

MAINE STATE LEGISLATURE

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LAWS

OF THE

Commonwealth of Massachusetts,

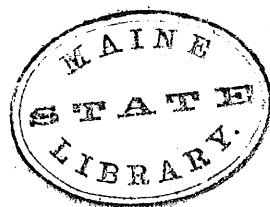
PASSED AT

THE SEVERAL SESSIONS OF THE GENERAL COURT

HOLDEN IN BOSTON.

BEGINNING 31st MAY, 1809, AND ENDING ON THE 29th FEBRUARY, 1812.

Published agreeably to Resolves passed 20th January, 1808, and
16th January, 1812.



VOL. V.

BOSTON:
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1812.

LAWS

PASSED AT THE SESSION, COMMENCED ON THE
THIRTY-FIRST OF MAY,

ONE THOUSAND EIGHT HUNDRED AND NINE.

CHAP. I.

An Act incorporating the First Congregational Society in
the town of Tyrringham.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Adonijah Bidwell, Azariah Orton, Eli Picket, John Rewce, John Jackson, Ebenezer Jackson, Ebenezer Chadwick, Benjamin Griffin, Ebenezer Rewce, John Heath, Elisha Taylor, Alvan Taylor, Lystra Taylor, Elijah Fowler, Zadock Rewce, Josiah Brewer, jun. Roswell Richards, Miller Peck, Benjamin Warren, jun. Isaac Brewer, Jonas Brewer, Joseph Chapin, Josiah Hale, Nathan Hale, Lemuel Townshend, Josiah Brewer, Daniel Brewer, Nathan Merriam, Joshua Brewer, John Brewer, John Langdon, Amasa Curtis, Darius Stebbens, Charles Jackson, Jesse Langdon, Zebina Curtis, Salathiel Hale, Isaac Harmon, Noah Allen, Abigail Hale, Amasa Curtis, jun. Thankful Brewer, Amos Langdon, Moses Bradley, Joseph Avery, Elisha Garfield, Daniel Garfield, Sanford Gleason, Manasseh Fairbanks, Stephen Brookins, Penuel Hobbs, Samuel Townshend, Asa Bigelow, Samuel Tibbals, John Bentley, Jedidiah Chapin, and Elijah Walter, be, and hereby are incorporated into a Society, by the name of The First Congregational Society, in the town of Tyrringham, subject to the duties and obligations herein after mentioned, and vested with the powers, privileges and immunities hereinafter specified, and all others which are common to other religious societies.

Persons incor-
porated.

A.

SECT.

Corporation
empowered to
hold real estate.

SECT. 2. *Be it further enacted*, That the said Corporation may take and hold real and personal estate, not exceeding at any time the value of Ten Thousand Dollars in the whole, the income of which shall be applied to the support of a Congregational Teacher of piety, religion and morality, in the south part of said town of Tyrningham, forever; and if it shall be more than sufficient for that purpose, the surplus shall be applicable to repairs of their meeting house, or such other pious uses as the said society shall direct, but the Trustees thereof shall not receive any compensation, to be paid out of said fund for their services.

Clerk & Treasurer.

To be sworn.

Trustees.

SECT. 3. *Be it further enacted*, That the said society may at their first meeting, to be called in the manner hereinafter provided for, and at their annual meeting to be holden on the first Monday of January, every year, appoint a Clerk and a Treasurer, to be sworn to a faithful discharge of the duties of their respective offices, and any number of Trustees not exceeding seven, whose duty it shall be to manage the fund, and the prudential concerns of said Society; and it shall be the duty of the Treasurer to prosecute or defend any action in the name and behalf of said Society; and at any future meeting, lawfully called and warned for that purpose, the said society may dismiss any of their said officers and supply any vacancy, occasioned by such dismissal, or by death, or otherwise, and may also appoint any other officers which they shall judge necessary or proper to effectuate the purposes of their incorporation.

Powers of the
Corporation.

SECT. 4. *Be it further enacted*, That the said society be, and hereby are empowered, to recover and receive the sums of money respectively subscribed for the use of said society, before this act of incorporation, by the several persons hereby incorporated, according to the terms of the subscription, and to take security, either real or personal, for the same, conditioned that if the interest be paid annually on or before the first Monday of January every year, the principal shall not be called for within fifteen years, except at the request of a surety, or when in the judgment of the Trustees the security shall be insufficient, in which cases the principal may be demanded and collected at any time; and the principal as well as interest shall be received whenever tendered to the Treasurer of said Society.

SECT.

SECT. 5. *Be it further enacted*, That the said society may obtain and receive further subscriptions and donations, provided their whole fund shall not exceed the aforesaid amount of Ten Thousand Dollars, and may by vote admit other subscribers and the heirs of subscribers to be members of the said society.

SECT. 6. *Be it further enacted*, That each member of the said Society, and no other person, shall be entitled to vote in their meetings.

SECT. 7. *Be it further enacted*, That any three of the persons, hereby incorporated, may call a meeting of the said Society, to be holden at such time within three months, and at such place within said town of Tyrringham, as they may judge most convenient, by posting up notifications of the time, place and purposes of said meeting, in two or more publick places in said town, fourteen days at least before the time of holding the same, at which meeting the said society may establish the mode of calling and warning future meetings.

Three persons may call meeting.

SECT. 8. *Be it further enacted*, That the books of record and of account of the said society, shall be laid before them at their meetings on the first Monday of January annually, by the Clerk and Treasurer, and shall at all times be open to the inspection of the Legislature, or any Committee appointed for that purpose by the Legislature, as well as of the Trustees or Committee of said Society.

Records subject to inspection of the Legislature.

[This act passed June 16, 1809.]

CHAP. II.

An Act to incorporate the Plantation numbered Five, in the County of Washington, into a Town by the name of Calais.

SECT. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the township numbered Five, bounding on Schoodick river in the County of Washington, as described within the following bounds, be and hereby is incorporated and established as a town by the name of Calais, viz.—Beginning at a spruce tree, and heap of stones, being the north-east corner of township number

Boundaries.

number four, standing on the western shore of Schoodick river, or St. Andrews Bay, thence south seventy degrees west, five miles and two hundred and seventy-one rods, to a cedar stump and stones, being the corner of four townships, viz. number three, number four, and number six, thence north twenty degrees west, five miles and one hundred and four rods to a stake and stones on the southerly bank of Schoodick river, thence extending the same course into the middle of the river, thence by a line drawn on the middle of Schoodick river, (being the line between the District of Maine, and the Province of New Brunswick,) and down the said river into St. Andrews, or Schoodick bay, opposite the Devil's Head (so called,) thence southerly by the western shore of Schoodick bay to the first mentioned bound, according to a plan of the survey of the said township made by Rufus Putnam and Park Holland, in the year seventeen hundred and eighty-four, and now remaining in the Land Office of this Commonwealth. And the said town of Calais is hereby vested with all the corporate powers and privileges, and subjected to the like duties and requisitions of other towns, according to the Constitution and Laws of this Commonwealth.

Meeting for
choice of town
officers.

SECT. 2. *Be it further enacted*, That either of the Justices of the Peace for the County of Washington be, and he is hereby authorized to issue his warrant, directed to some inhabitant of the said town of Calais, requiring him to notify and warn the inhabitants thereof, to meet at such convenient time and place as shall be appointed in the said warrant, for the choice of such officers, as towns are by Law empowered and required to choose at their annual town meetings.

[This act passed June 16, 1809.]

CHAP.

CHAP. III.

An Act to establish the dividing line between the Parish of Byfield on one part, and the first and third Parishes in Newbury, and the East Parish in Bradford, on the other part.

SECT. I. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the passing this act, that the following boundaries according to their courses shall constitute, and are hereby established, as the dividing line between the Parish of Byfield on one part, and the first and third Parishes in Newbury, and the east Parish in Bradford on the other part, viz. beginning at the Bound tree, between Bradford and Rowley, by the second Parish in said Rowley, thence north eighty four degrees east, thirty eight rods and eighteen links, thence east fifty one rods, thence north sixty five degrees east, one hundred and fifty rods, thence north seventy eight degrees east, one hundred and eight rods, thence north forty five degrees west, one hundred and forty three rods to Beaver Brook (so called) by the bounds of the third parish in Newbury aforesaid; thence north thirty six degrees east, one hundred and sixty six rods, by said third parish in Newbury to the road leading from Crane Neck (so called) to Pearson's mills in Byfield, thence the course of said road south seventeen degrees east, forty rods, thence continuing on said road north eighty three degrees east, twenty one rods, thence south thirty seven degrees east, on said road twenty six rods to land of Amos Dole on the easterly side of said road, thence south seventy five degrees east, sixty four rods to the corner of Deacon Joseph Hale's wood lot, thence south forty five degrees east on the easterly side of said Hale's wood lot, eighty six rods, and seventeen links, thence south seventy two degrees East, one hundred and five rods and ten links, to the road near Lunt's Corner (so called) thence south thirty four degrees east, across said road three rods and fifteen links to the beginning of a drift way, thence north fifty six degrees east, on the southerly side of said way, one hundred and twenty-six rods,

Boundaries described.

rods and nine links to the northeasterly corner of Land belonging to the heirs of William Moody ; thence south, thirty-eight degrees east, twenty-six rods and eight links, thence south seventy degrees east, forty five rods and nine links to the southerly side of a drift way at the northerly corner of John Turner's land, thence south seventy degrees east, thirty five rods, and sixteen links to the Sewall farm (so called) ; thence north seventy three degrees east, fifty four rods to the southwest corner of saw-mill pasture (so called) thence north, seventy nine degrees east, seventy seven rods, and seven links, thence north two degrees west, fifteen rods and fourteen links ; thence north seventy one degrees east, forty rods ; thence south thirty nine degrees east, twenty rods and seventeen links ; thence east one hundred and seventeen rods to Rattle Snake Rock, (so called) ; thence north sixty six degrees east, one hundred and seventeen rods to John Noyes's farm ; thence north eighty four degrees east, twelve rods and twenty two links ; thence south twenty six degrees east, seventy two rods ; thence south thirty seven degrees east, fifty six rods to the south side of the high way ; thence the same course, three rods to a large rock in George Adams's pasture ; thence south one degree east, sixty eight rods, thence south thirty degrees west, seven rods to a rocky point of upland, thence south twenty eight rods to the river Parker, at the dividing line between land of John Noyes and George Adams ; thence on the same course across said river, and down the same on the southerly side to the mouth of Rowley river at Oyster Point (so called) ; thence up said Rowley river to Rowley line where it meets the dividing line between the first parish in said Rowley, and the said Parish of Byfield as formerly established by law.

[This act passed *June 16, 1809.*]

CHAP. IV.

An Act in addition to an act, entitled "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," passed on the first day of March, in the year of our Lord one thousand eight hundred and eight.

SECT. I. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, there shall be holden within and for the County of Hampshire in each year, a court of Probate, at the places hereafter mentioned, any thing in the act to which this is in addition, to the contrary notwithstanding, that is to say, at Springfield three times, at Westfield three times, at Monson twice, at Amherst three times, at New Salem twice, at Charlemont twice, at Chesterfield twice, and at Northampton and Greenfield alternately at least once in each month, at such times and at such places in said towns as the Judge of Probate for the same County shall from time to time appoint.

[This act passed June 16, 1809.]

CHAP. V.

An Act empowering the Court of Sessions for the County of Washington to erect a Gaol in the town of Eastport.

SECT. I. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Justices of the Court of Sessions, for the County of Washington, shall from time to time assess the polls and estates within the said County, in such sums as may be necessary to erect and keep in repair a good and sufficient Gaol in the town of Eastport in said County, and establish the place in said town, where said Gaol shall stand, and to direct and order the building and repairing said Gaol according to their discretion, *Provided,*

Court of Sessions may assess polls and estates.

Proviso.

ded, said Court of Sessions shall not assess any greater sum of money to defray the charges of erecting and keeping said Gaol in repair, than they shall be authorized by the General Court to assess.

Sheriff may remove prisoners.

SECT. 2. *Be it further enacted*, That said Gaol, when so erected as aforesaid, shall be one of the common Gaols for the said County of Washington, and the Sheriff of said County, by his Deputy, or otherwise, may remove criminals for trials from one of the Gaols in said County to the other at his discretion, without Habeas Corpus, or any order from any of the Courts held in that County, *Provided*, said criminals are not also committed on mesne process or execution.

Proviso.

[This act passed *June 16, 1809.*]

CHAP. VI.

An Act to incorporate certain persons by the name of The Cheshire Glass Manufactory.

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 Nathan Wood, George Clark, Selah Root, Amos Pettibone, Benjamin Whipple, Stephen Whipple, Samuel Whipple, Eddy Mason, Brooks Mason, Benjamin Clark, Warren Southworth, Jesse Hix, Joseph Stephens, jun. Jonathan Pettibone, Jesse Mason, jun. Philo Pettibone, Frederick Noble, Truman Turrill, Thomas Hix, Samuel Bacon, Nathaniel Kent, William Millen, Ephraim Farrington, Moses Wolcott, Joel Redway, Jonathan Fish, jun. Calvin Fish, Daniel Coman, John Bennet, Timothy Sanders, Elisha Mowry, Elisha Clapp, Emerson Brown, Timothy Noble, Martin Gue-tian, Ebenezer Buck, John Turril, David Buck, Timothy Whitney, Silas Bagg, Hezekiah Mason, John Welles, Elisha Welles, John Welles, jun. Charles Welles, Elisha Tibbits, George Tibbits, Townsend M'Cown, Calvin Hall, John Leland, jun. Daniel Brown, Darius Brown, John Brown, Joseph Bucklin, William Machem, Daniel Barker, Ezra Barker, William Henry Smith, Heathcoat Hart, and John Hart, with such others as already have
or

or hereafter may associate with them, their successors or assigns, be and hereby are made a corporation, by the name of The Cheshire Glass Manufactory, for the purpose of manufacturing Glass in the town of Cheshire, and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the third day of March last past, entitled, "An act defining the general powers and duties of Manufacturing Corporations."

SECT. 2. *Be it further enacted*, That said Corporation may be lawfully seized and possessed of such real estate not exceeding fifty thousand dollars, and such personal estate not exceeding two hundred thousand dollars in value, as may be necessary and convenient for carrying on the manufacture of Glass in the said town of Cheshire.

Empowered to hold real estate.

[This act passed June 16, 1809.]

CHAP. VII.

An Act annexing a gore of land commonly known by the name of the Thirty Mile Strip, in the County of Kennebeck, to the town of Readfield in said County.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that the following described strip of land, called Thirty mile strip, together with the inhabitants thereon, be and hereby are annexed to, and made a part of, the town of Readfield, viz.—Beginning at the northwest corner of the said town of Readfield, thence westerly on the southerly line of the town of Mountvernon, to the easterly line of the town of Fayette, thence southerly on the easterly line of the said town of Fayette to the town of Wayne, thence easterly on the northerly line of said town of Wayne, to the town of Readfield, thence northerly on the westerly line of said town of Readfield to the first mentioned bounds. And the said inhabitants, hereby annexed to the town of Readfield, shall be entitled to all the privileges, and subject to the same duties and requisitions, as the other inhabitants of said town, according

Boundaries.

to the constitution and laws of this Commonwealth, and in as ample a manner as if they had been originally a part of said town of Readfield.

[This act passed June 16, 1809.]

CHAP. VIII.

An Act for further extending the provisions of an act incorporating the Proprietors of the Kennebunk Pier, passed in the year of our Lord, one thousand seven hundred and ninety eight.

Preamble:

WHEREAS said act of incorporation was to continue in force for and during the term of ten years, and the said period has elapsed, and the proprietors aforesaid have petitioned for a further extension of said term : Therefore,

Provisions of a former act extended.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the said act be and hereby is extended and continued to the said proprietors, with all its privileges and provisions, for and during the further term of ten years, to be computed from the period of its expiration.

[This act passed June 16, 1809.]

CHAP. IX.

An Act to incorporate William Davis and others, by the name of The Plymouth Cotton Manufactory.

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 Davis, Samuel Spear and Nathaniel Russell, with such others as already have, or hereafter may associate with them, their successors or assigns, be and hereby are made a Coporation, by the name of *The Plymouth Cotton Manufactory*, for the purpose of manufacturing cotton and woollen in the town of Plymouth, and for that purpose shall have all the powers and privileges,

privileges, and be subject to all the duties and requirements, contained in an act passed the third day of March last, entitled An act defining the general powers and duties of Manufacturing Corporations.

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized and possessed of such real estate not exceeding the value of fifty thousand dollars, and such personal estate not exceeding the value of one hundred thousand dollars, as may be necessary and convenient for carrying on the manufactory of cotton and woollen in the said town of Plymouth.

Empowered to hold real estate

[This act passed June 16, 1809.]

CHAP. X.

An Act in further addition to an act entitled, "An act to entitle the town of Boston to choose a Board of Health, and for removing and preventing nuisances."

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the persons who now are or may be appointed Members of the Board of Health, for the town of Boston, in pursuance of the act to which this is an addition, shall be and hereby are exempted from common and ordinary military duty, during the time they continue to be members of the board aforesaid.

Board of Health exempted from military duty

[This act passed June 16, 1809.]

CHAP. XI.

An act to incorporate the District of Easthampton, in the County of Hampshire, into a town by the name of Easthampton.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the lands comprised within the limits of the District of Easthampton, as the same are now bounded, with the inhabitants dwelling thereon (excepting

Easthampton incorporated

June 16, 1809.

(excepting Elijah Pomroy, Caleb Pomroy, Moses Bartlett, and Preserved Bartlett's heirs,) with the lands whereof they were severally seized and possessed in their own right on the seventeenth day of June, Anno Domini seventeen hundred and eighty five, be, and they hereby are incorporated into a town by the name of Easthampton, and the said town is hereby invested with all the powers, privileges and immunities, to which towns within this Commonwealth, are or may be entitled agreeably to the Constitution and laws of the said Commonwealth.

[This act passed June 16, 1809.]

CHAP. XII.

An Act to enable the Boston Mill Corporation to divide their estate among the Proprietors.

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 Boston Mill Corporation shall be and hereby are authorized at any meeting to be called for that purpose, from time to time, to agree upon any mode for effecting a fair, equal and convenient division or partition of their estate, or any part thereof, by lot, sale at auction among the proprietors, or otherwise, and upon such terms and principles as they may judge and determine to be expedient; and in case it shall so happen that the said estate, or such part thereof as may be ready for division, cannot conveniently be divided (in the opinion of said Corporation) so as to accommodate each proprietor with a quantity of land, equal and in proportion to his interest, the said Corporation shall have power to make all such rules and regulations, respecting credit to be given to those proprietors who become purchasers to a greater amount than their shares, and respecting the payment and indemnification of those who do not purchase to the amount of their shares, as they may judge expedient and for the interest of the Corporation.

SECT. 2. *Be it further enacted,* That all powers hereby given to said Corporation, may be delegated to and exercised

proprietors authorized to divide their estate.

exercised by their President and Directors, or by any committee for that purpose specially to be appointed.

[This act passed June 17, 1809.]

CHAP. XIII.

An Act in addition to the act establishing the Salaries of the Justices of the Supreme Judicial Court.

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 July next, there shall be paid to the Chief Justice of the Supreme Judicial Court, the sum of one thousand Dollars, and to each of the other Justices thereof the sum of six hundred Dollars, for every year during their continuance in office, in addition to their respective salaries as now established by law, and the said additional salaries shall be paid to said Justices quarterly out of the Treasury of this Commonwealth, the first quarter commencing with said first day of July aforesaid.

[This act passed June 17, 1809.]

CHAP. XIV.

An Act establishing a Corporation by the name of The Marblehead Social Insurance Company.

SECT. I. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Isaac Story, Joseph Barker, Joseph Wilson, and all such persons as have already, or hereafter shall, become their associates and stockholders in said company, being citizens of the United States, be and hereby are incorporated into a company or body politick, by the name of The Marblehead 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

Persons incor-
porated.

Name.

Powers.

purchase, hold, and convey any estate, real or personal, for the use of said company, subject to the restrictions hereafter mentioned.

Capital Stock
not to exceed
One hundred &
fifty thousand
dollars.

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, (the stockholders to have liberty to extend it to, but not to exceed, One Hundred and Fifty 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.

Directors.

President.

Qualifications
of Directors.

How chosen.

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 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 Marblehead, as a majority of the Directors for the time being shall appoint, of which election publick notice shall be given in one of the Newspapers printed in the town of Salem, and continued for the space of ten days immediately preceding such election; and such election shall be holden under the inspection of three stockholders not being Directors, to be appointed previous to every election by the Directors, and shall be made by ballot, by a majority of votes of the stockholders present, allowing one vote to each share in the capital stock; *Provided,* that no stockholder shall be allowed more than ten votes; and the stockholders, not present, may vote by proxy, under such regulations as said company shall prescribe; and if, through any unavoidable accident, the said Directors shall 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.

Proviso.

President chosen
by Directors.

To be sworn.

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

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.

Special election may be holden.

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

President and three directors may transact business—

And make by-laws.

Provido.

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 despatch of business, and the said board of Directors or the Committee aforesaid, at and during the pleasure of said board, shall have power and authority on behalf of the company to make insurance upon vessels, freight, money, goods, and effects, and against captivity of persons, and on the life of any person during his absence at 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

Stated meetings of the directors.

Policies to be subscribed by the President.

counterfigned 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 policy so subscribed, may be adjusted and settled by the President and board of Directors, and the same shall be binding on the Company.

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 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 proprietors 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 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.

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 company, or of other Officers, which the proprietors shall for such purposes appoint.

SECT.

Dividends to be made semi-annually.

Individual estates made accountable.

Stock to be invested.

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.

Instalments.

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.

Persons not eligible as directors.

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 amount of any and every loss that shall take place under policies thus subscribed.

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.

Amount of stock to be published.

Proviso.

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.

SECT. 14. *Be it further enacted,* That Isaac Story, Joseph Barker, and Joseph Wilson, or any two of them, are hereby authorized to call a meeting of the members of said company as soon as may be in Marblehead, by advertising the same for two successive weeks in the Essex Register, for the purpose of their electing a first Board

First meeting of stockholders.

of

BOSTON GLASS MANUFACT. *June 17, An. 1809.*

of Directors, who shall continue in office until the third Monday of April, one thousand eight hundred and ten.

[This act passed *June 17, 1809.*]

CHAP. XIV.

An Act to incorporate certain persons by the name of The Boston Glass Manufactory.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Samuel Gore, Thomas Whalley, Jonathan Hunnewell, Charles F. Kupfer, and Samuel H. Walley, with such other persons as already have or hereafter may associate with them, their successors and assigns, be and hereby are made a corporation, by the name of the Boston Glass Manufactory, for the purpose of manufacturing Glass, and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in An act passed the third day of March last past, entitled an act defining the general powers and duties of manufacturing Corporations.

SECT. 2. *Be it further enacted,* That said corporation may be lawfully seized and possessed of such real estate not exceeding fifty thousand dollars, and such personal estate not exceeding two hundred thousand dollars in value, as may be necessary and convenient for carrying on the manufactory of Glass.

[This act passed *June 17, 1809.*]

CHAP. XV.

An Act to establish The Salem India Wharf 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 George Crowninshield, George Crowninshield, jun. John Crowninshield, Benjamin Crowninshield, and Richard Crowninshield, owners and proprietors

Persons incorporated.

Corporation empowered to hold real estate.

Persons incorporated.

proprietors of a certain parcel of land, wharf and flats in Salem, in the county of Essex, known by the name of India Wharf, and such persons 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 Salem India Wharf Corporation, and by that name may sue and be sued, plead and be impleaded, defend and be defended, in any court 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 bye 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 bye laws, ordinances and regulations, may order fines and penalties, not exceeding ten dollars for every breach, *Provided*, that such bye laws, ordinances and regulations, shall not be repugnant to the laws of this Commonwealth.

Powers of the Corporation.

Proviso.

SECT. 2. *Be it further enacted*, That the said corporation shall be and hereby is declared capable to have, hold and possess the said land, wharf and flats, called India Wharf, and the privileges and appurtenances thereof, and also any other lands and tenements connected therewith, not exceeding the additional value of thirty thousand dollars, exclusive of the buildings thereon, and shall have power to erect any buildings, on any real estate owned by them, and any sea wall or other walls, to protect and secure the same, 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 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.

Individual property liable to attachment.

SECT. 4. *Be it further enacted*, That the property of every individual member of said corporation, vested in said corporate funds 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.

Meeting for choice of officers.

SECT. 5. *Be it further enacted*, That George Crowninshield, George Crowninshield, jun. and Benjamin Crowninshield, or any two of them, may call the first meeting, by advertizing 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 President, 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.

Provido.

SECT.

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 a legal conveyance thereof from such person or persons, to the said corporation.

SECT. 7. *And 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 subject to repeal.

Proviso.

Further proviso.

[This act passed *June 17, 1809.*]

CHAP. XVI.

An Act to incorporate William Edwards and others, by the name of The Hampshire Leather Manufactory.

SECT. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That William Edwards, Sylvester Emmons, Spencer Clark, Gideon Lee, Roswell Hubbard, and William Hubbard, together with such other persons as already have or may hereafter associate with them, their successors and assigns, be and hereby are made a corporation by the name of The Hampshire Leather Manufactory, for the purpose of manufacturing leather at Northampton, Chester, and Cumington, in the county of Hampshire, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the third day of March, in the year of our Lord one thousand eight hundred and nine entitled an act defining

Persons incorporated.

June 17, An. 1809.

defining the general powers and duties of manufacturing Corporations.

SECT. 2. *Be it further enacted*, That the said Corporation may be lawfully seized of such real estate, not exceeding the value of thirty thousand dollars, and such personal estate not exceeding the value of seventy thousand dollars, as may be necessary and convenient for establishing and carrying on the manufactory of leather in the towns of Northampton, Chester and Cummington, aforesaid.

[This act passed June 17, 1809.]

CHAP. XVII.

An Act to transfer the powers and duties of the Court of Sessions to the Courts of Common Pleas, and for other purposes.

Former acts repealed.

SECT. 1. **B**E *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That from and after the passing of this act, the act 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, and also an "act to explain and amend the laws respecting Courts of General Sessions of the Peace," be, and they hereby are repealed.

Powers transferred.

SECT. 2. *Be it further enacted*, That from and after the passing of this act, the Courts of Common Pleas, within this Commonwealth, in their respective counties, shall have, exercise and perform all the powers, authorities and duties, which before and until the passing of this act, the respective Courts of Sessions within the several counties in this Commonwealth, have by law had, exercised and performed.

Petitions, &c. returnable to the Common Pleas.

SECT. 3. *Be it further enacted*, That all petitions, recognizances, warrants, orders, certificates, reports and processses, made to, pending in, taken for, or continued, or returnable to, the Courts of Sessions in the several counties in this Commonwealth, shall be returnable to, entered, have day, be proceeded in, and determined by the respective

respective Courts of Common Pleas, within and for the same counties, at the term thereof, which shall be next holden after passing this act; and that all petitions, recognizances, warrants, orders, reports and processes, which shall hereafter be made or taken, shall be made and taken to the Courts of Common Pleas, within the respective counties, at the term thereof, which shall be next holden after passing this act, in the same manner as they would have been made or taken to the said Court of Sessions, if this act had not been made.

[This act passed June 19, 1809.]

CHAP. XVIII.

An Act in addition to an act, entitled, "An act in further addition to an act, entitled, an act for incorporating James Sullivan, Esq. and others, by the name and style of the proprietors of the Middlesex Canal."

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 Middlesex Canal, shall be allowed the further time of four years from the twenty second day of June current, to render Concord river boatable and navigable, and for cutting other canals in the county of Middlesex, pursuant and according to the tenor of the acts heretofore passed on that subject.

Proprietors allowed further time.

[This act passed June 19, 1809.]

CHAP. XIX.

An Act to provide for two extra sessions of the Court of Common Pleas for the County of Middlesex.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That there shall be a term of the Court of Common Pleas for the county of Middlesex, holden at Cambridge in the same county, on the second Tuesday of July next, and another term of said Court holden

Extra sessions.

holden at Cambridge, on the first Tuesday in August next, for the sole purpose of considering any new application for any new highways, or county roads within the same county, and of establishing according to law, such roads as in their opinion the public necessity or common convenience may require.

[This act passed June 19, 1809.]

CHAP. XX.

An Act to change the names of certain persons therein mentioned.

Names changed.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the passing of this act, John O'Brien, the third, of Newbury, in the county of Essex, shall be allowed to take the name of John Maurice O'Brien ; that John Hooper, of Marblehead, in the county aforesaid, shall be allowed to take the name of John Grift Hooper ; that Josiah Clark, of Sharon, in the county of Norfolk, who has been known and called by the name of Joseph Huin, shall be allowed to take the name of Joseph Huin ; that Samuel Bayley, jun. of Weymouth, in the county of Norfolk, shall be allowed to take the name of Samuel Publius Bayley ; that William Stickney, the third, of Newbury, in the county of Essex, shall be allowed to take the name of Albert Alonzo Stickney ; that Joseph Sprague, jun. of Salem, in the county of Essex, shall be allowed to take the name of Joseph E. Sprague ; that Samuel Lee, of Boston, in the county of Suffolk, shall be allowed to take the name of William Raymond Lee ; that Elijah White, of Boston, aforesaid, shall be allowed to take the name of Ferdinand Elliot White, and Israel Putnam the fourth, son of Eleazer Putnam of Danvers, in the county of Essex, Esq. shall be allowed to take the name of Israel Warburton Putnam. And the said persons shall, from and after the passing of this act, be 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.

[This act passed June 19, 1809.]

CHAP.

CHAP. XXI.

An Act in addition to an act, entitled, "an act to establish a Company by the name of The Worcester and Stafford Turnpike Corporation."

SECT. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the honourable Salem Town, Esq. Abner Brown, Esq. and Mr. Reuben Sikes, of Worcester, be a committee to examine that part of the turnpike road which the Worcester and Stafford turnpike corporation were empowered to make, and which is now located over a hill in the town of Sturbridge, on land of Lyon and of Upham; and if they think fit, to discontinue the road so located over said hill, and locate a road in lieu thereof, in such course, by the side of said hill, as will best accommodate the publick, and be least prejudicial to individuals; and that said committee be, and they hereby are authorized and empowered, to make such alterations in the former assessment of damages, and assess such other damages as may be just and reasonable, in consequence of locating said turnpike road, according to the authority hereby given, and according to the act to which this act is in addition. Committee appointed.

SECT. 2. *Be it further enacted,* That the said Salem Town, Abner Brown, and Reuben Sikes, be a committee to examine said turnpike road, and approve of the same, if made conformable to law, and that upon such approbation being had, the said corporation may apply for a committee to establish their gates according to law.

[This act passed *June 19, 1809.*]

CHAP. XXII.

An Act to change Monmouth Free Grammar School in the town of Monmouth, in the county of Kennebeck, into an Academy, by the name of Monmouth Academy.

WHEREAS the Trustees of Monmouth Free School, have petitioned this court to change the name Preamble.

name of said Free Grammar School, and to erect the the same into an academy, by the name of The Monmouth Academy :

Monmouth Academy incorporated.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the said Monmouth Free Grammar School, be, and the same hereby is erected into an Academy, by the name of The Monmouth Academy, and that the trustees of the said School shall be hereafter styled the trustees of Monmouth Academy, in all cases whatsoever.

[This act passed June 19, 1809.]

CHAP. XXIII.

An Act to incorporate the Plantation heretofore called Ballstown, into a town, by the name of Whitfield.

Whitfield incorporated.

Boundaries.

SECT. I. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the plantation heretofore called Ballstown, in the county of Lincoln, as described within the following bounds, be, and hereby is incorporated into a town by the name of Whitfield, to wit : Beginning at a stake in Turner's Meadow Brook (so called) it being the south west corner of the town of Jefferson, from thence running north west one mile, and two hundred and sixty poles to Sheepscot river ; from thence by and down said river as it runs one mile and sixty poles, to an elm tree ; from thence west northwest one mile and eighty poles to Pittston line ; from thence north four degrees east on said Pittston line, five miles and three hundred poles, to a tree marked ; from thence north north-east three miles and one half of a mile, to a white maple tree marked ; from thence east southeast five miles and three hundred poles to the west line of Jefferson ; from thence south twenty seven degrees west nine miles and two hundred poles, on the west line of Jefferson, to the first mentioned bound. And the said town is hereby vested with all the powers and privileges, and subject to all the duties and requirements to which other towns are entitled or subjected by the constitution and laws of this Commonwealth.*

SECT.

SECT. 2. *Be it further enacted*, That either of the Justices of the Peace for the county of Lincoln be, and he is hereby authorized to issue a warrant, directed to some inhabitant of said town of Whitfield, requiring him to notify and warn the inhabitants of the said town, to meet at such convenient time and place, as shall be appointed in said warrant, for the choice of such officers as towns are by law required to choose, in the months of March or April annually.

[This act passed June 19, 1809.]

CHAP. XXIV.

An Act for incorporating certain persons for the purpose of building a Bridge over Kennebeck river, in the town of Norridgewock.

SECT. I. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That John Ware, Ithamar Spaulding, Ather Spaulding, James Jones, Nathaniel Blackwell, William Jones, Richard Sawtell, John Clark, Bezar Bryant, Caleb Jewett, James Waugh, jun. Obadiah Withrell, and Josiah Heald, together with such others as may hereafter associate with them, and their successors and assigns, shall be a corporation, by the name of The Proprietors of Somerset Bridge, and by that name may sue and be sued to final judgment and execution, and may do and suffer all such matters, acts and things, which bodies politick may and ought to do and suffer; and that said corporation shall have full power and authority to make, have, and use, a common seal, and the same to break, alter and renew at pleasure; and the said corporation shall be and they are hereby authorized to erect a bridge over Kennebeck river, at the ripples, above the meeting house in Norridgewock, between the land owned by William Jones, on the northeast side of the river aforesaid, and the land lately owned by Simon Peirce, on the southwest side of the river aforesaid. And the said bridge shall be well built, of good materials, not less than twenty four feet wide, and well covered with plank or timber, with sufficient rails on each side for the safety of passengers.

Persons incorporated.

SECT.

Three persons
to call a meet-
ing.

Powers.

Proviso.

Rates of Toll.

SECT. 2. *Be it further enacted*, That any three of the said proprietors, by an advertisement in the Kennebeck Gazette, in three successive papers, the last publication to be at least fourteen days prior to the time appointed for such meeting ; and the said proprietors, by a vote of a majority of those present, accounting and allowing one vote to each share, (*Provided*, no person either by his own right or by proxy or by both, shall be entitled to more than ten votes,) shall choose a clerk, who shall be sworn to the faithful discharge of the duties of his office ; also may at the same time, or at any subsequent meeting, choose such other officers, as may be found necessary for managing the business of said corporation, and shall agree on a method of calling future meetings, and at the same or at any subsequent meeting, may make and establish such rules and regulations, as shall be deemed convenient and necessary for regulating said corporation, effecting, completing and executing the purposes aforesaid, and for collecting the toll herein granted ; and the same rules and regulations may cause to be observed and executed ; and for the breach of any of them, may order and enjoin fines and penalties not exceeding twenty dollars. *Provided*, that said rules and regulations be not repugnant to the laws and constitution of this Commonwealth.

SECT. 3. *Be it further enacted*, That a toll be and hereby is granted and established, for the use and benefit of said corporation, according to the rates following, to wit : for each foot passenger or one person passing said bridge, two cents ; one person and horse, six cents and one quarter of a cent ; single horse cart, sled or sleigh, eight cents ; each wheel barrow, hand cart, and every other vehicle capable of carrying a like weight, three cents ; each team, including cart, sled or sleigh, drawn by more than one beast, and not exceeding four, twelve cents and five mills ; and for every additional beast above four, two cents ; each single horse and chaise, chair or sulkey, seventeen cents ; each coach, chariot, phaeton and curricule, thirty seven cents and an half cent ; neat cattle and horses, exclusive of those rode on, or in carriages, or in teams, two cents each ; sheep and swine, for each dozen, six cents and a quarter of a cent, and at the same rate for a greater or less number ; and the same toll shall

be

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 from payment 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 seventy five years, from the said day, and be collected as shall be prescribed by said corporation; *Provided*, the said proprietors shall at all times keep the said bridge in good repair, and at the end of said term deliver the same to the Commonwealth for their use; *Provided also*, that at the place where the toll shall be collected, there shall be constantly kept on a board or sign, exposed to open view, the rates of toll in legible letters.

Provido.

SECT. 4. *Be it further enacted*, That if the said corporation shall neglect, or refuse, for the space of nineteen months from the passing of this act, to build and complete said bridge, then this act shall be void and of no effect.

Time for building limited.

SECT. 5. *Be it further enacted*, That all persons with their carriages and horses, passing to and from their usual places of publick worship, and all persons passing to and from funerals, and all persons passing on military duty, be, and hereby are exempted from paying the toll required by this act.

Persons exempted from toll.

SECT. 6. *Be it further enacted*, That at the expiration of ten years from the opening of said bridge, the General Court may regulate anew the rates of toll receivable thereat.

[This act passed June 19, 1809.]

CHAP. XXV.

An Act in addition to an act, entitled An act for regulating Towns, setting forth their Power, and for the choice of Town Officers, and for repealing all Laws heretofore made for that purpose.

Clerk, &c. chosen by ballot.

SECT. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the following town officers, namely, the clerk, treasurer, selectmen and assessors, shall be elected by ballot, but all other town officers may be chosen by that or any other method, as the electors present shall agree upon; and no ballot shall be received at any meeting of the several towns and districts in this Commonwealth, for the choice of a town officer, or officers, before nine o'clock in the forenoon, nor after four o'clock in the afternoon.

Collectors to prepare lists of rateable polls.

SECT. 2. *Be it further enacted*, That it shall be the duty of every collector of taxes, in the several towns and districts aforesaid, for the two last years, immediately preceding the first day of March, annually, and they are hereby severally authorized and directed, to make out and return to the assessors of the several towns and districts for the time being, or to such other persons as perform the office of assessors, of such towns and districts, thirty days previous to the first day of March annually, an accurate list of the names of all those persons from whom the said collectors shall have received any sum of money, as payment for taxes, for either of said two years, and to the name of each person, each collector, shall respectively annex the said sum of money, which he shall have so received from such person on the account aforesaid. And it shall be the duty of the said assessors, or of such persons as perform the office of assessors, to receive and examine the list aforesaid, and forthwith to make out an alphabetical list of the names of all those persons, from whom the said collector or collectors shall have received in payment of the taxes assessed in said town, for either of the two years next preceding, a sum of money equal to one poll tax, and two thirds of a single poll tax, and who,

who, in addition to having paid the said tax, as aforesaid, shall have been taxed for the year next preceding the said first day of March, to the said amount and whose taxes for either of the said years shall not have been abated : And the said assessors, or other persons performing the office of assessors for the time being, shall publish the said alphabetical list, by posting up the same in two or more publick places, in such towns or districts, fourteen days, at least, before the annual meeting for the choice of town and district officers, in their respective towns or districts ; and shall also furnish the Moderator of such meeting with a like alphabetical list ; and if the said collectors, assessors, or persons performing the office of assessors, shall unreasonably refuse, or neglect to make out their respective lists, and to return, publish, and furnish the same as aforesaid, they shall for each offence, severally forfeit a sum not exceeding five hundred dollars, nor less than fifty dollars, to be recovered by action of debt, or by indictment in any court proper to try the same ; one moiety thereof to the use of the poor of the town, and the other moiety to the person or persons who shall sue or prosecute therefor.

List to be published.

Collectors or assessors neglecting their duty—

Penalty.

SECT. 3. *Be it further enacted*, That the freeholders and other inhabitants of each town and district, being citizens of the United States, and being twenty one years of age, or upwards, whose names shall be on the said alphabetical list, shall be legally entitled to act and vote at any legal meeting of the said inhabitants ; and if any person not so legally qualified and entitled to act, and vote as aforesaid, shall give a ballot, or otherwise act, or vote at any such meeting, or if any person so legally qualified, shall at any one time of balloting, at any such election, fraudulently give in more than one vote, for one person, for either of said offices, every such person shall, for every such offence, forfeit a sum not less than thirty dollars, nor more than two hundred dollars, to be recovered as aforesaid.

Qualifications of voters.

Persons not entitled to vote—

Penalty.

SECT. 4. *Be it further enacted*, That no person shall be permitted to give his vote at any meeting, for the choice of the town and district officers before named, unless his name be found upon said alphabetical list ; and any moderator of such meeting, wilfully and knowingly permitting any

Moderator not to receive votes from those not on the list.

Penalty.

any person to vote, contrary to the provision of this act, shall forfeit one hundred dollars for every such offence, to be recovered as aforesaid.

[This act passed June 19, 1809.]

CHAP. XXVI.

An Act to repeal an act, entitled, "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."

Act repealed.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the act, entitled an act to incorporate a number of the 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, be, and hereby is repealed; and the members of the said Religious Society, with their polls and estates, are hereby annexed to the said south parish in Augusta, and entitled to all the rights, privileges and immunities of the same, in common with other parishioners thereto belonging. *Provided, nevertheless,* that the members of the said Third Religious Society, shall not be liable for the payment of any debts heretofore contracted, by the said south parish, in Augusta, other than those to which they are already liable, by the said act of incorporation.

Proviso.

[This act passed June 19, 1809.]

CHAP. XXVII.

An Act in addition to the several acts now in force to regulate the paving of Streets in the town of Boston, and for removing obstructions in the same.

SECT. I. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority

thority of the same, That in paving or repairing the pavement of any street, in the town of Boston, in future, no person shall place timber or wood, in front of his or her house or lot, to support the foot walk ; but the same shall be supported with hammered or cut stone any thing in the second section of the act to which this is in addition, passed the twenty second day of June, in the year of our Lord one thousand seven hundred and ninety nine, to the contrary notwithstanding.

SECT. 2. *Be it further enacted*, That the selectmen of the town of Boston, shall be, and they hereby are empowered to appoint suitable places in the streets or squares of said town, in which all waggons, carts, sleds, or other carriages, shall be directed to stand. Selectmen may appoint places for teams, &c.

SECT. 3. *Be it further enacted*, That said selectmen shall have power from time to time, to make and adopt such rules and orders, for the due regulation of all such carriages, in the streets of the town of Boston, as to them shall appear necessary and expedient ; which rules and orders shall be published, at least one week, in two of the newspapers printed in the said town ; and any owner or driver of any carriage, who shall offend against any such rule or order, so adopted and published, shall forfeit and pay a sum not exceeding five dollars, to be recovered upon complaint of either one of the selectmen of said town of Boston, before any one of the Justices of the Peace for the county of Suffolk ; and all such fines and forfeitures shall be paid for the use of the person prosecuting for breach of any such rule or order.

[This act passed June 19, 1809.]

CHAP. XXVIII.

An Act to unite and incorporate the town of Loudon and district of Bethlehem, in the county of Berkshire, into one town, by the name of Loudon.

SECT. I. **B**E 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 March next, the town of Loudon and the district of Bethlehem, Loudon incorporated.

Meeting for
choice of offi-
cers,

lehem, in the county of Berkshire, be and they here-
by are united into one town by the name of Loudon.

SECT. 2. *Be it further enacted*, That the selectmen of the town of Loudon be and they hereby are authorized and empowered to issue their warrant in the month of February next, directed to the constables of the town of Loudon and district of Bethlehem, or such other person, or persons, as they shall appoint for that purpose, requiring them to notify and warn a meeting of the inhabitants of the town of Loudon and district of Bethlehem, fourteen days at least, before the first day of March next, to meet and assemble on the said first day of March, at such place in said town, as the said selectmen shall appoint, for the purpose of choosing town officers, and doing such other business as shall be expressed in the said warrant.

SECT. 3. *Be it further enacted*, That all state, county, town, and ministerial taxes due, and debts contracted by either the town of Loudon or the district of Bethlehem, previous to the first day of March next, shall be paid by them respectively.

SECT. 4. *Be it further enacted*, That the stock and property owned by the said town of Loudon, or district of Bethlehem, shall from and after the said first day of March next become one entire fund, and be the property of the said town of Loudon.

[This act passed June 19, 1809.]

CHAP. XXIX.

An Act to incorporate Benjamin Smith and others, by the name of The Franklin Mechanick Association.

Persons incor-
porated,

SECT. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Benjamin Smith, Joseph Mansfield, and John Hooper Gregory, with their associates, and such as may hereafter join with them, be and they are hereby incorporated into a body politick by the name of The Franklin Mechanick Association, in Marblehead, for the purpose of encouraging and promoting the general interest of the arts and sciences, as well as affording relief

lief to the distressed ; that they shall have perpetual succession by the said name, have power to make all bye laws and regulations, necessary for maintaining and promoting the purposes of their institution, and not repugnant to the constitution or laws of this Commonwealth.

Powers of the Corporation.

SECT. 2. *Be it further enacted*, That the said Franklin Mechanick Association in Marblehead, be, and hereby are authorized and empowered to make, and use a common seal, and are hereby made liable to be sued, and empowered to sue, and defend in their said corporate capacity in any of the courts of law of this Commonwealth, and to make purchases, and receive subscriptions, grants and donations of real or personal estate, not exceeding the sum of fifty thousand dollars in either, and to dispose of their property at any time, as to a majority of their corporation, shall seem fit and meet, the said majority being restricted to the before mentioned purposes of the institution.

Empowered to hold real estate.

SECT. 3. *Be it further enacted*, That the said society be and are hereby authorized to meet on the third Thursday of July next and ever after, annually, on the last Thursday of December, to choose a President, Clerk, Treasurer, and such other officers, as to them may appear necessary, each to continue, until others may be chosen in their room and stead ; the said Clerk and Treasurer to be sworn to the faithful discharge of the duties of their several offices.

Officers.

SECT. 4. *Be it further enacted*, That Joseph Mansfield, be authorized and empowered to call a meeting of the members of the said association, on the third Thursday of July next, before mentioned, at such place as to him may seem proper.

SECT. 5. *Be it further enacted*, That the Legislature may, from time to time, make further provisions, and regulations for the management of this corporation, and may repeal the whole or part of this act whenever it shall be deemed expedient.

This act subject to repeal.

[This act passed June 20, 1809.]

CHAP.

CHAP. XXX.

An Act in addition to an act, entitled “ an act to divide the county of Kennebeck, and to constitute the northerly part thereof into a county, by the name of The County of Somerset.”

SECT. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the passing of this act, the Supreme Judicial Court, to be holden at Augusta, in the county of Kennebeck, shall be holden for the counties of Kennebeck and Somerset, and shall from time to time have the same jurisdiction, power and authority for the trial of all actions, civil and criminal, the cause whereof has arisen or shall arise, within the body of the county of Somerset, and to hear and determine all other matters and things arisen, or which shall arise within the body of the county of Somerset, and shall have the same jurisdiction in all matters, civil, criminal, and mixed, arisen, or which shall arise in said county of Somerset, as if the same actions, matters and things had arisen within the body of the county of Kennebeck.

Supreme Judicial Court.

Courts, &c.

SECT. 2. *Be it further enacted*, That all business commenced in the Probate Court for the county of Kennebeck, as well as all actions, suits, recognizances, matters and things, pending in the court of Common Pleas and Court of Sessions for the said county, prior to the first day of June in the present year, shall be heard, tried and finally determined in the county of Kennebeck, in the same manner as though the county of Somerset had not been incorporated.

Appeals from the Probate Court.

SECT. 3. *Be it further enacted*, That all appeals which may be claimed according to law, from the decrees or orders of the Judge of Probate for the county of Somerset, shall and may be heard and determined by the Supreme Judicial Court, to be holden in said county of Kennebeck, in the same way and manner as appeals from the orders and decrees of the Judge of Probate for the county of Kennebeck, may be heard and determined.

SECT. 4. *Be it further enacted*, That all persons committed to jail in the county of Kennebeck, from the county

county of Somerset, shall be entitled to the same benefits and indulgences, as though they lived or had their homes in the county of Kennebeck, and it is made the duty of the proper magistrates and officers in the county of Kennebeck, to administer all oaths and perform all the services which may be necessary for that purpose : *Provided*, all expenses incurred by the operation of this section of this act, shall be defrayed by the county of Somerset.

Provido.

SECT. 5. *Be it further enacted*, That the respective Justices of the Peace for the county of Somerset, who shall be duly commissioned and qualified as such, are hereby authorized to issue alias and pluries executions on all judgments, recognizances or acknowledgment of debts, heretofore recovered or taken before them, respectively, as Justices of the Peace for the county of Kennebeck, in the same manner as they might by law have done, as Justices of the Peace for the county of Kennebeck, if said county of Somerset had not been incorporated.

Justices of the Peace.

[This act passed June 20, 1809.]

CHAP. XXXI.

An Act repealing the first section of an act entitled, “an act respecting the offices and duties of the Attorney General, Solicitor General, and County Attornies.”

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the first section of an act entitled “an act respecting the offices and duties of the Attorney General, Solicitor General and county Attornies,” passed on the twentieth day of June, in the year of our Lord one thousand eight huundred and seven, be and the same is hereby repealed.

[This act passed June 20, 1809.]

CHAP.

CHAP. XXXII.

An Act to establish a corporation by the name of The Granville 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 Justus Rose, of Granville, in the county of Hampshire, together with such others as have or may hereafter associate with him, their successors and assigns, be and they hereby are made a corporation by the name of The Granville Turnpike Corporation, for the purpose of making and keeping in repair a turnpike road from the south line of this Commonwealth, at or near the ending of a turnpike road lately established by the state of Connecticut, from the city of Hartford, to said south line of Massachusetts, thence through the east parish of Granville into the town of Blanford, in the same course and direction in which the road of the Eleventh Massachusetts Turnpike Corporation was lately located, till it intersects a county road near the house of Jedidiah Smith, Esq. leading from Blanford to Loudon; and for this purpose shall have all the powers and privileges, and be subject to all the duties, requirements and penalties contained in an act, entitled an "act defining the general powers and duties of Turnpike Corporations," passed the sixteenth day of March, in the year of our Lord one thousand eight hundred and five.

SECT. 2. *Be it further enacted*, That the said corporation shall be allowed to erect one gate on the said road, at or near the dwelling house of the said Justus Rose.

[This act passed June 20, 1809.]

CHAP. XXXIII.

An Act supplementary to the act, for providing and regulating of Prisons.

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 confined in any prison, who

who hath given, or may hereafter give bond for the liberty of the yard, pursuant to the act, to which this is a supplement, may and shall be at liberty hereafter in the day time to pass over any highway, or into any houses, lands or tenements, within the limits of the yard, as fixed and determined by the courts of sessions, and to abide and remain therein without being deemed to have committed an escape, or forfeited any such bond; *Provided however*, that nothing herein contained shall be construed to authorize any trespass upon the property or possession of the owner, or tenant of any such houses, lands or tenements, or to affect any action or suit now pending upon any such bond. Prisoners to have the liberty of the yard.
Provide.

SECT. 2. *Be it further enacted*, That no action shall hereafter be maintained for the breach of any bond given or to be given, for liberty of the yard as aforesaid, unless such action be brought within one year from and after such breach; *Provided*, that nothing herein contained shall affect any action or suit, now pending on such bond as aforesaid. No action to be brought for breach of bond, except within one year.
Provide.

[This act passed June 20, 1809.]

CHAP. XXXIV.

An Act to incorporate Nicholas Thorndike and others, into a company by the name of The Beverly Marine Insurance Company.

SECT. II. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Nicholas Thorndike, William Leach, and Josiah Gould, and all others who have already, or shall hereafter become Stockholders in the said company, being citizens of the United States, be, and they hereby are incorporated into a company, or body politic, by the name of The Beverly Marine Insurance Company, for and during a term which shall not exceed twenty years from the passing of this act, and by that name may sue and be sued, plead or be impleaded, appear, prosecute and defend to final judgment and execution, and may have a common seal which they may alter at their pleasure, and may purchase, hold and convey Persons incorporated.

vey any estate real or personal, for the use of said company, subject to the restrictions hereafter mentioned.

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

Directors. SECT. 3. *Be it further enacted,* That the stock, property and interests of said company, shall be managed and conducted by seven Directors, who shall hold their offices respectively one year, and until others shall be chosen, and no longer; and shall be elected on the fourth Monday of July, in each and every year, at such time of the day, and in such place in the town of Beverly, as a majority of the Directors for the time being shall appoint; of which election publick notice shall be given in the Salem Gazette, or in some other Newspaper, which shall be printed in the town of Salem, two weeks successively, immediately preceding said election; and the Directors who shall be chosen, shall meet as soon as may be after each election, and shall choose one of their number to be President, to continue in office for one year; and the President and Directors who shall be thus elected, shall be sworn to the faithful discharge of the duties of their respective offices; and in case of the death, resignation or inability to serve of the President, or of any Director, such vacancy, or vacancies shall be filled for the remainder of the year, in which they shall happen, by a special election for the purpose, which shall be notified and holden in the same manner herein before prescribed respecting annual elections of Directors; and all elections and other questions shall be decided by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock; *Provided,* that no stockholders shall be allowed more than ten votes, and that in the choice of Directors the stockholders not present, may vote by proxy, under such regulations as the company shall prescribe; and the said Directors shall have power to allow to the President annually, a reasonable salary or compensation for his services.

SECT.

SECT. 4. *Be it further enacted*, That no person shall be eligible as a Director of the company by this act established, who shall not be a stockholder in said company, or who shall be a director of any other company, carrying on the business of Marine Insurance.

Qualifications
of Directors.

SECT. 5. *Be it further enacted*, That the President and Directors shall have full power to make and prescribe such bye laws, rules and regulations, as to them shall appear needful and proper, respecting the management of the stock, 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; the meetings of the stockholders, and of the Directors, the manner of voting in such meetings, and all such matters as appertain to the business of Marine Insurance; and shall also have power to appoint a Secretary and so many Clerks, agents and servants, as they shall find to be necessary, and to allow to the persons who shall be thus appointed, reasonable salaries and compensations: *Provided*, that such bye laws, rules and regulations be not repugnant to the constitution or laws of this Commonwealth.

Proviso.

SECT. 6. *Be it further enacted*, That the sum of thirty dollars on each share of the capital stock of said company shall be paid within thirty days after the first meeting of the stockholders, and that the residue of each share shall be paid within twelve months from the term limited for the said payment, at such instalments, and in such manner, and under such penalties, as the said company shall direct.

SECT. 7. *Be it further enacted*, That there shall be stated meetings of the Directors, at least four times in each year, and whenever the President and Directors shall deem proper; and the President and a committee of two of the Directors to be by him appointed in rotation, shall assemble daily, if necessary, for the transaction of business; and the said board of Directors or the President and committee aforesaid, shall have power and authority on behalf of the company, to make insurances on 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 premium and

Meetings.

Insurance.

Policies to be
subscribed by
the President.

terms of payment ; and all policies of insurance by them made shall be subscribed by the President, or in case of his death, sickness or 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 company ; and all losses 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 : *Provided*, that no insurance shall be made by the said President, Directors or company until the said first instalment of thirty dollars on each share of the capital stock, shall be fully paid.

Proviso.

Amount of
stock to be pub-
lished.

SECT. 8. *Be it further enacted*, That the President and Directors of said company shall, previous to their subscribing any policy, and once in every year after publish, in some Newspaper printed in Salem, the amount of their stock, against what risks they mean to insure, and the largest sum they mean to take on any one risk ; but in no case shall they be allowed to take a greater sum than ten per centum on the amount of their capital stock actually paid in.

Individual ef-
futes made ac-
countable.

SECT. 9. *Be it further enacted*, That in case of any loss or losses taking place, equal to the capital stock of said company, or to the amount of said capital stock, actually paid in, if the President or Directors knowing of such loss or losses, shall subscribe to any policy or policies of insurance, the said President or Directors and their estates shall be liable and accountable, jointly and severally, for the amount of any and every loss which shall take place under policies so subscribed.

SECT. 10. *Be it further enacted*, That it shall be the duty of the President and Directors on the fourth Monday of January and July, in every year, to make dividends of so much of the interest arising from their capital stock, and the net profits of the said company, as to them shall appear advisable, except monies received, and notes taken for premiums on risks yet undetermined, which shall not be considered as part of the profits of the company ; which dividends shall be payable at the office of the company, and in case of any loss or losses, whereby the capital stock of the company shall be lessened before all the instalments are paid in, each stockholder's estate shall be accountable

accountable for the instalments that may remain unpaid on his share or shares, at the time of such loss or losses taking place; and no subsequent dividend shall be made, until a sum arising from the profits of the business of the company equal to such diminution shall have been added to the capital; and that once in every three years, and oftener if required by the stockholders, the Directors shall lay before the company at a general meeting an exact and particular statement of the profits, if any there be, after deducting losses and dividends.

SECT. 11. *Be it further enacted*, That the said company shall not, directly or indirectly, be concerned in buying or selling any goods, wares, merchandize or commodities whatever; and the capital stock of said company, except that part which shall be invested in real estate, shall within the term of six months after payment of the same, 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 said company.

Stock to be invested.

SECT. 12. *Be it further enacted*, That the President and Directors of said company shall, whenever required by the Legislature of this Commonwealth, lay before them a true statement of the affairs of said company, and shall submit themselves to examination under oath concerning the same.

SECT. 13. *Be it further enacted*, That Nicholas Thorne-dike, William Leach, and Josiah Gould, afore said, or any two of them, are hereby authorized to call the first meeting of the members of said corporation, as soon as may be, in said Beverly, by advertising the same for two weeks in the Salem Gazette, printed in the town of Salem.

First meeting.

[This act passed June 20, 1809.]

CHAP.

CHAP. XXXV.

An Act to provide for the storing and safe keeping of Gunpowder in the town of Cambridge, and to prevent damage from the same.

Weight limited.

Penalty.

Justice to issue his warrant.

SECT. I. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That after the first day of September next, it shall not be lawful for any person living in said town, to keep or have in any house, store, or other building within said town, except such building as shall be provided for that purpose, and approved by the fire-wards and selectmen of said town, more than fifty pounds weight of gun-powder at any one time, nor any quantity thereof, unless the same shall be kept in brass, copper, or tin canisters; and if any person or persons shall so have or keep in any building, any gun-powder contrary to the provisions aforesaid, he shall forfeit and pay the full value of the same, one moiety thereof to the use of the person who shall inform, complain or sue for the same, and the other moiety to the treasurer of the town of Cambridge, to the use of the poor of the town aforesaid, to be recovered with costs, by information or indictment in the court of Common Pleas, or by action on the case before any court, having by law jurisdiction and power to try the same; and any Justice of the Peace of said county, on information supported by oath, is hereby authorized to issue his warrant, returnable to himself within sixty days, directed to any fire-ward or constable of said town of Cambridge, requiring him forthwith to seize any quantity of gun-powder kept in any building in said town, contrary to this act, and to remove the same to the powder house, to be there kept as security for the penalty incurred by the owner or possessor thereof, and until such penalty, with the cost of seizing, removing and storing the same, shall have been paid; and such fire-ward, or constables having such warrant may seize and remove any such gun-powder in the day time, giving notice to the owner of said powder, or occupant of the building where the same may be found, by reading such warrant to him, or leaving an attested copy thereof at his usual place of abode in said town. And the keeper of the powder house shall

shall receive and keep the same until the clerk of the Court in which the information, indictment or action of the case had been pending, shall certify that said suit or process is at an end, and settled, or unless property shall have been attached on said process, or security given by the person who has incurred the forfeiture, to respond the judgment. And in every case the proprietors of the powder house shall have a lien on the powder stored therein, for their fees due for such storage.

SECT. 2. *Be it further enacted*, That John Hayden and his associates, be and hereby are incorporated and made a body politick by the name of the Powder House Corporation, and may have and enjoy all the powers and privileges, which are by law incident to corporations, for the purpose of building a powder house in Cambridge, aforesaid, for the storage and safe keeping of gunpowder; and to purchase and hold a suitable piece of land on which to erect the same, the place and building to be approved and accepted by the firewards and selectmen of Cambridge.

Persons incor-
porated.

SECT. 3. *Be it further enacted*, That said Powder-house Corporation, shall constantly keep a suitable person, who shall be approved by the fire-wards of said town to superintend said powder house, and shall be obliged to receive and deliver powder into and from the same, and shall be allowed to receive at the rate of five cents per month, for the storage of every cask of gunpowder containing twenty five pounds, and in proportion for a larger or smaller quantity; and at the rate of two and a half cents per month for every cask of like weight for every month after the first, during all the time which it shall be stored or kept therein, and twenty five cents upon each delivery of any quantity thereof; and the proprietors of said powder house shall be held responsible both in the corporate and individual property to any owner or depositor of powder in said house, for any damage arising from the deficiency of said house, or the refusal, delay, or gross negligence of the keeper.

Superintend-
ant—

His duty, and
fees.

SECT. 4. *Be it further enacted*, That the said John Hayden, shall have a right to call the first meeting of said Corporation, by posting up notice thereof at two publick places in said town at least five days previous to such meeting, at which time they may choose such officers for the management of said corporation, as they may

First meeting
called.

June 20, An. 1809.

may think fit, and make such bye laws for their own regulations, as are not repugnant to the laws of this Commonwealth.

This act sub-
ject to repeal.

SECT. 5. *Be it further enacted*, That the Legislature may at any time after two years from the passing of this act, repeal, alter or amend the same.

[This act passed June 20, 1809.]

CHAP. XXXVI.

An Act in addition to an act, requiring the several incorporated Banks in this Commonwealth, to adopt the Stereotype Steel Plate in certain cases, and for other purposes.

Bills not nego-
tiable.

Penalty.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That from and after the first day of September next, no person shall pay in discharge of any contract or bargain, or for any valuable consideration whatever, any bill or bills issued by any bank or banking company, other than the bank of the United States, or the several incorporated banks in this Commonwealth, of the denomination of five dollars, nor any bill or bills issued by any bank or banking company whatever, wherein a fractional part of a dollar is expressed, under a penalty of twenty dollars for each and every bill so paid, to be recovered of the person or persons so paying the same, by action of debt, with costs of suit, or by indictment by the grand jury in the Supreme Judicial Court, Court of Common Pleas, or the Municipal Court in the town of Boston, to the use of the person who shall, within one year thereafter, sue or prosecute for the same; in which suit or prosecution, the person who shall receive the same bill or bills, may be admitted as a competent witness; and the bill or bills which shall be paid as aforesaid shall be forfeited to the use of the person or persons who shall sue or prosecute as aforesaid.

[This act passed June 20, 1809.]

CHAP.

CHAP. XXXVII.

An Act to enforce the payment of Bank Notes.

SECT. I. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the first day of January next, if any incorporated bank within this Commonwealth, shall refuse or neglect to pay on demand any bill or bills by such bank issued, such bank shall be liable to pay to the holder of such bill or bills, after the rate of two per cent. per month, on the amount thereof, from and after the time of such neglect or refusal ; to be recovered as additional damages in any action against said bank for the recovery of said bill or bills.

Bills payable
on demand.

Penalty.

SECT. 2. *Be it further enacted,* That from and after the first day of January next, the bank bills, or notes of any banking company not incorporated by this Commonwealth, other than the bank bills of the United States bank, and its branches, shall not be received as a deposit, or in any other way be negotiated, loaned or passed in payment by any of the banking corporations in this Commonwealth, or by the Boston Exchange Office, under the penalty of one thousand dollars for each offence, to be recovered by action of debt in any court proper to try the same, to the use of the person who shall sue therefor.

Bills not negotiable.

Penalty.

[This act passed June 20, 1809.]