be it further enacted*, That there be, and hereby is granted for the use and benefit of the said Academy, one half township of six miles square, of any of the unappropriated public lands in the District of Maine (excepting the ten townships on Penobscot River, lately purchased by the Commonwealth, of the Indians, and excepting also, the land contracted to be sold to Jackson and Flint, and which contract is now recinded,) to be located and assigned under the direction of the agents for the sale of Eastern Lands, subject to the reservations and restrictions made in like cases, on condition that the said trustees shall within three years from the passing of this act, produce satisfactory evidence to the said agents, that the sum of three thousand dollars has been actually subscribed, and security taken for the payment thereof, for the endowment of the said Academy, and appropriated to that use; and thereupon, the said trustees in behalf of the said Academy, shall receive of the said agents, in the name of the Commonwealth, a deed of the said half township.

Grant made to the Academy.

SECT. 5. *Be it further enacted*, That any Justice of the Peace for the county of Lincoln, is hereby authorized to appoint the time and place for holding the first meeting of the said trustees, and to notify them thereof accordingly.

Justice authorized to call first meeting.

[This act passed *February 25, 1808.*]

CHAP. LX.

An act in addition to an act, entitled, 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.

WHEREAS, doubts and controversies have arisen among the persons claiming rights under an act, entitled, 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, respecting the construction of the same act, and the location of the Canal Bridge, and the objects proposed by the Legislature in passing said act may be defeated, unless some further Legislative provision shall be made respecting the same: *Therefore*,

Preamble.

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

of

Commissioners
to be appointed
to hear and de-
termine.

of the same, That if the several persons claiming rights under the aforesaid act, to which this is in addition, shall not on or before the twenty-seventh day of February instant, procure a release and discharge of all the covenants of warranty contained in the Deed described in the seventeenth section of the act, to which this is in addition, in manner, as in the same section is prescribed, it shall and may be lawful for commissioners hereinafter to be appointed, to view the grounds at and about Lechmere's Point, in Cambridge, and Barrell's Point, in Charlestown; hear all parties and persons interested, and then to determine upon, and fix the most westerly abutment of said bridge, in such place as will best accommodate the public interest; the report of whom, or the major part of them, being made and returned into the Secretary's office, shall be final and conclusive, and determine the place of the westerly end of said Canal Bridge.

Persons author-
ized on condi-
tions, to build
Bridge.

SECT. 2. *Be it further enacted by the authority aforesaid*, That after the determination of said commissioners shall be made known as aforesaid, it shall and may be lawful for individuals, who are proprietors in the Newbury Port Turnpike Corporation, or in the Middlesex Canal Corporation, if they shall on, or before the first day of May next, procure a release and discharge of all the covenants contained in the Deed aforesaid, in manner prescribed by the seventeenth section of the act aforesaid, to build and erect a bridge and caufeway from the northwesterly end of Leverett-street in Boston, to such place at, or about Lechmere's Point, in Cambridge, or Barrell's Point, in Charlestown, as shall be determined upon by the commissioners aforesaid, and the shares in the same bridge and caufeway, (unless the subscribers may otherwise agree) shall be equally divided between the several proprietors of the respective corporations aforesaid, and shall be subscribed for and held accordingly; and the several persons who may subscribe for the same, shall be, and hereby are made a body politic and corporate, for the purposes aforesaid, by the name and style of the proprietors of the Canal Bridge, and the said corporation shall have all the powers, privileges and immunities, and be subject to all the duties, requirements and penalties, contained in the act to which this is in addition, excepting the third section thereof; and any three of said subscribers may call the first meeting of said proprietors, in the same way and manner, as is prescribed in the twelfth section of the act aforesaid.

incorporated.

SECT,

SECT. 3. *Be it further enacted*, That if the individuals aforesaid, shall not procure a release of the covenants contained in the Deed aforesaid, by the time above limited, that then, and in such case, it shall and may be lawful for Andrew Craigie of Cambridge aforesaid, Esq. and such persons as may unite with him for that purpose, if they shall on or before the first day of June next, procure such release and discharge as aforesaid, to build and erect a bridge and causeway, from said Leverett-street, in Boston, to such place as shall have been fixed and determined upon by said commissioners, in manner aforesaid, and the said Andrew Craigie and his said associates shall be, and hereby are made a body politic and corporate for that purpose, by the name and style of "The Proprietors of the Canal Bridge," and the said last mentioned corporation shall have all the powers, privileges and immunities, and be subject to all the duties, restrictions, requirements, and penalties contained in the aforesaid act, to which this is in addition; always, excepting the third section thereof; and the said Andrew Craigie, or any one or more of his associates, may call the first meeting of said last mentioned proprietors, in manner prescribed by the twelfth section of the act aforesaid.

Andrew Craigie, Esq. and others, authorized in case—

SECT. 4. *Be it further enacted*, That the proprietors of the Middlesex Canal Corporation, shall have a right, if at any time hereafter they shall see fit, to cut and make a canal and towing path, between the water in Miller's River, (so called,) and the waters of Charles River, across the land at Lechmere's Point, so as to connect with any towing path they may hereafter make on either side of any such bridge, pursuant to the reservations in the aforesaid act contained: And if the lands of any person shall be taken and appropriated for the purpose of such bridge, or canal and towing path, such person shall be entitled to be compensated in damages therefor, and shall have the like remedy and process therefor, in all respects, as are given in the several acts for laying out highways within this Commonwealth.

Canal and towing path.

Damages to be repaired.

SECT. 5. *Be it further enacted*, That if the said Canal Bridge Corporation should come into being, and have existence under this act, that then, and in such case, the several corporations named in the act, to which this is in addition, shall have and hold, all the powers and privileges granted to them in and by the same act, in the same way and manner they would have been done, to every intent and purpose, as if the terms contained in the seventeenth

Powers and privileges to be held in case—

section

fection of said act had been fully complied with, within the time therein limited, excepting always, such parts for which a different provision is made by this act.

Persons appointed commissioners.

Time and place of meeting made known.

SECT. 6. *Be it further enacted*, That the Hon. John Phillips of Andover, and the Hon. Timothy Childs, Esq. Charles Turner, Samuel H. Wheeler, and Silas Holman, Esquires, be, and they hereby are appointed commissioners, at the expense of the party who may apply to them for the purposes mentioned in this act, and they are to give public notice of the time and place of their meeting, in one or more of the newspapers, printed in the town of Boston, twenty days, at least, previous to their meeting.

[This act passed *February 26, 1808.*]

REPORT.

To all People to whom these presents shall come, the undersigned Commissioners send—*Greeting* :

WHEREAS, by an act of the General Court of the Commonwealth of Massachusetts, made and passed on the twenty-sixth day of February, in the year of our Lord, one thousand eight hundred and eight, entitled, “ An act in addition to an act, entitled 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,” it is declared, that doubts and controversies had arisen respecting the location of the same bridge ; and by the same act, it is, among other things, provided that it shall be lawful for commissioners to be appointed to view the grounds, at and about Lechmere’s Point, in Cambridge, and Barrell’s Point, in Charlestown, hear all parties and persons interested, and then to determine upon and fix the most westerly abutment of said bridge, in such place as will best accommodate the public interest ; the report of whom, or the major part of them, being made and returned into the Secretary’s office, shall be final and conclusive, and determine the place of the westerly end of said Canal Bridge : And by the same act, the undersigned were appointed commissioners for the purpose therein mentioned, and were thereby directed to give public notice of the time and place of their meeting, in one or more of the newspapers, printed in the town of Boston, twenty days, at least, previous to their meeting

ing, as by the same act may more fully appear: Now KNOW YE, That we the said commissioners, upon the application of Andrew Craigie, Esq. one of the parties in the same act named, having taken upon ourselves the burden of performing the duties prescribed to us as commissioners, in and by the act aforesaid, We did, on the third day of March instant, appoint the twenty-fifth day of March aforesaid, as the time, and the house of Israel Porter, innholder in Cambridge, as the place, when and where we should meet to commence the duties of our appointment; and we gave public notice thereof, by causing the same to be published in The New-England Palladium; The Repository; The Democrat; and, The Columbian Centinel, being all newspapers printed in the town of Boston, and more than twenty days, previous to our meeting; and having met at the said time and place, the proprietors of the Newbury Port Turnpike Corporation, by their president and directors; the proprietors of the said Canal Corporation, by Benjamin Joy, and Joseph Coolidge, jun. their agents; the proprietors of West-Boston Bridge, by Rufus Green Amory, Esq. their agent; Andrew Craigie, Esq. by himself and Council, and sundry individuals belonging to the respective towns of Cambridge and Charlestown, in the county of Middlesex, severally appeared before us, and we then proceeded to view the grounds at and about Lechmere's Point, in Cambridge, and Barrell's Point, in Charlestown; and having heard all parties and persons interested in the subject matter of our appointment, and duly considered their respective applications, claims and demands, to have the place of the westerly end of said Canal Bridge, fixed and determined at or about the grounds aforesaid, as well as the interest and accommodation of the public, in the locating and fixing the westerly end of said Canal Bridge; and mature deliberation upon all the premises aforesaid, being had: We do award, determine upon, and fix the most westerly abutment of the Canal Bridge, at a red cedar stake, standing in the marsh, near the mud flat, on Lechmere's Point, six feet northwesterly of which stake is a flat stone, on which is marked the letter B, said stake is marked on the southwest side with the letters W A B, and on the easterly side, marked W B; said stake and stone are in a direct line between the southwest corner of the Alms-House in Boston, and a rock on the upland, on Lechmere's Point; by which rock a stake is placed, which stake is marked W B, and the rock marked ~~W B~~, in the direction of the line;

the

the whole width of said abutment to lie northeasterly of said cedar stake; which abutment, as above described, we determine shall be the place of the westerly end of said Canal Bridge.

In witness whereof, we have hereunto subscribed our respective names, at Boston, in the county of Suffolk, this twenty-eighth day of March, in the year our Lord, one thousand eight hundred and eight.

In presence of

Samuel Dana, *of Groton.*

Adams Bailey, *of Boston.*

Jacob Kuhn, *of Boston.*

John Devotion, *of Boston.*

JOHN PHILLIPS, jun.

TIMOTHY CHILDS.

CHARLES TURNER, jun.

SAMUEL H. WHEELER.

SILAS HOLMAN.

[The above report was deposited in the Secretary's office, on the 29th of March, A. D. 1808.]

Attest.

JONA. L. AUSTIN, *Sec'y.*

CHAP. LXI.

An act to incorporate the members of a society, by the name of the Baptist Missionary Society in Massachusetts.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Thomas Baldwin, Doctor in Divinity, the Reverend Joseph Clay, Deacon John Wait, of Boston, the Reverend William Collier, Deacon David Goodwin, and Deacon John Carter, of Charlestown, the Reverend Joseph Grafton, and John Kenrick, Esq. of Newton, the Reverend Lucius Bolles, of Salem, the Reverend William Williams, of Wrentham, the Reverend Eliza Williams, of Beverly, the Reverend William Batchelder, of Haverhill, the Reverend Valentine W. Rathbun, of Bridgewater, and the Reverend John Peak, of Newburyport, together with such others as may hereafter associate with them and their successors, be, and they are hereby made a body politic and corporate, by the name of the Baptist Missionary Society in Massachusetts, and by that name may sue, and be sued at law, in any action, real, personal or mixed; and may prosecute and defend such actions to final judgment and execution, and may do and suffer all other things which corporations of a similar nature may or ought to do and suffer, and the said society shall have continuance and succession for the term of fifteen

Persons incor-
porated.

fifteen years from the passing of this act ; but the legislature of this commonwealth, may at any time alter, amend, or repeal the same, if they shall see cause therefor, reserving however to the said corporation, the property thereto belonging, and nothing contained in this act, shall be construed to change or divert the use and expenditure of the funds or other property, from the purpose for which they are or may be raised ; and the legislature of this commonwealth shall always have a right to examine into the doings, funds and expenditures of the said corporation, and for that purpose shall have access to all their books and papers.

SECT. 2. *Be it further enacted,* That the said corporation shall have power to receive and hold real estate of any kind in fee simple, or other less estate not exceeding fifteen thousand dollars, and of receiving and holding personal estate by donation, bequest, legacy, or otherwise, not exceeding ten thousand dollars, the annual income of all which real or personal estate, shall be applied to the sole use and purpose of diffusing christian knowlege, in such manner as the said corporation shall judge will best promote and answer the design of their incorporation : *Provided however,* that each and every of the missionaries, or other instructors or teachers employed by the said corporation, shall be of the Protestant religion, of competent learning, of reputed piety and prudence, and of exemplary morals.

Empowered to hold real estate.

Provviso.

SECT. 3. *Be it further enacted,* That the said corporation may annually elect by ballot, by a majority of the members present, at a meeting regularly notified, and held in the manner as directed in the sixth section of this act, a president, vice president, secretary, treasurer, and such number of trustees as they may think proper (not less than seven) and such other officers as they may determine to be necessary ; and all such officers, when chosen, may hold their offices until others are chosen in their stead, and in case of death, resignation or disability, of either of the said officers, the said corporation shall have a right in like manner, at any meeting regularly called for the purpose, or at any meeting held by adjournment, as may be most convenient, to fill any vacancy which may so happen : *Provided however,* the present officers of the said society, may continue to hold their places until the next annual meeting, or unless others are chosen in their stead, conformably to the provisions of this act.

Officers elected by ballot.

Provviso.

SECT. 4. *Be it further enacted,* That the said corporation be, and hereby is authorized, at their first meeting, to

Authorized to
establish by-
laws, &c.

be holden under this act, by vote of the majority of the members present, to make and establish such by-laws, rules and orders, as they may think necessary, for the prudent and regular management of their affairs, subject however to revisions, additions or alterations, from time to time, at any regular meeting, and may also annex reasonable penalties, for the breach of either said by-laws, rules or orders, *Provided* the same are not in any case repugnant to the constitution and laws of this commonwealth.

Proviso.

Preamble.

And in order that the members of the said society, and all the contributors to said design, may know the state of the funds, and of all the donations made to the same, and of the disposal thereof :

Treasurer to ex-
hibit accounts.

SECT. 5. *Be it further enacted*, That particular accounts of such funds, and the expenditure thereof, shall be exhibited by the treasurer, or in case of his absence, by the secretary, at the annual stated meetings of said society, a committee of the said society having first examined and certified the same to be true, and fair entries shall be made in books to be provided for that purpose, of all donations made to the society, and of all the estate, real or personal, belonging to the same ; and the said books shall be brought to the general stated and annual meetings, and be there open for the examination of the members.

Dr. Baldwin to
appoint first
meeting.

SECT. 6. *Be it further enacted*, That Thomas Baldwin, Doctor of Divinity, be, and he is hereby authorized to appoint the first meeting of the said society, and to publish a notification of the time and place, in two of the newspapers printed in Boston, fifteen days at least before the day of meeting. [This act passed Feb. 28, 1808.]

CHAP. LXII.

An act in addition to an act, entitled "An act regulating Parishes, Precincts, and the Officers thereof."

Preamble.

WHEREAS it has been the usage of many parishes in this commonwealth, to notify parish meetings by posting up warrants in public places within such parishes, and doubts may arise with respect to the legality of such meetings :

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 inhabitants of each parish

ish within this commonwealth, qualified to vote in parochial affairs, shall have power at any legal meeting, to agree upon the mode of notifying all future meetings of such parish.

Inhabitants to notify parish meetings.

SECT. 2. *And be it further enacted,* That all parish meetings, which have heretofore been notified, or which shall hereafter be notified by posting up warrants in public places, within the bounds of such parish or precinct, where no other mode of notifying has been or shall be agreed upon by such parish, shall be deemed to be legal meetings, and their votes and proceedings shall be good and valid: *Provided* such meetings, votes and proceedings, shall be conformable to law in all other respects: *Provided also,* that nothing herein contained shall be construed to affect any suit or process instituted before the passing of this act.

Manner of calling meetings.

Proviso.

[This act passed Feb. 28, 1808.]

CHAP. LXIII.

An act to divide the First Precinct in the town of New Bedford, in the County of Bristol, and to incorporate a religious society, by the name of the Bedford Precinct, in said town.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the inhabitants of the first precinct in the town of New Bedford, in the county of Bristol, west of Acushnet river, so called, and south of a line, beginning at the northeast corner of John Coggeshall's farm; thence running westerly, in the north line of said farm, to the northwest corner thereof; and thence west, to Dartmouth line, together with their families and estates, including also John Peckham, with his family and estate, on the northerly side of said line, be, and they hereby are incorporated into a separate precinct, by the name of the Bedford Precinct, with all the privileges, powers and immunities which other precincts within this commonwealth, are entitled to by law.

Inhabitants incorporated.

SECT. 2. *Be it further enacted,* That the said Bedford Precinct hereby incorporated, shall hereafter have or claim no right in any property belonging to the said first precinct, lying or being on the north side of the above described line, excepting the meeting house and burying ground; but all such

Property to remain in the first precinct.

such property shall remain and belong to the said first precinct.

E. Pope, Esq. to
issue a warrant.

SECT. 3. *Be it further enacted*, That Edward Pope, Esq. shall be, and hereby is authorized to issue his warrant, directed to some principal inhabitant within the Bedford Precinct afore said, requiring him to warn the inhabitants of said Bedford Precinct, qualified by law to vote in precinct meetings, to assemble at some suitable time and place in said precinct, to choose such officers as precincts are empowered by law to choose in March or April, annually, and to transact all such business as may be necessary and lawful to be done in said precinct.

[This act passed Feb. 29, 1808.]

CHAP. LXIV.

An act authorizing the sale of the Ministry Lands in the town of Livermore, in the County of Oxford, by which to raise a fund for the support of the Ministry in said town.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Gilbert Hathaway, Jesse Stone, Ransom Morton, Thomas Coolidge, Isaac Livermore, Nathaniel Perly and Samuel Livermore, be, and they are hereby appointed agents and trustees of the ministry lands in the said town of Livermore.

Agents appointed.

SECT. 2. *Be it further enacted*, That the said agents and trustees be, and they are incorporated into a body politic, by the name of the Trustees of the Ministerial Fund, in the town of Livermore; 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, may sue and be sued, prosecute and be prosecuted and defended in all actions, to final judgment and execution, by the name afore said.

— incorporated.

SECT. 3. *Be it further enacted*, That the said trustees, or a major part of them, be, and they are hereby authorized and empowered to sell and convey in fee simple, all or any part of the ministerial lands belonging to said town of Livermore, and to make, execute and acknowledge a good and sufficient deed or deeds thereof; which deed or deeds subscribed by their president, and countersigned by their clerk,

— authorized to
sell lands.

clerk, under and by the direction and order of said trustees, or a major part of them, with the seal of said corporation thereto affixed, shall be good and valid in law, to pass and convey the fee simple of said lands from said town, to the purchaser or purchasers thereof, to all intents and purposes whatsoever.

SECT. 4. *Be it further enacted*, That the said trustees shall, annually, in the month of March, from among their number, elect a president, and also a clerk, the duty of which clerk shall be to record the doings of said trustees at any of their meetings, in a book or books to be kept for that purpose; and he shall be sworn to the faithful discharge of his duty, and a record of his being so sworn, shall be made in the books of said corporation; and the said trustees shall also in the month of March, annually, choose a treasurer, whose duty it shall be to receive and apply the monies hereinafter mentioned, in the manner and for the purposes as is and are hereinafter directed.

Trustees to choose officers.

SECT. 5. *Be it further enacted*, That the number of said trustees shall at no time be more than seven, nor less than five, and four of their number shall be necessary to constitute a quorum for transacting the business of said corporation. And the said trustees shall and may from time to time, fill up all 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 through age, infirmity, misconduct, or any other cause, become unfit or incapable of discharging his duty, and supply such vacancy so made, by a new choice from among the inhabitants of the said town of Livermore.

Trustees to fill vacancies.

SECT. 6. *Be it further enacted*, That the monies arising from the sale of said ministry lands, shall, as soon as may be, be loaned on interest; such loans to be secured by mortgage on real estate of double the value at least of the money loaned; or if the said trustees shall think best, they may at their discretion, invest the whole, or any part of the monies arising from the sale of the aforesaid lands, in public funded securities, or bank stock, and the interest arising from such loans and investments, as often as may be practicable, shall be loaned or reinvested as aforesaid; and also the interest accruing from the interest, until a fund shall be accumulated which will yield and produce yearly, the sum of two hundred dollars.

Monies to be loaned.

SECT.

Interest appro-
priated.

Proviso.

Treasurer to
give bonds.

SECT. 7. *Be it further enacted*, That as soon as the simple interest of said fund shall amount to the sum of two hundred dollars annually, then said corporation shall forthwith apply the interest aforesaid, solely towards the support of public worship in said town of Livermore, in such way and manner as said town may direct; *Provided always*, it shall never be in the power of said town to alienate, or, in any way dispose of or interfere with the fund or principal; but the said trustees shall exhibit, or cause to be exhibited to said town, at its annual meeting, in March or April, a regular and fair statement of their doings.

SECT. 8. *Be it further enacted*, That the treasurer of said town of Livermore, shall give bond with sufficient sureties, to the said town of Livermore, conditioned for the faithful performance of his duty, and for the faithful application and appropriation of all the monies which may come to his hands, conformably to the true intent and meaning of this act.

I. Livermore to
call first meeting

SECT. 9. *Be it further enacted*, That Isaac Livermore be, and he is hereby authorized to call the first meeting of said trustees, at such time and place within said town of Livermore, by giving each trustee written notice of such time and place, five days at least before such first meeting; and said trustees may, at their first meeting, agree upon the method of notifying and calling their future meetings.

[This act passed Feb. 29, 1808.]

CHAP. LXV.

An act to establish an Academy, in the town of Belfast, in the County of Hancock, by the name of the Belfast Academy.

Academy estab-
lished.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That an Academy shall be, and hereby is established in the town of Belfast, in the county of Hancock, by the name of the Belfast Academy, for the purpose of promoting piety, morality and religion, and for the education of youth in such languages, and such liberal arts and sciences as the trustees herein named, and their successors shall from time to time direct, and that George Ulmer, Esq. and Samuel A. Whitney, of Lincolnville, Rev. Alfred Johnson, Phineas Athmur, Bohan P. Field, Thomas Whittier, James Nesmith,

Trustees ap-
pointed.

Nesmith, Nathan Read, John Wilson, Jonathan Wilson and Thaddeus Hubbard, Esquires, all of said Belfast, Dr. Oliver Mann and the Rev. William Mason, of Castine, the Rev. Mighill Blood, and Caleb B. Hall, Esq. of Buckstown, be, and hereby are appointed and incorporated the trustees thereof, by the name of the Trustees of Belfast Academy; and by that name, they, and their successors in the said office, shall have and continue in perpetual succession, with all the powers and privileges, incident, and usually given to, and exercised and enjoyed by other academies: but the number of the said trustees, shall never exceed fifteen, nor be less than nine, of whom not less than five shall be a quorum for doing business. And the said trustees and their successors in office, may keep and use a common seal, and the same to alter or change, when they see cause; and all deeds or other instruments, signed and sealed with such seal, executed, delivered and acknowledged by the secretary and the treasurer of said corporation, by order of the trustees, shall be binding on the said corporation, and shall be good and valid in law.

SECT. 2. *Be it further enacted*, That all the monies, lands, or other property already subscribed, or which may hereafter be given, assigned, or transferred to the said trustees, for the use of the said academy, shall be received and held by them and their successors in office, in trust; and the said trustees, in behalf of said academy, may also receive and hold in fee simple, by gift, grant, or otherwise, any land or other estate, real or personal; *Provided* the annual income thereof shall not exceed the sum of five thousand dollars; and the said trustees may sell, and dispose of the same, and apply the rents or proceeds thereof in such way as they may determine will be the most productive to the general interests of said academy, and the promotion of literature. And the said trustees, in their corporate capacity, are hereby made capable in law, to 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 Belfast Academy.

SECT. 3. *Be it further enacted*, That the said trustees shall have power to elect and appoint a secretary, treasurer, and such other officers and instructors in the said academy, as they may from time to time judge necessary, to fix the tenure of their respective offices, and to define their several powers and duties; to vacate the place of any trustee, officer or instructor, when in their opinion, by reason of age,
OF

Property to be
held in trust.

Proviso.

Officers to be
chosen.

or otherwise, he is become incapable of discharging the duties of his office, and to fill all vacancies which may so happen; to fix the times and places for the meetings of the said corporation, and the mode of notifying the members; and to prescribe and establish such reasonable statutes and by-laws as will best promote and cultivate a spirit of obedience, and just and mild government in the said academy, and to annex reasonable penalties, for neglect of duty, or breach of the laws: *Provided however*, that such statutes and by-laws shall not in any case, be repugnant to the constitution and laws of this commonwealth.

Provido.

And whereas it appears to this court, that the subscribers and petitioners for the said academy have fulfilled the conditions, in this case required by the legislature, and have raised the sum of three thousand and five hundred dollars, and have also received a donation of one acre of land, estimated at five hundred dollars:

SECT. 4. *Be it further enacted*, That there be, and hereby is granted for the use and benefit of said academy, one half township, of six miles square, of the unappropriated public land, in the District of Maine, (excepting the ten townships on Penobscot river, lately purchased by the commonwealth, of the Indians, and excepting also the land contracted to be sold to Jackson and Flint, and which contract is now rescinded) to be located and assigned under the direction of the agents for the sale of Eastern land, under the restrictions and reservations made in like cases, on condition that the treasurer of the said trustees, shall within three years from the passing of this act, produce satisfactory evidence to the said agents, that the sum of three thousand dollars has been actually raised, and security taken for the payment thereof, to the satisfaction of the trustees, for the endowment of the said academy, and appropriated to that use: and thereupon, the said trustees, in behalf of the said academy, shall receive of the said agents, in the name of the commonwealth, a deed of the said half township.

Lands granted.

SECT. 5. *Be it further enacted*, That any justice of the peace for the county of Hancock, is hereby authorized, upon application therefor, to issue a warrant, directed to one of the trustees hereinbefore named, requiring him to notify the said trustees, of their first meeting, at such convenient time and place, as shall be expressed in said warrant, to organize the said academy, by the choice and election of its officers.

Justice to issue a warrant.

[This act passed Feb. 29, 1808.]

CHAP.

CHAP. LXVI.

An act establishing a corporation, by the name of The Social 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 James Cook, Robert Stone, jun. Benjamin Crowninshield, jun. and all such persons as have already, or hereafter shall become stockholders in said company, being citizens of the United States, be, and hereby are incorporated into a company, or body politic, by the name of The Social Insurance Company, for and during the term of twenty years, after the passing of this act; and by that name, may sue or be sued, plead, or be impleaded, appear, prosecute and defend to final judgment and execution; and have a common seal, which they may alter at pleasure; and may purchase, hold and convey, any estate, real or personal, for the use of said company, subject to the restrictions hereafter mentioned.

Persons incorporated.

SECT. 2. *Be it further enacted,* That the capital stock of said company, exclusive of *premium notes, or profits arising from said business,* shall consist of one hundred thousand dollars; and shall be divided into one thousand shares; of which capital stock, not more than twenty thousand dollars shall be vested in real estate.

Amount of capital stock.

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 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 third Monday of April, in each and every year, at such time of the day, and in such place, in the town of Salem, as a majority of the directors for the time being, shall appoint; of which election, public notice shall be given in one of the newspapers, printed in the town of Salem, and continued for the space of ten days, immediately preceding such election; and such election shall be held 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 stock-

Concerns of the company to be managed by directors.

Manner of electing directors.

Provide,

holder shall be allowed more than ten votes; and the stockholders not present, may vote by proxy, under such regulations as the said company shall prescribe; and if through any unavoidable accident, the said directors should not be chosen on the third Monday of April, as aforesaid, it shall be lawful to choose them on another day, in the manner herein prescribed.

President to be
chosen:

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

Directors em-
powered.

SECT. 5. *Be it further enacted,* That the president and three of the directors, or four of the directors in the absence of the president, shall be a board competent for the transaction of business; and all questions before them, shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, and effects of said company, and the transfer of the shares; and touching the duties and conduct of the several officers, clerks, and servants employed, and the election of directors, and all such matters as appertain to the business of Insurance; and shall also, have power to appoint a secretary, and so many clerks and servants, for carrying on the said business, and with such salaries and allowances to them, and to the president, as to the said board shall seem meet: *Provided,* that such by-laws, rules and regulations, shall not be repugnant to the constitution and laws of this Commonwealth.

Meetings 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 within each month, as the president and board of directors shall deem proper; and the president, and a committee of two of the directors, to be by him appointed in rotation, shall assemble daily, if need be, for the dispatch of business; and the said board of directors, or the committee aforesaid, at and during the pleasure of said board, shall

Committee of
directors to be
appointed.

shall have power and authority on 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 to fix the premium and terms of payment; and all policies of insurance by them made, shall be subscribed by the president, or in case of his death, sickness, inability or absence, by any two of the directors, and countersigned by the secretary; and shall be binding and obligatory upon the said company, and have the like effect and force, as if under the seal of said company; and all losses duly arising under any such policy, so subscribed, may be adjusted and settled by the president and board of directors, and the same shall be binding on the company.

Powers of directors.

SECT. 7. *Be it further enacted,* That it shall be the duty of the directors, on the second Monday of January and July, in every year, to make dividends of so much of the interest arising from their capital stock, and the profits of said company, as to them shall appear advisable; but the monies received, and notes taken for premiums on risks, which shall be undetermined and outstanding at the time of making such dividends, shall not be considered as part of the profits of the company: And in case of any loss or losses, whereby the capital stock of the company shall be lessened, each proprietor's or stockholder's estate, shall be held accountable for the instalment that may be due and unpaid, on his share or shares, at the time of said loss or losses taking place, to be paid into the said company by assessments, or such other mode, and at such time or times, as the directors shall order; and no subsequent dividend shall be made until a sum equal to such diminution shall have been added to the capital; and that once in every year, and oftener if required, by a majority of the votes of the stockholders, the directors shall lay before the stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends.

Dividends.

Estate of stockholders to be held accountable in case—

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, within six months after being collected at each instalment, shall be invested either in the funded debt of the United States, or of this Commonwealth, or in the stock of the United States Bank, or of any incorporated Bank in this Commonwealth, at the discretion of the president and directors of said com-

Stock to be funded.

pany,

pany, or of other officers which the proprietors shall for such purposes appoint.

Instalments to be paid.

SECT. 9. *Be it further enacted*, That twenty-five dollars on each share in said company, shall be paid within thirty days after the first meeting of said company, and the remaining sum within one year after said first meeting, in 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 whole capital stock shall have been paid in.

Persons eligible to become a director.

SECT. 10. *Be it further enacted*, That no person being a director of any other company carrying on the business of Marine Insurance, shall be eligible as a director of the company by this act established.

Estates of directors liable.

SECT. 11. *Be it further enacted*, That in case of any loss or losses taking place, that shall be equal to the amount of the capital stock of the said company, and the president and directors, after knowing of such loss or losses taking place, shall subscribe to any policy of insurance, their estates, jointly and severally, shall be accountable for the amounts of any and every loss that shall take place under policies thus subscribed.

Amount of stock to be published.

SECT. 12. *Be it further enacted*, That the president and directors of said company shall, previous to their subscribing to any policy, and once in every year after, publish in one of the newspapers printed in the town of Salem, the amount of their stock; against what risks they intend to insure, and the largest sum they intend to take on any one risk: *Provided*, 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 actually paid in.

Subject to Legislative examination.

SECT. 13. *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.

Meeting to be called.

SECT. 14. *Be it further enacted*, That James Cook, Robert Stone, jun. and Benjamin Crowninshield, jun. or any two of them, are hereby authorized to call a meeting of the members of said company as soon as may be, in Salem, by advertising the same for two successive weeks, in the Essex Register, for the purpose of their electing a first board of directors, who shall continue in office until the third Monday of April, one thousand eight hundred and nine.

[This act passed *March 1, 1808.*]

CHAP.

CHAP. LXVII.

An act to incorporate Peleg Tallman and others, into a company, by the name of The Kennebeck 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 Peleg Tallman, together with such others, as already have, or may hereafter associate with them, the petitioners of this act, and such others as they shall admit as their associates, being citizens of the United States, be, and they are hereby incorporated into a company, or body politic, by the name of The Kennebeck 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.

Persons incor-
porated.

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 be one thousand; and if the said number of shares are not already filled, subscriptions may 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, fifteen thousand dollars only, shall be vested in real estate.

Shares limited.

Amount of cap-
ital stock.

SECT. 3. *Be it further enacted,* That the stock, property, and affairs 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, at the time of their election, shall be stockholders and citizens of this Commonwealth, and shall be elected on the first Tuesday in March, in each and every year, at such time of the day, and at such place in the town of Bath, as the majority of the directors, for the time being, shall appoint; of which election, public notice shall be given, by posting up notice thereof,

Concerns of the
company to be
managed by di-
rectors.

Manner of elect-
ing directors.

thereof, in two public places in said town, 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 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 said company shall prescribe; and if in case of any unavoidable accident, the said directors should on the said first Tuesday in March, not be chosen as aforesaid, it shall be lawful to choose them on another day, in the manner herein prescribed,

Provide.

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 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.

Directors empowered.

SECT. 5. *Be it further enacted*, That the president and four of the directors, (or five of the directors in the absence of the president,) shall be a board competent to transact business; and all questions before them, shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper concerning the management and disposition of the stock, property, estate, and effects of said company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks, and servants employed, and the election of directors, and all such matters as appertain to the business of insurance; and shall also have power to appoint a secretary and so many clerks and servants for carrying on the said business, and with such salaries and allowances to them, and to the president, as to the said board shall seem meet: *Provided*, that such by-laws, rules and regulations, shall not be repugnant to the constitution or laws of this Commonwealth.

Provide.

SECT.

SECT. 6. *Be it further enacted,* That there shall be stated meetings of the directors, at least once in every month, and as often within each month, as the president and board of directors shall deem proper; and the president and a committee of three of the directors, to be by him appointed in rotation, shall assemble daily, if need be, for the dispatch of business; and the said board of directors, and the committee aforesaid, at and during the pleasure of the said board, shall have power and authority on behalf of the company, to make insurance upon vessels, freights, 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 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 the said company; and the assured may thereupon maintain an action of 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

SECT. 7. *Be it further enacted,* That it shall be the duty of the directors, on the first Tuesday of January and July 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 dividends, shall not be considered as part of the profits of the company; and in case of any loss or losses whereby the capital stock of the company shall be lessened, each proprietor's or stockholder's estate shall be held accountable for the deficiency that may be due on his share or shares, at the time of said loss or losses taking place, to be paid into the said company by assessments, or such other mode, and at such time or times as the directors shall order; and no subsequent dividend shall be made, until a sum equal to such diminution, shall have been added to the capital; and that once in every 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,

Dividends.

Proprietors' estate accountable in case.

ing, 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, or merchandize or commodities whatsoever; and the capital stock of the said company, after being collected at each instalment, shall, within ninety days, be invested either in the funded debt of the United States, or of this commonwealth, or in the stock of the United States Bank, or of any incorporated bank in this commonwealth, at the discretion of the president and directors of the said company, or of other officers which the proprietors shall for such purpose appoint.

Stock to be funded.

Instalments to be paid.

SECT. 9. *Be it further enacted*, That fifty dollars on each share in the 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 in said company shall be permitted, or be valid, until all the instalments on such shares shall have been 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 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: and that no person, being a director of any company carrying on the business of marine insurance, shall be eligible as a director of the company by this act established.

Members' property liable to attachment.

Amount of stock to be made public.

Providor:

SECT. 11. *Be it further enacted*, That the president and directors of the said company, shall previous to their subscribing to any policy, and once in every year after, publish in two newspapers, one printed at Portland, and one at Bath, if a newspaper should hereafter be printed there, the amount of their stock, against what risk they mean to insure, and the largest sum they will 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. And the president and directors of the said company shall, when, and as often as required by the legislature of this commonwealth, lay before them a statement

statement of the affairs of said company, and submit to an examination concerning the same, under oath.

SECT. 12. *Be it further enacted*, That any three of the stockholders are hereby authorized to call a meeting of the members of said company, as soon as may be, in Bath, by advertising the same for three weeks successively, in the Eastern Argus, printed at Portland, or in the newspaper printed at Bath, provided one shall be hereafter printed there.

Manner of calling meetings.

[This act passed March 1, 1808.]

CHAP. LXVIII.

An act determining the places of holding the Courts of Probate in the County of Hampshire, and repealing all laws heretofore made on that subject.

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, there shall be holden in the county of Hampshire, a Court of Probate in the towns following, and as often therein in each year, as hereinafter expressed; that is to say:—In Springfield, three times; in Greenfield, three times; in Amherst, three times; in Westfield, three times; and in Northampton, once in each month; at such places therein, and at such times in the year, as the judge of probate shall appoint.

Places for holding Probate Courts.

SECT. 2. *Be it further enacted*, That all laws heretofore made, determining the places of holding courts of probate in the county of Hampshire, be, and they hereby are, after the first of April next, repealed.

[This act passed March 1, 1808.]

CHAP. LXIX.

An act, in addition to several acts, for granting Lotteries, for the purpose of completing the Locks and Canals at Amoskeag Falls, in the State of New Hampshire.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That his Excellency the Governor be, and he is hereby authorized to call upon the agents and managers

Managers to exhibit their accounts.

M m

of

of the Amoskeag Lotteries, appointed agreeably to the acts of March ninth, one thousand eight hundred and four, and March fourteenth, one thousand eight hundred and six, or their legal representatives, to exhibit to him a true and perfect statement of the sales of their tickets, receipts of money, and their expenditures and appropriations.

SECT. 2. *And be it further enacted*, That if the accounts so rendered be not satisfactory to his Excellency the Governor, then he is hereby empowered to direct the Attorney or Solicitor General to sue the bond of such agent or agents, manager or managers, as shall not exhibit accounts satisfactory to him.

[This act passed March 1, 1808.]

CHAP. LXX.

An act to incorporate a number of persons in the towns of Poland, Minot, and New Gloucester, by the name of the First Methodist Society in Poland.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Allen, Jabez Bradbury, Henry Bray, Henry Bray, jun. Joseph Coombs, Benjamin Coombs, Benjamin Coombs, jun. Aaron Davis, Moses Davis, Zebulon Davis, William Davis, George Dennen, Simeon Dennen, Joseph Dunn, Josiah Dunn, Nathaniel Dunn, William Dunn, William Faunce, Thomas Haskell, John Hayes, Robert Hayes, Robert Hilborn, jun. Ezekiel Martin, Ephraim Pulcifer, Jonathan Pulcifer, David Pulcifer, David Pulcifer, jun. Samuel Ricker, Jacob Strout, Nehemiah Strout, and Jabez True, with their families and estates, together with such others as have, or may hereafter associate with them or their successors, be, and they are hereby incorporated as a separate religious society, by the name of the First Methodist Society in Poland, with all the powers and privileges to which parishes or religious societies are entitled, according to 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.

Proviso.

SECT. 2. *Be it further enacted*, That any person belonging to any other religious society, in either of the towns aforesaid,

aforesaid, who may desire to join with the said Methodist society in Poland, and who shall at any time declare such intention in writing, delivered to the town clerk, or the clerk of such other religious society, and produce a certificate, signed by the minister or clerk of said Methodist society, that he or she has actually become a member of, and united in religious worship with the said Methodist society, such person shall, from the date of such certificate, be considered, with his or her polls and estate, a member of the said Methodist society.

Members to obtain a certificate.

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 the town in which he or she may dwell, or have their home; 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 before the annual parish or society meeting, such person shall, from the date of such certificate, with his or her polls and estate, be considered members of such other society: *Provided however*, that in every case of seceding from one society and joining another, every such person shall be held to pay his or her proportion of all parochial expenses incurred previous to leaving such 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 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, or societies are by law empowered to choose, at their annual parish or society meetings.

Justice to issue a warrant.

[This act passed March 1, 1808.]

CHAP. LXXI.

An act declaring and confirming the incorporation of the Proprietors of the New Meeting House in Saco.

WHEREAS a number of persons in the town of Saco, associated for the purpose of building a new meeting house in said town, have proceeded as a regular proprietary, and nearly completed the same, and some legislative provisions

Preamble

vifions being neceffary to confirm their proceedings, regulate their affairs, and to confer upon them new powers for their future government :—*Therefore,*

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court affembled, and by the authority of the fame,* That all perfons who now are, or who may hereafter be the proprietors of the pews in the new Congregational meeting houfe in Saco, be, and they are hereby declared and confirmed to be a body politic and corporate, by the name of The Proprietors of the new Congregational Meeting Houfe in Saco; and by that name may fue and be fued, plead and be impleaded, defend and be defended in all caufes in which they have, or may have any concern.

Proceedings of
proprietors de-
clared valid.

SECT. 2. *And be it further enacted,* That the proceedings of faid proprietors in building faid meeting houfe, and their contracts and undertakings therefor, fo far as the fame are conformable to their original affociation, and to the votes and refolves of faid proprietors, be, and the fame and every of them are hereby declared to be valid in law and equity, to every intent and purpofe, and faid proprietors are hereby authorized to proceed and carry the fame into effect.

Officers to be
chofen.

SECT. 3. *And be it further enacted,* That faid proprietors fhall have power to choofe from among them, three perfons for a committee, to manage the prudential affairs of faid corporation, a clerk, treafurer, collector, and fuch other officers as may be neceffary; to remove them and fill up vacancies when occafion may require; and alfo to raife money to fulfil their prefent contracts and engagements, on account of faid meeting houfe, and for finishing, maintaining and repairing the fame, and for other incidental expenfes, and to expend the fame according to the votes of faid corporation: and all money which fhall be raifed as aforefaid, fhall by faid committee be affeffed on the feveral proprietors of pews in faid meeting houfe, according to the relative value of the refpective pews they may own therein, as eftablifhed by faid proprietors; and if any member of faid corporation fhall neglect, for the fpace of fixty days, to pay any fum which may be affeffed on him to pay on any pew or pews he may own in faid meeting houfe, the faid pew or pews may, by the collector be fold at public vendue, and the money arifing from faid fale applied to the difcharge of any fum affeffed as aforefaid, and the refidue, (if any) returned to the debtor: *Provided,* that the faid collector

Affeffment.

Sale of pews in
cafe of deficiency.

Provido.

lector shall give notice of said sale, fourteen days, at least, previous thereto, by posting up advertisements at said meeting-house, and at two of the taverns in said town, of the time, place, and cause of sale.

SECT. 4. *And be it further enacted*, That said corporation shall have power to assess as aforesaid, upon the owners of pews in said meeting-house, such sum or sums of money, as they collectively owe, and are indebted for the building of said meeting-house, and for all expenses incident thereto, with such additional sum or sums, on any individual owner or owners of any pew or pews, as he or they may be deficient in the payment of any instalment, or sum or sums of money assessed upon his or their pew or pews; and in default of payment, to proceed as in the third section of this act, and sell the pew or pews, of such delinquent owner or owners, giving notice as therein directed, and returning the balance, if any, to the debtor; but should such pew or pews, not sell for sufficient to pay the sum or sums assessed on the owner or owners thereof, the deficiency shall be paid by such owner or owners in thirty days after notice from the collector, of such deficiency, and if he or they shall fail to pay such deficiency, by the time aforesaid, an action of the case may be commenced and prosecuted against him or them, in the name of said corporation, for the recovery thereof, with interest from the time that notice shall be given by the collector as aforesaid, and costs of suit; in which action the assessment of the committee, and certificate of the collector of the deficiency, shall be conclusive evidence of the debt.

Powers of the corporation.

SECT. 5. *And be it further enacted*, That Foxwell Cutts, be, and hereby is empowered to call the first meeting of said proprietors under this act, for the purpose of choosing the officers of said proprietors, and for any other purposes authorized by this act, and specified in a notification, by him to be posted up at said meeting-house, and one other public place in said town, giving at least, ten days notice of the time and place of said meeting; at which, or any subsequent meeting called as aforesaid, the said proprietors may agree upon the method of calling future meetings.

F. Cutts, authorized and empowered to call first meeting.

[This act passed March 1, 1808.]

CHAP. LXXII.

An act to incorporate the easterly part of the town of Cambridge into a Parish, by the name of The Cambridge Port Parish, and for other purposes.

Parish incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the members of the Cambridge Port Meeting-House Corporation, together with the polls and estates, situate in the fifth school district, in the town of Cambridge, as established in the year of our Lord, one thousand eight hundred and two, which school district, did include all the lands within the same town, situated southerly and easterly of a road or private way, which is between Judge Dana's mansion house, and his farm house, and running northerly in the direction of said road to Charlestown line, and southerly in said direction to Charles river, be, and they hereby are incorporated into a Parish, for the purpose of supporting public worship in Cambridge Port Meeting-House, by the name of The Cambridge Port Parish, with all the powers and privileges to which Parishes are entitled by the constitution and laws of this Commonwealth.

Relaxative taxa-
tion.

SECT. 2. *Be it further enacted,* That all the persons now residing within the said Cambridge Port Parish, or in the first Parish in Cambridge aforesaid, who are not petitioners for this act, and who are taxed by the first Parish in said Cambridge, and shall wish to continue their relation to said first Parish, may have their polls, and the estates by them owned and occupied, exempted from taxation by the Cambridge Port Parish, and taxed in the first Parish, each year, in which, in the month of March, they shall signify the same in writing to the clerks of the respective Parishes.

SECT. 3. *Be it further enacted,* That all the persons now residing within the said first Parish, who shall wish to join the said Cambridge Port Parish, may have their polls, and the estates by them owned and occupied, exempted from taxation to the said first Parish, and taxed by the Cambridge Port Parish, each year, which, in the month of March, they shall signify the same in writing to the clerks of the respective Parishes.

Persons entitled
to vote.

SECT. 4. *Be it further enacted,* That each member of said Cambridge Port Parish, who shall own a pew or pews, in the said Cambridge Port Meeting-House, shall have a right to vote in Parish affairs.

SECT.

SECT. 5. *Be it further enacted*, That the Cambridge Port Meeting-House Corporation, may convey to the Cambridge Port Parish, on such conditions, as may be by them mutually agreed, all the property of the said Cambridge Port Meeting-House Corporation, subject to the payment of their just debts; and indentures by their agents for such purpose appointed, mutually signed and sealed, when acknowledged and recorded in the registry of deeds, for the county of Middlesex, shall be deemed valid in law: *Provided however*, that the members of said Parish shall not be liable to be taxed for the expense of building said Meeting-House; and, *provided also*, that whenever the Cambridge Port Meeting-House Corporation, shall have conveyed all their property to said Cambridge Port Parish, that then all the powers of the corporation shall be extinct, excepting so far as may be necessary for collecting assessments already made, and fulfilling existing contracts.

Property may be conveyed.

Proviso.

SECT. 6. *And be it further enacted*, That any Justice of the Peace in the county of Middlesex, be, and is hereby authorized to issue his warrant, directed to some suitable person, requiring him to warn the members of said Parish qualified to vote in Parish affairs, to assemble at some suitable time and place in said Parish, to choose such Parish officers as are by law required to be chosen, in the months of March or April, annually, and to transact all other matters and things relative to said Parish.

Justice to issue warrant.

[This act passed March 1, 1808.]

CHAP. LXXIII.

An act for incorporating certain persons, for the purpose of building a bridge over Charles river, between Cambridge and Brighton, 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 Jonathan Loring Austin, Samuel Wylls Pomeroy, Josiah Knapp, Josiah Bacon, Samuel Sumner, John Hayden, and all others who are, or may hereafter be associated with them, be, and hereby are constituted a corporation and body politic, by the name of The Proprietors of Brighton and Cambridge Port Bridge, for the purpose of building a bridge over Charles river, between the towns of Cambridge and Brighton, which bridge shall form part of

Proprietors incorporated.

of a common highway, to be laid out by the said proprietors and others, from the Meeting-House in Brighton, to the county road in Cambridge, leading to West-Boston bridge, and entering the same road opposite the south end of a county road leading to Charlestown; and that the said proprietors by the same name, may sue and be sued, to final judgment and execution, and do, and suffer all other acts and things, which bodies politic may, or ought to do; and the said corporation shall and may have and use a common seal, and the same may break and alter at pleasure.

Bridge to be
built of good
materials.

SECT. 2. *And be it further enacted*, That the said bridge shall be built of good and sufficient materials, not less than twenty-five feet wide, and well covered with plank or timber, suitable for such a bridge, with sufficient rails on each side for the safety of passengers; and there shall also be made, a good and sufficient draw, or passage-way, not less than thirty feet wide, with a leaf or leaves, not less than sixteen feet in length, which shall at all times, on demand, be raised for the passage of vessels, which cannot otherwise pass under said bridge, by the agent of said proprietors; and any person or persons, who may be unreasonably delayed and hindered in the passage through said bridge, by the neglect of said proprietors, in this behalf, shall recover and have of said proprietors, double the amount of damages incurred by such unreasonable delay; and the said proprietors shall be holden and obliged, within one month from and after the completion of said bridge, to lodge in the clerk's office of the Court of Sessions, in the county of Middlesex, a good and sufficient bond, made and executed by one or more of the individuals of said proprietors, to the satisfaction of said Court, conditioned for the faithful performance of the duties of raising and opening said drawer, for the convenience of the navigation of said river, and for the recovery of the double damages provided for in this act.

Damages in case
of delay.

Road to be
made.

SECT. 3. *And be it further enacted*, That the said proprietors shall make the road, from the Brooklyne road, near the house of Thomas Gardner, in Brighton, to the county road in Cambridge, as the same is now laid out by them, and described in the first section of this act, to the acceptance of three disinterested freeholders in the county of Middlesex, to be appointed by the Court of Sessions of said county, to view and report thereon, when the same road may be completed; and the said proprietors shall give notice

notice thereof to said Court of Sessions; and the report of said commissioners, that the said road is well and suitably made for a public highway, shall be conclusive evidence of a compliance by the said proprietors, with the requisitions of this act, in this behalf: *and be it further enacted*, That the town of Cambridge, shall be exempted for the term of twenty years, from and after the passing this act, from any, and all the expense which may arise on account of said road.

SECT. 4. *And be it further enacted*, That the said proprietors shall be held and obliged to maintain and keep the said bridge in good and sufficient repair, for the term of twenty years from the time of its erection, and shall, during said term, cause the draw or passage-way of said bridge, to be raised and opened, as required by the second section of this act, and no longer; and the towns of Brighton and Cambridge, shall not be liable for any charge, costs, or expense, for the support of said bridge, or to any presentment, indictment, information, or civil action, for any defect in said bridge, or any damage sustained by any person, by reason of such defect, for and during the said term of twenty years.

Bridge to be kept in good repair.

SECT. 5. *And be it further enacted*, That the said Jonathan Loring Austin, and Samuel Wyllys Pomeroy, or either of them, may, by advertisement in any two of the Boston newspapers, warn or call a meeting of the said proprietors, to be holden at Boston, at any suitable time after seven days from the publication of said advertisement; and the said proprietors, or a majority of them (allowing a vote to each share) at the same meeting, shall choose a clerk, who shall be sworn to a faithful discharge of his office; and shall also agree on the form of calling future meetings; and at the same, or any subsequent meeting, may choose any other officer or officers they may judge necessary, and establish any rules and regulations for the government of said corporation, not repugnant to the laws or constitution of this Commonwealth, and for the breach of any of them, may order and enjoin fines and penalties not exceeding ten dollars.

Manner of calling meeting.

SECT. 6. *And be it further enacted*, That if the said proprietors shall neglect, for the space of two years from the passing of this act, to build the said bridge, and make the said road, conformable to the provisions herein contained, then this act shall be void and of no effect.

Void in case of neglect.

[This act passed March 2, 1808.]

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CHAP,

CHAP. LXXIV.

An act for the limitation of certain real actions, and for the equitable settlement of certain claims arising in real actions.

Claims limited.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of January, which will be in the year of our Lord one thousand eight hundred and twelve, no person shall sue, or maintain any writ of right, or make any prescription, title or claim to any lands, tenements or hereditaments, or to any rents, annuities, or portions issuing therefrom, upon the possession or seizure of his or their ancestor or predecessor, beyond the term of forty years, next before the test of the same writ.

Estate demanded must have been held a certain time.

SECT. 2. *Be it further enacted, by the authority aforesaid,* That from and after said first day of January, that no person shall sue, have, or maintain any writ of entry upon disseizin done to any of his ancestors, or predecessors, or any action possessory upon the possession, of any of his ancestors or predecessors, for any lands, tenements or hereditaments, unless the ancestor or predecessor, under whom the demandant shall claim, shall have been seized, or possessed of the lands, tenements or hereditaments, demanded within thirty years next before the test of the same writ, or bringing such action.

Value of estates claimed may be ascertained,

SECT. 3. *Be it further enacted, by the authority aforesaid,* That where any action has been, or may hereafter be commenced against any person, for the recovery of any lands or tenements, which such persons now hold by virtue of a possession and improvement, and which the tenant or person, under whom he claims, has had in actual possession for the term of six years, or more, before the commencement of such action, the jury which tries the same, if they find a verdict for the demandant, shall (if the tenant request the same) also enquire; and by their verdict ascertain the increased value of the premises, at the time of trial, by virtue of the buildings and improvements made by such tenant, or those under whom he may claim; and (if the demandant shall require it) what would have been the value of the demanded premises, had no buildings or improvements been made by such tenant, or those under whom he may claim, and if during the term in which such verdict may be given, the demandant shall make his election on record,
in

in open court, to abandon the demanded premises to the tenant, at the price estimated by the jury as aforesaid, if the tenant shall not pay into the clerk's office of the said court, for the use of the demandant, the sum with the interest thereof, at which the demanded premises shall be estimated by the jury, within one year next after the verdict shall have been given, a writ of seizen shall issue in favor of the demandant for possession of the premises demanded with the improvements; but if the demandant shall not so make his election on record as aforesaid, no writ of seizen or possession shall issue on a judgment founded on such verdict, unless the demandant shall within one year from the rendition thereof, have paid into the clerk's office of the same court, or to such other person, as the court may, on motion for that purpose appoint for the use of the tenant, or the person or persons justly entitled thereto, such sum with the interest thereof as the jury shall have assessed for buildings or improvements as aforesaid, and a new action for the recovery of the same premises shall not be sustained in any court, unless the demandant shall first have paid to the tenant, all such costs as would have been taxed for him, had he prevailed in the first suit, and in case the demandant shall abandon the premises aforesaid, and the tenant shall pay into the clerk's office, the sum of money, at which they shall have been estimated as aforesaid, for the use of the demandant, the tenant and his heirs shall have a good title to the same premises, against the demandant and his heirs forever; but should the tenant or his heirs afterwards be evicted therefrom, by a higher or better title of any claimant or claimants, if he shall have duly notified the original demandant, to aid him in the defence of such suit, and actually admit him to aid accordingly, such tenant or his legal representatives shall be entitled to receive and recover back the same money, with the lawful interest thereof from him, her or them, who shall have had the use and benefit thereof, in an action for money had and received to the use of such tenant: *Provided nevertheless*, that nothing herein contained, shall extend to any action which is or may be commenced by any mortgagee, his heirs or assigns against mortgager, his heirs or assigns, nor to any action which may be instituted against any person who shall hereafter enter upon any lands, without a license from the owners of the soil.

Writ to issue in case.

Provido.

SECT. 4. *Be it further enacted*, That no tenant against whom judgment shall be rendered in any case, where the value

value of the buildings, and improvements has been ascertained as aforesaid, shall unnecessarily cut any wood, or take any timber from off the premises recovered against him, her, or them, or make any strip or waste thereof, and such tenant shall be liable to answer therefor in the same way and manner he would have been, had possession actually been delivered in execution of such judgment.

SECT. 5. *Be it further enacted*, That no person shall be allowed to sit upon a jury for the trial of any such action where the value of the buildings and improvements are to be ascertained, or the value of the premises to be estimated by the verdict, where such person shall be interested in a similar question, either as proprietor or occupant; but the same shall be good cause of challenge to such juror, any law, usage or custom to the contrary notwithstanding.

[This act passed March 2, 1808.]

CHAP. LXXV.

An act to preserve and secure from damage Salter's Beach, so called, and the Meadows thereto adjoining, in the town of Duxbury.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the inhabitants of the town of Duxbury, in the county of Plymouth, be, and they hereby are authorized and empowered to build a sea wall, palisade, or hedge fences, to preserve and secure Salter's Beach, so called, and the meadows thereto adjoining, from the incursions and encroachments of the sea, and the same from time to time to repair as occasion may require, and for said purposes, to make use of any stones, sand, gravel or clay there found, and also to take and appropriate all the lumber which may at any time drift on to said beach, unless the same shall be reclaimed by the owner or owners thereof within sixty days.

SECT. 2. *Be it further enacted*, That from and after the first day of April next, no neat cattle, horses or sheep shall be permitted to go at large on said beach or meadows: and if any person shall voluntarily turn or drive on to said beach or meadows, or any part thereof, any such creatures, he shall forfeit and pay to the use of said town, for every one of such creatures, excepting sheep, one dollar; and for every sheep, twenty-five cents.

SECT.

Jurors to be un-
interested.

Inhabitants em-
powered.

Penalty for driv-
ing cattle.

SECT. 3. *Be it further enacted*, That no person, without the permission of the selectmen of said town, or of the committee hereinafter mentioned, for the time being, shall dig up, take or carry away any stones, gravel, sand or clay, found on said beach or meadows, nor take or carry away any lumber or wood which may drift on to said beach, unless such lumber may belong to or have drifted from the possession of such person or persons, on pain that every person so offending shall forfeit and pay to the use of said town, at and after the rate of two dollars for every ton of stones, sand, gravel or clay, so dug up, taken or carried away, and four dollars for every ton of lumber, and one dollar for every foot of wood, so taken or carried away.

Penalty for carrying away.

SECT. 4. *Be it further enacted*, That the penalties aforesaid may be sued for by the treasurer of said town, for the time being, and recovered to the use of said town by action of debt in any court proper to try the same.

Appropriations.

SECT. 5. *Be it further enacted*, That it shall be lawful for any person or persons to take up and impound any neat cattle, horses or sheep, at any time found going at large on said beach or meadows, he or they relieving such creatures with suitable meat and water during the time of their confinement. And when any of the creatures aforesaid shall be so impounded, it shall be the duty of the person or persons impounding, within twenty-four hours to inform the owner thereof, if known, by leaving a written notification at his usual place of abode; or, if unknown, by posting up a written notification in some public place in said town, and also in the town of Marshfield; which notification, in either case, shall describe such creatures, and specify the time, place, and cause of impounding them. And if such owner shall not within three days from the time of leaving or posting up such notification, pay, or offer to pay, to the pound keeper, the penalty or penalties incurred as aforesaid, and also the reasonable expenses of the relief and sustenance of such creatures, together with the pound-keeper's legal fees, such pound-keeper may proceed to sell such creatures at public auction; first giving notice of the time and place of sale, by posting a written notification thereof in some public place in each of said towns, at least forty-eight hours before said sale; and after deducting from the proceeds of any such sale, the said penalties, expenses and fees, together with the costs of such sale, the surplus, if any, shall be paid to such owner, if he shall demand the same, within sixty days after such sale, otherwise it shall be paid into the treasury

Cattle may be impounded.

May be sold at auction.

treasury of the said town of Duxbury, for the use of said town.

Committee to be appointed.

SECT. 6. *Be it further enacted*, That said town of Duxbury, at the annual meeting thereof in March or April, may choose a committee of one or more persons, whose duty it shall be to cause the provisions of this act to be carried into full effect, and who shall be sworn to the faithful discharge of that duty.

Persons interested entitled to compensation for damages.

SECT. 7. *Be it further enacted*, That if any person has a title in or to said beach or meadows or any part thereof, he shall have a right to a compensation in damages, to be paid by said town of Duxbury, for any injury he may sustain by any of the provisions of this act; which damages shall be estimated by a jury, to be awarded by the Court of Common Pleas, in and for said county, and recovered with costs in the same manner in which damages are estimated and recovered by persons injured by the laying out of highways; *Provided* application therefor be made by petition to said court, within twelve months from and after the passing of this act; saving to said Duxbury the right to contest the title of any such applicant, in and to said beach or meadows or any part thereof, by pleading to issue to any such petition. And such issue, whether in law or fact, shall be tried in said court, and either party shall have a right to appeal from the judgment of said court thereon, to the Supreme Judicial Court, in and for said county; and in case such issue be finally determined in favor of such applicant, said Court of Common Pleas shall proceed to award a jury to estimate his damages as aforesaid; but if such issue be finally determined against such applicant, said town shall recover against him their costs.

Jury to estimate damages.

[This act passed March 3, 1808.]

CHAP. LXXVI.

An act further to continue in force, an act, entitled "An act to establish the Taunton and New Bedford 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 act, entitled "An act to establish the Taunton and New Bedford Turnpike Corporation, shall be, and is hereby continued in full force and effect, for and during

during the term of four years, from and after the third day of March, which will be in the year of our Lord one thousand eight hundred and eight ; any thing in the said act of incorporation to the contrary, notwithstanding.

[This act passed March 3, 1808.]

CHAP. LXXVII.

An act, in addition to an act, entitled “ An act to incorporate fundry persons into a company, by the name of the Proprietors of the Exchange Coffee House.”

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said corporation be, and hereby is authorized and empowered to raise on mortgages of real estate only, without personal responsibility, a sum of money not exceeding fifty thousand dollars, for defraying the expense of erecting and completing their buildings, and the money raised as aforesaid, shall be used and applied for the purposes aforesaid, and for no other purpose whatever.

Proprietors empowered to raise money.

SECT. 2. *Be it further enacted,* That the real estate of said corporation shall be liable for the debts already contracted by said corporation, any thing herein contained, notwithstanding.

Estate liable in case of deficiency

[This act passed March 3, 1808.]

CHAP. LXXVIII.

An act to incorporate the Proprietors of India Wharf, in the town of Boston.

WHEREAS fundry persons are proprietors of a certain Wharf, situate in the town of Boston, near Batterymarch street, bounded northerly by the wharf of the Broad street Association ; westerly by a range of lots and stores fronting on India Wharf, the front of which lots is distant about two hundred feet easterly from Batterymarch street, then bounded southerly on a block of thirty-two brick stores standing on said India Wharf ; westerly on the end of the same block, and northerly again on the same block, then bounded westerly again on a straight line, running across from the westerly end of the same block, to the breastwork, on land of John Rowe and others, and bound-

Preamble.

ed

ed on all other sides by the capfill of said India Wharf, with the docks and flats thereto belonging and appertaining ; as also two brick stores in the said block of thirty-two stores, numbered twenty-nine, thirty-six, thirty-two and thirty-three, and commonly called the India Stores, and one store lot in the range of lots aforementioned, measuring twenty-four feet wide on the front, on said wharf, and keeping the same width eighty-six feet deep ; and they have petitioned this court, that they may be incorporated for the purpose of enabling them the better to manage and improve their said estate :

Proprietors in-
corporated.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Uriah Cotting and Francis Cabot Lowell, with their associates, successors and assigns, shall be, and hereby are constituted a body politic and corporate, by the name of the Proprietors of India Wharf ; and the said corporation by the said name, are hereby declared and made capable in law to sue and be sued, to implead and be impleaded, to have a common seal, and alter and renew the same at pleasure, to make rules and by-laws for the regulation and management of the said estate, consistent with the laws of the commonwealth, and generally to do and execute whatever by law shall appertain to bodies politic.

Powers of the
corporation.

SECT. 2. *Be it further enacted,* That the said corporation shall be, and hereby is declared capable to have, hold and possess all of the said wharf, lands and flats, which may be situate within the aforesaid limits and boundaries, *provided* the lawful proprietors or owners thereof legally convey the same to said corporation ; and the said corporation shall have power and liberty to grant, sell and alien in fee simple or otherwise, their corporate property, or any part thereof, being situated within the aforesaid limits and boundaries, and to lease, manage and improve the same according to the will and pleasure of the said corporation, to be expressed at any legal meeting.

Property divid-
ed into shares.

SECT. 3. *Be it further enacted,* That all the said corporate property shall be divided into four hundred shares, and the said corporation may at any legal meeting agree upon the form of deeds, to be given by said corporation to the original proprietors of the number of shares by them respectively held, which deeds shall be under the seal of said corporation, shall be signed by the president thereof, and be duly acknowledged and recorded in the registry of deeds for the county of Suffolk, and said corporation shall also have

have power from time to time upon each share, to assess such sums of money as may be deemed necessary for erecting wharves and buildings within the aforesaid limits, and generally for the improvement and good management of said estate, agreeably to the true intent of this act; and to sell and dispose of the shares of delinquent proprietors for the payment of such assessments, at such time and manner as the said corporation may determine; and in case of such sale, a deed or deeds, duly executed and acknowledged by the president of said corporation, or by any other officer for that purpose specially authorized by said corporation, and recorded in the registry of deeds for the county of Suffolk, shall be as effectual to convey such delinquent proprietor's estate and interest in such shares, as if the same had been made and executed by such proprietor himself: *Provided however*, that the value of the buildings held by said corporation, shall not exceed at any one time fifty thousand dollars, exclusive of the land.

Provido.

SECT. 4. *Be it further enacted*, That the shares of each proprietor in said corporate property, shall be, and be considered in all respects, real estate; shall be transferred and conveyed in the usual manner, by deed duly acknowledged and recorded, and shall be subject and liable to attachment and execution, to dower and descent to heirs, and to all other incidents of real estate: *Provided however*, that in case of levying an execution on any of said shares, the same shall not be appraised and set off to the creditor on such execution; but such share or shares shall be sold by the officer having the execution in like manner in all respects, as is by law prescribed for the sale of rights in equity of redeeming real estates mortgaged; and the debtor shall have the liberty of redeeming the share or shares so sold, within one year after the conveyance thereof by the officer, by paying the sum which may have been given therefor at such sale, with the interest thereof, and also all assessments which may have been in the mean time paid by the purchaser, his heirs or assigns, with the interest thereof, deducting the dividends, rents and profits, which the purchaser, his heirs or assigns may have received: and no part of the land, wharf or estate of said corporation shall ever be divided or set off by metes and bounds, on any such execution against any individual proprietor, nor on assignment of dower, nor on any partition or division among the heirs of any proprietor, nor on the suit or petition of any such proprietor.

Provido.

Manner of calling meeting.

SECT. 5. *Be it further enacted*, That the said Cotting and Lowell, or either of them, may call a meeting of said corporation, by advertising the same, in any of the public newspapers printed in Boston, at least, ten days before the time of meeting; and at that or any other legal meeting, the said corporation may agree on the mode of calling and warning future meetings, and may elect a president, trustees, clerk, or such other officers as they may judge fit, for the orderly conducting of their affairs, and the prudent management of their estate, and such officers at their pleasure may change or remove; and at all their meetings the proprietors present may vote according to their interest in said property, allowing one vote to each share, and absent proprietors may vote by proxy authorized in writing.

Assessment.

SECT. 6. *Provided however, and be it further enacted*, that no assessment shall be made at any meeting, unless agreed to by two thirds at least, both in number and value of those present and represented; nor unless notice shall have been given, at least, ten days previous to such meeting, of the purpose of such meeting, by publishing the same in some one or more of the newspapers printed in Boston.

[This act passed March 3, 1808.]

CHAP. LXXIX.

An act to divide the town of Freeport, in the county of Cumberland, and to incorporate the northwesterly part thereof, into a separate town, by the name of Pownal.

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 Freeport, in the county of Cumberland, that lies northwesterly of the following described line, with the inhabitants thereon, be, and they are hereby incorporated into a separate town, by the name of Pownal, viz:—Beginning at the line between said Freeport and North-Yarmouth, at the corner of the lots of land, numbered eleven and thirteen, on range A, in said Freeport; then running northeasterly between the aforesaid lots, numbered eleven and thirteen, to the lot numbered twelve, on the same range; then running northwest by the aforesaid range A, to the southerly corner of the lot numbered ten; then northeast in the line between the lots numbered ten and twelve, to the lot numbered twenty

Boundaries.

twenty-two, on range B ; then northwest to the southerly corner of the lot numbered twenty ; then northeast in the line between the lots numbered twenty and twenty-two, twenty-one and twenty-three, to the lot numbered twenty, on range C ; then northwest to the southerly corner of the lot numbered eighteen ; then northeast in the line between the lots numbered eighteen and twenty, nineteen and twenty one, in said range C, to the lot numbered eighteen, on range D ; then northwest to the southerly corner of the lot numbered sixteen ; then northeast in the line between the lots numbered sixteen and eighteen, seventeen and nineteen, on said range D, to the lot numbered sixteen, on range E ; then northwest to the southerly corner of the lot numbered fourteen ; then northwest, in the line between the lots numbered fourteen and sixteen, fifteen and seventeen, to the line between the towns of said Freeport and Durham : And the inhabitants of said town of Pownal, are hereby vested with all the powers and privileges, rights and immunities, to which other towns are entitled by the constitution and laws of this Commonwealth.

SECT. 2. *Be it further enacted*, That the said town of Pownal, shall pay all arrears of taxes which have been assessed upon them, together with their proportion of all debts owed by said town of Freeport, prior to the date of this act. Taxes to be paid.

SECT. 3. *Be it further enacted*, That the poor of said town of Freeport, with which it is now chargeable, together with such poor as have removed out of their town, prior to this act of incorporation, but who may hereafter be lawfully returned to said town of Freeport for support, the expense thereof shall be divided between the two towns, in proportion as they pay in the state valuation. Poor, expense of to be divided.

SECT. 4. *Be it further enacted*, That of all state and county taxes, which shall be levied and required of said town, previous to a new valuation, the said town of Pownal, shall pay four tenth parts.

SECT. 5. *Be it further enacted*, That Ammi R. Mitchell, Esq. be, and he hereby is authorized to issue his warrant, directed to some suitable inhabitant of the said town of Pownal, requiring him to notify and warn the inhabitants of said town, qualified by law to vote in town affairs, to meet at such time and place as shall be expressed in said warrant, to choose all such officers, as other towns within this commonwealth are required by law to choose, in the months A. R. Mitchell, Esq. authorized and empowered to call meeting.

months of March or April, annually, and the officers so chosen, shall be qualified as other town officers are.

[This act passed March 3, 1808.]

CHAP. LXXX.

An act to annex an unincorporated tract of land, called and known by the name of Little River Plantation, to the town of Lisbon, in the county of Lincoln.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a certain tract of land, called Little River Plantation, bounded as follows, to wit:—Westwardly, about one mile on Lewiston; southwardly on Androscoggin river, about six miles; eastwardly on Topsham, about one mile; northwardly on Lisbon, about five miles; with the inhabitants thereon, be, and hereby are annexed to and made a part of the town of Lisbon aforesaid, in the county of Lincoln.

[This act passed March 4, 1808.]

CHAP. LXXXI.

An act to incorporate township number Three, in the second range of townships, on the west side of Kennebeck river, in the county of Kennebeck, into a town by the name of Freeman.

SECT. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That township number Three, in the second range, on the west side of Kennebeck river, in the county of Kennebeck, contained within the following boundaries, with the inhabitants thereon, be, and hereby are incorporated into a town by the name of Freeman, to wit:—Beginning at the northwest corner of the town of Strong; thence north six miles, to the Bingham Purchase, so called; thence east six miles and eighty rods, to the northwest corner of township number Two, or New-Portland; thence south six miles, to the north line of New-Vineyard; and thence west six miles and eighty rods, to the first mentioned bounds: And the said town is hereby vested with all the powers, privileges and immunities, which other towns do,

do, or may enjoy by the constitution and laws of this Commonwealth.

SECT. 2. *Be it further enacted*, That any Justice of the Peace within the county of Kennebeck, may, and he is hereby authorized and empowered to issue his warrant, directed to some suitable inhabitant of the said town of Freeman, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at such time and place as shall be expressed in said warrant, to choose all such officers, as towns are by law required to choose, in the month of March or April, annually.

Justice to issue
warrant.

[This act passed March 4, 1808.]

CHAP. LXXXII.

An act to set off certain persons of the first Parish in the town of Fitchburg, in the county of Worcester, and to annex them to the second society in said town.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Benjamin Blaney, Stephen Dole, Joseph Farnsworth, Oliver Fox, Nehemiah Giles, Porter Kimball, and William Walton, members of the first Parish in the town of Fitchburg, in the county of Worcester, with their families and estates, be, and they are hereby set off from the first Parish, and annexed to the second society in the said town, called the Calvinistic Congregational Society in Fitchburg: *Provided*, that each of the persons herein named, shall previously pay his respective proportion of taxes assessed upon him, and due to the said first Parish, prior to the date of this act.

Persons annexed.

[This act passed March 4, 1808.]

CHAP. LXXXIII.

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

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 logs, masts, spars, and other timber floated in Sheepscot river, in the county of Lincoln, unmarked,

or

or on which the marks shall have been so defaced, as not to be known, commonly called prize logs, shall be carefully rafted, towed away, and secured by themselves; either at Choate's Fall, so called, in Ballstown, or at the head of the tide, so called, in New Milford, as may be most convenient by a committee of three persons, two of whom shall be appointed by the selectmen of New Milford at the annual town meeting, and one by the committee or assessors of the plantation of Ballstown, and the said committee shall sell the same at public auction, to the highest bidder, after posting up advertisements of the time and place of sale, in some public place in said New Milford and Ballstown, twenty days before the sale; and the proceeds of such sale, after deducting the necessary expenses of securing, and selling the same, shall by the said committee, be appropriated to the clearing the said river from obstructions, and facilitating the passage of logs and rafts down the same.

Prize logs to be
rafted and ad-
vertised.

SECT. 2. *And be it further enacted,* That any person or persons, not being the owner of such prize logs, mast, spar, or other piece of timber; who shall take, carry away, sell or mark the same, contrary to the meaning and intent of this act, shall forfeit and pay for each and every offence, the sum of thirty dollars, to be recovered by an action of debt, in any court proper to try the same, with legal costs, to be prosecuted by the committee for the time being, to be appointed in manner aforesaid, and to be appropriated in the way and manner, and for the purpose before mentioned.

Penalty.

[This act passed March 4, 1808.]

CHAP. LXXXIV.

An act in addition to an act, entitled, "An act to incorporate a number of the inhabitants in the town of Limington, in the county of York, into a separate Religious Society, by the name of The First Baptist Society in Limington."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the limitation of one year, prescribed in the second and third sections of the act, to which this is an addition, for persons to join with, or leave said society, be, and hereby is repealed, and that the same liberty be,
and

and hereby is allowed to be exercised and enjoyed at any time hereafter in the same manner as if the limitation of one year as aforesaid had never been made : *Provided*, that all the rules and regulations which are prescribed in said second and third sections shall be fully observed and complied with.

[This act passed March 4, 1808.]

CHAP. LXXXV.

An act to incorporate the Proprietors of a New Meeting House, in the Fourth Parish in Newbury, in the County of Essex.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the proprietors of the new meeting house in the fourth parish in Newbury, and of the land under and adjoining the same, shall be, and they are hereby incorporated and made a body politic and corporate, by the name of the Proprietors of the new Meeting House in High Street, in the Fourth Parish of Newbury ; and the said proprietors are hereby made capable in law, to purchase and hold lands or tenements, goods or chattels, provided that the whole estate both real and personal, belonging to the said corporation, shall not at any time exceed the annual value of three thousand dollars, besides their meeting house, and shall be no otherwise used or employed than in the support of a religious society, and the offices of public worship and christian charity. And the said corporation may also sue and be sued in any action real, personal or mixed, and for debts due or owing before or after this act of incorporation ; and may do and suffer all other things which like bodies corporate may or ought to do and suffer.

Proprietors incorporated.

SECT. 2. *Be it further enacted,* That the proprietors of the meeting house, and the members of the said parish, qualified by law to vote in town or parish meetings, shall have power, at any meeting legally warned and holden in the month of March or April, annually, to vote and raise money for the support of the public worship of God, and the incidental charges of said parish ; also to make such repairs or alterations of said meeting house, at the expense of the parish as they shall judge proper, by a tax to be laid wholly

Empowered to raise money.

wholly upon the proprietors of the pews and seats of the said meeting house, or partly on said pews and seats, and partly on the polls and estates of such of the members of said parish, as shall usually and statedly attend public worship in said meeting house, and shall be determined upon by a majority of the voters who shall be present at such meeting.

SECT. 3. *Be it further enacted,* That the several assessments which may hereafter be made, in conformity to this act, by the assessors of said parish, on the pews in their said meeting house, or on the pews in part, and partly on the polls and estates of the inhabitants and members of said parish, shall be considered as duly assessed; and the several collectors duly chosen to collect the same, are hereby fully authorized to collect the taxes to them committed; and in default of payment thereof, to sell the said pews in the manner as pointed out in the fifth section of this act; and if need be, other estate as the law in such case directs.

SECT. 4. *Be it further enacted,* That for the due and equitable apportionment of the taxes hereafter to be assessed on said pews, the inhabitants and members of said parish, as often as they may judge necessary, shall cause a valuation to be taken of the pews aforesaid, by a committee to be chosen for that purpose; and in case no such committee is chosen, the assessors of said parish, for the time being, shall take such valuation, in which they shall number, appraise and value all the pews respectively, according to their rank and situation, and make a fair list of such valuation, and keep the same in the office of the assessors, to be delivered to their successors; and also a copy of the same shall be kept by the treasurer of said parish; and the sums voted from time to time to be laid on the pews aforesaid, shall be apportioned and assessed thereon, by the assessors for the time being, according to such valuation, and until a new one shall be voted by said parish.

SECT. 5. *Be it further enacted,* That when the owner or owners, occupant or occupants of any pew or pews in the said meeting house refuse or neglect to pay the tax or taxes which have been or may be hereafter assessed on his or their respective pew or pews, then the collector or collectors of any such tax or taxes to whom the same is committed, with a warrant or warrants, in the form prescribed in the sixth section of this act, shall have power to demand and receive the taxes on said pews, of and from the owners or occupants thereof; and if payment thereof is refused

or

Sale of pews in
case of deficiency.

Committee to
take a valuation
of the pews.

or neglected for thirty days after such notice and demand, by said collector or collectors, to the owners or occupants, if known, and living in said parish; or posted up at the door of said meeting house, when unknown, or not living in said town; of all which, the collector's oath shall be admitted as sufficient evidence, such collector shall have power to sell such pew or pews at public sale in said parish, to the highest bidder, notice of such intended sale being given four days at least after the expiration of said thirty days, and before the time of sale, by posting up written notifications at the door of said meeting house, of the time and place of sale, distinctly mentioning therein the pew or pews to be sold, and their numbers respectively: and the said collector shall have power, when he may see cause, to adjourn the said sale or vendue from time to time, not exceeding three times, and not beyond thirty days from the day first appointed for the said sale; and to make and execute a deed or deeds of any such pew or pews, sold by him, conformably to this act; which deed or deeds, with said notifications, being duly recorded in the books of the parish clerk, shall vest in the purchaser the interest and estate of the former owner, in such pew or pews, and in the land under and adjoining the said meeting house; and if any overplus remain upon such sale, the same shall be immediately paid to the former owner or owners after the taxes and all legal charges are deducted.

SECT. 6. *Be it further enacted*, That the collector or collectors of the said parish, to whom parish taxes have been or may be hereafter committed, with a warrant or warrants for collecting the same, in the form prescribed by law, for collecting town taxes, *mutatis mutandis*, shall have the same power to collect such parish taxes on polls and estates, as collectors of town taxes have by law: and shall observe the same directions in collecting and paying over the same, according to their warrants, which town collectors are holden to observe.

SECT. 7. *Be it further enacted*, That any justice of the peace for the county of Essex, is hereby authorized to issue a warrant, directed to some member of the said society, requiring him to notify the members of the said society, qualified to vote in parish affairs, 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 and empowered to choose at their annual parish meetings.

[This act passed March 4, 1808.]

Collector empowered to sell delinquents' pews.

—to collect parish taxes.

Justice to issue a warrant.

CHAP. LXXXVI.

An act in addition to an act, entitled “An act to establish the Sixteenth Massachusetts Turnpike Corporation.”

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so much of the said turnpike road which lies between the East street, so called, in Sheffield, and the meeting house in the same town, be, and the same is hereby discontinued as a turnpike, and the said corporation are hereby discharged from the obligation of making and keeping in repair that part of said turnpike lying between the limits aforesaid, any thing in the act to which this is in addition to the contrary notwithstanding.

[This act passed March 4, 1808.]

CHAP. LXXXVII.

An act in addition to an act, entitled “An act establishing the Sixteenth Massachusetts Turnpike Corporation.”

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a further time of two years, from the fourteenth day of February, one thousand eight hundred and eight, be, and hereby is allowed to said corporation to complete their said turnpike road; any thing in the original act of incorporation to the contrary notwithstanding.

[This act passed March 4, 1808.]

CHAP. LXXXVIII.

An act to alter the time of holding one of the terms of the Court of Common Pleas and Court of Sessions, in and for the County of Barnstable.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Court of Common Pleas, and Court of Sessions, by law appointed to be holden at Barnstable, within and for the county of Barnstable, on the third Tuesday of September, shall in future be holden at the same place, on the last Tuesday in September, annually, any law to the contrary notwithstanding.*

SECT.

SECT. 2. *Be it further enacted*, That all suits, actions, writs, proccesses, precepts, recognizances, and all matters whatsoever be made returnable, entered and proceeded upon at said court to be holden on said last Tuesday in September.

[This act passed March 4, 1808.]

CHAP. LXXXIX.

An act to authorize the sale of the School Lands in the town of Columbia, in the county of Washington, and to appropriate the proceeds thereof, as a fund for the support of Schools in the said town.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That James Bailey, Ichabod Bucknam, William Bucknam, Joseph Patten, Thomas Ruggles, David Wafs, and William Wafs, be, and they are hereby appointed trustees of the school lands, in the town of Columbia, in the county of Washington; and, they and their successors in said office, are hereby incorporated by the name of The Trustees of the School Funds in Columbia, and by that name, shall be capable in law, to sue, and be sued, to final judgment and execution, and shall possess, hold, and exercise all such powers and privileges, as are incident to, and usually given to similar corporations; and the number of the said trustees shall never be less than five, nor exceed seven, any five of whom, may be a quorum for doing business; and shall have power to supply any vacancies which may happen in their number, whether by death, resignation, removal, or any other disqualification; and shall also have power to remove any of their number, who from age, infirmity, misconduct, or any other cause, shall become unfit or incapable of discharging their duty, and fill up such vacancies by a new election, from the inhabitants of the said town of Columbia; and the said trustees at their first meeting shall appoint, and afterwards annually appoint, a secretary, treasurer, and such other officers as may from time to time, appear to be necessary, who shall be sworn to the faithful discharge of their duty; and the said secretary shall procure books, and keep a fair and faithful record of all the proceedings of the said trustees, which shall at all times be ready for inspection of the said trustees, and also, of the selectmen of the said town of Columbia.

Trustees appointed.

—Incorporated.

—Empowered.

—to appoint officers.

SECT.

Trustees authorized to sell lands.

SECT. 2. *Be it further enacted*, That the said trustees, be, and they are hereby authorized, to sell and convey the said school lands, and to use their discretion, both as to the time and manner of the sale, and taking security for the payment of the same, and to make, execute, and acknowledge good and sufficient deed or deeds thereof, in fee simple, from the said town, to the purchaser of such lands, which deed or deeds, shall be signed, executed, and acknowledged by the treasurer, in the name, and by the direction of the said trustees, and the conveyance so made, shall be valid and effectual in law; and the monies arising from the sale of the said lands, shall be put out at interest, as soon as conveniently may be, and secured by mortgage on real estate, to the full value of the estate sold, or money loaned, or by two or more sufficient sureties, with the principal; or the said trustees may invest the said school Fund, in public securities of this State, or of the United States, or in Bank Stock of the State Bank, as they may judge will be most for the interest and security of the said town, in the use and improvement of their said school fund; and the said fund shall be inviolably appropriated and used for the support of the schools in the said town of Columbia, and no vote of the said town shall have any force or effect, to alienate or alter the appropriation of the said school fund.

Treasurer to give bonds.

SECT. 3. *Be it further enacted*, That the treasurer of the said school fund, shall give bonds to the said trustees, in the sum of three thousand dollars, for the faithful performance of his duty, and to be at all times responsible for the faithful application and expenditure of all monies, which may be deposited with him, conformably to the true intent and meaning of this act, and may be removed for negligence or misconduct in his office; and the said treasurer, and his successors in office, shall be required by the said trustees, to exhibit annually to the said town, a fair and regular account of his doing, of the expenditure of the monies, and the present state of the funds; and the said trustees, treasurer and secretary, shall receive no compensation for their services, out of any monies arising from the said school fund; but such compensation may be made to the said trustees, treasurer and secretary for their services, as the town may from time to time judge reasonable.

Justice authorized to call first meeting.

SECT. 4. *Be it further enacted*, That, any Justice of the Peace for the county of Washington, is hereby authorized upon application of any three of the trustees herein named,

to

to appoint the time and place for the first meeting of the said trustees; and at the said first meeting, the said trustees shall fix and settle the time and mode of calling future meetings, and may also at the same, or at any subsequent meeting, establish such rules and by-laws, for their regular proceedings, as may from time to time appear necessary, and to annex reasonable penalties for the breach thereof: *Provided*, such rules and by-laws, shall in no case be contrary to the constitution and laws of this Commonwealth.

[This act passed March 4, 1808.]

CHAP. XC.

An act to incorporate the proprietors of the Meeting-House of The First Baptist Society 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 O'Brien, Josiah Plummer, and Samuel Newman, and such others as are, or may hereafter be associated and interested with them, be, and they hereby are incorporated and declared a body politic and corporate, by the name of The Proprietors of the Meeting-House of the First Baptist Society in Newburyport, and by that name, may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution; and may purchase, hold and possess all such real estate under and adjoining to said meeting-house, as may be for the accommodation thereof, to the sole use and benefit of said proprietors and their successors forever, provided the value thereof do not exceed twenty thousand dollars.

SECT. 2. *And be it further enacted*, That the said proprietors qualified to vote in town or parish meetings, shall and may assemble, and meet together in the month of March, annually, in said meeting-house, or at such other place as they may think most convenient, and then and there, (after choosing a moderator, who shall have the same power to regulate and govern said meeting, that a moderator in any town meeting hath) may proceed to choose by ballot or otherwise, as they may think proper, a clerk to enter and record at large all the votes and transactions of said proprietors; and also, to choose a treasurer, assessors, committee and collector, (which committee may be the same with the assessors) to do and transact all matters

ters and things which they by this act are authorized and empowered to do; and the clerk, assessors, and collector, shall be sworn to the faithful discharge of the duties of their respective offices.

Manner of calling meeting.

SECT. 3. *And be it further enacted*, That the annual meeting of said proprietors, to be holden in the month of March as aforesaid, shall be called by the committee of said proprietors, or a major part of said committee, by posting up warnings or notifications, of the time and place of holding said meetings, and expressing in substance all matters and things to be acted upon, seven days, at least, before the time of holding said meeting, at the door of said meeting-house; and all other meetings of said proprietors shall be called in manner as aforesaid, by said committee, who are hereby authorized and empowered to call a meeting of said proprietors when they may think proper, or when thereto requested by three or more of said proprietors.

Committee empowered.

SECT. 4. *And be it further enacted*, That said proprietors, at any legal meeting, may authorize and empower their committee to sell and dispose of any or all the pews in said meeting-house, in such manner, and to such person or persons, as such committee may think proper; and the deed of such committee, authorized as aforesaid, duly executed and acknowledged, and recorded on the town record of said Newburyport, shall be good and sufficient to pass all the title to such pew or pews, and to the ground under and adjoining the same, and all privileges and appurtenances to the same belonging; and such purchaser or purchasers, shall thereupon, on receiving such deed, become a proprietor and proprietors in said meeting-house to all intents and purposes, with all the privileges and advantages, and subject to all the liabilities, for the completion, repairs, and all the interest of and concerning the said house, which the present proprietors have and enjoy, and to which they are subject; and the committee so authorized as aforesaid, shall be accountable to the treasurer of said proprietors for all monies received by them to the use of said proprietors.

Shares liable to be sold in case of delinquency.

SECT. 5. *And be it further enacted*, That the share or shares of such person or persons, who have subscribed and undertaken to defray and support a certain share or shares of the expenses of building and finishing said house, and who have neglected to make their proportionate advances for the same, may be sold at public auction, under such regulations as are hereinafter mentioned; and such purchaser or purchasers of any such share or shares, shall on receiving

ing proper evidence of his title become a proprietor in said house, in as full and ample a manner as those who have fully paid their proportion of said subscription; and before sale of any such delinquent's share or shares, said proprietors shall, at a legal meeting holden for such purpose, pass a vote, instructing their treasurer to notify all such delinquents, proprietors or subscribers, of the amount of such delinquencies, and that said shares will be sold at public auction to pay the same, if they are not paid to said treasurer with costs of notification, twenty days, at least, before the day appointed to sell the same, and such notice shall be by advertising the sale of said shares in some public newspaper printed in Newburyport, three weeks successively, the last publication thereof, to be, at least, ten days before the time appointed for such sale; and the deed of the treasurer for the time being, duly acknowledged and recorded on the town record of said Newburyport, shall pass all the right and interest which such delinquent had in such share or shares to the purchaser thereof, and the overplus, if any there be, after paying such sum or sums as shall be due on such share or shares; and the expenses of sale shall be paid to such delinquent, and such delinquent shall forever thereafter be precluded from all, and all manner of claim whatsoever, against the said corporation for such partial advance as he may have made towards said house.

Sale to be advertised.

SECT. 6. *And be it further enacted*, That the assessors first chosen under this act, shall number, appraise, and value the pews in said meeting-house according to their situation and rank, and make a list of such valuation, and keep the same in the office of the assessors, to be delivered to their successors; and the sums voted from time to time to be laid on the pews, shall be assessed and apportioned thereon by the assessors for the time being according to such valuation until a new valuation shall be voted by said proprietors, and which shall thereupon be made by the assessors for the time being as aforesaid; and said assessors may overlay a sum not to exceed ten per cent. to cover abatements and to avoid fractions; and shall also make a list of all the pews in said house, and the sum assessed on each pew therein, and shall deliver the same, with a warrant in form prescribed by law for collecting town taxes, mutatis mutandis, but no seal shall be necessary, and signed by them, or a major part of them, to their collector to collect the taxes so assessed; and said assessors shall also keep copies of such lists and warrants to deliver them to their successors; and any

Assessors empowered.

any person thinking his assessment too high, may represent the same to the assessors, who are hereby authorized to make such abatement as they may think reasonable.

Collector empowered to sell pews of delinquents.

SECT. 7. *And be it further enacted*, That if the payment of the assessment made by such assessors to the collector of said proprietors, for more than thirty days after notice thereof given by said collector to the owner or owners of such pew or pews, which notice may be by posting up notifications thereof at the door of said house, of which such collector's oath shall be sufficient evidence, then such collector may expose to sale, at public vendue, the pew or pews of such delinquent, after giving notice of such sale, four days, at least, before the time of sale, in any newspaper printed in Newburyport, and after deducting the taxes due thereon, and the charges of notification and sale, shall pay the overplus, if any there be, to such former owner or owners thereof: and the deed of such collector duly acknowledged and recorded on the records of the town of Newburyport, of any pew or pews sold in manner as aforesaid, shall pass to the purchaser thereof, a good and absolute title of the same.

Oath.

SECT. 8. *And be it further enacted*, That the clerk, assessors, and collector of said proprietors, shall before entering on the duties of their respective offices take the following oath, to wit:—You being chosen for the proprietors of the meeting-house of the first Baptist Society in Newburyport, do swear, that you will do and perform all the duties pertaining to that office according to law. So help you God.—Which oath shall be administered to the clerk by the moderator, or by a justice of the peace, immediately on his being chosen, and before the transaction of any further business, which oath being recorded by said clerk, shall be sufficient evidence thereof, and said oath may be administered to the other officers by the clerk, or by a justice of the peace, and be recorded on the records of said proprietors by their clerk.

Manner of calling meeting.

SECT. 9. *And be it further enacted*, That any Justice of the Peace for the county of Essex, is authorized and empowered to call the first meeting of said proprietors, by causing a notification thereof, to be published in the Newburyport Herald two weeks successively, the last publication thereof to be five days, at least, before the time appointed for holding such meeting.

[This act passed March 4, 1808.]

CHAP.

CHAP. XCI.

An act to establish the Hingham and Quincy Bridge and 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 Theophilus Cushing, Elisha Doane, Benjamin Lincoln, Nathan Rice, Isaac Winflow, William Vinail, Thomas Thaxter, Abner Lincoln, Jonathan Baxter, junior, Levi Tower, Ebenezer Thayer, Ezra Weston, Ebenezer Gay, Cushing Otis, Thomas Fearing, Jacob Beal, Ephraim Andrews, Caleb Thaxter and Levi Lincoln, jun. together with such others as now are, or shall hereafter be associated with them, their successors and assigns, shall be a corporation, by the name of the Hingham and Quincy Bridge and Turnpike Corporation, for the purpose of laying out, making and keeping in good repair, a turnpike road, from the northerly end of Goold's Lane, so called, in Hingham, and from thence, running as nearly in a straight course as conveniently may be, to Back River, between two places there, called the Lower Sea Fence, and the Narrows; thence passing over said river, and through land of Doctor James Lovell and others, as nearly straight as may be, to Fore river, between two places there, called Ferry Point and Lovell's Point; thence over said river, as nearly straight as may be, to the road at or near Quincy meeting house.

Persons incorporated.

SECT. 2. *And be it further enacted,* That the said proprietors be, and they hereby are authorized and empowered to erect a bridge over said Back river, between the said lower sea fence, and the narrows, so called; and also to erect a bridge over the said Fore river, at a place between Lovell's point and Ferry point, so called; which bridges shall be well built, with durable materials, at least twenty-eight feet wide, and shall have a sufficient railing on each side, for the security of passengers; and the said bridge shall always be kept in good, safe and passable repair: and the said bridges shall have, at a suitable place in each, a drawer or passage-way left, of sufficient width to admit all such vessels as may have occasion to pass through the same; that is to say, *that* in the bridge over Back river, shall not be less than twenty-four feet wide; *that* in the bridge over Fore river, not less than thirty-four feet wide, and piers or wharves connected therewith, constructed in such a manner, and of such lengths, up and down the rivers, as a com-

Empowered to build bridges.

Drawers.

mittee hereinafter appointed for that purpose, shall direct ; the side of which next the drawer, shall be lined with suitable plank, for the convenience and accommodation of vessels, when passing the drawers. And the said drawers shall be constantly attended, and shall at all times, be opened when required, for the passing of vessels, both by day and by night, free from toll : and no wharfage shall be demanded by the said corporation of any of the owners of vessels who shall make fast to said piers, for the purpose of aiding their passage through the said bridges. And the said corporation shall keep four lamps conveniently placed at the drawer of the bridge at Fore river, and two lamps at the drawer of the bridge at Back river, which shall be constantly supplied with oil, and kept lighted during the night, except at such times as when the river is rendered impassable by ice.

Bridges to be
lighted.

SECT. 3. *And be it further enacted,* That when the said turnpike road and bridges shall be completed, and they shall be so allowed and approved by a committee hereinafter appointed for the purpose, it shall be lawful for the said corporation to erect a gate at the bridge over Back river, and to demand and receive of each passenger or traveller the following rate of toll, viz. for each foot passenger, one cent ; for each person and horse, three cents ; for each horse and cart or sled, five cents ; for each team, drawn by more than one beast, six cents ; for each horse and chaise, fulkey or sleigh, drawn by one horse, six cents ; for each coach, chariot, phaeton, curricule, or sleigh, drawn by two horses, sixteen cents, and if drawn by more than two horses, twenty cents ; for each man with a wheelbarrow or hand cart, two cents ; for each horse or neat cattle, exclusive of those in teams or rode on, one cent ; for sheep or swine, at the rate of two cents by the dozen. And the said corporation shall be also authorized to erect a gate at the bridge over Fore river, and shall be entitled to demand and receive of each passenger or traveller, the following rate of toll, viz. for each foot passenger, one cent ; for each man and horse, five cents ; for each horse and cart, or sled, six cents ; for each team, drawn by more than one beast, ten cents ; for each horse and chaise, chair, fulkey or sleigh, drawn by one horse, ten cents ; for each coach, chariot, phaeton, curricule or sleigh, drawn by two horses, twenty cents ; and if drawn by more than two horses, twenty-five cents ; for each man and wheelbarrow or hand cart, two cents ; for each horse and neat cattle, exclusive of those in teams or rode

Toll granted and
established.

Rates of

rode on, two cents; for sheep or swine, at the rate of three cents by 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-gatherers shall not attend their duty, the gates shall be left open.

SECT. 4. *And be it further enacted*, That Jonathan Hunknewell, of Boston, Samuel Bass, of Randolph, and Aaron Hobart, of Abington, Esquires, be, and they hereby are authorized and appointed the committee aforesaid, to locate the said turnpike road, appraise the land, and estimate the damages which shall arise to individuals, where the parties cannot agree; prescribe the kind of piers to be built at the bridges, and also to approve and accept of said turnpike road and bridges when completed: and the said committee are required and directed to make a report of their doings, and file a copy thereof with the clerks of the Courts of General Sessions of the Peace, for the counties of Plymouth and Norfolk. And the expenses which may be incurred, by the employment of the committee aforesaid, or of any other who have rendered, or shall render services to the proprietors, shall be paid by the said corporation. And the said corporation is hereby allowed and authorized to purchase and hold real estate for the accommodation of said road and bridges, to the amount of ten thousand dollars.

Committee appointed.

SECT. 5. *And be it further enacted*, That all necessary powers and privileges, incident to, and usually given to other corporations for building toll bridges, and not specially provided for in this act, shall be held and exercised by this corporation; and the said corporation shall also have all the powers and privileges, and 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.

General powers and privileges.

SECT. 6. *And be it further enacted*, That the legislature of this commonwealth shall have full power, at any time within two years, next after the expiration of twenty-five years from the completion of the said bridge, over Fore river, to cause the same to be removed as a common nuisance, if, under all circumstances of the case, they shall deem it necessary so to do.

Bridge may be removed.

SECT. 7. *And be it further enacted*, That if the said corporation shall neglect or refuse for the term of five years

Act void in case,

to

to build and complete the said bridges and turnpike, then this act shall be null and void.

Premium allowed to vessels passing through.

SECT. 8. *And be it further enacted,* That the proprietors of said bridges respectively, shall pay to the master of every vessel that shall be loaded, and of more than fifteen tons burthen, that shall pass through said drawers respectively, for the purpose of unloading her cargo, three cents a ton; for each and every ton said vessel shall measure; and it shall be lawful at any period after one year from the completion of said bridges, for the proprietors of said bridges, or of any person or persons interested to the amount of two thirds of the navigation owned above the bridges, 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 three 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 three cents as they shall think just, and their award signed by them, or a major part of them; sealed and certified to the Governor, and by him published, shall be binding upon all parties, and shall be the sum in future 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 five years successively, during the term aforesaid.

—may be increased or diminished.

Lands not to be appropriated while damages are sustained.

SECT. 9. *Be it further enacted,* That the said corporation shall not take, use or appropriate any lands for the purpose of making said road, until the damages sustained by the owners of such lands shall be estimated, and sums awarded by the committee, shall be paid or tendered to the owners of such lands, any law to the contrary notwithstanding.

Penalty.

SECT. 10. *Be it further enacted,* That said corporation shall annually, in the month of June, deposit in the secretary's office of this commonwealth, a correct list of the stockholders or proprietors; and in case the stockholders or proprietors in and of said corporation, or any toll-gatherer or officer by them appointed, shall neglect or refuse to open either of said drawers, or unnecessarily detain any vessel about to pass, said corporation shall forfeit and pay for every such refusal, neglect or detention, a sum not exceeding fifty dollars, nor less than twenty dollars, to be recovered by the owner or owners of such vessels, in any court proper to try the same, by a special action on the case.

[This act passed March 5, 1808.]

CHAP.

CHAP. XCII.

An act authorizing the committee heretofore appointed for that purpose, to make alterations in the laying the road of the Housatonic Turnpike Corporation.

WHEREAS the directors of the Housatonic turnpike corporation, have represented to the legislature, that the laying the road of the said corporation may be altered in some parts thereof, for their benefit, and that of the public :

Preamble.

BE it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the clerk of the Court of Sessions for the county of Berkshire, be, and he hereby is directed, to deliver to the committee heretofore appointed to lay out the Housatonic turnpike road, the original warrant, with the report of the committee thereon ; and the said committee hereby is authorized and empowered to revise and reconsider the laying of the road of the Housatonic turnpike corporation, and to make therein such alterations as they may deem reasonable ; provided that due notice be previously given, of the time when they will attend, and perform the said business ; and the said committee shall make their report to the Court of Sessions next after they shall have performed the said business ; and the said court shall take the said report into consideration, and do therein as to the said court shall appear right and just ; and if any part or parts of the road already laid shall become unnecessary, such part or parts shall be thereupon discontinued : *Provided notwithstanding,* that nothing in this act shall be construed to authorize the said corporation or committee, to alter the location of said road, at either extremity of the same.

Committee empowered.

Provided.

[This act passed March 8, 1808.]

CHAP. XCIII.

An act to establish a corporation by the name of the Hudson 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 Silas Pepoon, Joseph Whiton, Elisha Brown, Henry Brown, Cyrus Williams and Joseph Woodbridge, together

Persons incorporated.

gether with such others as may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the Hudson Turnpike Corporation, for the purpose of laying out and making a turnpike road, on the nearest and most convenient route from the bridge at Thayer's mills, in West Stockbridge, in the county of Berkshire, to the west line of this commonwealth, in the same town, near the dwelling houses of Obadiah Ward, Esq. and Amos Woodruff, in the most convenient place to accommodate the public travel; and for this purpose shall have all the powers and privileges, and be subject to all the duties, requirements and penalties, contained in an act, entitled "An act defining the general powers and duties of turnpike corporations," passed the sixteenth day of March, in the year of our Lord one thousand eight hundred and five.

SECT. 2. *Be it further enacted*, That when the said turnpike road shall be approved by the committee, to be appointed by the Court of Sessions for said county, then said corporation shall be authorized to erect one half-toll gate, in such place on said turnpike road, as the said committee shall direct.

[This act passed March 8, 1808.]

CHAP. XCIV.

An act to authorize Joseph F. Swan to build a Toll Bridge at Fryeburg, 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 Joseph F. Swan, together with those who have or may hereafter associate with him, be, and they are hereby authorized to build and maintain a bridge over Saco river, in the town of Fryeburg, at the place where the bridge formerly was erected, known by the name of Swan's bridge, and for that purpose shall have all the powers and privileges incident to corporations, and by that name may sue and be sued, defend and be defended, prosecute and be prosecuted to final judgment and execution, and to do and suffer all such matters and things as bodies politic may or ought to do and suffer.

SECT. 2. *And be it further enacted*, That the said bridge shall be well built of suitable materials, at least twenty feet wide.

Half-toll gate to
be erected.

Proprietors in-
corporated.

wide, with sufficient rails on each side, and with planking or boarding three feet high from the floor of said bridge, for the safety of passengers, and the whole shall be kept in good and passable repair ; and if the proprietors shall unreasonably neglect to keep the said bridge in good repair as aforesaid, on such neglect being made to appear to the Court of Sessions, for the county of Oxford, it shall be in the power of the said court to prohibit said proprietors from receiving toll from any person or persons passing said bridge until it is put into such repair as is deemed sufficient by the said court. And the proprietors shall be liable to pay all damages which may happen to any person from whom the toll is demandable, for any damage which shall come from any defect or want of repair in the said bridge ; and shall also be liable to a fine, by the presentment of the grand jury, for such damages, or such want of repairs, as is provided by law in case of deficient highways.

Bridge to be well built.

—to be kept in repair.

SECT. 3. *And be it further enacted*, That for the purpose of reimbursing the proprietors of the aforesaid bridge for the money expended in building the said bridge and keeping the same in repair, a toll is hereby granted and established, for the benefit of the said Joseph F. Swan and his associates, according to the following rates, viz. for each foot passenger, one cent ; for each man and horse, three cents ; single horse-cart, sled or sleigh, four cents ; each team, including cart, sled, sleigh or waggon, drawn by two beasts, six and a quarter cents, and if drawn by more than two beasts, an additional sum of two cents each ; each single horse chaise, chair or sulkey, six and a quarter cents ; neat cattle or horses, six and a quarter cents per dozen ; sheep or swine, four cents per dozen ; and to each team, one person and no more shall be allowed as a driver, to pass free from toll ; and at all times when the toll-gatherer does not attend his duty, the passenger or carriage may pass free of toll. And the said proprietors shall constantly keep in a conspicuous place and fairly exposed to view, a sign-board, with the rates of all the tollable articles, legibly written thereon.

Toll granted.

Rates of

SECT. 4. *And be it further enacted*, That Timothy Osgood, Esq. or any other justice of the peace, in the county of Oxford, be, and is hereby authorized to call the first meeting of said proprietors, by posting up such notice in two or more public places in the town of Fryeburg, seven days previous to said meeting.

Justice to call the first meeting.

SECT.

SECT. 5. *And be it further enacted*, That nothing in this act shall extend to entitle the said proprietors to demand or receive toll of any person who shall be passing with his horse or carriage to or from public worship on the Lord's day; or from any person or persons passing on military duty, or in going to, or returning from schools or town meetings; or going to any grist mill and returning home, for the ordinary family purpose of grinding their grain.

SECT. 6. *And be it further enacted*, That if the said Joseph F. Swan and his associates, shall neglect or refuse, for the space of four years to build the said bridge, then this act shall be void, and of no effect.

[This act passed March 8, 1808.]

CHAP. XCV.

An act in addition to an act, entitled "An act for incorporating certain persons, for the purpose of laying out and making a Turnpike Road from Medford to Charlestown neck, and for supporting the same."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, if any person with a team, carriage, cattle or horses, shall turn out of, or turn into the road of the Medford turnpike corporation, with an attempt to avoid any toll established by law, such person shall forfeit and pay three times as much as the legal toll at the turnpike gate, established as aforesaid, to be recovered by the treasurer of the corporation, for the use of said corporation, by an action of debt, or on the case, any thing in the act to which this in addition, to the contrary notwithstanding.

[This act passed March 8, 1808.]

CHAP. XCVI.

An act authorizing the disposal of the Parsonage Lands, in the town of Fryeburg, by sale or lease, to raise a Fund for the support of Ministry, and appointing Trustees therefor.

WHEREAS the inhabitants of the town of Fryeburg, in the county of Oxford, have petitioned this court
 Preamble. for

for liberty to sell or lease the parsonage lands in said town, for the purpose of raising a permanent fund for the support of the ministry therein forever :

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 Simon Frye, Judah Dana, John McMillan, William Russell, jun. and Samuel Charles, be, and are hereby appointed trustees to sell or lease the same, and to put out at interest the monies arising, or lease the same, in manner hereafter mentioned. 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 Parsonage Fund in the town of Fryeburg ; and they and their successors shall be, and continue a body corporate by that name forever ; and they shall have a common seal, subject to be altered at 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 said trustees and their successors, shall and may annually elect a president and clerk, to record the doings of said trustees, and a treasurer, to receive and apply the monies, as shall be hereinafter mentioned. Officers to be chosen.

SECT. 4. *Be it further enacted,* That the number of trustees shall not at any time be more than seven, nor less than five, any three of whom, 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 also have power to remove any of their number, who may become incapable and unfit, from age, infirmity or any other cause, of discharging their duty, and to supply the vacancy so made, by a new choice as aforesaid ; and the said trustees shall annually hold a meeting in March or April, and as much oftener as may be found necessary : which meetings, after the first, shall be called in such way and manner, as the trustees shall direct. Vacancies to be filled.

SECT. 5. *Be it further enacted,* That any justice in said county is authorized to fix the time and place of holding the first meeting of said trustees, and to notify each trustee thereof. Justice to fix the time and place for holding first meeting.

SECT. 6. *Be it further enacted,* That said trustees be, and they hereby are authorized to sell and convey in fee simple or lease, for a term of years, all the parsonage lands belonging Trustees empowered.

ing to said town, to make, execute and acknowledge a good and sufficient deed or deeds, lease or leases, which deeds or leases, subscribed by their treasurer, by the direction of said trustees, with their seal thereto affixed, shall be good and effectual in law, to convey and pass the fee simple, or possession for a term of years, from said town to the purchaser or lessee, to all intents and purposes.

SECT. 7. *Be it further enacted*, That the money arising from the sale of said lands, shall be put at interest as soon as may be, and secured by real estate to three times the amount thereof, unless the trustees shall think it proper to vest the same in public funded securities, or bank stock, which they are authorized to do.

SECT. 8. *Be it further enacted*, That the interest arising from time to time on such monies, shall be annually put out at interest, and secured in manner aforesaid, unless invested in the funds or bank stock as aforesaid, and also the interest arising from the interest, until a fund shall be accumulated, which shall yield yearly the sum of three hundred dollars.

SECT. 9. *Be it further enacted*, That as soon as an interest to that amount shall accrue, the trustees shall apply the same to the annual support of the settled minister or ministers in said town; and so long as said town shall remain without a settled minister, the annual interest aforesaid shall be put out at interest, and secured as aforesaid, to increase the said fund, until there be a resettlement of a minister, and it shall never be in the power of said town, to alienate, or in any wise alter the fund aforesaid.

SECT. 10. *Be it further enacted*, That the treasurer of said trustees shall give bond faithfully to perform his duty, and to be at all times responsible for the faithful application of the monies which may come to his hands, according to the true intent of this act.

SECT. 11. *Be it further enacted*, That the trustees or their officers, for the services they may perform, shall be entitled to no compensation out of any monies arising from the fund aforesaid, but, if entitled to any, shall have and receive the same from said town.

SECT. 12. *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 statement of their doings.

SECT. 13. *Be it further enacted*, That said trustees, and each of them shall be responsible to the town for personal negligence

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.

[This act passed *March 8, 1808.*]

CHAP. XCVII.

An act declaring the town of Jay, to be a part of the County of Oxford.

WHEREAS doubts have arisen whether the whole of the town of Jay is included in the county of Oxford,

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 whole of the town of Jay, shall to all intents and purposes, be a part of the county of Oxford, any law heretofore made to the contrary notwithstanding.

[This act passed *March 8, 1808.*]

CHAP. XCVIII.

An act in addition to an act, entitled, "An act to incorporate a number of the inhabitants of the southeast part of Sturbridge, the southwest part of Charlton, and the west part of Dudley, all in the county of Worcester, into a Parish by the name of The Second Religious Society in the town of Charlton;" passed the twenty-eighth day of February, eighteen hundred and one.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That any person, who since the twenty eighth day of February, eighteen hundred and one, or who may hereafter own or occupy any of the estates formerly owned or occupied by any of the persons named in the act of incorporation before mentioned, such person with his or her family and estate, shall be considered in all parochial affairs and concernments, and to all legal intents and purposes, the true and lawful successors of the persons and estates of those, who by death, or any other cause, have ceased to occupy such estates, in as full and ample a manner, as if the present

present possessor had been one of the original number incorporated by the said act ; and the present or future occupant of such estate, shall exercise and enjoy all the parochial privileges, and be alike subject to all the duties and requisitions of the original possessor : *Provided*, that this act shall extend only to such of the successors and occupants as aforesaid, as already have, or hereafter may join with and become members of said society.

[This act passed March 8, 1808.]

CHAP. XCIX.

An act to incorporate a number of inhabitants residing within the limits of the South Parish of the town of Augusta, in the county of Kennebeck, into a Religious Society, by the name of The Third Religious Society in Augusta.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Benjamin Whitwell, James Bridge, Joshua Gage, Theophilus Hamlen, H. Weld Fuller, Lot Hamlen, Lewis Hamlen, John Partridge, Samuel Howard, George Crosby, Samuel Titcomb, Thomas Pitts, Jonathan Perkins, Ephraim Dutton, Charles Ranlet, Nathaniel Hamlen, Daniel Ranlet, Shubael Pitts, Thomas W. Smith, Job Randell, jun. Lemuel Crehore, John Davis, William Robinson, William Babcock, Prince Tobey, Stephen Tobey, P. W. Peck, John Soule, Thomas Dickman, James Black, Arthur Lithgow, Pitt Dillingham, Joshua Heath, Daniel Moody, Enoch Rowell, and Daniel Hartford, with their polls and estates, be and hereby are incorporated into a religious society, by the name of The Third Religious Society in Augusta, with all the privileges, powers and immunities, to which Parishes in this commonwealth are by law entitled.

Persons incorporated.

Time of becoming members.

SECT. 2. *Be it further enacted*, That any of the members belonging to the said south Parish, or the said third Religious 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 estates, at any time previous to the first day of April, which will be in the year one thousand eight hundred and nine, provided they shall signify in writing under their hands to the clerk of said Parish and society, their wish and determination to be considered members

bers of said Parish or society, and they shall accordingly be recorded as such, by the said clerks, and provided also, that any of the present members of said Parish, who are by this act incorporated, or any member of said Parish, who may before the said first day of April aforesaid, join the said Religious Society, shall be liable, and their estates shall be held to pay their proportion of all taxes which may be legally assessed for the payment of all debts which have been incurred by the said Parish, and also, their proportion of all arrears which are now due, and of all sums which the said south Parish shall raise, within one year from the passing of this act, for the payment of such additional sums as they may deem necessary to completely finish the new meeting-house, in said Parish.

SECT. 3. *Be it further enacted*, That all young persons within the limits of said south 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, to the clerks of said Parish and society respectively, to which Parish or society it is their wish to join.

Measures necessary to become members.

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.

SECT. 5. *And be it further enacted*, That any Justice of Peace in the county of Kennebeck, be, and he hereby is authorized to issue his warrant, directed to some member of the said Third Religious Society, requiring him to warn the members of 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 the said society.

Justice to issue warrant.

[This act passed March 8, 1808.]

CHAP. C.

An act to incorporate a Religious Society, by the name of The Antipœdobaptist Society, in the town of New-Gloucester.

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 Nathaniel Haskell, Ephraim Stinchfield, Joseph Raynes, James Yellen, Robert Penney, Benjamin Penney, Solomon M'Intire, John Tuffts, Aaron Allen, William Haskell, William Haskell, jun. John M'Guire, William M'Guire, Edmond M'Guire, William Maxwell, John M'Guire, jun. Thomas Ayer, Thomas Ayer, jun. William Gower, Ebenezer Lake, Hugh Potter, Enoch Morse, Joseph Allen, David Harris, William Procter, William Procter, jun. James Merrill, Edmund Merrill, John Calvin Stinchfield, Andrew Twombly, Mark Emery, William Emery, Paul Stanton, John Fernald, Joseph Fernald, Josiah Jordan, Samuel Jordan, jun. Jonathan Ficket, Joseph Kicker, Samuel Jordan, Benjamin Haskell, Benjamin Witham, Richard Trip, Joshua Sanders, and Nathaniel Ford, inhabitants of the towns of New Gloucester, Gray, and Poland, in the county of Cumberland, with their polls and estates, be, and they are hereby incorporated into a religious society, by the name of The Antipœdobaptist Society in New Gloucester, with all the powers and privileges, to which Parishes are entitled by the constitution and laws of this Commonwealth: *Provided*, that all such persons shall be holden to pay their proportion of all monies already assessed upon them, in the towns aforesaid, for parochial purposes, prior to the passing of this act.

Measures to be
taken to become
members.

SECT. 2. *Be it further enacted,* That when any person belonging to either of the towns of New-Gloucester, Gray, or Poland aforesaid, who may desire to join with, and become a member of the said Antipœdobaptist Society, shall declare such intention in writing to the clerk of the said society, fifteen days, at least, previous to the annual meeting of said society, and shall receive a certificate signed by said clerk that he or she has actually united with, and become a member of said society, and shall also leave an attested copy of such certificate under the hand of the said clerk, with the Parish or society clerk, to which he or she did belong, on or before the last day of April then next ensuing, such person from the date of such certificate, shall be considered a member of the said Antipœdobaptist Society.

ciety, with his or her polls and estate, and shall be exempted from all future taxation for the support of public worship, in the Parish or society which such person has left as aforesaid.

SECT. 3. *Be it further enacted,* That when any member of the said Antipædobaptist Society shall desire to leave the same, and to join in religious worship with any other society, in the town in which such person may live, and shall give notice of such intention, to the clerk of such other society, fifteen days, at least, previous to the annual meeting of such society, and shall receive a certificate signed by the clerk thereof, and shall also leave an attested copy of such certificate signed by said clerk, with the clerk of the society, he or she did belong to, on or before the last day of April then next ensuing, such person shall be considered a member of the Parish or society, he or she may so join, with their polls and estates, and shall be exempted from all future taxation for the support of public worship in the society he or she has left as aforesaid.

Members leaving, to give notice.

SECT. 4. *Be it further enacted,* That any Justice of the Peace for the county of Cumberland, is hereby authorized upon application in writing of ten or more members of the said Antipædobaptist Society, to issue his warrant directed to some member of said society, requiring him to notify and warn the members thereof, to meet at such convenient time and place, as shall be appointed in said warrant, for the choice of such officers as Parishes are authorized by law to choose at their annual meetings, and for such other purposes as may be contained in said warrant.

Justice to issue warrant.

[This act passed *March 8, 1808.*]

CHAP. CI.

An act to incorporate the Congregational Parish in the town of Limington, 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 the members of the Congregational Society in the town of Limington, be, and hereby are incorporated, by the name of The First Congregational Society in Limington, with all powers and privileges which are exercised and enjoyed by Parishes, according to the constitution and laws of this Commonwealth. And the votes and doings

Members incorporated.

doings of the said Congregational Society, which have been done in town meetings, duly warned and legally held, so far as relates to their parochial business, be, and hereby are confirmed and made valid.

SECT. 2. *Be it further enacted,* That any person in the said town of Limington, who may be desirous of becoming a member of the said first Congregational Society, and shall declare such intention in writing, delivered to the clerk of the town, or to the clerk of the said Parish, fifteen days before the annual meeting, and receive a certificate of membership, signed by the minister or clerk of the said Parish, that he or she has actually become a member of, and united in religious worship with the said First Congregational Society in Limington, such person, from the date of such certificate, with his or her polls and estate, shall be considered as a member of the said Parish.

Members to obtain a certificate.
In case of secession.

SECT. 3. *Be it further enacted,* That when any member of the said first Congregational Society shall see cause to secede therefrom, and to unite in religious fellowship with any other religious society, and doth give notice of such intention in writing, to the clerk of the town, or to the minister or clerk of the said first Congregational Society, fifteen days before the annual meeting, and doth produce a certificate of membership, signed by the minister, elder, or clerk, of such other society, such person, with his or her polls and estate, from the date of such certificate, shall be considered as a member of the said society: *Provided however,* that in every case of secession, every such person shall be held to pay his or her proportion of all Parish or society assessments, or other charges, in the society from which such person has seceded, assessed and not paid, previous to leaving such society.

Proviso.

Justice to issue warrant.

SECT. 4. *Be it further enacted,* That either of the Justices 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 first Congregational 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 religious societies are by law empowered to choose at their annual parish or society meetings.

[This act passed *March 8, 1808.*]

CHAP. CII.

An act to incorporate certain inhabitants in the towns of Bernardston, Greenfield, Gill, and Northfield, by the name of the First Baptist Society in Bernardston.

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 Aldrich, Israel Bagg, Israel Bagg, jun. Artemas Cushman, John Connebell, Aaron Fox, Eli Fox, William Fox, Ichabod Goland, Gideon Gould, Samuel Green, Woodbridge Green, Samuel Hale, John Harvey, Samuel Hastings, Daniel Hale, Joshua Nickerson, Reuben Park, Reuben Park, jun. Ebenezer Nightingale, Simeon Park, Levi Park, Elihu Scott, Oliver Sheldon, Moses Smith, Abiel Stevens, William Stevens, Samuel Sykes, jun. Roswell, Warner, Job Woodward, Abner Wright, and Hezekiah Wright, all of Bernardston; Enoch Nickerson, and Selah Hastings, of Greenfield; Joseph Cary, jun. Ephraim Kenny, and Moses Scott, of Gill; Jonathan Sanders, and Shepard Sanders, of Northfield, with their families and estates, together with such others, as may hereafter associate with them and their successors, be, and they are hereby incorporated by the name of the First Baptist Society in Bernardston, with all the powers and privileges, usually 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 either of the towns aforesaid, who may be desirous to join in religious fellowship with the said Baptist Society, and doth declare such intention in writing to the elder, or clerk of the said society, fifteen days, at least, previous to the annual meeting of the said society, and receive a certificate of membership, 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 Baptist Society in Bernardston, such person, from the date of such certificate, shall be considered with his or her polls and estate, a member of said society: *Provided however*, that every person so joining said Baptist Society, shall give like notice of his intention to the elder or clerk of the society from which he secedes.

Members to ob-
tain a certificate.

Proviso.

SECT. 3. *Be it further enacted*, That when any member of the said Baptist Society, shall see cause to leave the same,
S f and

Members leav-
ing, to give no-
tice.

and to unite in religious fellowship with any other religious society, and give notice of such intention 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 meeting of the said society, and having received a certificate of membership, signed by the minister and clerk of such society, such person, from the date of such certificate, with his or her polls and estate, shall be considered a member of the said society.

Assessments paid
in case of seces-
sion.

SECT. 4. *Be it further enacted,* That in every case when-
ever any person shall leave one religious society to join
with another in the manner provided for in this act, every
such person shall be holden to pay his or her proportion of
all assessments, and other pecuniary charges, or expenses as-
sessed and not paid, previous to such secession.

Justice to issue
warrant.

SECT. 5. *And be it further enacted,* That either of the
Justices of the Peace for the county of Hampshire, is here-
by authorized to issue a warrant directed to some mem-
ber 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 expressed in said warrant for
the choice of such officers, as religious societies are by law
empowered to choose at their annual society meetings.

[This act passed *March 8, 1808.*]

CHAP. CIII.

An act to incorporate a number of persons in the town of
Portland, as a Religious Society, by the name of The
Third Congregational Society in Portland.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Re-
presentatives, in General Court assembled, and by the authority
of the same,* That Thomas Bailey, Josiah Baker, jun. Wil-
liam Barbour, James Barnes, John P. Bartlett, Davis Bel-
ford, Edward Capen, Thomas Chase, Timothy Chase, John
Coe, Nathaniel Cross, Nathaniel Davis, John L. Dennett,
William Evans, Eustick Evans, Anthony Fernald, William
Francis, Joshua Gordon, Nathaniel Gordon, Simon Hale,
John Harmon, Solomon Haskell, William Haskell, Crowell
Hatch, Josiah Hayden, Bezaleel Howard, Ebenezer Hum-
phrey, John Kimball, George Knight, jun. John Motley,
William Moulton, John Noyes, Marius Quincey, Theodore
Rand,

Rand, Samuel Richards, Benjamin Richardson, John W. Smith Abiel Somerby, Samuel Starbord, Samuel Sumner, and Thomas Twiner, the petitioners and members of the said religious society, together with their polls and estates, be, and they are hereby incorporated into a religious society, by the name of the Third Congregational Parish in the town of Portland, with all the privileges, powers and immunities, to which parishes in this commonwealth are entitled by law.

SECT. 2. *Be it further enacted*, That the inhabitants of said parish shall have full power, and they are hereby authorized to tax the pews and seats in said meeting house, or the said pews in part, and the polls and estates of the inhabitants in part, as they may deem proper, to defray the ministerial and other parish charges; whether the pews to be taxed in the whole, or the pews in part, and the polls and estates in part, to be determined by said parish, at their annual meeting in March or April. Pewsto be taxed.

SECT. 3. *Be it further enacted*, That for the due apportioning the taxes hereafter to be assessed on said pews and seats, the inhabitants of said parish as often as they shall think proper, shall cause a valuation to be taken of the pews and seats aforesaid, by a committee to be chosen for that purpose; and in case no such committee shall be chosen, the assessors of said parish for the time being, shall, as often as said parish shall direct, take such valuation; in which they shall number, appraise and value the pews and seats in said meeting house respectively, according to their situation and rank, and make a list of such valuation, and keep the same in the office of the assessors, to be delivered to their successors; and the sums voted from time to time, to be laid on the pews and seats aforesaid, shall be assessed and apportioned thereon, by the assessors for the time being, according to such valuation, and until a new valuation shall be voted to be made by such parish. Valuation to be taken.

SECT. 4. *Be it further enacted*, That when the owner or owners, or occupants of any pew or seats in said meeting house shall neglect or refuse to pay the tax or taxes which have been, or hereafter may be assessed on his or their respective pews or seats, the collector or collectors of any such tax or taxes, to whom the same is committed, shall have power, and he is hereby fully authorized to demand and receive said taxes on the pews and seats of and from the owners or occupants thereof; and if payment thereof is neglected to be made for thirty days after notice, and demand Collector empowered.

mand given and made by said collector or collectors, to the owners or occupants, when known, and living in said town, or posted up at the doors of said meeting house, when unknown or not living in said town, of all which such collector's oath shall be admitted as sufficient evidence; such collector shall have power to sell such pew or pews at public sale in said town, to the highest bidder; notice of such intended sale being given four days at least after the expiration of said thirty days, and before the time of sale, by posting up written notifications at the doors of said meeting house, of the time and place of sale, and mentioning therein the pew or pews to be sold, and their numbers. And the said collector shall have power, if he sees fit, to adjourn the said sale or vendue from time to time, not exceeding three times, and not exceeding thirty days from the day first set for the said sale; and to make and execute a deed or deeds of any such pew or pews sold by him as aforesaid; which deed or deeds, with said notifications, being duly recorded in the town clerk's office, shall vest in the purchaser the former owner's interest or estate in such pew or pews, and in the land under and adjoining the said meeting house; and if any overplus remain upon such sale, the same shall be immediately paid to the former owner or owners, after the taxes and all legal charges are deducted.

Parish collectors
empowered alike
with town col-
lectors.

SECT. 5. *Be it further enacted*, That the collector or collectors of said parish, to whom parish taxes have been, or shall hereafter be committed, with a warrant or warrants for collecting the same, in the form prescribed by law for collecting town taxes, *mutatis mutandis*, shall have the same power to collect such parish taxes on polls and estates, as collectors of town taxes have by law; and shall observe the same directions in collecting and paying over the same, according to their warrants, which town collectors are holden to observe.

Doings of propri-
etors confirmed.

SECT. 6. *Be it further enacted*, That the several meetings heretofore held by the members and proprietors of the said meeting house, and the proceedings thereat, for forming the said society, for the purchase of their land, for building their meeting house, and in collecting the subscriptions and voting the assessments therefor, be, and the same are hereby confirmed and made valid and effectual in law.

Justice to issue
a warrant.

SECT. 7. *Be it further enacted*; That any justice of the peace for the county of Cumberland is hereby authorized to issue his warrant, directed to some member of said society, requiring him to notify and warn a meeting of the mem-
bers

bers thereof, qualified to vote in parish affairs, 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 March 8, 1808.]

CHAP. CIV.

An act in addition to an act, passed in the year of our Lord one thousand seven hundred and forty-one, entitled "An act to enable the Trustees appointed in his Majesty's High Court of Chancery, to purchase Houses or Lands and improve the same, for perpetuating the Charity of the honorable Edward Hopkins, Esq. more effectually to secure the interest of their several tenants, in possession of their Hopkinston and Upton Lands, and the revenue of those lands to the College and Grammar School at Cambridge, according to the true intent of all parties, at the first settlement of that town."

WHEREAS, by the act to which this is in addition, it was required that all deeds and conveyances of said lands should be recorded by a register specially appointed for those lands; and whereas by a misapprehension of said act, certain executions levied on said lands have been recorded by said register, and not recorded in the registry of deeds, for the county of Middlesex, wherein said land lies, as required by law:—*Therefore,*

Preamble,

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all executions extended upon said lands, which heretofore have been, or before the first day of July next, may be recorded in the registry of deeds and conveyances, kept at said Hopkinston, be, and hereby are confirmed and rendered valid in law, as if the same had been regularly recorded in the registry of deeds, of the county of Middlesex, any law to the contrary notwithstanding.

Executions heretofore recorded confirmed.

SECT. 2. *Be it further enacted,* That from and after the first day of July next, all deeds, executions or conveyances made of, or extended upon said lands, shall be recorded in the office of the register of deeds, for the county of Middlesex, in the same manner that all other deeds, conveyances and executions, which are extended upon real estate, are recorded; and being so recorded the same shall be held firm

—to be recorded in future in Middlesex county.

Provido,

firm and valid as if recorded in the registry at Hopkinton : *Provided nevertheless*, and nothing herein contained shall be so construed as to affect any action commenced before the passing of this act, or to impair any right or title to any lands or tenements already lawfully acquired by any bona fide purchaser or creditor.

[This act passed March 8, 1808.]

CHAP. CV.

An act to establish an Academy at Bridgetown, in the County of Cumberland.

Trustees appointed.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That an Academy shall be, and hereby is established at Bridgetown, in the county of Cumberland, and that Mr. Samuel Andrews, Mr. Robert Andrews, Mr. Aaron Beman, Stephen Chase, Esq. the Rev. Nathan Church, Mr. David Clark, Doctor Ezra Dean, Samuel Farnsworth, Esq. Mr. Benjamin Kimball, Enoch Perley, Esq. and Mr. Seba Smith, all of said Bridgetown ; the Rev. Daniel Gould, of Bethel, the Rev. Lincoln Ripley, of Waterford, Mr Jonathan Bernard, of _____, and Mr. Nathaniel Burnham, of Harrison, be, and they are hereby appointed the trustees of the said academy, and they and their successors in the said trust, are hereby made and declared to be a body politic and corporate, by the name of the Trustees of Bridgetown Academy ; and the said trustees shall have, hold and continue in perpetual succession, with all the powers and privileges usually given to, and exercised and enjoyed by other academies : but the number of the said trustees, shall not be less than nine, nor more than fifteen, any five of whom may be a quorum for doing business. And the said trustees may keep and use a common seal, which they may alter or change when they see cause ; and all deeds or other instruments, made by the said corporation, shall be signed and sealed with their seal, and executed, delivered and acknowledged by the secretary and treasurer of the said corporation, by order of the trustees, and shall be binding on the said corporation, and shall be good and valid in law.

Common seal.

SECT. 2. *Be it further enacted*, That all the monies, lands or other property already subscribed, or which may be

be hereafter given, assigned, or transferred to the said trustees, for the use of the said Academy, shall be received and held by them, and their successors in office in trust; and the said trustees in the behalf of the said academy, may also receive and hold in fee simple, by gift, grant or otherwise, any lands or other estate, real or personal; *Provided* Provido. the annual income thereof doth not exceed the sum of five thousand dollars: and the said trustees shall have power to alienate and sell any of such property, and apply the rents or profits thereof, in such way as they may determine will be most productive to the general interest of the said academy, and the promotion of literature. And the said trustees in their corporate capacity, are hereby made capable in law, to 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 Bridgetown Academy.

SECT. 3. *Be it further enacted*, That the said trustees may appoint a secretary, treasurer, and such other officers and instructors in the said academy, as they may from time to time judge necessary; and shall have authority to fix the tenure of their respective offices, and to define their several powers and duties; to vacate the place of any trustee, officer or instructor, when in their opinion by reason of age, or any other disqualification, such person has become incapable of discharging the duties of his office, and to fill all vacancies which may so happen; to fix the times and places for the meetings of the said corporation, and the mode of notifying the members, and to prescribe and establish such reasonable statutes and by-laws, as will best promote and cultivate a spirit of obedience, and a just and mild government in the said academy: and to annex reasonable penalties for neglect of duty or breach of the laws; *Provided* Provido. *however*, that such statutes and by-laws, shall not in any case be contrary to the constitution and laws of this commonwealth.

And whereas it appears to this court, that the petitioners and subscribers to the said academy, have fulfilled the conditions, in this case required by the legislature, and have raised the sum of four thousand dollars towards the endowment of an academy:

SECT. 4. *Be it further enacted*, That there be, and hereby is granted, for the use and benefit of the said academy, one half township of six miles square, of any of the unappropriated public lands, in the District of Maine, (excepting the ten

Officers elected

Preamble.

Lands granted for its benefit.

ten townships on Penobscot river, lately purchased by the commonwealth, of the Penobscot tribe of Indians, and excepting also the land contracted to be sold to Jackson and Flint, which contract is now rescinded,) to be located and assigned, under the direction of the agents, for the sale of eastern lands, subject to the reservations and restrictions made in the like cases, on condition that the said trustees shall, within three years from the passing of this act, produce satisfactory evidence to the said agents, that the sum of three thousand dollars has been actually subscribed, and security taken for the payment thereof, to the satisfaction of the trustees, for the endowment of the said academy, and appropriated to that use ; and thereupon, the said trustees, in behalf of the said academy, shall receive of the said agents, in the name of the commonwealth, a deed of the said half township.

Justice to issue
his warrant.

SECT. 5. *Be it further enacted*, That any justice of the peace for the county of Cumberland, is hereby authorized, upon application therefor, to issue a warrant, directed to one of the trustees hereinbefore named, requiring him to notify the said trustees of their first meeting, at such time and place as shall be expressed in said warrant, to organize the said academy, by the appointment of its officers.

[This act passed March 8, 1808.]

CHAP. CVI.

An act to set off Josiah Rockwood from the town of Hopkinton, and to annex him to the town of Upton.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Josiah Rockwood with his family, and part of his estate, so as to take his dwelling house into the town of Upton, be, and they are hereby set off from the town of Hopkinton, in the county of Middlesex, and annexed to the town of Upton, in the county of Worcester, by the following lines :—Beginning at a stake and stones on the line between the said towns, on the easterly side of a highway, leading from the town of Hopkinton to Upton, between Hezekiah Rockwood's house, and the said Josiah Rockwood's house ; thence north, twenty-one degrees east, forty-five rods, to a stake and stones, bounding on the east side of said road ; thence west, thirteen degrees north, one hundred

dred and eighty-eight rods, to a tree and two stumps, known by the name of the three trees, on the line between said Hopkinton and Upton, the west side of a road leading from said Hopkinton and Upton, by Hezekiah Woods'.— And the family of said Josiah Rockwood, hereby annexed to the said town of Upton, shall hereafter be considered inhabitants of the said town of Upton, and shall there exercise and enjoy all their civil rights and privileges, and shall also be subject to their civil duties and requisitions in like manner with the other inhabitants of the said town; and the estate afore described shall hereafter be considered within the limits and constitute a part of said town of Upton: *Provided however*, that the said Josiah Rockwood shall be holden to pay his due proportion of all monies granted, or which may be granted by the said town of Hopkinton prior to the passing of this act; *Provided also*, that any person, having heretofore gained an inhabitancy on the said land, and who may hereafter become a town charge, shall receive his support in and from the said town of Upton; and it is further provided, that the said inhabitants, with the lands hereby annexed to the said town of Upton, shall hereafter be considered as belonging to the county of Worcester; and the line herein before described, shall, so far as relates to this act, be the boundary line between the counties of Middlesex and Worcester.

Provided.

SECT. 2. *Be it further enacted*, That there shall be taken one cent and an half from the town of Hopkinton, in the state valuation, and added to the town of Upton; which shall be the rule for assessing the said towns for the state and county taxes, until there shall be a new state valuation taken.

Assessments.

[This act passed March 8, 1808.]

CHAP. CVII.

An act establishing a corporation by the name of the Proprietors of Union Wharf.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Edward Allen, Ebenezer Putnam, Hannah Hodges, Jonathan Gardner, Jonathan Mason, Benjamin Pickman, and Mary, his wife, in her right, Elizabeth Orne, Jonathan Peele, John Norris, John Gardner, Ebenezer Beck-

Persons incorporated.

T t

ford,

ford, proprietors and owners of twenty fourth parts of certain lands and tenements, situate in Salem, in the county of Essex, and commonly called Union Wharf, together with such of the proprietors of the residue of said wharf, to wit, Of the heirs of Mary Oliver, Jonathan Archer, Timothy Orne and Joseph Orne, proprietors and owners of the remaining four twenty-fourth parts thereof, as may hereafter associate with them, their successors and assigns, being citizens of the United States, shall be, and hereby are constituted a body politic and corporate, by the name of the Proprietors of Union Wharf; and by that name may sue and be sued, plead and be impleaded, defend and be defended in any courts of record, or in any other place whatsoever, and shall and may do and suffer all matters, acts and things, which bodies politic ought to do and suffer; and shall have power to make, have and use a common seal, and the same again at pleasure to break, alter and renew, and also to ordain, establish and put in execution such by-laws, ordinances and regulations as to them shall appear necessary and convenient, for the government of said corporation, and for the prudent management of their property and affairs; and for the breach of such by-laws, ordinances and regulations, may order fines and penalties not exceeding ten dollars for every breach: *Provided*, that such by-laws, ordinances and regulations shall not be repugnant to the laws of this commonwealth.

Capable to hold
and possess prop-
erty.

SECT. 2. *Be it further enacted*, That the said corporation shall be, and hereby is declared capable to have, hold, and possess, such part of the said lands and tenements as may belong to the said proprietors named in this act, and to the other proprietors aforementioned who may hereafter associate with them, and also any other real estate not exceeding twenty thousand dollars in value, and shall have power to erect sea, or other walls to protect the same; and to erect buildings on any real estate owned by them; and shall have power to grant, sell and alien in fee simple or otherwise, the said corporate property or any part thereof; and to lease, exchange, manage and improve the same according to the will and pleasure of the proprietors or the major part of them, present at any legal meeting, to be expressed by their votes. And the rents, profits and receipts which may accrue from the improvements, leasing or other management of the corporate property aforesaid, may and shall once at least in every year, be divided among the proprietors according to their respective shares.

SECT.

SECT. 3. *Be it further enacted*, That said proprietors may at any legal meeting, agree upon the number of shares into which said estate shall be divided, not exceeding five hundred; and upon the form of certificates to be given to individuals, of the number of shares by them respectively held; and upon the mode and conditions of transferring the same, which shares, shall be held and considered as personal estate, to all intents and purposes whatsoever; the said proprietors shall also have power to assess upon each share such sums of money as may be deemed necessary for repairing and erecting walls and buildings, and generally for the improvement and good management of their said estate, agreeably to the true intent of this act, and to sell and dispose of the same, or shares of any delinquent proprietor, for the payment of assessments, in such way and manner, as said corporation may, by their rules and regulations, determine and agree upon: *Provided however*, that the value of buildings, which may be owned by the said corporation at any one time, shall not exceed twenty thousand dollars in value, exclusive of such as may be taken as security for debts.

Number of shares
and terms of ag-
ricultures.

Proviso.

SECT. 4. *Be it further enacted*, That the property of every individual member of said corporation vested in said corporate fund or estate, shall be liable to attachment, and to the payment of his just debts, in manner prescribed by an act, entitled, "An act directing the mode of attachment on mesne process and selling by execution, shares of debtors in incorporated companies;" passed the eighth day of March, in the year of our Lord one thousand eight hundred and five.

—liable to at-
tachment.

SECT. 5. *Be it further enacted*, That Edward Allen, Ebenezer Putnam, and Jonathan Maion, or any two of them, may call the first meeting, by advertising the same in any one of the public newspapers printed in Salem, at least, three days before the time of meeting, and at that or any other meeting may elect a moderator, treasurer, clerk, secretary, or other officers, and for such term of time, not exceeding one year, as they may judge fit, and the same at pleasure change or remove; and in the choice of officers, or on any other occasion when it shall be required by a majority, in value, of the members present, the votes shall be given by shares, allowing one vote to each share; *Provided only*, that no member shall have more than ten votes.

Manner of call-
ing meeting.

Choice of offi-
cers.

Proviso.

SECT.

Land not to be
taken, but by
consent.

SECT. 6. *Be it further enacted*, That nothing herein contained shall be deemed or construed to give to said proprietors any right or authority to take or appropriate to their use the land, right or privilege of any person or persons without his or their consent, and by a legal conveyance thereof from such person or persons to the said corporation.

Proviso,

SECT. 7. *Be it further enacted*, That after the expiration of ten years, the Legislature shall have power to alter, amend, or repeal this act: *Provided however*, that upon such repeal all real estate then belonging to said corporation shall be vested in such persons as may then be members thereof, and their respective heirs and assigns as tenants in common, in proportion and according to the number of shares which they may then hold: And *provided further*, that the said proprietors notwithstanding such repeal by the Legislature, shall have power in their corporate name and capacity aforesaid, to sue for, recover and divide all sums of money and debts which may then be thereto due and unpaid.

[This act passed March 8, 1808.]

CHAP. CVIII.

An act in addition to, and repealing part of the first section of an act, entitled, "An act for the better regulating of the Indian, Mulatto, and Negro proprietors and inhabitants of the plantation, called Marshpee, in the county of Barnstable, 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 a board of overseers shall be established, to consist of three discreet and disinterested persons, one of whom, at least, not to be an inhabitant of the county of Barnstable, to be appointed in the same manner, to have the same powers, to perform the same duties, to be subject to the same rules of proceeding, and to hold their offices by the same tenure as the present overseers now hold, have and are subjected to, by the act to which this an addition; which overseers, shall also be overseers of the Herring-Pond tribe of Indians, living partly in Plymouth, and partly in Sandwich, and have all the powers, and be subject to, and perform all the duties incumbent on the present

Board of overseers
established,
with powers,
&c.

sent board of overseers, by a resolve passed the fifth day of June, in the year of our Lord one thousand seven hundred and eighty-nine: And the present board of overseers, and their treasurer, shall, on or before the first day of June next, deliver over to the board of overseers to be appointed by this act, all the monies, funds, obligations, and records, belonging to the said tribe of Marshpee, and the said tribe of Herring-Pond Indians, and take receipts for the same: And the board of overseers to be appointed by this act, are hereby empowered to demand and receive all the property and papers aforesaid, at or before the time aforesaid, and to give them receipts for the same.

Present board
to transfer,

SECT. 2. *Be it further enacted*, That so much of the first section of the act, to which this is an addition, as directs the appointment of a board of five overseers, and of more than one guardian, be, and the same is hereby repealed.

Act partly re-
pealed,

[This act passed March 9, 1808.]

CHAP. CIX.

An act to enable the inhabitants of the North Parish in the town of Andover, in the county of Essex, to sell their parsonage lands.

WHEREAS, the inhabitants of the north parish in Andover, in the county of Essex, have requested that they may be authorized by law, to sell the parsonage lands, the proceeds thereof, to be applied to the raising of a fund for the support of the ministry:

Preamble.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the said parish, whenever they shall judge proper, by such committee as they may choose and appoint, at any legal meeting to be held for that purpose, be, and they are hereby empowered to sell and dispose of all such lands as were originally granted for the use of the ministry, or now belonging to said parish; and to make and execute a good and sufficient deed or deeds of the same according to law.

Committee em-
powered.

SECT. 2. *And be it further enacted*, That the monies arising from such sale shall be applied to the establishment of a fund, the interest whereof shall be, and hereby is appropriated to the support of the Gospel Minister, who may be

Fund established,

be hereafter elected and settled in said parish, and of his successors, such interest to be received and applied as aforesaid, by the committee who may be chosen for that purpose, by said parish, at their meeting to be held in the month of March or April, annually.

Committee empowered to give deeds.

SECT. 3. *Be it further enacted*, That the inhabitants of said parish, by their committee chosen and appointed as aforesaid, for the sale of their parsonage lands, are hereby authorized, if not sold as aforesaid, to make and duly execute a deed or deeds of exchange, with any person or persons, of any part of said lands for such other real estate as may by said parish be agreed to be taken in exchange therefor, and the said real estate, so received in exchange, shall be taken and holden by said parish in fee simple, for the use and benefit of the minister who may be hereafter elected and settled in said parish, and his successors forever.

[This act passed *March 9, 1808.*]

CHAP. CX.

An act to establish one other place, at which Courts of Probate, shall be holden in the county of Norfolk.

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, there shall be two terms, of the said Court of Probate, holden in the first parish in Wrentham, in each year successively, at such times and places, as the Judge of Probate for said county, for the time being, or his successor in said office, shall direct.

[This act passed *March 9, 1808.*]

CHAP. CXI.

An act to incorporate township number Two, in the second range of townships, on the west side of Kennebeck river, in the county of Kennebeck, into a town by the name of New-Portland.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That township number Two, in the second range, on the west side of Kennebeck river, in the county of Kennebeck,

nebeck, contained with the following boundaries, with the inhabitants thereon, be, and hereby are incorporated into a town, by the name of New-Portland, viz.—Beginning at the south-west corner of Emden; thence north six miles, to the south line of the Bingham purchase, so called; thence west six miles and one hundred seventy-six rods; thence south six miles, to the north line of New Vineyard; and thence east six miles and one hundred seventy-six rods, to the first mentioned bounds:—And the said town is hereby vested with all the powers, privileges and immunities, which other towns do or may enjoy by the constitution and laws of this commonwealth.

Boundaries.

SECT. 2. *Be it further enacted*, That any justice of the peace within the county of Kennebeck, may, and he is hereby authorized and empowered to issue his warrant, directed to some suitable inhabitant of the said town of New Portland, 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 March 9, 1808.]

CHAP. CXII.

An act in addition to an act, entitled “An act defining the general powers and duties of Turnpike Corporations.”

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 not be lawful for any turnpike corporation hereafter granted without the consent of the owner or owners of any real estate, over which the road granted to such corporation shall pass, to throw open any fences or inclosures upon the same, or remove any buildings, or cut down any trees thereon standing, or make such road, or in any way injure the property of any owner or possessor of such real estate, until the damage done by the passing of such road over said real estate, shall have been first duly ascertained by the committee who may by law be authorized to assess the same; and such damages so ascertained shall have been paid or tendered to the person or persons, entitled to receive the same.

Powers of the corporation restricted;

and damages in case made good.

SECT. 2. *Be it further enacted*, That the limitations and restrictions in this act contained, shall extend, and be taken

to

Extension.

to extend to all turnpike corporations, which have been already granted ; in regard to damages done, after the passing of this act, on which by the act of incorporation, a right to limit and restrict their power in this behalf, has been expressly reserved to the legislature : *Provided however*, that nothing in this act contained, shall be construed to prevent any turnpike corporation, their agents or servants from entering on any lands, over which any such road may pass, for the purpose of surveying or laying out the same.

[This act passed *March 9, 1808.*]

Proviso.

CHAP. CXIII.

An act in further addition to an act, entitled “ An act in addition to an act, entitled an act to establish a Corporation by the name of the Belcherstown and Greenwich Turnpike Corporation.”

Preamble.

WHEREAS it does not appear by the records of said corporation, that Joshua N. Upham, their first clerk, was sworn, as by law he ought to have been, to the faithful discharge of the duties of said office, and doubts are entertained as to the validity of said records : Wherefore,

Records declared valid.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the records of said corporation, made by the said Joshua N. Upham, notwithstanding the premises, be so far declared valid, as that the same may be given in evidence in any court within this commonwealth : *Provided however*, that the rights of no person shall be affected thereby.

Proviso.

And whereas doubts are entertained by reason of the premises, whether the proprietors of said corporation can now hold a legal meeting : wherefore,

Meeting duly authorized.

SECT. 2. *Be it further enacted*, That Henry Dwight, Esq. one of said proprietors, be authorized to call a legal meeting of said proprietors, at such time and place, and for such purposes as he shall appoint, giving previous notice thereof, by publishing the same three weeks successively in the Hampshire Gazette, printed at Northampton ; at which meeting the said proprietors may choose all officers, make such by-laws, and pass all such votes, as the interests of the corporation may require, provided the same be not repugnant to the laws and constitution of this commonwealth.

[This act passed *March 9, 1808.*]

CHAP.

CHAP. CXIV.

An act to establish the Dartmouth and New Bedford Turnpike.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Jacob Aikin, Bartlett Allen, Joseph A. Bailey, Stephen Barker, George Barney, Griffin Barney, Gamaliel Bryant, Jonathan Card, Charles Church, Cephas Cushman, jun. James Davis, John Dunbar, Preserved Fish, Caleb Greene, Thomas Green, Joseph Grinnell, Peleg Howland, Cornelius Howland, William Howland, Nathaniel Howland, William James, Manasseh Kempton, Benjamin Killely, Joel Packard, John A. Parker, Edward Pope, Clark Ricketson, Samuel Rodman, William Rodman, William Rotch, William Rotch, jun. Abraham Russell, Reuben Russell, Caleb Russell, jun. Asa Russell, Gilbert Russell, William Russell, Prince Sears, Abraham Shearman, Josiah Small, Barnabas Taber, Daniel Taber, Francis Taber, William Taber, Edward Taylor, David Thacher, Laban Thacher, Daniel Thornton, John Thornton, Stephen West, Isaac Wheldon and Benjamin White, with their associates, successors and assigns, be, and hereby are incorporated for the purpose of making a turnpike road between the towns of Dartmouth and New Bedford; beginning on the old road opposite the west end of the new street in South Bedford, so called, in the line between Caleb Russell's land and Joseph Russell's land; thence west, five degrees south, sixty-two rods on said line; thence south, twenty-six degrees west, about seven hundred and thirty rods, to a stone heap, near the village, in Aponegansett; 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 describing the general powers and duties of turnpike corporations;" passed the sixteenth day of March, eighteen hundred and five.

Persons incorporated.

SECT. 2. *Be it further enacted,* That the proprietors of the said turnpike, shall be allowed to erect and keep one gate, and shall be entitled to demand and receive the following rates of toll at said gate, viz.—For each coach, chariot, phaeton, or other four wheel carriage, for pleasure or travelling, drawn by two horses, twelve cents; and if drawn by more than two horses, one cent for each additional horse; for each cart or waggon, drawn by two horses or oxen, five cents;

Toll granted.

Rates of

cents ; and if by more, one cent for each additional beast ; for every sled or sleigh, drawn by two horses or oxen, four cents ; and one cent for each additional beast ; for every cart, waggon, truck, sled or sleigh, drawn by one horse only, three cents ; for every curricule, eight cents ; for every chaise, chair, fulkey or other carriage for pleasure, drawn by one horse, six cents ; for every man and horse, two cents ; for all horses, mules or neat cattle, led or driven, not in teams or carriages, one cent each ; and for all sheep or swine, at the rate of two cents by the dozen.

SECT. 3. *And be it further enacted*, That said corporation shall not, without the consent of the owner or owners of any land over which said road shall pass, throw open the fences or other enclosures upon the same, or make said road, or in any way injure the property of any owner or owners of such land, until the damages done by the passing of said road through such land, shall have been first ascertained by a committee, who may by law be authorized to assess the same, and such damages so assessed shall have been paid or tendered to the person entitled to receive the same : *Provided however*, that nothing herein contained shall be construed to prevent said corporation, their agents or servants from entering on any land, to survey or lay out the same.

[This act passed March 9, 1808.]

CHAP. CXV.

An act to establish the Middleborough and New Bedford Turnpike Corporation.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Hector Orr, Nahum Mitchell, Nathan Mitchell, Noah Fearing, Nathan Lazell, David Kingham, Aaron Hobart, 3d, Jacob Hill, jun. William Young and Silvanus Lazell, together with such persons as have associated or may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the Middleborough and New Bedford Turnpike Corporation ; for the purpose of laying out, making, and keeping in good repair, a turnpike road ; beginning near the house of Elias Sampson, in Middleborough ; thence through the southerly part of Middleborough, easterly part of Free-town, and eastward of the long pond, to or near the head of

of Accushnet river, in New Bedford ; 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.

SECT. 2. *Be it further enacted*, That said corporation shall not, without the consent of the owner or owners of any land over which said road shall pass, throw open the fences or other enclosures upon the same, or make said road, or in any way or manner injure the property of any owner or owners of such land, until the damages done by the passing of said road through such land shall have first been ascertained by a committee, who may by law be authorized to assess the same, and such damage so assessed, shall have been paid or tendered to the person or persons entitled to receive the same : *Provided however*, that nothing herein contained shall be construed to prevent said corporation, their agents or servants, from entering any land, to survey or lay out the same. Corporation not to injure property.
Provide.

[This act passed March 9, 1808.]

CHAP. CXVI.

An act in further addition to the act, entitled " An act for incorporating certain persons, for the purpose of laying out and making a Turnpike Road, from Newburyport to Chelsea Bridge ;" passed the eighth day of March, eighteen hundred and three.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Newburyport turnpike corporation, be, and hereby are authorized to erect and establish, in addition to the gates now authorized and established, one whole gate, or two half gates, and shall be allowed to receive the same rates of toll at said whole gate, or two half gates, as said corporation are now authorized to receive at the other gates, as they are now established : *Provided* the said corporation are not allowed to receive any more than four whole tolls on said turnpike road. Corporation may establish another gate.
Provide.

SECT. 2. *Be it further enacted*, That the directors of the said corporation may, for the prevention of frauds, alter or divide any whole or half gate whenever they shall judge it necessary : —may divide their gates.

Provido,

necessary : *Provided*, such gates shall not be erected on any public landing or highway ; and *provided*, that no more toll shall be taken at the parts of any gate, than would have been demandable, had such gate not been divided ; and *provided also*, that such gate or parts of gate, shall be approved by commissioners appointed by the Governor and Council of this Commonwealth, according to the act for establishing the said turnpike.

[This act passed March 9, 1808.]

CHAP. CXVII.

An act to incorporate certain Persons Trustees, to manage a fund for the permanent support of a School in District Number Three, in the town of Blanford, in the county Hampshire.

Preamble,

WHEREAS, Jane Taggart, late of Blanford in the county of Hampshire, widow, deceased, by her last Will devised and bequeathed to the inhabitants of school district number Three, in said town of Blanford, a legacy of about one thousand two hundred dollars, to be let out on interest ; and the interest thereof to be applied annually for the support of a school within said district ; and by the terms of said Will, the executors therein named, are to control said legacy, until the inhabitants of said district shall be authorized according to law, to receive the same into their own hands ; And the inhabitants of said district having petitioned the Legislature for an act of incorporation, in order that they may manage said fund, agreeable to the Will of the said Jane Taggart :

Trustees appointed,

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 Gibbs, Timothy Blair, Isaac Gibbs, John Wheeler, Samuel C. Gibbs, William Stewart, John Furguson, Benjamin Taggart, Zadock Brown, Levi Gibbs, John Gibbs, Eli Knox, Abner Gibbs, Jesse Bruce, Arba Collister, William Stewart, jun. William Brown, Benjamin Herrington, and John Collister, all of the said town of Blanford, be, and they are hereby appointed trustees to receive and hold the above mentioned legacy, and all other money for the purpose aforesaid, however accruing, to the amount of eight thousand five hundred dollars ; and real estate to the amount of five thousand dollars, in trust, for the

the use and benefit of the inhabitants of said district, and the permanent support of a school within the same; and shall constitute a body politic and corporate, to have perpetual succession for the due and faithful management of said trust; and shall be vested with all powers incident to corporations, necessary or requisite for that purpose.

SECT. 2. *Be it further enacted*, That the trustees before mentioned, shall forever hereafter hold a meeting in the

Manner of calling meeting.

said town of Blanford, in the month of April, annually; the time and place of said meeting to be notified by the major part of the trustees, by posting an advertisement thereof, in some public place in said district, seven days, at least, before the time of said meeting: At such meeting, the major part of the trustees present, shall annually choose a treasurer, who shall be an inhabitant of said district, with whom the money, or securities for money, constituting the funds, may be deposited; and who shall, under the control and by the order of the trustees, or the major part of them, receive in, deliver up, or pay out such monies or securities; and the person so chosen, shall give bond, if required, at the discretion of the trustees, for the faithful performance of his duty; and the major part of the trustees present at such meeting are also empowered to choose a clerk annually, who shall be an inhabitant of said district, to keep a record of the doings and proceedings of the trustees: And the trustees are further empowered from time to time, at any of their meetings, called in the manner aforesaid, to fill up the vacancies occasioned by the death, resignation, or removal of any of the trustees out of said district: And no person shall be elected trustee, unless he is an inhabitant of said district.

Empowered to choose officers.

SECT. 3. *Be it further enacted*, That the trustees before mentioned, and their successors in office, be, and hereby are invested with sufficient power to receive all subscriptions, grants, appropriations, and donations that may hereafter be made, for the purpose of supporting a school within said district; and to make such by-laws respecting the manner of boarding the teachers of said school, and procuring wood therefor, and such other by-laws, as may be necessary for the well ordering and regulating the affairs of said district; which shall be binding upon all the members of said district, if not incompatible with the laws of the land: *Provided*, the subscriptions, grants, appropriations, and donations in personal estate, when added to the above mentioned fund, shall not exceed the sum of eight thou-

Invested with further powers.

Provided,

land

and five hundred dollars, and the real estate above five thousand dollars; and place the money that shall be in their hands as trustees, at interest, on good security, at their discretion; and apply the whole arising therefrom, or any part thereof, to the support of said school; but not in any case, to lessen or make use of any part of the principal.

Empowered to
call meeting.

SECT. 4. *Be it further enacted*, That the trustees, or the major part of them, by notifying as aforesaid, be, and hereby are empowered to call a meeting; and at the request of ten of the inhabitants of said district, shall call a meeting at any time, for the purpose of giving directions relative to the application of the interest of the fund; and at such meeting, the said trustees shall annually lay before the inhabitants of said district, in writing, an account of their proceedings, disbursements and the state of the fund.

[This act passed March 9, 1808.]

CHAP. CXVIII.

An act to incorporate a number of persons, for the purpose of building a Bridge over Connecticut river, between Prindle's Ferry, and Mill Brook, in the town of Northfield, in the county of Hampshire.

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 Elisha Alexander, John Barret, Joseph Belding, Job M. Dickenson, Benoni Dickenson, Adraustus Doolittle, Timothy B. Dutton, Josiah Fisher, Abner Harris, Stephen Harris, Samuel Holten, Ora Holten, Edward Haughton, Arad Hunt, Jonathan Hunt, Elisha Hunt, Joel Jennings, Thomas Mason, William Pomeroy, Nathan Prindle, Jonathan Swett, Cyrus Washburn, and Ezekiel Webster, together with such others as already have, or may hereafter associate with them, be, and they hereby are incorporated for the purpose of building a bridge over Connecticut river, between Mill Brook and Prindle's Ferry, so called, in Northfield, in the county of Hampshire, and for keeping the same in good repair, and they, their successors and assigns, are hereby made a corporation and body politic, by the name of The Proprietors of Northfield Bridge, and by that name may sue and be sued to final judgment and execution, and may do and suffer all other acts and things,

things, which similar corporations may or ought to do and suffer; and the said corporation shall and may have and use a common seal, and the same may break and alter at pleasure.

SECT. 2. *Be it further enacted*, That for reimbursing to the proprietors of said bridge, their expenses in building and keeping the same in repair, there shall, and hereby is granted, a toll according to the rates following, viz: For Toll granted
 each foot passenger, two cents; for each horse and rider, six cents; for each cart, sled, or other carriage of burthen Rates of
 drawn by one beast, six cents; if drawn by two beasts, ten cents; and if drawn by more than two beasts, three cents for each additional beast; for each horse without a rider, and for neat cattle, three cents each; for sheep and swine, one cent each; for each pleasure sleigh, drawn by one horse, eight cents, if drawn by two horses, twelve and an half cents; for each horse and chaise, or sulkey, twelve and an half cents; for each curricule, twenty-five cents; for each coach, chariot, phaeton, or other four wheel carriage, for travelling or pleasure, thirty-three cents; and one person and no more shall be allowed to each team as a driver, to pass free of toll; and all persons, who may have occasion to pass the said bridge on military duty, shall go free from any toll, and the toll shall commence on the day of the first opening of the said bridge; and at the place, where the said toll is received, there shall be erected, and constantly exposed to view, a board, with the rates of toll fairly and legibly written or printed thereon, in large letters: And the said toll shall continue seventy years; and after fifty Time limited.
 years from the passing of this act, the legislature shall have a right to regulate the toll receivable at said bridge.

SECT. 3. *Be it further enacted*, That the said bridge shall be built of good and durable materials, at least thirty feet Dimensions and materials of the bridge.
 wide, with sufficient rails on each side, and boarded up twelve inches high from the floor of said bridge, for the safety of passengers travelling thereon, and shall always be kept in good repair.

SECT. 4. *Be it further enacted*, That the said corporation, at the time of opening said bridge, shall cause a true and just account of the expenses thereof; and at the end of every three years there afterwards, a just and true account of receipts and disbursements, to be returned into the office of the Secretary of this Commonwealth. Accounts to be exhibited.

SECT. 5. *Be it further enacted*, That any three of the Empowered to appoint meeting.
 persons named above, be, and they hereby are empowered
 to

Treasurer, &c.
to be chosen.

Provido.

to appoint and notify a meeting of said proprietors, to be holden at some convenient time and place, by publishing the same three weeks successively, in the Hampshire Gazette, and the Republican Spy, printed at Northampton, in said county, the last publication to be at least fourteen days before the day appointed for holding such meeting; and the said proprietors being so assembled, shall proceed to choose by ballot, a clerk, who shall be sworn to the faithful discharge of his duty; a treasurer, who shall also be sworn to the faithful performance of his duty, and a board of directors; and may also establish such by-laws and regulations as may be necessary for the prudent management of their affairs for carrying into effect the purposes of this act, for collecting the toll herein granted, to establish a mode of calling future meetings, to annex reasonable penalties for the breach of the by-laws, not exceeding five dollars: *Provided*, that such by-laws and regulations shall not in any case be repugnant to the constitution and laws of this commonwealth; and provided also, that each share shall be entitled to one vote, but no one proprietor shall be entitled to more than ten votes. And all representations at said meeting shall be in writing, and filed with the clerk of said corporation; and this act, and all rules, regulations and proceedings of said proprietors, shall be fairly and truly recorded by said clerk, in a book or books to be provided and kept for that purpose.

Act void in case.

SECT. 6. *Be it further enacted*, That if the said proprietors shall neglect for the space of six years from the passing of this act, to build and erect said bridge, then this act shall be void and of no effect.

[This act passed March 9, 1808.]

CHAP. CXIX.

An act to incorporate Pelatiah Came and others, Proprietors of a Mill Dam on Saco River, in Phillipsburg, in the County of York, for the purposes therein mentioned.

Proprietors 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 Pelatiah Came, Stephen Hopkinson, Samuel Dunn, Nathan Hopkinson and Nathaniel Dunn, with such others as now are, or may hereafter become proprietors of the said mill dam and boom, are hereby constituted
and

and made a body politic and corporate, by the name of the Union Falls Mill Dam Proprietors ; and by that name may sue and be sued, prosecute and be prosecuted to final judgment and execution, and do and suffer all such matters and things as bodies corporate may or ought to do and suffer. And the said corporation shall have power to keep and use a common seal, and the same to break, alter and renew at pleasure ; and may purchase and hold any personal estate, the annual income of which shall not, at any one time exceed two hundred dollars.

SECT. 2. *And be it further enacted*, That the corporation aforesaid, be, and are hereby authorized and empowered to lay and maintain a boom across Saco river, from a place called Cook's Eddy, in Phillipsburg, to pleasant point, in Buxton, for the securing of mill logs, and other timber owned by said proprietors, or such other persons as may be disposed to have the same sawed at the mills aforesaid. And the said corporation shall, from time to time, as soon as such logs and other timber aforesaid, can be conveniently secured for the purposes aforesaid, take care, and cause to be turned through the said boom, all such logs and other timber, coming down the said river, as shall not belong to said proprietors, or others secured, or to be secured for the use of such owners of logs or other timber aforesaid.

Proprietors to lay
and maintain a
boom.

SECT. 3. *And be it further enacted*, That the said corporation shall proceed to call meetings for the purpose of regulating the building or repairing the mill dam and boom aforesaid, in the same way and manner as is provided in the fifth, sixth and seventh sections of the act, entitled " An act for the support and regulation of mills ;" passed in the year of our Lord one thousand seven hundred and ninety-six ; and shall at any such meeting, choose a clerk, treasurer, and such other officers, as they from time to time shall find necessary, who shall be duly sworn to the faithful discharge of their respective trusts ; and also make and establish such rules and regulations, as they from time to time may find necessary to manage the prudential concerns of the said corporation, not repugnant to the constitution and laws of this commonwealth.

—to call meetings.

Officers to be
chosen.

SECT. 4. *And be it further enacted*, That the said corporation shall have power to assess and recover reasonable fines and penalties, for any breach or breaches of such rules and regulations, not exceeding fifty dollars. And all applications and representations, made at any meeting of said proprietors, shall be in writing, and signed by the name of

Penalty.

the person making the same ; which shall be filed with and recorded by the said clerk, in a book or books, to be provided and kept for that purpose.

Rates of toll.

SECT. 5. *And be it further enacted*, That the said corporation shall be entitled to receive and take of the respective owners of logs and other timber aforesaid, which shall or may be rafted and secured at said boom by any person or persons not a proprietor thereof, the following respective fees or toll, viz.—For each mill log, two cents ; for each ton of timber, three cents ; for each thousand feet of ranging timber, six cents : *Provided however*, that the fees or toll aforesaid, shall at all times hereafter, be subject to the revision of the legislature.

Fees recoverable
by action of debt.

SECT. 6. *And be it further enacted*, That for the securing and recovering of the respective fees or toll aforesaid, it shall be lawful for the said corporation, by their agent, or other person whom they may appoint for that purpose, to sue for and recover in a due course of law, by an action of debt, or upon the case, all such fees for rafting such logs and other timber aforesaid, when payment shall be refused by the person or persons, subject to pay the same.

Penalty.

SECT. 7. *And be it further enacted*, That any person or persons, who shall wilfully and maliciously injure or destroy the said mill dam, or boom, or any of its appendages, or means of using and improving the same, shall be liable to pay such reasonable damages, with costs of suit, as shall be determined in a due course of law ; to be sued for and recovered by the said proprietors, in an action of trespass, or on the case.

Corporation
privileged.

SECT. 8. *And be it further enacted*, That said corporation and those in their employ, or other person or persons who may have occasion therefor, shall have free liberty to pass and repass on foot, to and from the boom aforesaid, over the lands on the banks of the said river, for the purposes of making, repairing and swinging the said boom, and also for rafting, securing and taking care of the logs and other timber aforesaid ; subject however to pay such reasonable sum to the owner or possessor of such land, for damages done to the same, or their appurtenances, as may arise or happen thereto in prosecuting the business, or any part thereof as aforesaid ; which damages shall be determined and judged by some disinterested person or persons, mutually chosen by the owner or possessor of the land thus damaged, and the person or persons who may be charged with committing such damage, or the proprietors aforesaid, as the

Conditionally.

the case may be ; and in case they cannot agree, such person or persons may be appointed by any disinterested justice of the peace, or by the Court of Sessions for the said county of York, whose determination shall be the measure of such damages. And if the said corporation or their agents, or such other person as shall so be found to have done damages, to the land of any person or persons adjoining said river, shall not within one month after said determination, pay or tender to the owner or occupant of such land the full amount of such damage so awarded to be paid, it shall and may be lawful for any person to whose land such damage shall be done, to sue for, and by action of the case to recover in any court proper to try the same, of said corporation, or such other person, as the case may be, the sum awarded as aforesaid, with costs of suit : *Provided*, that said proprietors shall not, nor any person employed in said business, take down or remove any bars or fences belonging to the owner or possessor of said lands, without liberty first obtained of the owner or possessor thereof.

[This act passed March 9, 1808.]

CHAP. CXX.

An act to incorporate the Proprietors of the Bath Female Academy.

WHEREAS, on the seventh day of June, one thousand eight hundred and five, Captain Christopher Cushing, of Bath, in the county of Lincoln, gave by his deed a certain lot of land for the support of a school, to Peleg Tallman, Caleb Marsh, Laban Loring, Joseph Trott, Joseph Sewall and their associates ; and whereas the said grantees, and others, have associated under said deed, and raised and expended fifteen hundred dollars in erecting suitable buildings on said lot, and have also assessed themselves, and are expending other large sums in supporting schools in said house, and whereas also, said grantees and their associates have petitioned to be incorporated :—*Therefore*,

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the above named grantees and their associates, the present proprietors of said house, and their heirs and assigns be incorporated, and they hereby are incorporated, and made a body politic, by the name of the Proprietors

empowered.

tors of the Bath 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 any estate, real or personal ; *Provided*, the clear annual income thereof, shall not at any time exceed the value of two thousand dollars ; that the property in said corporation shall be divided into shares, and said shares shall be considered as personal estate, and be liable to attachment in the same manner, and by the same rules and formalities as turnpike shares are by the laws of this commonwealth, and transfers or sales of shares shall be by deed duly acknowledged, and recorded in the book kept by the clerk of said proprietors.

Assessment.

SECT. 2. *And 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, such sum or sums of money, for keeping and maintaining a school for the instruction of females, in useful and elegant accomplishments, for purchasing and increasing a library, suitable for such an academy, for supporting and maintaining instructors, repairing and enlarging said building, or erecting others for the purpose aforesaid, and defraying other expenses incident to such an institution, 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 thirty days after the same is voted to be paid, the treasurer of said proprietors shall be authorized to sell and convey so many of said delinquent's shares in the corporation as may be necessary to pay the assessments 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 the post-office, and at one other public place in said Bath, and upon such sale to execute a good and sufficient deed or deeds thereof, and after deducting the amount of said delinquent's assessments, and all incidental charges, the said treasurer shall pay the surplus, if any there be, to such delinquent proprietor.

Assessments not paid.

SECT. 3. *And be it further enacted*, That Denny M'Cobb, Esq. or any other justice of the peace, for the county of Lincoln, be, and he is hereby empowered to issue his warrant to some member of said corporation, requiring him to warn
the

Justice to issue his warrant.

the members thereof, to meet at some suitable time and place expressed in said warrant, to choose a moderator and a clerk, who shall be duly sworn, a treasurer, and such other officers and committees, as the proprietors shall judge necessary ; at which meeting also, or any other, called in a similar manner, said proprietors may agree on the mode of calling future meetings.

[This act passed March 11, 1808.]

CHAP. CXXI.

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

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, Thomas Harris the third, of Charlestown, in the county of Middlesex, son of Richard Harris, late of Marblehead, deceased, be allowed to take the name of Richard Thomas Harris ; that Eliza Loyns Potter, a minor, and son of Job Potter, of Great Barrington, be allowed to take the name of Robert Loyns Potter ; that Henry Orne, of Salem, in the county of Essex, and son of William Orne, of said Salem, merchant, be allowed to take the name of Charles Henry Orne ; that Richard Derby, of Boston, in the county of Suffolk, son of Elias Haiket Derby, late of Salem, in the county of Essex, deceased, be allowed to take the name of Richard C. Derby ; that Prince Tobey, of Augusta, in the county of Kennebeck, son of Stephen Tobey, of the same Augusta, gentleman, be allowed to take the name of Charles Edward Tobey ; that Thomas Smith, of Rowley, in the county of Essex, son of Isaac Smith, of the same Rowley, be allowed to take the name of Thomas Hibbert Smith ; that Samuel Page, of Salem, in the county of Essex, and son of Samuel Page, of the same Salem, deceased, be allowed to take the name of Samuel Lee Page ; that John Gilman, of Winflow, in the county of Kennebeck, be allowed to take the name of John Hancock Gilman ; that Andrew Mock, of Boston, in the county of Suffolk, minor, and son of William Mock, late of said Boston, deceased, be allowed to take the name of Andrew Jeremiah Allen ; that James King the third, of Salem, in the county of Essex, and son of James King, of said Salem, be allowed to take the name of James Charles King ; that James Purinton, late of Topsham, in the county of Lincoln,

Names altered.

Lincoln, but now of the plantation of Little River, tanner, be allowed to take the name of James Woodbury Purinton; that Daniel Hamant, jun. of Medfield, in the county of Norfolk, minor, and son of Daniel Hamant, of said Medfield, be allowed to take the name of Caleb Strong Hamant; that Zachariah Shed, of Boston, in the county of Suffolk, merchant, son of Ebenezer Shed, of Chelmsford, in the county of Middlesex, be allowed to take the name of George Shed; that George Bruce, of Boston, in the county of Suffolk, minor, and son of the late Stephen Bruce, of said Boston, deceased, be allowed to take the name of George Appleton Bruce; that Charles Bruce, of said Boston, minor, and son of said Stephen Bruce, be allowed to take the name of Charles Henry Bruce; that Billey Richardson, of Billerica, in the county of Middlesex, blacksmith, son of Jacob Richardson, late of said Billerica, be allowed to take the name of William Richardson; that Rosel Underwood, of Greenfield, in the county of Hampshire, be allowed to take the name of Rosel U. Deming. And said persons shall, in future, be respectively known and called by the names which they are respectively allowed to take as aforesaid; and the same shall be considered as their only proper names to all intents and purposes.

[This act passed March 11, 1808.]

CHAP. CXXII.

An act in addition to an act, entitled "An act describing the power of Justices of the Peace, in civil actions;" passed the eleventh day of March, seventeen hundred and eighty-four.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all civil actions, wherein the debt or damages does not exceed twenty dollars, (and wherein the title of real estate is not in question,) shall and may be heard, tried, adjudged and determined, by any justice of the peace, within his county, and the justices are severally empowered and required to hear and determine all such actions, in the same form and manner as is required by the act, to which this is in addition.

Justice's power
extended.

SECT. 2. *Be it further enacted,* That no action shall be sustained in any Court of Common Pleas, within this commonwealth,

monwealth, where the damage demanded, does not exceed twenty dollars, unless by appeal from a Justice of the Peace, saving such actions, wherein the title to real estate may be concerned; and if upon any action originally brought before the Court of Common Pleas, judgment shall be recovered for no more than twenty dollars debt or damage; in all such cases the plaintiff shall be entitled for his costs, to no more than one quarter part of debt or damage so recovered, any law, usage, or custom to the contrary notwithstanding: *Provided nevertheless*, that all actions already commenced, or which may be commenced before the first day of June next, shall be proceeded upon, heard, and determined in the same manner, as they might have been, before the passing of this act, any thing herein to the contrary notwithstanding.

Action sustained by appeal.

[This act passed March 12, 1808.]

CHAP. CXXIII.

An act providing for the cession of a certain piece of land in Kittery, called Battery Pasture.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all the right and title of this Commonwealth to a certain piece of land in Kittery, in the county of York and commonwealth aforesaid, called Battery Pasture, on which a fortification formerly stood, and is bounded on the north by the road, on the west by Frollet, on the south by the river, and on the east by Follet, and contains one acre and one hundred and thirty-nine rods, as will appear by a report made to the Hon. David Sewall, Esq. agent for this Commonwealth, by Benjamin Parker, surveyor, about the year seventeen hundred and ninety-eight, be, and hereby is granted and ceded to the United States, for the sole purpose of erecting fortifications for the defence of the United States.

Land ceded to U. States.

SECT. 2. *Be it further enacted*, That the cession aforesaid, is granted upon the express condition that this Commonwealth shall retain a concurrent jurisdiction with the United States, in and over the tract of land aforesaid, so far as that all civil and such criminal processes, as may issue under the authority of this Commonwealth, against any person or persons charged with crimes committed without the

Conditionally

the said tract of land, may be executed therein, in the same way and manner, as though this cession had not been made.

[This act passed *March 12, 1808.*]

CHAP. CXXIV.

An act in addition to an act, entitled, "An act providing for the cession of Castle-Island, in the harbour of Boston, to the United States, and for other purposes therein mentioned."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all the provisions in the act, to which this act is in addition, relative to the purchase, jurisdiction, and tenure of Governors-Island, in the harbour of Boston, shall be construed to extend, and shall extend to any part or portion of said Island, which may be selected or designated on the part and behalf of the United States, by their proper officers, for the purposes expressed in said act: *Provided however,* that all those parts of said Island, which shall not be taken to the use of the United States within two years from the passing of this act, shall remain free from any claim of the United States, in virtue of the act to which this is in addition.

[This act passed *March 12, 1808.*]

CHAP. CXXV.

An act ceding to the United States of America, the jurisdiction of a part of House-Island, and the extreme end of Spring Point opposite thereto, near the entrance of Portland Harbour.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there be, and hereby is ceded to the United States of America, the jurisdiction of the south west end of House-Island, near the entrance of Portland harbour, the northeast boundary of which land, is a line commencing at a large brown rock, six rods from high water mark; thence south thirty-seven degrees east five rods across the narrow part of said Island; also, five acres of land situated on the extreme end of Spring-Point, opposite said House-Island,
for

for the purpose of erecting of batteries, and other works for the defence of Portland harbour, which lands shall be laid out, at or before the time of erecting of such public works, and a description thereof in writing, entered in the registry of deeds in the county of Cumberland.

SECT. 2. *Be it further enacted*, That this Commonwealth shall have concurrent jurisdiction with the United States in and over the said lands, so far as that all civil and criminal processes, issued under the authority of this Commonwealth, or any officer thereof, may be executed on any part of said granted premises, or in any building thereon to be erected, in the same way and manner, as if the jurisdiction had not been granted as aforesaid.

Jurisdiction of the Commonwealth.

[This act passed March 12, 1808.]

CHAP. CXXVI.

An act in addition to the several acts, "for the due regulation of Licensed Houses."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That any person aggrieved by the neglect or refusal of the selectmen of any town or district within any county, within this Commonwealth, to return the certificate required by law, in order that his license as an innholder or retailer, may be removed; or by their refusing to give their approbation, that such person may be originally licensed to be an innholder or retailer within such town or district, it shall and may be lawful for the Court of Sessions within such county, on application of such aggrieved person, to renew, or originally grant the license prayed for; any law, custom, or usage to the contrary notwithstanding: *Provided always*, that the person applying shall substantially prove to the satisfaction of the said Court, that the selectmen have unreasonably neglected or refused to give their certificate or approbation, required by the second section of "An act for the due regulation of licensed houses," passed February 28, 1787; and that the public good requires the renewal or originally granting the license prayed for: *Provided also*, it shall be the duty of such aggrieved person, to inform the selectmen, or some one of them, refusing as aforesaid, that he shall apply to the Court of Sessions, next to be holden within the same county, for

Remedy for aggrieved innholders.

Provide.

the renewal or granting of his license ; so that the said selectmen, may if they see fit, appear and shew cause why such person should not be licensed.

Court to grant
license.

SECT. 2. *Be it further enacted,* That any person whose license may have been prevented by the unreasonable neglect or refusal of the selectmen, at the usual term for granting licenses, such neglect or refusal being proved to the Court of Sessions, the said Court may grant license to such person at any other term.

[This act passed *March 12, 1808.*]

CHAP. CXXVII.

An act to incorporate a number of persons in the town of Wiscasset, by the name of The Wiscasset Academical Association.

Preamble.

WHEREAS, a number of persons, in the town of Wiscasset, have associated for the purpose of promoting education, in the higher branches of science, not usually taught in grammar schools, and for this purpose have instituted a fund, which they have divided into forty shares, and have assessed one hundred dollars on each share, which being all paid, or secured to be paid, has produced the intended fund of four thousand dollars, with which they have bought a lot of ground, and have erected a building commodious for their purpose, and have petitioned for an act of incorporation, to enable them to manage their affairs with the more success, with the same powers and privileges, as are given to other institutions of a literary nature :

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 Abiel Wood, jun. Moses Carlton, Moses Carlton, jun. William Nickels, Thomas Nickels, William M. Boyd, William Bragdon, Hezekiah Packard, Alden Bradford, Zebediah Thayer, William Taylor, Silas Piper, Converse Lilly, Carpenter Winflow, James Hodge, David Otis, Caleb Lord, John Boyonton, John Elliot, Nathaniel Austin, Joshua Danforth, Thomas M'Cray, Ezekiel Cutter, John Anderson, and Samuel Adams, be, and they are hereby declared a corporation by the name of The Wiscasset Academical Association, and as such, may keep and use a common seal, subject to change or alteration, and shall also have power to establish such by-laws and regulations, as may

may from time to time appear necessary, and to annex reasonable penalties for the breach thereof, *provided*, such by-laws, regulations, and penalties, are not inconsistent with the constitution and laws of this commonwealth, with all other powers and privileges, usually granted to similar corporations; and may also sue and be sued, to final judgment and execution, by the name of the Trustees of the Wiscasset Academical Association.

SECT. 2. *Be it further enacted*, That the property in the funds and buildings of the said association, shall be divided into forty shares, allowing one vote to each share, which shares, shall be transferable by deed, duly executed and acknowledged, and recorded in a book to be provided and kept by the clerk for that purpose, and shall be subject to attachment, as other property is liable to be attached, for the payment of debts: And the said corporation shall have power to exchange or sell their property, or any part thereof, whenever they may judge it will promote the interest of their institution: *Provided however*, that if the proprietors should sell their present building, or the ground on which it now stands, and do not within one year thereafter vest the proceeds in other land and building of equal value, suitable for the use of an Academy, then this act of incorporation shall be void and of no effect.

Number of
shares.

—liable to at-
tachment.

Provido.

SECT. 3. *Be it further enacted*, That the trustees aforesaid, and their successors, be, and they are hereby made capable in law, to receive and hold in trust, and in the behalf of the said association, to 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, or purchased by the said trustees, for the use and purposes aforesaid: *Provided*, that the whole annual income of the said real estate, shall not exceed the sum of one thousand dollars, and the whole 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 signed by their secretary and treasurer, and be sealed with their seal, and being duly executed and acknowledged by the said secretary and treasurer, by order of the trustees, shall bind the said corporation, and shall be good and valid in law.

SECT. 4. *Be it further enacted*, That for the more complete attainment of their object, the affairs of the said association shall be directed by twelve trustees, any seven of whom,

Trustees ap-
pointed.

whom, may be a quorum for doing business, which trustees shall be chosen at the first meeting of the said association, and annually afterwards, and the said trustees, shall also, annually appoint a moderator, secretary, treasurer, instructors, and such other officers, as may from time to time be found needful, for the more prosperous management of their affairs; and shall also have power to remove any trustee or other officer or instructor, who from age, infirmity, or misconduct, may become incapable, or unworthy of holding said office, and to fill up such vacancy, or any other which may happen, by death, resignation, or otherwise, by new appointments.

SECT. 5. *Be it further enacted*, That any Justice of the Peace for the county of Lincoln, is hereby authorized to issue a warrant directed to one of the persons, named in the first section of this act, requiring him to notify and warn the members of the said association, to meet at such convenient time and place, as shall be expressed in said warrant, to organize the said association, by the appointment of its officers.

Justice to issue
warrant.

[This act passed March 12, 1808.]

CHAP. CXXVIII.

An act for allowing a further time to the Fourteenth Massachusetts Turnpike Corporation to complete 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 four years from and after the passing of this act, be allowed the Fourteenth Massachusetts Turnpike Corporation, for completing said road; and said corporation shall be entitled to all the privileges which they now have, and be subject to all the duties to which they are now liable; any thing in the original act of incorporation to the contrary notwithstanding.

[This act passed March 12, 1808.]

CHAP. CXXIX.

An act to establish the Providence and Northampton Turnpike Corporation.

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

same, That William Eaton, Ozem Blachfield, Samuel Garthrie, Stephen Pynchon, Alfred Lyon, Philemon Warren, Abner Morgan, Benjamin Sherman, Thomas Sherman, Aaron Morgan, William Norcross, Ichabod Bliss, Jesse Hitchcock, Elias Carter, John Moor, Nathaniel Parker, Araunah Charles, Amos Hamilton, Abel Knowlton, Elihu Dwight, Daniel Stebbens, Isachar Brown, jun. Bartholomew Brown, Thomas Bliss, and Solomon Hoar, together with such others, as already have, or may hereafter associate with them, their successors or assigns, be, and they are hereby made a corporation, by the name of the Providence and Northampton Turnpike Corporation, for the purpose of laying out, making, and keeping in good repair, a turnpike road, from a point in the Providence road, in a line of the state of Connecticut, to the centre of the town of Sturbridge; thence in the best direction to Brimfield and Palmer meeting houses; thence on the most convenient rout to South-Hadley; and thence in the best direction to Northampton.

Persons incorporated.

SECT. 2. *And be it further enacted*, That Salem Town, Abner Brown, and Josiah Dwight, Esquires, be, and they hereby are appointed a committee to locate the said road, and to fix and mark the same, in the course before described, at their discretion, and in case there should be any obstructions from buildings or other causes, which may prevent a straight line, the said committee shall in such case, have power to vary the line, so as to avoid such obstructions: *Provided*, that said road shall not be less than four rods wide in any part thereof: And the said committee are hereby empowered to assess such damages, as any individual may sustain, by reason of laying out said road; when the corporation and such individual cannot agree, which damages shall be satisfied, before such inclosure shall be opened by the corporation and laid common, 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 highways; and when the said committee shall have completed their business, they shall make return to the next Courts of General Sessions of the Peace, to be holden in the counties of Worcester, and Hampshire, of the courses and distances of said turnpike road, and of the damages assessed in each county, which shall have the same effect, as if the same had been done by the committee appointed by said courts, for the same purposes, the expense for

Committee to locate the road.

Damages sustained.

for all which services of the said committee shall be paid by the said corporation.

General powers
and duties.

SECT. 3. *And be it further enacted*, That the said corporation shall in other respects have all the powers and privileges, and shall 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, and any act in addition thereto which has already been passed, or which may hereafter be passed.

[This act passed *March 12, 1808.*]

CHAP. CXXX.

An act to establish the Brookfield and Charlton Turnpike Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Gad Williston, Simeon Draper, William How, with such other persons as may hereafter associate with them and their successors and assigns, shall be a corporation, by the name of the Brookfield and Charlton Turnpike Corporation; for the purpose of making a turnpike road, from the north end of Allum pond, so called, at the end of a certain turnpike road, in the state of Rhode Island, to Philip Brown's, in Oxford south gore; thence by the narrows of the pond, so called, in Dudley, near Mr. Simeon Shepherd's, to the falls of French river, by John Cady and Collins Mower's land; thence as direct as convenient to the centre meeting house in Charlton, and from thence to the south parish meeting house in Brookfield, in as straight a line as the ground will admit: 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, and any act in addition thereto which has already been passed, or may hereafter be passed.

[This act passed *March 12, 1808.*]

CHAP. CXXXI.

An act to divide the County of Washington into two Districts, for the purpose of establishing a Registry of Deeds, and to designate the limits of each District.

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 county of Washington shall be, and hereby is divided into two districts; and a registry of deeds shall be established in each district, which districts shall be designated and limited by the following described boundaries, viz.—The north district shall be bounded southerly by a line, beginning on the westerly bank of the great Schoodook lake, and running west in the direction of the south line of the grant, located for the Hampden academy, to the east line of the county of Hancock, west, by the easterly line of the said county of Hancock, north, by the province of Quebec, and east, by the province of New Brunswick. And the office for the registry of deeds for the said north district, shall be held and kept in the plantation called Houlton, within and for the said north district. And the south district shall comprehend all the remaining part of the said county of Washington, as heretofore, and the office for the registry of deeds, for the said south district, shall be and remain in the town of Machias, as is already established by law.

County divided,
and registry of
deeds established.

Boundaries.

SECT. 2. *Be it further enacted,* That until the legislature do by law make further provisions, the Governor, with advice of council, is hereby authorized to appoint a register of deeds, for the said north district, who shall be an inhabitant of said north district, and shall dwell and keep his office in the said plantation of Houlton, and give bonds (having the approbation of the Governor and council) to the treasurer of the commonwealth, and shall be duly sworn to the faithful discharge of his trust; and the said register shall have the same qualifications, and be subject to the same disqualifications, perform the same duties, and for his compensation, shall be entitled to receive the same fees as the registers of deeds in other counties or districts in this commonwealth, and in all other respects, shall govern himself by the act, entitled “An act for the more safe keeping of the registry of deeds, and conveyances of lands, and for appointing the time and manner of choosing registers;” passed the seventeenth day of March, seventeen hundred and eighty-four; and shall be further subject to be removed from his office,

Governor to ap-
point a register.

office, by the Governor and council, when they shall see sufficient cause therefor; and in case of any vacancy, either by removal as aforesaid, or by death, such vacancy shall be supplied by a new appointment, as aforesaid, until a register shall be chosen for said north district, agreeably to the provisions of the third section of this act.

SECT. 3. *Be it further enacted*, That the selectmen of the first town which may be incorporated in the said north district, shall apply to the Court of Sessions, in the said county of Washington, who shall be, and hereby are authorized to issue precepts to the selectmen of such town to call meetings of the inhabitants, qualified as the law directs, and also to the assessors of plantations, to call meetings of the inhabitants thereof, to choose a register of deeds, for the term of five years, according to the law in this case provided: and the said Court of Sessions, then next to be holden in and for the said county of Washington, shall examine the returns, and declare the election; and if on the first trial no choice shall be made, the said Court of Sessions shall proceed as in the first instance, and so continue the process until an election shall be made: whereupon the office of the register, appointed by the Governor and council, shall cease; and the said register shall deliver the records, deeds and papers, belonging to the office, to his successor.

[This act passed March 12, 1808.]

CHAP. CXXXII.

An act providing for the payment of a part of the State Debt, 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 treasurer of this commonwealth, be, and he is hereby directed and empowered to pay, on the first day of July next, one fifth part of the debt due from this commonwealth on notes, issued in conformity to an act passed on the twenty-second day of June, eighteen hundred and three, entitled "An act to provide for the payment of part of the state debt," in addition to the interest which shall then have accrued thereon.

SECT. 2. *Be it further enacted*, That the treasurer shall issue new notes to the several holders of the notes aforesaid, similar to those issued under the said act, passed the twenty-second

Court of Sessions
authorized to issue
precepts.

Treasurer em-
powered.

to issue new
notes.

second day of June, eighteen hundred and three, *mutatis mutandis*, for the balance which shall be due to them, after deducting and paying off one fifth part as aforesaid; and the one fifth part of the state debt, as aforesaid, shall cease to bear interest after the first day of July next.

SECT. 3. *Be it further enacted*, That all the money now in the hands of the treasurer, or which may hereafter come into his hands, be appropriated to the purposes aforesaid, excepting such sums as may be necessary for defraying the expenses of government, and such as have been, or may be otherwise appropriated by law. Appropriation.

SECT. 4. *Be it further enacted*, That the treasurer of this commonwealth be, and he is hereby authorized and directed to borrow of the president and directors of the Union or Boston Banks, on the terms reserved in the charters of said bank, any sum not exceeding one hundred thousand dollars, which may be necessary for carrying into effect the purposes of this act, and to repay the sum he may so borrow as soon as money sufficient for that purpose, not otherwise appropriated, shall be received into the treasury. Treasurer authorized to borrow.

[This act passed March 12, 1808.]

CHAP. CXXXIII.

An act in addition to an act, entitled "An act regulating the collection of taxes in the town of Boston, and providing for the appointment of Constables in said town."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the treasurer and collector of the town of Boston, be, and he hereby is authorized to issue his warrant to the sheriff of the county of Suffolk, his deputy, or to any constable of the town of Boston, directing them to distrain the persons, or property of any person or persons who may be delinquent in the payment of taxes, after the time has expired, that is or may be fixed for payment, by any vote of said town. Which warrants shall be of the same tenor with the warrant prescribed to be issued by selectmen or assessors for the collecting or gathering in of the state rates or assessments, *mutatis mutandis*. And the said officers shall make a return of their warrants, with their doings thereon, to the said treasurer and collector, within thirty days from the date thereof: *Provided however*, that nothing in this act shall prevent the said treasurer and collect- Treasurer authorized in case of delinquents.

or, whenever there may be a probability of losing a tax, from distraining the person or property of any individual before the expiration of the time fixed by the votes of said town.

Duty of civil officers.

Proviso.

SECT. 2. *Be it further enacted*, That it shall be the duty of said officers to execute all warrants they may receive from said treasurer and collector, pursue the same process in distraining the persons or property of delinquents, as collectors of taxes are now by law authorized to do and perform; and for collecting the sum of money due on said warrant, receive the fees that are allowed by law for levying executions in personal actions: *Provided however*, before the said officers shall serve any warrant, they shall deliver to the delinquent, or leave at his or her usual place of abode, a summons from said treasurer and collector, stating the amount due; and that unless the same is paid within ten days from the time of leaving said summons into the town treasury, with twenty cents for said summons, his or her property will be distrained according to law.

SECT. 3. *Be it further enacted*, That the constables of the town of Boston, in addition to the usual condition of their bonds, shall also be bound to the faithful execution of all warrants committed to them by the treasurer and collector of said town.

[This act passed March 12, 1808.]

CHAP. CXXXIV.

An act in addition to an act, entitled "An act to incorporate a number of the inhabitants of the towns of Pittsfield, Hancock, Dalton and Washington, in the county of Berkshire, into a religious society, by the name of the Methodist Religious Society in Pittsfield, Hancock, Dalton and Washington."

Measures to be taken in joining the society.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That any person belonging to either of the said towns of Pittsfield, Hancock, Dalton and Washington, who may at any time hereafter, desire to join with the said Methodist society in Pittsfield, and shall declare such his or her intention in writing, and deliver the same to the clerk of the town, and a copy of the same to the minister or clerk of the parish in which he or she may reside, on or before the first day of March, in the year when such application shall

shall be made, and at the same time produce a certificate of their being united, and having become a member of said society, signed by the minister or clerk and two of the committee of the said Methodist society, such person shall, from and after the date of such declaration, with his or her polls and estate, be considered a member of said society : *Provided however*, that such persons shall be holden to pay his or her proportion of all money legally assessed in said parish to which such person formerly belonged.

SECT. 2. *Be it further enacted*, That whenever any member of said Methodist society, shall see cause to leave the same, and to unite in religious worship with any other religious society in the town in which he or she may reside, and shall declare such their intention in writing, and deliver the same to the minister or clerk, and committee of the said Methodist society, and shall deliver a copy of the same to the clerk of the town, on or before the first day of March, in the year when such person shall apply to be dismissed or discharged from the said Methodist society, and at the same time shall produce a certificate in writing, signed by the minister or clerk, and two of the committee, certifying, that he or she hath actually become a member of said religious society, or hath united in religious worship with said society, in the town where he or she may dwell, such person shall, from and after the date of such declaration, with his or her polls and estate, be considered a member of said society, to which he or she has so united : *Provided however*, that such person shall be holden to pay his or her proportion of all money legally assessed by said Methodist society, while he or she was a member thereof.

Measures to be taken in leaving the society.

[This act passed March 12, 1808.]

CHAP. CXXXV.

An act to incorporate a number of the inhabitants of the town of Falmouth, in the county of Cumberland, as a religious society, by the name of the First Universalist Society in Falmouth.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Adam Barbour, Adam Barbour, jun. Enoch Barbour, Robert Barton, James Buxton, John Camell, Andrew Cushman, John Dole, Nathaniel Hale, Mark Huston, Paul

Persons incorporated.

Paul Huston, Job Knight, Moses Knight, Amos Knight, Peter Knight, Edmund Knight, Richard Knight, Winslow Knight, Stephen Lowell, Joseph Noyes, Hutchinson Noyes, Ephraim Sawyer, Asa Sawyer, Thomas Sawyer, Anthony Sawyer, John Waite, Amasa Waite and Ebenezer Waite, with their polls and estates, together with such others as may hereafter join them, in the manner herein provided, be, and they are hereby incorporated into a religious society, by the name of the First Universalist Society in Falmouth; with all the powers and privileges which are exercised or enjoyed by other parishes, according to the constitution and laws of this commonwealth.

SECT. 2. *Be it further enacted*, That any person belonging to the said town of Falmouth, who may hereafter desire to join the said Universalist society, shall declare such desire and intention in writing, to the minister or clerk of the said Universalist society, and also deliver a copy of the same to the clerk of the town, or to the minister or clerk of the parish or religious society, where such person formerly attended, fifteen days at least previous to the annual town meeting in March or April; and if such person doth thereupon receive a certificate of membership, signed by the minister, elder, or clerk of the said Universalist society, such person, with his or her polls and estate, from the date of such certificate, shall be considered as a member of said Universalist society: *Provided however*, that such person shall be holden to pay his or her proportion of money for all parochial expenses, assessed and not paid previous to leaving any other society.

SECT. 3. *Be it further enacted*, That when any member of the said Universalist society, shall see cause to leave the same, and to unite in religious fellowship with any other religious society in the said town of Falmouth, shall declare such desire and intention in writing to the minister, elder, or clerk of the said Universalist society, and shall likewise deliver a copy of the same to the clerk of the town, or to the minister or clerk of such other religious society, fifteen days at least previous to the annual town meeting, in March or April; and if such person do thereupon receive a certificate of membership, signed by the minister or clerk of such other religious society, such person, from the date of such certificate, (with his or her polls and estate) shall be considered as a member of the society with which he or she has thus united: *Provided however*, that such person shall be holden to pay his or her proportion of monies for all parochial

Members to obtain a certificate.

Provido.

Members leaving, to give notice.

rochial expenses, assessed and not paid previous to leaving one society and uniting with another.

SECT. 4. *Be it further enacted*, That any justice of the peace for the county of Cumberland, is hereby authorized to issue his warrant, directed to a member of the said Universalist society, requiring him to notify and warn the first meeting of the members thereof, to be held at such convenient time and place as shall be appointed in said warrant, for the choice of such officers, and for doing such other business as may then appear necessary, and which religious societies are empowered to do, according to the constitution and laws of this commonwealth.

Justice to issue his warrant.

[This act passed March 12, 1808.]

CHAP. CXXXVI.

An act in addition to acts regulating the storage, safe keeping and transportation of Gun powder, within the town of Boston.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That no ship or other vessel, on board of which gun powder shall be laden, shall lay at any wharf in the town of Boston, nor within two hundred yards of any wharf within said town.

Vessels with powder to keep at a distance.

SECT. 2. *And be it further enacted*, That when any gun powder shall be landed in the town of Boston from on board any ship or other vessel laying in the harbour of Boston, the same shall be brought to, and landed at Tileston's wharf, and shall be immediately carried from the place of landing, to the public powder house, on Pine Island, in the town of Roxbury, either in boats, or in a waggon or waggons, cart or carts, or other carriage closely covered with leather or canvass, and without any iron on any part thereof, and which shall have been approved by the fire wards of the town of Boston, and marked in capital letters with the words, Approved Powder Carriage. And that when any gun powder shall be intended to be laden on board any ship or other vessel, in the harbour of Boston, the same shall not be brought through any part of the town of Boston by land, unless the same be brought in a waggon, cart, or other carriage, made and approved as aforesaid, nor unless such gun powder be brought to Tileston's wharf aforesaid, and be thence

Method of securing it with safety.

thence carried directly on board the ship or other vessel, on board which the same is to be laden.

Limited quantity
may be kept.

SECT. 3. *And be it further enacted,* That no person or persons, not in public service, or on military duty, shall keep, have or possess in any house, ware-house, shop or other building, nor in any street, lane, alley or passage-way, yard or cellar, nor in any waggon, cart or other carriage, nor on any wharf, nor on board any ship or other vessel, nor in any place within the town of Boston, gun powder in any quantity exceeding five pounds, in any way or manner, otherwise than as by this act is permitted and allowed.

Any larger quan-
tity seized and
forfeited.

SECT. 4. *And be it further enacted,* That all gun powder, which shall be found within the town of Boston, contrary to the provisions of this act, shall be forfeited, and may be seized by any one or more of the fire wards of said town, and shall be libelled according to the provisions of the act passed on the seventh day of March, one thousand eight hundred and four, entitled "An act in addition to the several acts now in force, which respect the transporting, storing and safe keeping of gun powder, in the town of Boston;" and such gun powder shall be forfeited, one moiety thereof to the use of the commonwealth, and the other moiety thereof, to the use of the fire wards of said town of Boston: *Provided always,* that it shall and may be lawful for any person or persons, to keep in his or their house, ware-house or shop, for sale by retail, any quantity of gun powder not exceeding twenty-five pounds in the whole; *provided,* the same be constantly kept in copper, brass or tin canisters, closely covered with copper, brass or tin, and not otherwise.

Provido.

Penalty.

SECT. 5. *And be it further enacted,* That if any gun powder shall be found within the town of Boston, contrary to the provisions of this act, the owner or owners of such gun powder, or other person or persons in whose possession the same shall be found, besides the forfeiture of the powder, shall forfeit and pay forty cents for each and every pound of such gun powder, one moiety to the use of the poor of the town of Boston, and the other moiety to the use of any person or persons, who shall prosecute and sue for the same; which forfeiture of forty cents as aforesaid, may be recovered by action of the case, in any court proper to try the same.

SECT. 6. *And be it further enacted,* That when any gun powder shall have been seized and libelled as aforesaid, if the owner or owners, or any person or persons who pos-
sessed

possession the same at the time of the seizure thereof, shall appear and dispute the forfeiture, and said gun powder shall be finally decreed and adjudged forfeited, such owner or other person who shall so appear and dispute such forfeiture, shall pay all costs of prosecution, which may arise after such appearance shall have been made, and judgment may be therefor rendered, and a writ of execution issued accordingly.

Owners to pay costs.

SECT. 7. *And be it further enacted,* That every person who shall suffer any injury by the explosion of any gun powder, had, possessed, or being within the town of Boston, contrary to the provisions of this act, may have an action of the case, in any court proper to try the same, against the owner or owners of such gun powder, or against any other person or persons who may have had the possession or custody of such gun powder, at the time of the explosion thereof, to recover reasonable damages for the injury sustained.

Persons injured to recover damages.

SECT. 8. *And be it further enacted,* That it shall and may be lawful for any two or more of the fire wards of the town of Boston, to enter any building, or other place in the town of Boston, to search for gun powder, which they may have reason to suppose to be concealed or kept, contrary to the provisions of this act, first having obtained a search warrant therefor according to law.

Fire wards legally authorized to search for—

SECT. 9. *And be it further enacted,* That an act, entitled, “An act in addition to the several acts now in force, which respect the carting and transporting gun powder through the streets of the town of Boston, and the storage thereof in the same town;” passed the twenty-sixth day of June, in the year seventeen hundred and ninety-two, be, and the same hereby is repealed: And also, that the first, third, and fourth sections of an act, entitled, “An act to provide for the storage and safe-keeping of gun powder, in the town of Boston, and to prevent damage from the same;” passed the nineteenth day of June, in the year one thousand eight hundred and one, be, and the said sections hereby are repealed: *Provided however,* that all actions, suits, processes, and forfeitures already commenced or incurred, shall be commenced and prosecuted according to said laws, the said repeals notwithstanding.

Law repealed.

Provide

SECT. 10. *Be it further enacted,* That this act shall be in force, from and after the passing thereof; and that it shall be the duty of the fire wards aforesaid, to cause the same

same to be immediately published, in two or more of the Boston newspapers, and to continue the publication thereof, six weeks successively.

[This act passed March 12, 1808.]

CHAP. CXXXVII.

An act to incorporate certain persons for the purpose of building a Bridge over Sebasticook river, in the town of Winslow.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Thomas Rice, Nathaniel B. Dingley, John Webster, Lemuel Paine, and Josiah Heyden, jun. together with those who have associated, or hereafter may associate with them, for the same purpose, be, and they are hereby authorized to build a bridge over Sebasticook river, in the said town of Winslow, in the county of Kennebeck, near the mouth of said river, at such place as the selectmen of said town shall locate and establish, in the manner herein after provided; and for the aforesaid purpose, said persons shall be a body politic, by the name of The Proprietors of the Sebasticook Bridge, and by that name, may sue and prosecute, and be sued and prosecuted to final judgment and execution; to keep and use a common seal, and the same to change and renew at their pleasure, and do and suffer all such other acts and things, as like corporate bodies may or ought to do and suffer.

Persons authorized to build a bridge.

—Incorporated.

Selectmen to select a proper place.

SECT. 2. *Be it further enacted,* That the selectmen of said Winslow, be, and they are hereby authorized and empowered, within three months after the passing of this act, to locate the said bridge across the said Sebasticook river, in the said town of Winslow, at such place as to them may appear most proper for the public interest and convenience, and a return of such location to be signed and certified by said selectmen, into the office of the Register of Deeds in and for said county of Kennebeck, shall be taken and deemed as the valid and legal location of said bridge, in the same way and manner, as if it were specified in this act: *Provided however,* that the said selectmen shall give previous notice to said town of Winslow, and all persons concerned, by causing the time and place, when and where they shall meet for the purpose of establishing said location,

Proviso.

location, to be publicly advertised three weeks successively in the Kennebeck Gazette; and also, by posting up notifications at some public place in said town of Winslow, at least, thirty days before the said time.

SECT. 3. *Be it further enacted*, That for reimbursing to the proprietors of said Sebasticook bridge, the money expended, and to be expended in building, supporting, and keeping said bridge in repair, a toll be, and hereby is Toll granted. granted and established, for the sole benefit of the said corporation, according to the rates following, viz: For each foot passenger, one cent; for each horse with one rider, Rates of six cents; for each single horse, cart, sled, or sleigh, eight cents; for each wheel-barrow, hand-cart, and every other vehicle capable of carrying a like weight, three cents; for each team, including cart, sled, or sleigh, drawn by more than one beast, and not exceeding four beasts, fifteen cents, and for every additional beast above four, two cents each; for each single horse, chaise, chair or sulkey, twelve and an half cents; for each coach, chariot, phaeton, or other four wheeled carriage, twenty cents; neat cattle, exclusive of those in carriages or teams, two cents each; and in all cases, the same toll shall be paid for all carriages passing said bridge, whether the same be loaded or not; and to each team one man and no more, shall be allowed as a driver, to pass free of payment of toll; excepting however, all persons who shall be on military duty, shall be permitted, with their baggage, to pass said bridge free of toll: And at all times when the toll-gatherer shall not attend his duty at the said bridge, the gate or gates shall be left open: And the said toll shall commence on the day of the first opening of the said bridge for passengers, and shall continue for, and during the term of forty years from the said day, and be collected as shall be prescribed by said corporation: And at each end of the said bridge, there shall be erected, and constantly exposed to public view, a sign, or board, upon which shall be written the rates of toll, and all tollable articles, in large, or capital letters: *Provided*, the said proprietors shall, at all times, keep the said bridge in good and passable repair, and at the end of said term of forty years, the said bridge shall be delivered over, and in good repair, to and for the use of this Commonwealth. Provido.

SECT. 4. *Be it further enacted*, That any two of the said proprietors may, by an advertisement in the Kennebeck Gazette, warn and call a meeting of said proprietors, to be holden in Winslow aforesaid, at any suitable time Manner of calling meeting.

and place, after fourteen days notice from the date of said advertisement; and the said proprietors, by a vote of a majority of those present, accounting and allowing one vote to each share, (provided no person shall be allowed more than five votes,) shall choose a clerk, who shall be sworn to the faithful discharge of his office; also, may at the same, or any subsequent meeting, choose such other officers as may be found necessary for managing the business of the said corporation, and shall agree on a method of calling future meetings; and at the same or any subsequent meeting, may make and establish such rules and regulations, as shall be deemed convenient or necessary for effecting and completing the said bridge, and for regulating the affairs of the said corporation, and for collecting the toll herein granted; and the same rules and regulations may be caused to be observed and executed, and for the breach of any of them, may order and enjoin fines and penalties, not exceeding thirteen dollars, *provided* the said rules and regulations, be not repugnant to the constitution and laws of this Commonwealth.

Act void in
case of.

SECT. 5. *Be it further enacted*, That if the said corporation shall neglect and refuse, for the space of five years from the passing this act, to build and complete said bridge, then this act shall be void and of no effect: *Provided however*, that the legislature shall have power to regulate the toll established by this act any time within one year after the said bridge shall be completed, any thing in this act to the contrary notwithstanding.

[This act passed March 12, 1808.]

CHAP. CXXXVIII.

An act incorporating the Proprietors of the Norfolk Cotton Manufactory.

Preamble.

WHEREAS the promotion of manufactures within this commonwealth, particularly such as are carried on with materials of American production, will increase the welfare and strength of the country, by promoting industry, and rendering us less dependant on foreign countries for articles of necessary consumption; and such manufactures being highly deserving the patronage of this government; and whereas Samuel Lowder, Calvin Whiting, Jonathan Richards, Eliphalet Baker, jun. Reuben Guild, Reuben

ben Richards, William Howe, Pliny Bingham, Calvin Howe, Edward Dowse and Jesse Wheaton, have associated themselves, for the purpose of carrying on the manufacture of Cotton, in its various branches, and other manufactures connected therewith; and have been at considerable expense in taking measures preparatory to the establishment of such manufactures, and have, for those purposes, purchased a mill seat, and privileges connected with and appertaining to it, on Mill Creek, in the town of Dedham, with some land contiguous and near to the same, and have petitioned the legislature to incorporate them, to enable them the more effectually and beneficially to prosecute the business of such manufactory:—*Therefore,*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the aforementioned Samuel Lowder, Calvin Whiting, Jonathan Richards, Eliphalet Baker, jun. Reuben Guild, Reuben Richards, William Howe, Pliny Bingham, Calvin Howe, Edward Dowse and Jesse Wheaton, and their successors, so long as they shall be proprietors in the said manufactory, together with such others as have associated, or may hereafter associate with them, be, and they are hereby incorporated, by the name of the Proprietors of the Norfolk Cotton Manufactory: *Provided nevertheless,* that any person who now is, or hereafter shall be, by virtue of this act, one of said corporation, upon his ceasing to be a proprietor, shall cease to be a member thereof.

Proprietors incorporated.

Proviso.

SECT. 2. *Be it further enacted,* That said corporation shall be capable in law of suing and being sued by its aforesaid name, and of pleading and being impleaded, defending and being defended in all courts of record, and other places whatsoever; and may do and suffer all acts, matters and things whatsoever, which bodies politic and corporate may or ought to do and suffer; and may have and use a common seal, and the same may alter at pleasure. And in all proceedings of said corporation, the votes of the proprietors shall be taken according to the real interest, or number of shares which they respectively hold in the actual property of said corporation, allowing in all cases one vote to each share; and absent members may vote and be represented by proxy, authorized in writing, by such absent member.

Entitled to privileges, and subject to penalties.

SECT. 3. *Be it further enacted,* That the said corporation is hereby made capable of taking, purchasing, possessing and holding to the use of the several members of said corporation, and to their heirs and assigns, in the same proportion

May possess and hold estate limited.

tion as they are or may be severally interested as proprietors, real estate to the amount of twenty thousand dollars, exclusive of the value of the mills, and other buildings which may be erected by the said corporation; and personal estate to the value of one hundred thousand dollars; and also of selling, aliening or disposing of the same, or any part thereof.

Property divided
into shares.

SECT. 4. *Be it further enacted*, That the property in said corporation shall be, and hereby is divided into fifty shares, which shares shall be numbered in progressive order, beginning at number one; and each person, on becoming a proprietor, shall have a certificate or certificates of his share or shares, under the seal of said corporation, and signed by the treasurer and clerk thereof, as evidence of such proprietor's share or shares; and the said shares shall be deemed to be personal estate; and the shares aforesaid shall be transferable by deed or instrument, signed and sealed by the proprietor transferring, and acknowledged before any justice of the peace, and recorded by the clerk of said corporation, in a book to be kept for that purpose.

Subject to assess-
ment.

SECT. 5. *Be it further enacted*, That said corporation, from time to time, at any legal meeting, may assess upon each share, such sum and sums of money as they shall judge necessary for establishing and carrying on said manufactory, and for the purposes connected therewith; and whenever any proprietor shall neglect or refuse to pay any tax or assessment, duly voted and agreed upon by the said corporation, to the treasurer thereof, within ten days after the time set for the payment of such tax or assessment, the treasurer of said corporation is hereby authorized to sell at public vendue, the share or shares of such delinquent proprietor, one or more, as will be sufficient to pay the tax or assessment or assessments due thereon, and necessary incidental charges, after notifying in one newspaper, printed in the county of Norfolk, if any newspaper shall be there printed; and in the newspaper printed in Boston, by the printers of the General Court, the sum or sums due on such share or shares, and the time and place of sale; which notice shall be given and published, at least ten days previous to the time of sale; and such sale shall be a sufficient and valid transfer of the share or shares so sold to the person purchasing and paying for the same; and the treasurer shall give a certificate under his hand, containing the number of the share or shares so sold, and the name of the purchaser, and the amount such share or shares sold for, to the clerk
of

Delinquent shares
to be sold.

of said corporation ; which certificate shall, by the clerk, be entered on the books of said corporation, kept for recording the transfer of shares ; and the purchaser shall be deemed and considered to all intents and purposes, the proprietor of the share or shares by him purchased and paid for, as aforesaid ; and the treasurer, after deducting the amount of the tax or assessment due on the share or shares of any delinquent proprietor, sold as aforesaid, together with the charges and expenses of the sale, shall pay the overplus or residue, if any shall remain, to the delinquent proprietor, or his written order, upon demand made on the treasurer for that purpose.

SECT. 6. *Be it further enacted*, That said corporation shall have power, from time to time, at any legal meeting, to choose a clerk, who shall be sworn to the faithful performance of his duty ; a treasurer, who shall give bond to said corporation, in such amount and manner as may be agreed upon by said corporation, conditioned for the faithful appropriation of the funds of the corporation, which may come to his hands ; and may also choose and appoint such other officers, agents, factors and directors, as to the said corporation may appear necessary or convenient for the regulation and government of the same, and for the effectuating the purposes of said manufactory ; and may also establish the tenures, duties and compensations of the said clerk, treasurer, officers, agents, factors and directors, and may make such rules and by-laws as may appear necessary, and the same to repeal at pleasure ; and to fix penalties for the breach thereof : *Provided* such penalties shall not exceed

Officers to be chosen.

Provided.

SECT. 7. *Be it further enacted*, That the share or shares of any member of said corporation, shall be liable to attachment on mesne process, and to be taken on execution, as provided by a law of this commonwealth, passed the eighth day of March, Anno Domini, one thousand eight hundred and five, directing the mode of attachment on mesne process, and selling by execution shares of debtors in incorporated companies.

Shares liable to attachment.

SECT. 8. *Be it further enacted*, That this act shall be deemed and considered a public act, so far, that the same may be given in evidence in any court of record, under any general or other issue, without being specially pleaded :

Act may be given in evidence.

Provided

Proviso,

Provided always, that the legislature may from time to time, hereafter, upon due notice to said corporation, make such further provisions and regulations for the management of the business of said corporation, and the government thereof, or wholly to repeal this act, as shall be deemed expedient.

[This act passed March 12, 1808.]

CHAP. CXXXIX.

An act regulating the selections, the empannelling, and the services of grand, traverse and petit Jurors, and repealing such laws, or clauses of laws, touching these subjects, so far as they are provided for by this act.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the selectmen of each town in this Commonwealth, shall provide, and at all times cause to be kept in their respective towns, two jury boxes, and shall before the first day of May next, and once at least in every three years afterwards, prepare a list of such persons, under the age of seventy years, in their respective towns, as they shall judge well qualified to serve as jurors, being persons of good moral character, and qualified as the constitution directs, to vote in the choice of Representatives, excepting the Governor, Lieutenant Governor, Counsellors, Judges, and Clerks of the common law Courts, Secretary and Treasurer of the Commonwealth, Loan Officer, and Revenue Officers, Judges of Probate, Registers of Probate, Registers of Deeds, settled Ministers, Officers of any College, Preceptors of Academies, Sheriffs, and their Deputies, Marshals and their Deputies, Counsellors and Attornies at Law, Justices and Clerks of the Courts of Sessions, Physicians, Surgeons, Criers of the Courts, Constables and constant Ferry-men; and from the persons whose names shall be borne on the abovementioned list, the Selectmen shall prepare another list, to consist of one quarter part of those persons contained in the first, and who shall be the best qualified to serve as grand jurors at the Court of Common Pleas, and grand jurors and jurors for trials at the Supreme Judicial Court, which last set shall be called traverse jurors; and the selectmen shall also make a third list, to consist of one half of the remaining part of the first list, and

Jury boxes to be kept by selectmen.

Persons qualified to serve as jurors.

—exempt from serving as jurors.

Second list.

and to include such persons as shall be best qualified to serve as petit jurors, at the Court of Common Pleas, and having written the names of the persons composing the second and third lists aforesaid, on separate pieces of paper, to be called tickets, the selectmen shall place the tickets having the names contained on the second list, in one box, to be called the general and traverse jury box, and the tickets having the names contained on the third list, in the other box, to be called the petit jury box, and shall then lay the whole of their doings before the town for a revision, who shall confirm or make such alterations in either of the said three lists as they may judge proper, always conforming the respective lists and boxes to the alterations, should any be made; and the persons whose names shall be thus placed and continued in these boxes, shall be liable to be drawn to serve on one of ~~the~~ the juries aforesaid, once in every three years, and not oftener; the said lists to be preserved in the possession of the selectmen, and the boxes in the custody of the town clerk.

Third list.

Method of placing the tickets,

Town to confirm or alter.

Jurors may serve once in three years.

SECT. 2. *Be it further enacted*, That if any person whose name shall be in either of the boxes aforesaid, shall be convicted of any scandalous crime, or be guilty of any gross immorality, his name shall be withdrawn from the box, by the selectmen.

Persons not admitted to serve.

SECT. 3. *Be it further enacted*, That the Courts of Sessions in the several counties, excepting the counties of Suffolk, Dukes County, and Nantucket, shall previously to the first day of June next, and forever afterwards within one year next after every new census, and as much oftener as any considerable change in the state of population shall render useful and necessary, divide their respective counties into at least four jury districts, and more, if it shall be found in practice convenient, not exceeding twelve, each to contain so many adjoining towns as shall make the number of inhabitants in each division as nearly equal, according to the last census for the time being, as may be, without dividing a town; and such jury districts shall be numbered and distinguished numerically; and the said Courts of Sessions shall cause copies of such divisions to be delivered to the clerks of the respective Courts at which the course of trials is or may be by juries, who shall issue their venire facias, in due form, directed to the respective constables of as many towns in one such jury district, and for as many jurors as shall be as near as may be in proportion to the number of jurors sent for in the other districts,

Court of Sessions to divide counties into districts.

tricts, to serve at the same court, always collecting the grand, traverse, and petit jurors, so far as shall be practical and convenient as uniformly from all parts of the county, as the situation of towns, the number of their inhabitants, and a practical rotation and equalization of the service of jurors will permit; never taking more than two grand, and two traverse or petit jurors from the same town, to serve at the same court, unless from necessity, some extraordinary occasion, or to equalize their services on the principles aforesaid.

Grand jurors
time of service.

Duty of Sheriffs,
and constables.

SECT. 4. *And be it further enacted,* That the grand jurors, who shall be returned to serve at the Court of Common Pleas, shall serve at every term of said court, which shall be held throughout the year, and until another jury shall be empannelled in their stead, except the county of Bristol, where they shall be required to serve twice in each year, at such times as the Court of Common Pleas for that county may direct. And venires for such a jury, shall be issued forty days, at least, before the first day of March annually. And the sheriff of each county, so soon as he shall receive the venires for jurors, from the clerk of either court, shall without any delay, forward the same to the constables of the towns to whom they shall be directed; and the constables of their respective towns, on the reception thereof, shall, in the usual form, notify the freeholders and other inhabitants, in their towns, qualified to vote in the election of Representatives, and particularly the selectmen and town clerk, to assemble and be present at the drafts and selection of the jurors called for; which meeting shall be held at least, six days, and not more than twenty days, before the setting of the court to which the venire shall be returnable.

Manner of se-
lecting jurymen.

SECT. 5. *And be it further enacted,* That when any town shall be duly assembled, in pursuance of a venire facias, for the purpose aforesaid, the town clerk, or in his absence, one of the selectmen shall carry into the meeting the box containing the names of those persons who have been selected to serve as jurymen, at the court from which the venire issued; which box shall be unlocked, in the meeting, and the tickets mixed by the major part of the selectmen, who are to be present; and one of the selectmen shall draw out as many tickets as there shall be jurors required by venire. The persons whose names shall be thus drawn, shall be returned to serve as jurors, unless from sickness, absence beyond sea, without the limits or in different parts
of

of the Commonwealth, they shall be considered by the town as unable to attend the court for which they had been drafted; or had served on a jury within three years from that day. In either of these cases, or in case of a coroner's being drawn, at a time when the duties of a sheriff shall be devolved on him, by reason of a vacancy in that office, the persons' names being returned into the box, others shall be drawn in their stead: But any person being thus excused, or who shall be returned, and shall not appear at court, or appearing, shall be there excused, shall not be considered as serving, or be excused on another draft, should it happen within the term of three years, the minute on his ticket, notwithstanding.

SECT. 6. *And be it further enacted,* That the selectmen who shall draw from the box the ticket of any persons to serve as a juror, and who shall not be excused by the town, for either of the causes aforesaid, shall endorse thereon the date of the draft, and then return the same into the box; and it shall be the duty of the constable to notify the persons thus designated to serve as jurors, four days, at least, before the sitting of the court, on which they are to attend, either by reading to them the venire, with the minutes of their having been drafted as aforesaid, thereon; or by leaving at their usual abode, a written notification of their having been so drawn, and also, of the time and place of the sitting of the court, and when they are to attend. And he shall make a seasonable return of the venire to the court to which it is returnable, with his doing thereon. And whenever there shall be a renewal, or an exchange of any of the tickets in either of the boxes, for others, of the same persons, the selectmen shall transfer from the back of the old tickets, to the new ones, the minutes of such drafts as had been made within the three preceding years.

Constables to
notify

—and make re-
turn.

SECT. 7. *And be it further enacted,* That when by a deficiency of either of the grand, traverse, or petit jurors of any court, it cannot conveniently proceed in its business, it may cause writs of venire facias, for the drawing and returning so many jurors as shall be deemed necessary, to be forthwith issued, and directed to the constables of such towns in the county as the court, under the existing circumstances, shall judge most proper; conforming, as far as the business of the court will permit, to the principles, by which under this act jurors are to be selected, and their services equalized: And the jurors so drawn, shall be notified by the con-

Writs of venire
issued in case of
deficiency.

ables to attend on the court immediately : And when from challenges, or otherwise, there shall not be a jury to determine any civil or criminal cause, which may be called on for trial, the sheriff or his deputy, or, in case of an interest of relationship in him, to a party in the suit, a coroner, or such other disinterested person as the court shall appoint, shall, by order of the court, return jurymen de talibus circumstantibus, sufficient to complete the pannel : *Provided*, no person shall be considered as competent to be returned, whose name shall not, to the satisfaction of the court, appear to be contained in one of three lists aforesaid, unless the parties consent ; and also provided that there shall be seven, at least, on the pannel, of the jurors returned by the venire.

Provido.

SECT. 8. *And be it further enacted*, That in all cases relating to real estates, either party may have a jury to view the place in question, if the court shall be of opinion that such view is necessary to a just decision : *Provided*, the party moving therefor, shall advance such a reasonable sum to the jury, as the court shall order to be taxed against the adverse party in the event of a decision of the cause against him, on its merits, or through the default of the adverse party.

Either party equally entitled.

Provido.

SECT. 9. *Be it further enacted*, That the justices of the respective courts aforesaid, shall, on motion from either party, in a suit, put any juror upon oath, whether he is any way related to either party, or hath formed or given any opinion, or is sensible of any particular interest or prejudice in the cause ; and if, thereupon, it shall appear to the court, that such juror does not stand indifferent in the cause, another juror shall be called or returned, and be placed, for the trial of that cause, in his stead.

SECT. 10. *And be it further enacted*, That from the return on the venires, the clerk of each court shall prepare, or have prepared, at the opening of every court, separate alphabetical lists of the names of the persons who shall be returned as grand traverse, or as petit jurors, respectively. And each court, in empannelling the grand jury, shall cause the two persons who shall stand first on the grand jury lists to be called and sworn, and after them the others, in succession, as they shall be named in said list, and in such divisions as has been usual, or as by the court may be deemed proper. And it shall be the duty of the grand jury, who shall be thus sworn, empannelled and instructed by the charge from the court, so soon as they shall retire for

Names of jurors alphabetically arranged.

for the purpose of discharging the duties of their office, first to elect by ballot their foreman, and to notify the court, by the officer who shall be appointed to attend on them, of the person who shall have been thus elected, and who shall be thereupon foreman of the jury, for the then existing term, and as such, be recorded by the clerk accordingly. But in case of the absence of such foreman by sickness, or any other cause, it shall become necessary, during the same session of the jury, to appoint another foreman, they shall proceed in a similar manner to elect, and to announce to the court the choice of another foreman in his stead. And the foreman of each grand jury, in the presence of the Attorney General, Solicitor General, or County Attorney, shall have power to swear any witnesses to testify before such grand jury, and it shall be his duty to return to the court which empannelled them, a list of all witnesses so sworn, before said grand jury be discharged from their attendance upon the said court; which list shall be filed and entered on record by the clerk thereof.

Jury to elect their own foreman.

Foreman empowered to swear witnesses.

SECT. 11. *And be it further enacted*, That the respective courts in empannelling the traverse and petit jurors, shall cause the names of the two first persons which shall stand on the list of jurors of trials respectively, to be called, who shall be first sworn, and then the others in succession, as they shall be named in the said list; and in such divisions as has been usual, or as the court may deem proper. And the first twelve persons, thus empannelled, shall be the jury; and when there shall have been venires, and returns for two juries, shall be called the first jury; and the next on said list being called and sworn as aforesaid, to the number of twelve, shall form the second jury: *Provided*, and in case of the courts excusing for cause, any person of either of said juries, and there being any supernumeraries, the vacancy shall be supplied, and the pannels be filled and completed, on the above mentioned principles, in the same manner as if the person excused, had not been named in the jury list: *And provided also*, in case of supernumeraries, on request, the court may excuse individuals of either pannel, who may not have sufficient reasons to exempt them from serving, so far as their places can be supplied, by the supernumeraries, and by their consent. And the juries, being thus empannelled, shall, respectively, either retire and choose by ballot their respective foremen, or shall make such a choice on their retiring with the first cause

Manner of empannelling the jury.

Proviso.

Individuals excused in case.

cause with which they shall be charged, as may best accommodate the arrangements and business of the court, of which choice, the court shall be notified, on the jury's return.

Provisional
jurors chosen
in case.

SECT. 12. *And be it further enacted,* That if at any time, from the existing state of the country, the nature or quantum of the business pending, or from any other cause, the courts respectively shall be of opinion that it will be a hardship on one set of traverse, or petit jurors, to serve the whole of the term, and that it would best meet the interest of the public, and of individuals, to have a second set of jurors to serve a part of the term, it shall be in the discretion of the court to direct their clerk, when they shall issue their venires to the constables, in manner before directed, for the usual number of jurors, to require in the same venire, that a second draft of an additional number, equal to the first number, shall be made, which shall be called provisional jurors, and shall form the second set, if, and so far as they should be needed, and be especially sent for by the court. And the constables shall also notify these jurors four days before the sitting of the court, of their being drawn as provisional jurymen, in the same manner as is provided for the notification of the first set of jurors. And such provisional jurors shall hold themselves in readiness, and be obliged to attend and serve, if and when, called for by the court, in the course of that term. And in all cases, when provisional jurors shall be drawn as aforesaid, it shall be in the discretion of the court, at any time during the session, to excuse, on request, from further attendance, any individual of the first set of jurors, on the condition of his giving seasonable and personal notice to such a provisional juror or jurors, for his or their immediate attendance, as shall be designated and called for, by the direction of the court.

Constables to
notify as usual.

SECT. 13. *And be it further enacted,* That the manner in which constables, upon the receipt of venires for jurors, shall notify the qualified inhabitants of their respective towns to assemble, and to be present at their drafts as aforesaid, shall, unless otherwise ordered by said towns respectively, be the same as has been, or shall be established therein for notifying and warning their annual town meetings. But if any town have, or shall, at a legal town meeting, order or appoint that the notification shall be by the constables giving notice to the selectmen, or the major part of them, and the town clerk, or by any other mode, such notification shall be sufficient.

SECT.

SECT. 14. *And be it further enacted,* That the oaths which shall be administered to the grand, traverse and petit jury, respectively, when they shall be empannelled, shall be in the forms following, namely—(Grand Juror's oath.) Oaths. You, as grand jurors of this inquest for the body of this county of S. solemnly swear that you will diligently enquire, and true presentment make, of all such matters and things as shall be given you in charge; the commonwealth's counsel, your fellows, and your own, you shall keep secret; you shall present no men for envy, hatred or malice, neither shall you leave any man unpresented, for love, fear, favour, affection, or hope of reward; but you shall present things truly, as they come to your knowledge, according to the best of your understanding. So help you God. (The other grand juror's oath.) The same oath which your fellows have taken, on their part, you and each of you, on your behalf, shall well and truly observe and keep. So help you God. (The form of the traverse and petit jurors' oath in civil causes.) You, and each of you, swear, that in all causes betwixt party and party, that shall be committed to you, you will give a true verdict therein, according to the law and the evidence given you. So help you God. (Form of the oath in criminal causes, not capital.) You shall well and truly try the issue between the commonwealth and the defendant or defendants, (as the case may be) according to your evidence. So help you God. (Form of the oath in capital causes.) You shall well and truly try, and true deliverance make, between the commonwealth and the prisoner at the bar, whom you shall have in charge, according to your evidence. So help you God. *Provided,* that when any person of the denomination of christians called Quakers, cannot conscientiously take the oath prescribed, such person shall be allowed to make affirmation, substituting the word "affirm," instead of the word "swear;" and also the words, "this you do under the pains and penalties of perjury," instead of the words, "So help you God."

Affirmation.

SECT. 15. *And be it further enacted,* That it shall be the business of the grand juries to present all crimes, offences, and breaches of the law, cognizable by the respective courts at which they shall attend; and of the traverse and petit juries, respectively, to try, according to the established forms and principles of law, all causes which shall be committed to them—and to decide at their discretion, by a general verdict, both the fact and the law, involved in the issue; or to find a special verdict or a general verdict, subject to the

Business and duty of grand juries.

the opinion of the court on a case or point stated and reserved by agreement of the parties, or their council, under the direction of the court, as making a part of the record to be entered as such, and in case such jurors, after a due and thorough deliberation on any civil cause, with which they may be charged, shall return into court without having been able to agree on a verdict, it shall be in the discretion of the court explaining to them its understanding of questions of law, if any should be proposed, and re-stating what any witness had testified, should that be requested by the jury; to send them out again for further deliberation; and if the jury should return a second time without being able to agree on a verdict, they shall not be liable to be sent out a third time, unless they shall state some legal difficulties for explanation, which had not been previously attended to by the court.

Jury fees.

SECT. 16. *And be it further enacted*, That the grand jurors who shall attend at the Supreme Judicial Court, the Court of Common Pleas, or the Municipal Court for the town of Boston, and the jurors for trials who shall attend either of the courts aforesaid, shall each be allowed one dollar and twenty-five cents a day for their attendance, and six cents a mile for their travel out and home; to be paid out of the county treasuries, respectively.

Penalties for neglect of duty.

SECT. 17. *And be it further enacted*, That the selectmen, town constable, clerk of the town, clerk of the court, sheriff or juror, who having no justifiable cause therefor, shall neglect to discharge the duties incumbent on them, him or it, respectively by this act, shall be subjected to the respective fines and amercements named to be assessed, ordered and imposed by the court, in reference to whose jurors such neglect or failures may have taken place; namely, a fine not exceeding twenty dollars, at the discretion of the court, on any selectmen or town clerk, who shall so neglect to perform his or their duty herein prescribed, as by means whereof the jurors called for from his or their town, shall not be returned; a fine not exceeding twenty dollars, at the discretion of the court, on any constable who shall so neglect to perform the duties devolved on him by this act; by means whereof there shall be a failure of the jurors called from his town as aforesaid; a fine or amercement not exceeding one hundred dollars, at the discretion of the court, on any town which shall so neglect the duties herein enjoined on it, or thereby to occasion a failure of the jurors called for, from such a town; a fine at the discretion of the court,

court, not exceeding fifty dollars, on their clerk, or the sheriff, who shall so neglect the duties enjoined on them respectively by this act, as to prevent a compliance with any of its provisions; a fine on any juror drawn, notified and returned, in the manner as above described, who shall unnecessarily fail in his attendance, and not being an inhabitant of Boston, Salem, Newburyport or Portland, not exceeding twenty dollars, and if an inhabitant of either of these towns, not exceeding forty dollars, to be divided equally among the jurors who shall attend and serve; and a fine not exceeding eighty dollars, on any town clerk or selectman who shall be guilty of any fraud, either in practising on the jury box previously to a draft, or in the drawing a juror, or in returning the name of any juror into the box, which had been fairly drawn out, and drawing or substituting some other one in his stead, or in any other way whatsoever; and all such fines, which the selectmen, constable, town clerk, sheriff, or clerk of a court, shall incur by virtue of this act, for any neglect, shall be to the use of the county in which the offender dwelt at the time of the neglect, to be recovered by indictment, information, or an action brought by the treasurer of the county, before any court having jurisdiction of the offence, provided the action shall be brought within twelve months after the offence shall have been committed: such fines or amercements as shall be ordered or imposed on towns for any neglect of their duties as before specified, shall be to the use of the county in which the offending town may be; and all fines and forfeitures for any of the frauds, by town clerks or selectmen as abovementioned, shall be recovered by action of debt, in any court having jurisdiction thereof; one moiety thereof to be, and enure to the commonwealth; the other moiety to him or them who shall prosecute and recover the same. And if any person obtaining a verdict in his favour in any court in this commonwealth, shall, during the session of the said court in which such verdict shall be obtained, give to any of the jurors in said cause, knowing him or them to be such, any victuals, drink, or entertainment, or other article by way of treat or gratuity, whether before or after such verdict, on due proof thereof it shall be a sufficient reason, at the discretion of the court, to set aside the verdict, at the election of the adverse party, and award a new trial of the cause.

Penalty in case
of fraud.

Appropriations
of fines.

Gratuities for-
bidden on pen-
alty.

SECT. 18. *And be it further enacted,* That all jurors that shall be selected, drawn or returned, in pursuance of the present

All previous jury acts repealed.

Proviso.

present existing law or laws, until the fourth day of July next, shall be considered as regularly returned, and competent to the duties for which they may have been so returned; after which time all acts, and clauses of acts, coming within the purviews of this act, and so far forth as their subjects are taken up and provided for by this act, shall be considered as repealed, and they are hereby repealed: *Provided always*, that any right or rights, action or actions, remedies, fines, forfeitures or privileges, which may then have occurred under any of the said existing laws, or clauses of the same, in any manner whatever, which may not then have been realized, executed, or definitively acted on, may be prosecuted and executed, and such proceedings had thereon as would have been done or had, and in the same manner as if this act had not been passed: And *provided also*, that all jurors which before that time shall have been regularly returned under the existing laws, shall exercise their rights and perform their duties as if this act had not passed.

[This act passed March 12, 1808.]

[END OF JANUARY SESSION, 1808.]