

# MAINE STATE LEGISLATURE

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# LAWS

OF THE

## Commonwealth of Massachusetts,

PASSED AT

THE SEVERAL SESSIONS OF THE GENERAL COURT

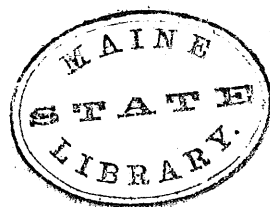
HOLDEN IN BOSTON.

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

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

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VOL. V.

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BOSTON:  
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1812.

# L A W S

OF THE  
COMMONWEALTH OF MASSACHUSETTS,

PASSED BY THE GENERAL COURT AT THEIR FIRST SESSION,

COMMENCED

ON THE LAST WEDNESDAY IN MAY,

ONE THOUSAND EIGHT HUNDRED AND ELEVEN.

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## CHAP. I.

An Act to incorporate Tristram Barnard and others, by the name of the Dorchester Cotton and Iron Factory.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Tristram Barnard, William Bordman, Joshua Davis, Caleb Loring, Thomas Curtis, and William Mackay, with such others as hereafter may associate with them, their successors or assigns, be, and hereby are made a Corporation, by the name of the Dorchester Cotton and Iron Factory, for the purpose of manufacturing Cotton and Iron in the town of Dorchester, 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, one thousand eight hundred and nine, entitled "An act defining the general powers and duties of manufacturing corporations." Persons incorporated.

SEC. 2. *Be it further enacted,* That said corporation may be lawfully seized of such real estate, not exceeding the value of fifty thousand dollars, and possessed of such personal estate not exceeding the value of one hundred thousand dollars, as may be necessary and convenient for carrying on the manufacture of Cotton and Iron in the said town of Dorchester. Possession of property allowed.

[This act passed June 13, 1811.]

B b b

## CHAP. II.

An Act in addition to an act, entitled "An act in addition to an act, entitled an act to incorporate Isaac Story, and others, by the name of The Marblehead Social Insurance Company."

Term extended.

Proviso.

**BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the further term of two years from and after the seventeenth day of June next, be allowed to the stockholders in the Marblehead Social Insurance Company, to pay in the residue, being the last moiety of their instalments, and amounting in all to fifty dollars on a share in the capital stock of the said Company; and that the said residue shall be paid in at such times, and in such proportions within the period aforesaid, as the directors of the said Company shall order or appoint, any thing in the act for incorporating said Company, or in the act to which this act is in addition, to the contrary notwithstanding. *Provided however,* That nothing in this act shall be construed to exonerate or discharge the estates of the said stockholders from being liable in the manner, and for the purposes mentioned in the seventh section of the said act of incorporation.

[This act passed June 13, 1811.]

## CHAP. III.

An Act in further addition to an act, entitled "An act to incorporate Nicholas Thorndike and others, into a Company, by the name of The Beverly Marine Insurance Company."

Term extended.

**BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the further term of two years from and after the twenty-third day of August next, be allowed to the stockholders in the Beverly Marine Insurance

Company, to pay in the residue, being the last moiety of their instalments, and amounting in all to fifty dollars on a share in the capital stock of the said company. And that the said residue shall be paid in at such times, and in such proportions, within the period aforesaid, as the directors of the said Company shall order or appoint, any thing in the act for incorporating said Company, or in the act to which his act is in addition to the contrary notwithstanding. *Provided however*, That nothing in this act shall be construed to exonerate or discharge the estates of the said stockholders from being liable in the manner, and for the purposes mentioned in the tenth section of the said act of incorporation. Proviso.

[This act passed June 13, 1811.]

#### CHAP. IV.

An Act to secure the town of Newburyport from damage by Fire.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the passing of this act, no building of any kind whatsoever, which shall be more than ten feet high from the ground to the highest point in the roof thereof, shall be placed, erected, or built within the town of Newburyport, in the county of Essex, unless all the external sides and ends thereof, shall be built or composed of brick or stone, except so much as may be necessary for doors and windows, and all additions which shall be made to buildings already erected, and all buildings which shall be erected on old foundations in part or in whole, shall be deemed and considered within the restrictions and regulations of this act. *Provided nevertheless*, that upon any wharf, marsh, or other place, where no sufficient foundation can be obtained, without unreasonable expense, on permission of the Selectmen and Firewards of said town, or the major part of them in writing, wooden buildings of not more than two stories high may be erected, and the permission so given, shall within ten days next after the same may be so given, be recorded in the Materials and method of building.

Proviso.

records of said town : *and provided also*, that on permission as aforesaid, wooden buildings may be erected on any part of the ground in said town, lying on the southerly and southwesterly side of High Street so called.

*SEC. 2. And be it further enacted by the authority aforesaid*, that all and every person, or persons who shall erect, place, or add to, or cause to be erected, placed, or added to, any building or buildings, in said town of Newburyport, contrary to the true intent and meaning, and against the provisions of this act, shall forfeit and pay a fine of not less than fifty dollars, nor more than one thousand dollars, according to the nature and aggravation of the offence, to be recovered by information in the Supreme Judicial Court, in the county of Essex, which information it shall be the duty of the Attorney General, and Solicitor General to file in all cases which may come to his knowledge, or by indictment before said Court.

*SEC. 3. And be it further enacted*, That in addition to the fines above mentioned, there shall be laid and assessed upon every house, or other building, which shall be erected, placed or built, contrary to the provisions of this act, the sum of fifty dollars annually, and every year, until the same shall be removed, and it shall be the duty of the assessors of said town to assess upon the owner or owners of such building or buildings, for the time being the said sum of fifty dollars in addition to his, her, or their other taxes, to be collected in the same way and manner other taxes are or shall be collected, and the same remedy is hereby given to the collector or collectors of taxes for the recovery thereof.

*Provided nevertheless*, That no such annual tax shall be assessed on any building in said town, untill it shall have been made to appear in the Supreme Judicial Court, that such building has been erected, placed, or built in said town contrary to the provisions and restrictions of this act.

[This act passed June 14, 1811.]

## CHAP. V.

## An Act establishing the Holden Cotton and Wool Manufactory.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That James Eastabrook, Eleazer Rider, Abner Perry, Asa Greenwood, Joseph Rider, and Nathaniel Rider, together with such other persons as may hereafter associate with them, their successors and assigns, be and hereby are made a corporation, by the name of The Holden Cotton and Wool Manufactory, for the purpose of manufacturing cotton and wool in the town of Holden, in the county of Worcester, 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 in the year of our Lord, one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of Manufacturing Corporations."

Persons in-  
corporated.

SEC. 2. *Be it further enacted,* That the said corporation may be lawfully seized of such real estate, not exceeding the value of twenty thousand dollars, and such personal estate, not exceeding thirty thousand dollars, as may be necessary and convenient for establishing and carrying on the manufactory of cotton and wool in Holden aforesaid.

Possession  
of property  
allowed.[This act passed *June 17, 1811.*]

## CHAP. VI.

## An Act respecting Public Worship and Religious Freedom.

**W**HEREAS it is provided by the Constitution of this Commonwealth, "that every denomination of Christians demeaning themselves peaceably, and as good subjects of the Commonwealth, shall be equally under the protection of the law; and no subordination of

Preamble.

any one sect or denomination to another, shall ever be established by law." Therefore,

Support of  
teachers of  
religion.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That all monies paid by any citizen of this Commonwealth to the support of public worship, or of public teachers of religion, shall, if such citizen require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he usually attends, as well where such teacher or teachers is or are the teacher or teachers of an unincorporated as of a corporate religious society : and it shall be sufficient to entitle any such teacher or teachers of a corporate or unincorporate religious society, to receive the same monies of the town, district, parish, or religious corporation, which shall assess, collect, or receive the same, that he be ordained and established according to the forms and usages of his own religious sect and denomination, although his parochial charge or duties may extend over other religious societies, according to such forms and usages.

Membership  
of society.

SEC. 2. *Be it further enacted,* That whenever any person shall become a member of any religious society, corporate or unincorporate, within this Commonwealth, such membership shall be certified by a committee of such society, chosen for this purpose, and filed with the Clerk of the town where he dwells, such person shall forever afterwards be exempted from taxation for the support of public worship and public teachers of religion in every other religious corporation whatsoever, so long as he shall continue such membership. And the certificate of such committee may be as follows:—" We certify that A. B. of the town of \_\_\_\_\_, is a member of the religious society in the town of \_\_\_\_\_, called \_\_\_\_\_.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18 .

} Committee.

Grants, &c.

SEC. 3. *Be it further enacted,* That in case any donation, gift, or grant shall hereafter be made to any unincorporate religious society, such society shall have full power to manage, improve, and use the same, according to the terms and conditions on which the same may be



made ; to elect suitable trustees, agents, or officers therefor ; and to prosecute and sue for any right which may vest in such society in consequence of such donation, gift, or grant.

SEC. 4. *Be it further enacted*, That all ministers ordained agreeably to the usages of the sect or denomination to which they severally belong, whether over corporate or unincorporate society or societies, within this Commonwealth, shall have the same exemptions from taxation, as Ministers exempt from taxation. are given to stated ordained ministers of the gospel, in the town, district, parish, or plantation, where they are settled ; subject, however, to the same restrictions and penalties.

SEC. 5. *Be it further enacted*, That all parts of acts inconsistent with this act, be, and the same are hereby repealed.

[This act passed *June 18, 1811.*]

## CHAP. VII.

### An Act to establish the Turner Wool and Cotton Manufactory.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Daniel Carey, John Turner, Oliver Pollard, Samuel Blake, Alden Blossom, together with such other persons as may hereafter associate with them, their successors and assigns, be, and hereby are made a corporation, by the name of The Turner Wool and Cotton Manufactory, for the purpose of manufacturing wool and cotton, in the town of Turner, in the county of Oxford, 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 in the year of our Lord one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of Manufacturing Corporations." Persons incorporated.

SEC. 2. *Be it further enacted*, That said corporation may be lawfully seized of such real estate, not exceeding the value of twenty-five thousand dollars, and such personal estate not exceeding the value of seventy-five thou- Possession of property allowed.

sand dollars, as may be necessary and convenient for establishing and carrying on the Manufactory of wool and cotton in Turner aforesaid.

[This act passed June 18, 1811.]

## CHAP. VIII.

An Act providing for the appointment of Clerks of the Courts in the several Counties, and for the safe keeping of the Judicial Records and Files, and for other purposes.

Appoint-  
ments by the  
Governor.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That there shall be nominated and appointed by the Governor, with the advice of the Council, during pleasure; one person in each county in this Commonwealth, who shall be Clerk of all the Judicial Courts holden in the same county, and shall have the care and custody of all the records, files, and proceedings which have heretofore been had, and now remain in the respective offices of either of the Clerks of the Supreme Judicial Court or Court of Common Pleas; and who shall be Clerk of all the Judicial Courts holden in the same county, under the authority of this Commonwealth, and who shall do and perform all the duties, services, acts, matters, and things, which he as Clerk of either of said Courts, ought by law to do and perform.

Duties of  
clerks.

SEC. 2. *And be it further enacted,* That the several Clerks to be appointed by virtue of this act, shall keep a true and exact account of all the monies they shall receive by virtue of their office, and shall on the first Wednesday of January annually, render to the Treasurers of their respective counties, under oath, a true account of the whole sum thus by them received, and after deducting twelve hundred dollars (if they shall have received so much) which shall be held and retained for their own use, they shall pay over the one half of all the residue to their respective County Treasurers for the use of the county.

SEC. 3. *And be it further enacted,* That every such Clerk, before he shall enter upon the duties of his office, shall be sworn or affirmed to do and perform all the duties apper-

taining to his office, and such Clerk shall also give bond <sup>Bond.</sup> to the Commonwealth to the acceptance of the Governor and Council in a penal sum, not less than ten thousand dollars, with two or more sureties, conditioned that he will well and faithfully do and perform all the duties and pay over all the monies he is required by this act to do and perform, and for the safe keeping and immediate delivery of all the records, files, papers and muniments in said office to his successor, upon his leaving said office; which bond shall be lodged in the office of the Treasurer of this Commonwealth.

SEC. 4. *And be it further enacted,* That each of the Clerks aforesaid shall be required to pay over to the Treasurer of the county for which he may be appointed, all monies received by him, which has heretofore been ordered to be paid into the County Treasury for the use of the County or Commonwealth within thirty days from the adjournment of the Courts at which he may have received the same. <sup>Time limited to pay the Treasurer.</sup>

SEC. 5. *Be it further enacted,* That upon any appeal hereafter made, entered or prosecuted before the Supreme Judicial Court (except in those counties where there is not any term of the Supreme Judicial Court now holden) it shall not be the duty of the appellant or plaintiff in review to produce copies of the case, suit or process, but it shall be the duty of such Clerk to produce and furnish all the original papers, as the same may remain on file in his office with the docket of the Courts of the term when such action was terminated, and nothing hereafter shall be taxed for copies on any such appeal or review, except such papers, copies and documents, as the Justices of the Supreme Judicial Court may order to be furnished by the appellant or plaintiff in review. <sup>Negative and positive duties in case of appeal.</sup>

SEC. 6. *And be it further enacted,* That it shall be the duty of the Court exercising the power of Courts of Session in each county as soon as convenient, to provide an office of stone or bricks, which shall be fire proof, well arranged and provided with suitable alcoves, cases and boxes, for the safe keeping of all the records, files, papers and documents, which now remain in the Clerks' offices in the several counties, and which may hereafter accumulate in such offices, at the expense of each county respectively, where such office has not already been provided. <sup>Court to provide secure places.</sup>

June 18, 1811.

Vacancies to  
be filled.

SEC. 7. *And be it further enacted,* That the Clerks now in office shall continue to do and perform all the duties of their respective offices, until the first day of September next, and until others are appointed and qualified according to the provisions of this act. And in case of a vacancy in said office, or the absence of any Clerk, the Judges of the several Courts are hereby authorised and empowered to appoint a Clerk, who is hereby authorised to do and perform all the duties of Clerk during such vacancy or absence, and it shall be the duty of the several Clerks now in office to deliver over to their successors, all the records, files and papers in their respective offices, immediately upon the appointment of such successor.

Time of the  
act to take  
effect.

SEC. 8. *And be it further enacted,* That this act shall take effect and have force from and after the first day of September next, and all parts of acts inconsistent with the provisions contained in this act are hereby repealed.

[This act passed June 18, 1811.]

## CHAP. IX.

### An Act regulating the choice of Town Officers, and Town Meetings.

Qualifica-  
tions of a vo-  
ter.

Proviso.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That every male citizen of this Commonwealth of twenty-one years of age and upwards, liable to be taxed, who has resided within any town, plantation or district for one year next preceding his voting, shall be entitled to vote in such town, district or plantation, in the election of all town officers. *Provided however,* That no person shall be entitled to vote who is supported as a pauper, and every citizen as aforesaid, who has resided within any town, district or plantation, for one year as aforesaid, and during said term has been taxed for his poll, or any estate in any tax voted to be raised by said town, district or plantation, shall be entitled to vote in all other town affairs.

SEC. 2. *Be it further enacted,* That the election of Moderator of all town meetings for the choice of town

officers, (excepting in the town of Boston) of Town Clerks, Elections to  
 Selectmen and Assessors, shall be by written ballots, and be by ballot.  
 during the election of the Moderator for any town-meeting, the Town Clerk shall preside and shall have all the  
 powers and do all the duties which the Moderator of a  
 town-meeting now by law has and does perform.

SEC. 3. *Be it further enacted*, That if the Moderator  
 or Selectmen presiding at any town-meeting without the  
 consent of the voter shall read or examine, or permit any  
 other person to read or examine the name or names written  
 on his ballot or ticket with a view to ascertain the name of  
 the candidate voted for, before the poll is closed, the Mo- Ballot for  
 derator, Selectmen or Selectman so offending, shall each candidates  
 of them on conviction, forfeit and pay to the use of such not to be ex-  
 town the sum of twenty dollars, to be recovered by in- amined till  
 dictment in any court proper to try the same. close of poll.

SEC. 4. *Be it further enacted*, That all parts of any  
 acts inconsistent with this act, be, and the same are hereby  
 repealed.

[This act passed June 18, 1811.]

## CHAP. X.

An Act respecting the offices and duties of the Attorney  
 General, Solicitor General, and county Attornies.

SEC. 1 **B**E it enacted by the Senate and House of  
*Representatives in General Court assembled, and by the  
 authority of the same*, That, an act entitled "An Act re-  
 pealing the first section of an act entitled An Act respecting the offices and duties of the Attorney General, Solicitor General, and County Attornies," passed the twentieth day of June, in the year of our Lord one thousand eight hundred and nine, be, and the same hereby is repealed. Act repeal-  
 ed.

SEC. 2. *Be it further enacted*, That the first section of  
 an act entitled "An Act respecting the offices and duties  
 of the Attorney General, Solicitor General, and County  
 Attornies," be, and the same is hereby revived. --- revived.

[This act passed June 18, 1811.]

## CHAP. XI.

An Act for allowing further time to the Stoughton Turnpike Corporation for completing their Road.

**BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That a further time of two years from the twenty-third day of June, one thousand eight hundred and eleven, be, and hereby is allowed to said corporation to complete said Turnpike Road, any thing in the original act of incorporation to the contrary notwithstanding.

[This act passed June 19, 1811.]

## CHAP. XII.

An Act to establish The First Baptist Society in Woolwich, in the county of Lincoln.

**SEC. 1.** **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Samuel Stinson, William Hathorn, John Curtis, John Perkins, Charles Curtis, Thomas Card Jun. Daniel Card, John K. Stinson, Stephen Stinson, Gideon Stinson, Charles Carter, Joseph Lancaster, Robert Hanson, John C. Delano, Nathaniel Tibbetts jun. Ebenezer Delano, John Doyle, Joseph Snell, Asa Snell, Benjamin Shaw, John Wright, Abner Brookins, Robert Perkins, Seth Hathorn, Charles Curtis jun. James Cross, Joshua Bayley, Joshua Bayley, jun. John M. Bayley, Bradford Delano, Ebenezer Brookins, James Bayley, Samuel Mains, Daniel Card, jun. John Shaw, Benjamin Beals, Timothy Williams, John Card, John G. Gould, William Gray, Nathaniel Gould, Joshua Walker, Thomas Tibbetts, Jesse Bayley, Francis Cushman, Jacob Savage, James Blen, jun. Barzilla Walker, Benjamin Bayley, Simon Williams, Josiah Hedge, Daniel Walker, James Williams, Aaron Hilton, Andrew Savage, Joseph Wright, Joseph Brookins, Edward Farnum, Rich-

Persons in-  
corporated.

ard Mitchell, Daniel Bayley, Ezekiel Walker, Samuel Soule, Samuel Brookins, widow Eunice Brookins, and Susannah Blanchard; with their families and estates, be, and they are hereby incorporated, into a distinct religious society, by the name of The First Baptist Society in Woolwich, with all the powers, privileges, rights, and immunities to, and subject to all the duties which other religious societies are entitled to by the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That any and every person in the town of Woolwich, in the county of Lincoln, being of the Baptist denomination, who may at any time hereafter, actually become a member of, and unite in religious worship with said society in Woolwich, and give in his or her name to the clerk of the town or parish, to which he or she belongs, with a certificate signed by the minister or clerk of said society, that he or she has actually become a member of, and united in religious worship with said Baptist society fourteen days previous to the town or parish meetings to be held in the month of March or April annually, shall from and after giving such certificate with his or her poll and estate, be considered as a member of said society. *Provided however*, That such person shall be held to pay his or her proportion of all monies assessed in the town or parish to which he or she belonged previous to that time.

Qualifications to constitute a member.

Proviso.

SEC. 3. *Be it further enacted*, That when any member of said society shall see cause to leave the same, and unite in religious worship with any other religious society, and shall give in his or her name to the clerk of said Baptist society with a certificate signed by the minister or clerk of the town or parish where he or she may so unite, that he or she has actually become a member of, and united with such town or parish fourteen days previous to their annual meeting, and shall have paid his or her proportion of all monies assessed in said society previous thereto, such person shall from and after giving in such certificate, with his or her poll and estate, be considered as a member of the society to which he or she had so united.

Requisite measures for leaving the society.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the aforesaid county, be, and he hereby is authorised to issue his warrant directed to some member of

Warrant to be issued.

said society, requiring him to notify all the members thereof qualified to vote in parish affairs, to assemble at some suitable time and place in said Woolwich, to choose such officers, and transact such matters and things, as other parishes are by law authorized and required.

Parts of act  
repealed.

SEC. 5. *Be it further enacted*, That so much of the act passed on the twentieth day of June, one thousand seven hundred and ninety-seven as is inconsistent with the intention of the present act, and as far as concerns the town of Woolwich, be, and the same is hereby repealed.

[This act passed June 19, 1811.]

## CHAP. XII.

An Act to alter and establish the Line between the towns of Dana and Greenwich.

Boundaries  
described.

**BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the line between the towns of Dana in the county of Worcester, and Greenwich in the county of Hampshire, shall henceforth be as is herein described, viz. beginning at the southeast corner of New-Salem, thence east forty-six rods to land of William Cutler and William Cutter, thence south nineteen degrees west, ninety-six rods to a stake and stones, thence east forty-six rods to a stake and stones; thence south one hundred and forty-six rods to a heap of stones on a rock, thence east fifty-four rods and one half rod to a maple tree, and a heap of stones, thence south two degrees and one half degree west, seventy-seven rods to a stake and stones; thence south forty degrees west, sixteen rods to a white oak tree, thence south twenty degrees east, thirty two rods to a large pine tree, south twenty-one degrees west, forty-four rods to a heap of stones, west two degrees and half a degree, north thirteen rods and half a rod to a stake and stones; thence south twenty degrees west, sixty-seven rods to a heap of stones on a rock, thence east twenty-four degrees south, fifty-five rods to a heap of stones; south eight degrees west, two hundred and nine rods, to a heap of stones; east fourteen degrees south, one hundred and



thirty rods and half a rod ; north forty degrees east, twenty rods, to Benjamin Richardson's corner ; east forty degrees south, one hundred and sixty-eight rods, to a stake and stones ; being the south-east corner of said Richardson's land ; thence south thirty-seven degrees west, one hundred and nine rods to a heap of stones in the west line of land belonging to Ephraim Thayer.

[This act passed *June 19, 1811.*]

#### CHAP. XIV.

An Act to annex a part of the town of Sharon to the town of Walpole, in the county of Norfolk.

**BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That a tract of land situate in Sharon, belonging to the heirs of Jonathan Fales, late of Walpole, deceased, containing twelve acres and three quarters, bounded easterly on land of the heirs of Ebenezer Baker, deceased, southerly on land of Oliver Clap, westerly on the Norfolk and Bristol Turnpike, northerly on land of David Allen, in a direct line of the dividing line between said towns, and the said tract above described, be, and the same is hereby set off from the town of Sharon, and annexed to the town of Walpole.

[This act passed *June 21, 1811.*]

#### CHAP. XV.

An Act to annex Peter Tufts, and a part of his estate, to the town of Charlestown, in the county of Middlesex.

**BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Peter Tufts with his family, and that part of his estate lying in Medford, in said county of Middlesex, bounding northwesterly on the road leading to Medford bridge, northeasterly on land of Samuel Dex-

ter Esq. southwesterly on the road leading to Charlestown, the same being a triangular parcel of land of about five acres, together with all the buildings thereon standing, be, and is hereby set off from the town of Medford aforesaid, and annexed to the town of Charlestown, in said county of Middlesex. *Provided however*, That the said Peter Tufts with said estate shall be holden to pay his proportion of all taxes now granted, assessed or ordered to be assessed by said town of Medford, in the same manner as they would have been if this act had not passed.

[This act passed June 21, 1811.]

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## CHAP. XVI.

An Act to incorporate The First Baptist Society in the town of Rowley.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Timothy Morse, Moses Tenny, Joseph Pearson, Thomas R. Larkin, Nathaniel Harriman, Parker Smith, John Savory, William Savory, Silas Hardy, Solomon Hale, Samuel Harriman, Richard Dow, Francis Hills, William Woodman, Obadiah Hills Jr. Samuel Wheeler, Obadiah Hills, Oliver Dole, Joshua Dummer, Samuel Dummer jun. John Thurla, Ebben Pearson, Joseph Hardy, Moses Harriman, Richard Kent, Amos Pilsbury, Samuel Wood, Nathan Longfellow, John Pearson, John Thurla jun. Elihu Pearson, Moses W. Thurla, Abner M. Cheney, Enoch Little, Benjamin Plumer, David Poor, Daniel Poor jun. Benjamin Emerson, Thomas Nelson, Timothy Morse jun. Joseph S. Peabody, Artemas W. Perley, Stephen Dole, Daniel Cheney, Benjamin Jacobs, Peter Cloughlin, Paul Stickney, Jacob Lowell, Joseph Floyd, Samuel Dummer and Benjamin Chaplin, members of said religious society, together with their polls and estates, be, and they are hereby incorporated by the name of The First Baptist Religious Society in Rowley, with all the privileges, powers and immunities to which other religious societies in this Commonwealth are by law entitled.

Persons in-  
corporated.

SEC. 2. *And be it further enacted*, That any person in the town of Rowley, or in the adjoining towns who may at any time hereafter actually become a member of, and unite in religious worship with said society, in said Rowley, and give in his or her name to the clerk of the parish to which he or she belonged, with a certificate signed by the minister and clerk of said society, or by a committee chosen for that purpose, that he or she hath actually become a member of, and united in religious worship with said Baptist religious society, in Rowley, fourteen days previous to the parish meeting therein, to be held in the month of March or April annually, shall from and after giving such certificate, with his or her polls and estates, be considered as a member of said society. *Provided however*, That such persons shall be held to pay his or her proportion of all monies assessed or voted in the parish, to which he or she belonged, previous to that time.

Qualifications to constitute a member.

SEC. 3. *And be it further enacted*, That when any member of any of said society, shall see cause to leave the same, and unite in religious worship with the society in the parish in which he or she may live, and shall give in his or her name to the clerk of said Baptist religious society, with a certificate signed by the minister and clerk of the parish with which he or she may unite, that he or she hath actually become a member of, and united in religious worship with such other parish, fourteen days previous to their annual meeting in March or April, and shall pay his or her proportion of all monies voted in said society, or raised previous thereto, shall from and after giving such certificate with his or her polls and estates, be considered as a member of the society to which he or she hath so united.

Requisite measures for leaving the society.

SEC. 4. *And be it further enacted*, That any Justice of the Peace in the county of Essex, be, and he is hereby authorised and empowered, to issue his warrant, directed to some suitable member of said society, to meet at such time and place as shall be appointed in said warrant, to choose such officers, and transact such other business, as parishes are by law entitled to choose and transact in the month of March or April annually.

Warrant to be issued.

[This act passed June 21, 1811.]

D d d

## CHAP. XVII.

An Act to establish the town of Corinth.

Boundaries  
described.

SEC. 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 two in the fourth range of townships north of the Waldo patent, in the county of Hancock, be, and hereby is incorporated and established as a town by the name of Corinth, within the following described boundaries, viz. easterly by number one, in the same fourth range, southerly by number two in the third range, westerly by number three in the same or fourth range, and northerly by number two in the fifth range; and the inhabitants of the said town of Corinth are hereby vested with all the powers and privileges, and subjected to the like duties and requisitions of other towns according to the constitution and laws of this Commonwealth.

Warrant to  
be issued.

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

[This act passed *June 21, 1811.*]

## CHAP. XVIII.

An Act establishing The North West River Canal Corporation.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Joseph Fitch, Tyler Porter, Jonathan Barker, Joseph Lakin, David Potter, William

Burns, Morril Hobbs, and Tyler Porter jun. Daniel Hill, and Jonathan Poor, together with such other persons as may hereafter be associated with them and their successors, shall be a corporation, by the name of The North West River Canal Corporation, and by that name may sue and be sued, defend and be defended, prosecute and be prosecuted; shall have a common seal, which they may at pleasure alter, and shall enjoy all privileges and powers, and do and suffer all such matters and things as are incident to similar corporations. Company incorporated.

SEC. 2. *Be it further enacted*, That the proprietors aforesaid, be, and hereby are empowered, within the term of five years from the passing of this act, to make a canal from Peabody's Pond in Baldwin, in the county of Cumberland, to Sebago Pond in Baldwin aforesaid, in the most convenient direction, and most suitable places for making said canal, and for loading and unloading, and transporting any lumber and other commodities therein. Empowered to make a canal.

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

SEC. 4. *Be it further enacted*, If any person or persons, shall wilfully and maliciously in any way destroy Proviso.

Forfeiture in  
case of will-  
ful injury.

or injure said canal, or any works, or part thereof, or divert or obstruct the waters, to the damage of the proprietors thereof, he, she, or they shall pay treble the amount of such damage, as said proprietors shall, before the Court and Jury, before whom the trials shall be had, make to appear said proprietors have sustained by means of said trespass, to be sued for and recovered in any Court proper to try the same.

Toll estab-  
lished.

SEC. 5. *Be it further enacted*, That for the purpose of remunerating said proprietors, for the monies by them expended, and to be expended in building and supporting said canal, a toll be, and hereby is granted and established for the benefit of said corporation, their successors and assigns, at each slip, not exceeding five in number, according to the rates following. viz. For each mill log one cent; for each thousand of clapboards and shingles, one and an half cents; for each thousand of boards, plank, and slitwork, three cents; for masts, spars, ranging and other timber, three cents per ton.

May recover  
by law.

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

Method of  
calling meet-  
ing.

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

May hold  
real estate.

SEC. 8. *Be it further enacted*, That said proprietors be, and they hereby are authorised and empowered to purchase and to hold to them and their successors

forever, so much real estate as shall be necessary for the purposes aforesaid, not exceeding five thousand dollars.

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

[This act passed June 21, 1811.]

## CHAP. XIX.

An Act to establish The Independent Christian Baptist Society in the town of Wells, in the county of York.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Elisha Hatch, Samuel Mildram, Joshua Clark, Theodore Littlefield, Moses W. Day, William Hobbs, Solomon Clark, Ebenezer Day, jun. Joseph Goodwin, Samuel Chaney, Daniel Sparkley, Alexander Cooper, Moses Cooper, Joshua Nason, John Cooper, Nathaniel Littlefield 3d. Benjamin Cooper, William Warrin, John Warrin, William Warrin jun. Nathaniel Grant, Richard Hodsdon, James Grant, Thomas Grant, Daniel Grant, Joseph Shorey, James Goodwin, John Wilkinson, John Plaisted, George Plaisted, Nathaniel Joy, Benjamin Hearl, William Hodsdon, Benjamin Hodsdon, James Grant jun. Benjamin Pearce, Amos Nason, Ebenezer Wadley, John Kimball, Benjamin Kimball, Solomon Stevens jun. William Boston, Abraham Goodall, David Merrifield, Abram Boston, Abner Goodall, Nathaniel Littlefield, Asa Stuart, Warwick Hobbs, Samuel Shadburn, Asa Littlefield, Daniel Maxwell, Solomon Hatch, Joseph Goodwin jun. Benjamin Larrabee, Nathaniel Hatch, Jedediah Gooch jun. and Joseph Hobbs, jun. with their polls and estates, be, and they hereby are incorporated by the name of The Independent Christian Baptist Society, in the town of Wells, with all the privileges powers and immunities, which parishes in this Commonwealth by law enjoy. Persons incorporated.

SEC. 2. *Be it further enacted*, That any person in the towns of Wells or Berwick, who may at any time

Method of  
becoming  
members.

hereafter actually become a member of, and unite in religious worship with said Baptist society, and give in his or her name to the clerk of the parish, to which he or she did heretofore belong, with a certificate signed by the minister or clerk of said society, that he or she hath actually become a member of, and united in religious worship with said Baptist society, fourteen days previous to the parish meeting therein to be held in the month of March or April annually, shall from and after giving such certificate, with his or her polls and estate, be considered as a member of said society. *Provided however,* That such person shall be held to pay his or her proportion of all monies assessed or voted, in the parish to which he or she belonged, previous to that time.

Measures to  
be taken for  
leaving.

SEC. 3. *Be it further enacted,* That when any member of said society shall see cause to leave the same, and unite in religious worship with any religious society in the town or parish in which he or she may live, and shall give in his or her name to the clerk of said Baptist society, signed by the minister or clerk of the parish, or other incorporate society, with which he or she may unite, that he or she hath actually become a member of, and united in religious worship with such other parish or incorporated religious society, fourteen days previous to their annual meeting in March or April, and shall pay his or her proportion of all monies voted in said society to be raised previous thereto, shall from and after giving such certificate with his or her polls and estate, be considered as a member of the society to which he or she may so unite.

Warrant to  
be issued.

SEC. 4. *Be it further enacted,* That any Justice of the Peace in the town of Wells, be, and he hereby is authorised and empowered to issue his warrant directed to some suitable member of said society, to meet at such time and place as he shall appoint in said warrant, to choose all such officers as parishes in this Commonwealth are, by law entitled to choose in the month of March or April annually.

[This act passed June 21, 1811.]



## CHAP. XX.

## An Act to establish The First Baptist Society in Fairfax.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Jonathan Fairfield, Josiah Ward, Stephen Dexter, Nathan Dexter jun. Nathaniel Dexter, Silvanus Harlow, William Spratt, Samuel Ward, Richard Thanaly, Stephen Hussey, Allen Wing, Benjamin Lewis, Daniel Stephens, Henry Baker, Zalmuna Washburn, Jabez Lewis, Michael Norton jun. Stephen T. Wiggen, Bela Burrell, Abraham Burrell jun. Thomas Dexter, Asa Burrell, jun. Japheth C. Washburn, John S. Fairfield, Japheth Washburn, Samuel Lewis, Job Billington, John Dickey, and John Sturtevant, together with their polls and estates, be, and they hereby are incorporated by the name of The First Baptist Society in Fairfax, with all the privileges, powers and immunities, which parishes in this Commonwealth by law enjoy. Persons incorporated.

SEC. 2. *Be it further enacted,* That any person in said town of Fairfax, or in the town of Harlem, in the county of Kennebeck, who may at any time hereafter, actually become a member of, and unite in religious worship with said Baptist society, and give in his or her name to the clerk of the parish to which he or she did heretofore belong with a certificate signed by the minister or clerk of said society, that he or she hath actually become a member of, and united in religious worship with said Baptist society, fourteen days previous to the parish meeting therein to be held in the month of March or April annually, shall from and after giving such certificate with his or her polls and estates, be considered as a member of said society. *Provided however,* That such person shall be held to pay his or her proportion of all the monies assessed or voted in the parish to which he or she belonged previous to that time. Method of becoming a member.

SEC. 3. *Be it further enacted,* That when any member of said society shall see cause to leave the same, and unite in religious worship with any other religious society in the town or parish in which he or she may live, and Measures to be taken for leaving.

shall give in his or her name to the clerk of the Baptist society aforesaid, signed by the minister or clerk of the parish or other incorporate society with which he or she may unite, that he or she hath actually become a member of, and united in religious worship with such other parish or incorporated religious society, fourteen days previous to their annual meeting, and shall pay his or her proportion of all monies voted in said society raised previous thereto, shall from and after giving such certificate, with his or her polls or estate, be considered as a member of the society to which he or she may so unite.

Warrant to  
be issued.

SEC. 4. *Be it further enacted*, That any Justice of the Peace in the towns of Fairfax or Harlem, be, and he is hereby authorised and empowered to issue his warrant directed to some suitable member of said society to meet at such time and place, as shall be appointed in said warrant, to choose all such officers as parishes in this Commonwealth are by law entitled to choose in the month of March or April annually.

[This act passed June 21, 1811.]

## CHAP. XXI.

An Act to establish the Baptist Society in Saco.

Persons in-  
corporated.

**BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Joseph Berry, Samuel Berry, Westbrook Berry, John Berry jun. John Boothby jun. Lemuel Boothby, Joseph Cole, Richard Dresser, Samuel Hains, David Libby, Solomon Libby, John Libby, Aaron M'Kenney, Abner M'Kenney, Samuel M'Kenney, John M'Kenney, John M'Kenney jun. Philemon M'Kenney, Robert M'Laughlin, Stephen Milliken, Thomas Milliken jun. David Nicholson, George Parcher, Elias Parcher, David Ridley, Daniel Ridley, Asa Seavy, Eli Seavy, Ebenezer Seavy, Reuben Seavy, John Seavy, Anthony Starbord, William Sweetser, James Tyler, James Tyler jun. and William Woodsom, with their families and estates, together with such others as may hereafter associate with them and their successors, in the manner

provided by this act, be, and they are hereby incorporated as a religious society, by the name of The Baptist Society in Saco, with all the powers and privileges exercised and enjoyed by other religious societies, according to the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That any person living in either of the towns of Saco, Buxton, or Scarboro,' who may desire to join the said Baptist Society in Saco, shall declare such intention in writing, delivered to the elder, minister, or clerk of the said Baptist society, fifteen days at least before their annual meeting, and if such person do receive, and can produce a certificate of admission, signed by the said elder, minister, or clerk, that such person has united with, and has actually become a member of the said Baptist society in Saco, such person shall, with his or her polls and estate, from the date of such certificate, be considered a member of the said Baptist society. *Provided however*, That every such person shall be holden to pay his or her proportion of all parochial expenses, in the society to which such person belonged, assessed and not paid, prior to leaving such society.

Qualifica-  
tions to con-  
stitute a  
member.

SEC. 3. *Be it further enacted*, That when any member of the said Baptist society, shall see cause to leave the same, and to unite with any other religious society in the town in which such person may have his home, shall give notice of such intention in writing, to the minister, clerk, or committee of such other society, fifteen days, at least, before the annual meeting; and if such person do receive, and can produce a certificate of admission signed by the minister, elder, or clerk, of such other religious society, that such person has united with, and has actually become a member thereof, such person shall, with his or her polls and estate, be considered from the date of such certificate, a member of such other society.

Requisite  
measures for  
leaving the  
society.

SEC. 4. *Be it further enacted*, That any Justice of the Peace, for the county of York, upon application therefor, is hereby authorised to issue a warrant, directed to a freeholder and member of the said Baptist society, requiring him to notify and warn the members thereof, to meet at such convenient time and place as shall be expressed in said warrant, for the choice of such officers as religious societies, have a right to choose at their annual meetings.

Warrant to  
be issued.

[This act passed June 21, 1811.]

## CHAP. XXII.

An Act in addition to the several acts defining the limits of the towns of Conway, Deerfield and Whately.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, all the land lying and being south of the north line of lot number sixteen in the long hill (west division, so called,) in the town of Deerfield, in the county of Hampshire, be, and hereby is set off from the said town of Deerfield, and annexed to the town of Conway in said county.

Land set off.

Boundaries fixed.

SEC. 2. *And be it further enacted,* That from and after the passing of this act, the easterly line of the town of Conway, between the said town and the town of Whately, be, and hereby is established as follows, to wit, beginning at the southwest corner of Thomas Sanderson's land on the line of the town of Whately; thence running north thirty-two degrees east, sixty-four rods and four links; thence north seven degrees and thirty minutes west, ninety-four rods; thence north thirteen degrees east, eighty-eight rods to the north line of said lot, number sixteen, in said town of Deerfield.

SEC. 3. *Be it further enacted,* That all parts of acts inconsistent with the provisions of this act be, and the same hereby are repealed.

[This act passed June 21, 1811.]

## CHAP. XXIII.

An Act to incorporate John L. Sullivan and others, by the name and style of The Merimack Boating Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the said John L. Sullivan, his associates and successors, be, and hereby are incorpo-

Persons incorporated.

rated, and shall be a corporation for the term of twenty years, under the name of The Merrimack Boating Company, and by that name may sue and prosecute, and be sued and prosecuted, to final judgment and execution, and shall be, and hereby are vested with all the powers and privileges which are by law incident to corporations, for the purposes, and only for the purposes, in this act provided for.

Corporation  
may sue and  
be sued.

SEC. 2. *And be it further enacted*, That the said John L. Sullivan, his associates and successors, shall under this act have power and authority to have, own, and use boats for the purpose of transporting goods, wares and merchandize, the produce and manufacture of the country, and other things from the harbour of Boston to the westerly end of Middlesex Canal, and from thence up the river Merimack to the northerly line of this state; and from the northerly line of this state on the said river and Middlesex Canal, to the harbour and town of Boston, and all the intermediate places on the waters of Merimack river, and the harbour aforesaid.

Authorised  
to use boats  
and bounda-  
ries fixed.

SEC. 3. *And be it further enacted by the authority aforesaid*, That the said John L. Sullivan may make an application to any Justice of the Peace for the county of Suffolk, requesting him to call a meeting of the proprietors to be holden at some convenient place within the town of Boston, in the same county; whereupon such Justice is hereby empowered to issue his warrant, directing him to warn and notify said proprietors to meet at such time and place in said town of Boston, as he shall therein direct, to agree on such method as may be thought proper for calling meetings of the said company for the future; and to do and transact such matters and things, relating to the said corporation, as shall be expressed in the warrant. And the proprietor to whom such warrant shall be directed shall give notice to the proprietors, by causing the same or the substance thereof, to be published in two of the Boston newspapers fourteen days before the holding of the said meeting, and make return thereof under his hand to the same meeting, to be lodged with the clerk to be then and there chosen. And the proprietors may at the same, or any other legal meeting, choose a clerk, treasurer, agent and other officer or officers of the Corporation, that they may deem necessary for ordering and regulating the business

Provision for  
calling meet-  
ings.

Proprietors  
to choose  
officers.

and affairs of the said Corporation; and every proprietor shall have a right to vote in the proprietary meetings, according to his share and interest, in person or by representation, each share having one vote.

Possession  
of property  
allowed.

Proviso.

SEC. 4. *And be it enacted by the authority aforesaid,* That the corporation hereby erected, are authorised and empowered to purchase, and hold to them and their successors forever, so much personal estate consisting of boats and tackle, engines and apparel necessary for transportation as aforesaid, and so much real estate as may be necessary for the purpose of landing places and store-houses; *Provided,* the whole property does not exceed the value of one hundred thousand dollars, and comprehend no more than twenty acres of land, not more than two of which shall lie in Boston. And all property held by said Corporation, shall be divided into one hundred shares, and shall be considered as personal property, and transferable by assignment. *Provided,* That all real estate held in any town by said Corporation shall be liable to taxation in such town, as other real estates are liable to be taxed.

Personal  
property lia-  
ble for debts.

SEC. 5. *And be it further enacted by the authority aforesaid,* That the property of the Corporation, and the real and personal estate of the individuals respectively who compose the same, shall be liable for the debts of the Corporation; and that any writ of execution issued on any judgment against the said Corporation, may be levied on any estate of the said Corporation, or on any estate real or personal of any individual who is a member of said Corporation.

[This act passed June 21, 1811.]

## CHAP. XXIV.

An Act supplementary to the acts respecting School Districts.

Preamble.

WHEREAS it sometimes may happen that the sums assessed on the several persons in a School District cannot be collected of them, and doubts have arisen, whether, in such case, the assessors are authorised by law to remit such taxes. Therefore,

*BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the assessors of the several towns and districts in this Commonwealth, be, and they hereby are vested with the same powers to remit sums of money assessed on the inhabitants of any School District, for the purpose of purchasing, building, repairing or furnishing school houses, as they have to remit any sums of money assessed on the inhabitants of any town or district, for defraying town or district expenses.*

Assessors  
authorised  
to remit  
monies.

[This act passed June 21, 1811.]

## CHAP. XXV.

An Act to annex Isaac Smith and John Ellis jun. to the town of Walpole.

*BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Isaac Smith and John Ellis jun. of Walpole, in the county of Norfolk, with their polls and estates, lying and being in said Walpole, be, and hereby are set off from the third parish in Dedham, and re-annexed to the said town of Walpole.*

[This act passed June 21, 1811.]

## CHAP. XXVI.

An Act to annex Daniel Rogers, to the town of Brewster.

*BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Daniel Rogers, with his family and estate, be, and hereby is set off, from the town of Harwich, and annexed to the town of Brewster, there to do the duties and exercise the privileges of other inhabitants of the said town of Brewster.*

[This act passed June 21, 1811.]

## CHAP. XXVII.

An Act to establish the town of Carmel.

Town incor-  
porated.

Boundaries  
described.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the township numbered three in the second range of townships, north of the Waldo patent, in the county of Hancock, be, and hereby is established as a town, by the name of Carmel within the following described boundaries, viz. easterly by the township numbered two in the same range, southerly by number two in the first range, westerly by number four in the same or second range, and northerly by number two and number three in the third range. And the inhabitants of the said town of Carmel are hereby vested with all the powers and privileges, and subjected to the like duties and requisitions of other towns according to the constitution and laws of this Commonwealth.

Warrant to  
be issued.

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

[This act passed *June 21, 1811.*]

## CHAP. XXVIII.

An Act in addition to an act, entitled “An act to establish The Middlesex Turnpike Corporation, and to the several acts in addition thereto.”

Preamble.

**W**HEREAS by an act of the Legislature, passed February 28, 1811, The Middlesex Turnpike Corporation, were authorised to erect one of their gates, on any part of their road between the old road in Lexing-



ton, and the old road in West Cambridge, near the foot of the rocks (so called), by which act, sundry persons feel themselves aggrieved. Therefore,

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That all the inhabitants of the town of Lexington, and Nathan Harrington, James Wright, Isaac Reed, Silvanus Wood, and Abel Pierce, of Woburn, and their families, and all future occupants of their farms, shall have the liberty of passing and repassing on the old county road, and through the gate (should a gate be erected on said old road) at all times free of toll, provided they travel on said old county road. Persons incorporated.

SEC. 2. *Be it further enacted,* That William Blanchard, Samuel Hoar, and Joseph Barrett Esq. be, and hereby are appointed commissioners, and authorised to establish the gates on the Middlesex Turnpike road according to the provisions of the several acts, establishing said Turnpike Corporation, and the report of said commissioners, or any two of them, made and filed in the office of the clerk of the Court of Common Pleas, for the county of Middlesex, shall be held and considered a legal establishment of said gates. Commissioners appointed.

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

[This act passed June 21, 1811.]

## CHAP. XXIX.

An Act to incorporate a number of the inhabitants of the district of Hiram, by the name of The Baptist Society in Hiram, in the county of Oxford.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Loammi Baston, Royal Baston, Winthrop Baston, Aaron Cross, John Fitz, James Fitz jun. James Gilmore, Samuel Hooper, Ephraim Kimball, Edward Lewis, Josiah Maybery, Asa Osgood, Persons incorporated.

June 21, 1811.

Proviso.

Aaron Richardson, Edward Richardson, John Watson, John Watson jun. and Thomas B. Watson, with their families and estates, together with such others as may hereafter associate with them and their successors, be, and they are hereby incorporated and established as a religious society, by the name of The Baptist Society in Hiram, with all the powers and privileges of other religious societies, according to the constitution and laws of this Commonwealth. *Provided however*, Each of the persons, before named, and all others who may hereafter associate with them or their successors, shall be holden to pay his or her proportion of all parish or society assessments and expenses incurred, assessed and not paid in any society, to which they formerly belonged, or attended public worship.

Warrant to be issued.

SEC. 2. *Be it further enacted*, That any Justice of the Peace, for the county of Oxford, is hereby authorised, upon application therefor, to issue a warrant, directed to some member of the said Baptist society, requiring him to notify and warn the inhabitants thereof, to meet at such convenient time and place, as may be expressed in the said warrant, to organize the said society, by the election of its officers.

[This act passed June 21, 1811.]

## CHAP. XXX.

An Act to divide the town of Eastport, and to establish a part thereof as a separate town, by the name of  
Lubeck.

Boundaries described.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That all that part of the town of Eastport, as contained, and described within the following boundaries, be, and the same is hereby established as a separate town, by the name of Lubeck, viz. southerly by the Bay of Fundy, or Atlantic Ocean, easterly by a line drawn from the easterly point of West Quoddy head through the narrows into Passamaquoddy bay, and between Campo Bella island, and mark on Frederick island, includ-

ing Green Island, northerly by the middle of the channel, between Moose Island and Dudley Island, and following said channel between Goves Point and Birch Point, and between Denbo's Neck and Fall Island; thence up Straight Bay, to a white pine tree, marked 1785 N. E. N. W. ; thence by a line of trees, south nine degrees thirty minutes east, four miles, three hundred and twelve rods, to a spruce tree on the northerly shore of Haycock's harbour, marked 1785 S. W. S. E. ; and from thence through the middle of said harbour, to the Bay of Funday, including all the islands and inhabitants within the above described boundaries ; and the said town of Lubeck is hereby vested with all the powers and privileges, and is also subjected to the same duties and requisitions of other towns according to the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That the four lots of publick land in the town of Eastport, of three hundred and twenty acres each, shall be equally divided between the said towns of Eastport and Lubeck, and Messieurs Solomon Cushing, Otis Lincoln, and Moses Lincoln, are hereby appointed a committee to divide the same, equal in quantity and quality, they giving seasonable notice to the Selectmen of each town, of the time and place of entering upon the duties hereby assigned them, and their report being recorded in the records of each of said towns of Eastport and Lubeck, shall operate as a confirmation of said land to each of said towns, according to said division, any law or resolve to the contrary notwithstanding.

Division of  
public lands.

SEC. 3. *Be it further enacted*, That the inhabitants and proprietors of land in the said town of Lubeck, shall be holden to pay their proportion of all taxes already voted to be raised or assessed by the town of Eastport, and also to pay their proportion of all public debts due and owing by the said town of Eastport, at the time of passing this act; and also to pay their proportion of the expense of supporting the poor, now belonging to the town of Eastport, incurred previous to the passing of this act, according to the present taxable property of the towns of Eastport and Lubeck, and the settlement and support of the poor in time to come shall be determined according to their local residence and situation, prior to the passing of this act.

Holden to  
pay propor-  
tions of taxes  
and debts.

SEC. 4. *Be it further enacted*, That the said town of Lubeck shall be entitled to demand and receive its pro-

Provision for  
money rais-  
ed, &c.

Proviso.

portion of all the public stock of the town's arms, ammunition, or any other property whatsoever, and also to receive its proportion of all monies voted to be raised or assessed for the building a house for the poor, in said Eastport, and of all materials and furniture belonging to, or purchased for the same, and a receipt of the money or other property, shall operate as a release of all the right and interest of the said town of Lubeck therein. And the powers and duties of all the present town officers of Eastport shall continue until the same are completed, notwithstanding the organization of the said town of Lubeck. *Provided however,* That until the population of the said town of Lubeck shall be sufficient to entitle them to a separate representation in the Legislature, the said town shall continue to join with the town of Eastport in the election of a representative, and shall pay its proportion thereof accordingly, and at all meetings which shall be holden for the election of such representative, the Selectmen of Eastport shall preside, and do and perform all the duties which Selectmen at such meetings are bound by law to do and perform.

Warrant to  
be issued.

SEC. 5. *And be it further enacted,* That any Justice of the Peace for the county of Washington, is hereby authorised to issue a warrant directed to a freeholder of the said town of Lubeck, requiring him to notify and warn the inhabitants to meet at such convenient time and place, as may be appointed in said warrant, for the choice of such officers as towns are by law required to choose or appoint at their annual town-meetings.

[This act passed June 21, 1811.]

## CHAP. XXXI.

## An Act establishing The First Methodist Society in Salisbury.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That John Merrill, Moses Pike, Joseph Pettengill, Benjamin Stevens, Levi Jackman, Jacob Buswell, Abel Eaton, Jesse Carr, Jacob Buswell Jr. John Pike, Daniel Carr, Osgood Carr, Samuel Merrill, John Merrill jun. Chase Stevens, Daniel Eaton, Benjamin French, Samuel Eaton, Moses Deal jun. Samuel True Jr. Moses True, Henry True, Samuel True 4th. Moses Pike Jr. Moses Pike 4th. Caleb Merrill, Samuel Eaton Jr. Samuel Pike, Silas Pike, Benjamin Merrill, Elias Pike, John French jun. Joseph Pettingill jun. Caleb Pike 3d. Nathaniel Jackman, Elisha Eaton, Archalus Eaton, Richard Eaton, with their families and estates, together with such others as have or may hereafter associate with them or their successors, be, and they are hereby incorporated as a separate religious society, by the name of The First Methodist Society in the town of Salisbury, with all the powers and privileges to which parishes or religious societies are entitled, according to the constitution and laws of this Commonwealth. *Persons in-  
corporated.* *Provided however,* That all such persons shall be holden to pay their proportion of all monies legally assessed upon them and their estates, for parochial purposes in the parishes to which he or she formerly belonged. *Proviso.*

SEC. 2. *Be it further enacted,* That any person belonging to any other religious society, in the said town of Salisbury, who may desire to join with the said Methodist society, in the town aforesaid, and who shall declare such intention in writing, delivered to the parish clerk, or the clerk of such other religious society, and produce a certificate, signed by the minister or clerk of said Methodist society, that he or she has actually become a member of, and united in religious worship with the said Methodist society, on or before the first day of March in any year, such person shall from the date of such certificate, *Qualifica-  
tions to con-  
stitute a  
member.*

be considered with his or her polls and estates, a member of said Methodist society.

Measures to  
be taken for  
leaving.

SEC. 3. *Be it further enacted*, That when any member of the said Methodist society shall see cause to leave said society, and unite with any other religious society, in the town in which he or she may dwell or have their home, and give such notice of their intention, to the minister or clerk of the said Methodist society, and shall also give in his or her name to the minister or clerk of such other society, and from them or either of them produce a certificate to the said Methodist society, that they have actually become members of such other society, fifteen days previous to the annual parish or society meeting, such person shall from the date of such certificate, with his or her polls and estate, be considered a member of such other society. *Provided however*, That in every case of seceding from one society to, and joining another, every such person shall be held to pay his or her proportion of all parochial expenses, incurred previous to leaving such society.

Proviso.

Warrant to  
be issued.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the county of Essex, upon application therefor, is hereby authorised to issue a warrant directed to some member of said Methodist society, requiring him to notify and warn the members of said society to meet together at such time and place, as shall be appointed in said warrant, for the choice of such officers as parishes or religious societies are by law authorised and empowered to choose at their annual parish or society meetings.

[This act passed June 21, 1811.]

## CHAP. XXXII.

An Act providing for the Government and Regulation of the State Prison.

Criminals  
sentenced.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That criminals convict, sentenced to confinement to hard labour for life or any other term, or to solitary imprisonment and hard labour, shall, and may

be imprisoned, restrained and employed in, and within the precincts of the State Prison, situate in Charlestown, in the county of Middlesex ; and the Court before whom such conviction may be, are hereby authorised and empowered by warrant under their seal directed to the Warden of said prison, to cause all such convicts, as soon as conveniently may be after sentence, to be removed from any goal in the respective counties of the Commonwealth to the State Prison aforesaid, and the said Warden, and all Sheriffs, and Keepers of the goals aforesaid, are hereby required strictly to observe and obey the directions contained in any such warrant ; and it shall be the duty of the Clerk of any such Court to make out such warrant as soon as may be, and to deliver the same to the Sheriff of the county, where such conviction may be, who is hereby directed to cause the same to be transmitted and delivered to said Warden, who shall by himself, or such person as he may appoint for that purpose, forthwith cause the same to be executed and returned, pursuant to the precept thereof.

Duty of Sheriffs, Keepers, &c.

SEC. 2. *Be it further enacted*, That it shall be the duty of said Warden to receive such persons as may be convicted before any Court of the United States, at any term thereof, holden within this Commonwealth, and sentenced to confinement and hard labour, by any such Court, and all such convicts safely to keep, pursuant to their sentence, until they shall be discharged by due course of the laws of the United States.

Duties of the Warden.

SEC. 3. *Be it further enacted*, That the Governor, by and with the advice and consent of the Council, be, and hereby is authorised to appoint and commission during pleasure, a suitable person as Warden of said Prison, who shall have the care, custody, rule and charge of the same, and of all persons confined therein, and of all lands, buildings, machines, implements, tools, materials, stock and provisions, appurtenant or belonging to the same, or the precincts thereof. And it shall be his duty to serve, execute and return all process within the precincts of said prison, and such process shall be directed to him accordingly. And he shall also be commander of the military force, for guarding said prison; and he shall be the treasurer of said prison, and receive, pay out, and be accountable for, all the money granted for maintaining the same, or derived from manufactures and all other concerns of the prison,

Governor to appoint Warden.

**Duties of the Clerk.** and he shall cause regular entries to be made by the Clerk, in the books of the prison, of all the pecuniary and other necessary concerns of the establishment, and it shall be his duty twice a year, and at the commencement of every session, to render to the General Court, a fair account examined and approved by the directors, of all the expenses and disbursements, and of all the receipts and profits on account of said prison, and a statement of its general affairs. And the said Warden shall give bond to the Commonwealth in the sum of twenty thousand dollars, with sufficient surety to be approved by the Governor and Council, and upon condition that said Warden shall faithfully perform all the duties incumbent upon him as Warden of said prison.

**Directors to be appointed.**

**To make by-laws, &c.**

**Powers of the Directors.**

**SEC. 4.** *Be it further enacted,* That the Governor, by and with the advice and consent of the Council, be, and hereby is authorised to appoint and commission during pleasure, three discreet persons to be Directors of the State Prison, who shall have power from time to time to appoint during pleasure, all such officers, agents and servants, as they may deem necessary, for the well ordering, upholding, and maintaining of the State Prison; to define their powers, and prescribe their duties, and to ascertain and fix their compensations; to make, ordain, and establish all such rules, by-laws, orders, and regulations, not repugnant to the laws of the Commonwealth, as they may from time to time see fit for the government and direction of the said Warden, and all other officers, agents and servants of said prison, and, as may be proper for the maintenance, employment and instruction of the convicts, and for the purchase of all materials, machines, tools and implements, provisions, medicines and clothing, for the use of the officers, and for the use of the convicts, and for the sale and disposition of any articles, tools, or manufactures which belong to said prison; and they shall have the sole and exclusive power of directing all matters and things, relating to said prison, the officers, agents, and servants thereof, and of all convicts therein, and as to the manner of keeping the books and accounts of said prison, which books and accounts it shall be their duty from time to time to examine. They shall have power also, with the approbation of the Governor and Council, to make such additional buildings or alterations, within the bounds of the



prison, as they may deem necessary. And said Directors shall cause a copy of all by-laws, rules, orders and regulations established by them, to be laid before the Governor and Council, at the next meeting after the adoption thereof, who may annul the same, or such parts thereof, as they may think proper. And it shall be the duty of said Directors to meet together at the prison statedly, once at least in every month, to attend to and inspect the concerns of the prison, to cause a record to be kept of their doings, and, by turns, to visit the prison, at least three times in every week, for the purpose of seeing that the laws and regulations are duly observed, and of attending to the various concerns of the establishment.

Duties of the Directors.

SEC. 5. *Be it further enacted*, That the Governor, by and with the advice of the Council, be, and hereby is authorised, from time to time, to draw his warrant upon the Treasurer of this Commonwealth in favour of said Warden, for such sum at any one time, as they may deem proper, for all monies which may be appropriated by the Legislature, for the support of the State Prison. And the Governor and Council, for the time being, with the Justices of the Supreme Judicial Court, be, and hereby are constituted Visitors of the State Prison, and it shall be their duty annually, and as much oftener as they may think proper, to visit the prison, and to see that all laws and resolutions, by-laws and regulations made for the government and upholding said prison, are duly observed and executed, and the Governor and Council, are further from time to time authorised to raise, appoint and employ a military guard to consist of such officers and privates as they may deem requisite for the safe keeping and employment of the convicts.

Governor to issue warrants for payment &c.

Visitors.

Guards.

SEC. 6. *Be it further enacted*, That if any Director, the Warden, or any other person employed in the State Prison aforesaid, shall fraudulently contrive, procure, aid, connive at, or otherwise voluntarily suffer the escape of any convict therein committed under sentence of confinement as aforesaid, every such person on due conviction thereof, in the Supreme Judicial Court, shall, and may be punished by solitary confinement for a term not exceeding one year, and by confinement to hard labour, for a term not exceeding twenty years, at the discretion of the said Court.

Forfeiture in case of fraud.

Penalty  
for neglect.

SEC. 7. *Be it further enacted*, That if the Warden or any other person, employed as aforesaid, shall negligently suffer any convict committed and in custody, as aforesaid, under sentence of solitary imprisonment, to be at large without the cell or apartment assigned to such convict, or to be there visited, conversed with, comforted or relieved, contrary to the rules and regulations of said prison, or shall negligently suffer such convict, or any convict there committed, under sentence of confinement to hard labour, to be at large without the precincts of the said prison, or, contrary to the rules thereof, to be out of close confinement, the Warden or any other person so neglecting his duty in the premises, being thereof duly convicted in the Supreme Judicial Court, shall be punished by a fine not exceeding five hundred dollars.

Punishment  
on conviction  
of offence.

SEC. 8. *Be it further enacted*, That if any person shall forcibly or fraudulently rescue, or attempt to rescue, any convict from the custody of any officer or other person authorised or employed by any warrant of commitment as aforesaid, or from the said State Prison, or from any other prison or gaol where such convict may be lawfully committed, pursuant to any sentence of solitary imprisonment, or confinement to hard labour, or shall convey to any convict in custody, or committed as aforesaid or into said State Prison, or any other prison, any tool, instrument, weapon, or other aid, with intent to enable such convict to escape, or to procure the escape of any convict, whether such escape be effected or not, every person so offending, being duly convicted thereof before the Supreme Judicial Court, shall and may be punished by solitary imprisonment not exceeding one year, and by confinement to hard labour not exceeding ten years; or at the discretion of the said Court, may be punished with a fine not exceeding five hundred dollars, and by binding to the good behaviour for a term not exceeding three years, according to the nature and aggravation of the offence.

for assault.

SEC. 9. *Be it further enacted*, That if any convict committed to the said State Prison, under sentence of confinement to hard labour during life shall assault any Director, the Warden, or other person employed in the government thereof, or shall forcibly attempt to break from the said prison, every such convict so offending, upon due

conviction before the Supreme Judicial Court shall and may be punished by solitary imprisonment not exceeding one year, at the discretion of the Directors, and shall be afterwards there holden in custody upon such former sentence, and every person being under confinement as aforesaid, who shall escape from said prison, shall for every such offence be further sentenced to solitary imprisonment for a term not exceeding twelve months.

SEC. 10. *Be it further enacted*, That if any convict committed to said State Prison, under sentence for a limited time, shall assault any Director, the Warden, or other person, employed in the direction or custody of said State Prison, or shall attempt by violence to escape therefrom, every such convict so further offending, upon due conviction thereof before the Supreme Judicial Court, shall and may be punished by solitary imprisonment not exceeding one year, in addition to any former like sentence, or to precede the fulfilment of any former sentence to hard labour, as the case may be; and, at the discretion of the said Court may be further punished by confinement to hard labour, for a term not exceeding ten years, to commence after such solitary imprisonment, or after any former sentence shall be fulfilled, as the case may be.

Punishment  
of Convicts  
for violence.

SEC. 11. *Be it further enacted*, That the Warden of said prison, shall have power to appoint a Deputy to execute any process to him directed, which Deputy may serve and return the same accordingly, and for whose acts and doings his principal shall be answerable, but such Deputy shall be further liable to such punishment as the Deputy Sheriffs are now liable to suffer for any misconduct in executing process. And the said Warden shall not be arrested upon mesne process, or upon any execution, awarded upon judgment in any civil action.

Deputy to be  
appointed.

SEC. 12. *Be it further enacted*, That the Warden aforesaid shall receive the sum of fifteen hundred dollars annually, in full compensation for all services by him rendered in that office, without any other support or maintenance whatever. And the Directors aforesaid shall each receive the sum of three hundred dollars in quarterly payments alike in full compensation for their services respectively.

Compensation for the  
services of  
the Warden  
and Direc-  
tors.

SEC. 13. *Be it further enacted*, That from and after the first day of August next, the act entitled "An act

G g

Act repeal-  
ed.

providing for the regulation of the State Prison in Charlestown," passed the fourteenth day of March in the year of our Lord one thousand eight hundred and six, be, and the same is hereby repealed; saving always, that all acts, matters and things, done under and pursuant to said act, shall remain as good and valid, and all officers, agents, and servants of the same prison, who have been appointed or employed under the same, shall remain in their respective offices and places until that time, and until others are appointed and employed in their places, in the same way and manner they would have done had not this act been repealed."

[This act passed June 21, 1811.]

### CHAP. XXXIII.

An Act establishing Circuit Courts of Common Pleas within this Commonwealth.

Circuits di-  
vided.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That this Commonwealth (excepting Dukes county and the county of Nantucket,) shall be, and hereby is divided into six Circuits, to be limited, known and called as follows, to wit: the counties of Suffolk, Essex and Middlesex shall form one circuit, and be called the Middle Circuit—The counties of Worcester, Hampshire, and Berkshire shall form one circuit, and be called the Western Circuit—The counties of Norfolk, Plymouth, Bristol and Barnstable, shall form one circuit, and be called the Southern Circuit—The counties of York, Cumberland and Oxford, shall form one circuit, and be called the First Eastern Circuit—The counties of Lincoln, Kennebeck and Somerset, shall form one circuit and be called the Second Eastern Circuit—and the counties of Hancock and Washington shall form one circuit and be called the Third Eastern Circuit.

SEC. 2. *Be it further enacted,* That there shall be held and kept in each county in the several Circuits aforesaid, at such times and places as are now by law appointed for holding the Courts of Common Pleas in the several coun-

ties, a Circuit Court of Common Pleas, to consist of one Chief Justice, and two Associate Justices, each of whom shall be an inhabitant of this Commonwealth; and when appointed and commissioned, as by the constitution is provided, they, or any two of them shall be a Court in their respective Circuits, and shall have *original* and *exclusive* jurisdiction of all civil actions arising or happening within their respective Circuits, of what nature or species soever the same may be, (excepting only such actions wherein the Supreme Judicial Court, or where Justices of the Peace now have original jurisdiction;) and shall also have jurisdiction of all such offences, crimes and misdemeanors, as before the passing of this act were cognizable by the respective Courts of Common Pleas; and shall also have appellate jurisdiction of all civil actions, and of all crimes and offences where an appeal may now by law be made from the sentence or judgment of Justice of the Peace; and the same Court are hereby fully authorised to give judgment, award execution, to administer all necessary and proper oaths and affirmations, and to do, execute, perform and order whatever by the constitution and laws it shall be their duty to do, or whatever the Courts of Common Pleas before the passing of this act were authorised to do, excepting such acts, matters and things as are or may be cognizable by the Courts of Sessions: and the Justices of said Circuit Court of Common Pleas shall receive the same fees and compensation for their services, as the Justices of the Courts of Common Pleas now receive in their respective counties, and to be paid in the same manner: *Provided*, nothing in this act shall be so construed, as to affect the original or appellate jurisdiction given by law to the municipal court holden within the town of Boston.

Courts of  
Common  
Pleas estab-  
lishment.

Jurisdiction.

Compensa-  
tion of Jus-  
tices.

Proviso.

SEC. 3. *Be it further enacted*, That all writs and processes, issuing from the Circuit Courts of Common Pleas, shall be in the name of the Commonwealth of Massachusetts, bear test of the Chief Justice, when not a party and one of the Associate Justices, when the Chief Justice is a party, or his office is vacant, and where any two Justices are interested in any action, the remaining Judge shall constitute a competent Court to try the same, and such writs and processes, shall be under the seal of the said Court, and signed by the Clerk of the said Court, in

Writs &c. to  
be issued by  
authority  
and under  
seal.

the county to which the writ may be returnable, and shall have force, be obeyed and executed in every county within the Commonwealth, and all original processes shall be summons, capias or attachment, and shall be served and returned in the same way and manner as is now provided by law for the service and return of similar processes; and the forms of all processes and executions shall be so far altered and changed, as to conform to the provisions of this act.

Appeal may  
be made in  
case.

SEC. 4. *Be it further enacted*, That any party aggrieved at the judgment of any Circuit Court of Common Pleas, in any real action, or in any personal action wherein any issue has been joined, in which the debt or damages demanded shall exceed the sum of one hundred dollars, may appeal therefrom to the next Supreme Judicial Court to be holden within and for the county where such judgment may be rendered; and the party so appealing, before such appeal be allowed, shall recognize with sufficient surety or sureties, to the adverse party in a reasonable sum to prosecute his appeal at the Court appealed to, and to pay all such costs as may arise in any such suit after such appeal; and where any such appeal shall be made by any plaintiff, and he shall not recover more than one hundred dollars at the Court appealed to, the plaintiff shall not recover any cost on such appeal, but the defendant shall be entitled to recover against the plaintiff his costs on such appeal, and shall have a separate judgment therefor, and in case such appeal was made by the defendant, and the debt or damages recovered on the original action shall not be reduced, on the appeal, the plaintiff shall be entitled to recover double costs of suit on the appeal, and have his judgment and execution accordingly, and no execution shall issue upon the judgment appealed from; and in case the party appealing shall neglect to enter his appeal, the Court appealed to may upon complaint proceed to render judgment in such action agreeably to the provisions of this act.

Further  
powers of  
the Court.

SEC. 5. *Be it further enacted*, That in addition to the powers herein before enumerated, the said Circuit Court of Common Pleas, shall have power at the term at which any judgment in any action (wherein said Court have final jurisdiction) is rendered, or at any subsequent term thereof, within one year from the rendition of any judgment on

petition or motion, first giving due notice thereof to the adverse party, to grant a new or further trial of any such action, for any cause for which by the common law a new trial may now be granted, or when upon due examination it shall appear to them that justice has not been done between the parties, upon such terms, restrictions and limitations, as the said Circuit Court may deem just and reasonable. And the Justices of said Court shall have power, from time to time, to make and establish all such rules for the entry of actions, and for the admission of attornies, filing pleas in abatement, and demurrers to declarations, and for the orderly and well conducting the business thereof, as they may see fit, provided the same are not repugnant to the laws of this Commonwealth.

SEC. 6. *Be it further enacted,* That the said Circuit Courts of Common Pleas shall have power to adjourn the same from time to time, as may be necessary for the public good. And when any of the Justices of the said Court shall be detained from attending at the time or place at which said Court by law or by previous adjournment was to have been held, by means whereof there cannot be more than one of the said Justices present, then, and in that case, any Justice of the same Court being there present, shall constitute a quorum of the Court, for the purpose of calling the docket, entering defaults, and determining all questions of an interlocutory nature, and also for the adjourning the same Court if necessary unto a further day, until a quorum can be convened, or if neither of the Justices of the same Court shall be present, the said Court may be adjourned by the Sheriff of the county, until a quorum can be convened, of which he shall make public notification, in writing, in the shire town of the county.

May adjourn  
the Court

A single Jus-  
tice to consti-  
tute a quo-  
rum in case.

SEC. 7. *Be it further enacted,* That from and after the second day of December next, the Grand and Traverse Jurors now required to attend the Courts of Common Pleas in the respective counties, shall be required to attend the several Circuit Courts of Common Pleas, in the same manner, and under the same penalties that they are now holden by law to attend the several Courts of Common Pleas, and shall hereafter give their attendance on such days of each term, as shall be directed by the Justices of the said Circuit Courts of Common Pleas respectively, and the Writs of Venire Facias shall issue accordingly.

All actions,  
&c. pending  
may be re-  
turnable to  
this Court.

SEC. 8. *Be it further enacted*, That all actions, suits, matters and things, which may be pending in the several Courts of Common Pleas in this Commonwealth, on the second day of December next, and all writs, executions, warrants, recognizances and processes, returnable to, and which would have had day therein had not this act been passed, shall be returnable to, and have day in, and be fully acted upon, by the Circuit Courts of Common Pleas, created by this act—And all parties, jurors, witnesses and others, who would have been held to appear after the said second day of December next, at the several Courts of Common Pleas, then next to be holden in this Commonwealth, shall be holden to appear at the then next Circuit Court of Common Pleas, created by this act, in their respective counties. And the said Circuit Courts of Common Pleas, created by this act, shall, in the respective counties, have full power and authority to grant any executions to carry into effect any judgment rendered in the Courts of Common Pleas, now in existence, in the same manner as the said Courts might, had not this act been passed.

[This act passed *June 21, 1811.*]

#### CHAP. XXXIV.

An act to establish a Religious Society by the name of The Methodist Society in Otisfield.

Society in-  
corporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Benjamin Stevens, Simeon Libby, Richard Lombard, Joseph Morton, Thomas Edes, Peter Wardwell, Dennis Lovell, Benjamin Farrington, Samuel Wardwell, Peter Wardwell jun. widow Sarah Scribner, Thomas Wight, Jonathan Wight, Benjamin Green, Jedidiah Green, Hezekiah Green, Samuel Reed, Peter Warren, Thomas Edes jun. David Sawyer, Timothy Jordon, David Higgins, Enoch Lombard, John Lombard, Benjamin Green jun. Abraham Lombard, Jonathan Sawyer, William Rich, Samuel Sawyer, Dan Morse and John Sawyer, together with their polls and estates, and such



others as may hereafter associate with them, and their successors, according to the provisions of this act be, and they are hereby incorporated as a religious society by the name of The Methodist Society in Otisfield, with all the powers and privileges of other religious societies, according to the Constitution and Laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That any person in said town of Otisfield, who may at any time hereafter actually become a member of, and unite in religious worship with the said Methodist Society, and give in his or her name to the clerk of the town, and also to the clerk of the society to which he or she belongs, and receive a certificate of admission signed by the minister or clerk of the said Methodist Society fifteen days previous to the annual meeting of said Society, which certificate shall set forth that he or she has constantly attended public worship with said Methodist Society, for at least one year previous to his receiving such certificate, such person shall from and after giving in such certificate with his or her polls and estate, be considered as a member of the said society. *Provided however*, That such person shall be held to pay his or her proportion of all monies assessed or voted in the town or society to which he or she belongs previous to that time.

Method of becoming a member.

SEC. 3. *Be it further enacted*, That any Justice of the Peace for the county of Cumberland is hereby authorised to issue his warrant directed to some freeholder, a member of said society, requiring him to notify and warn the members thereof to meet at such convenient time and place as shall be appointed in said warrant to organize the said society by the appointment of its officers.

Warrant to be issued.

[This act passed *June 21, 1811.*]

## CHAP. XXXV.

An act to incorporate sundry persons by the name of The Marshfield Cotton and Wool Manufactory.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Thomas Horbart, Jonathan Stetson, Ezra Weston jun. and Chandler Sampson, with

Persons incorporated.

June 21, 1811.

such other persons as already have, or hereafter may associate with them, their successors and assigns, be, and they hereby are made a corporation by the name of The Marshfield Cotton and Wool Manufactory, for the purpose of manufacturing cotton and woollen yarn and cloth within the town of Marshfield, and for such purposes shall have all the powers and privileges and be subject to all the duties and requirements contained in an act, entitled "An act defining the general powers and privileges of Manufacturing Corporations."

May hold  
real estate.

SEC. 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 one hundred and fifty thousand dollars, as may be necessary for the purposes aforesaid.

[This act passed June 21, 1811.]

## CHAP. XXXVI.

An Act to annex the Township numbered four in the fifth range, north of the Waldo Patent, to the county of Hancock.

**B**E *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the township numbered four in the fifth range of townships, north of the Waldo Patent, which lies partly in the county of Hancock, and partly in the county of Somerset, be, and hereby is declared to be wholly within the county of Hancock.

[This act passed June 21, 1811.]

## CHAP. XXXVII.

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

**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, Thomas Searle, of Rowley, in the county of Essex, son of Joseph Searle, shall be allowed to take the name of Thomas Colman Searle; that Joseph Jones, of Boston, in the county of Suffolk, shall be allowed to take the name of Charles Henry Jones; that Abraham Quincy, of Boston aforesaid, shall be allowed to take the name of Abraham Howard Quincy; that Elizabeth Mock, of Boston aforesaid, single woman, shall be allowed to take the name of Elizabeth Allen; that William Rogers, of Boston aforesaid, shall take the name of William Charles Rogers; that John King jun. of Salem, in the county of Essex, shall be allowed to take the name of John Glen King; that John Harris jun. of Marblehead, in said county of Essex, shall be allowed to take the name of John Lord Harris; that Moses Atkinson, of Newbury, in said county of Essex, shall be allowed to take the name of Moses Little Atkinson; that Moses Moody Swan, of Haverhill, in said county of Essex, shall be allowed to take the name of Moses Swan Moody; that Levi Whitmore, of Framingham, in the county of Middlesex, shall be allowed to take the name of Levi Foster Whitmore; that Samuel B. Harris, of Charlestown, in said county, shall be allowed to take the name of Samuel Harris Bradstreet; that Batchellor Hussey, of Portland, in the county of Cumberland, shall be allowed to take the name of Henry Hussey; that Simeon Alden jun. of Randolph, in the county of Norfolk, shall be allowed to take the name of Horatio Bingly Alden; that Marilla Gurney, of the town of Abbingdon, in the county of Plymouth, shall be allowed to take the name of Marilla Livingston Gurney; that Samuel Barnard, of Boston aforesaid, shall be allowed to take the name of George Edward Augustus Carpenter Barnard.

H h h

And each of the persons before named shall be allowed to assume the said names respectively, and they shall in future be called and known by the said names, and the said names shall hereafter be considered as their only proper names, to all intents and purposes.

[This act passed June 21, 1811.]

## CHAP. XXXVIII.

An Act to incorporate certain persons for the purpose of building a bridge over Connecticut river, between the towns of Sunderland and Deerfield, in the county of Hampshire.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Eliakim Arms, Elijah Arms, Samuel Church, Abner Cooly, William Delano, Cotton Graves, Erastus Graves, Giles Hubbard jun. Moses Leonard, Calvin Merrill, John Montague, William Montague, Daniel Montague jun. John Russell, Nathaniel Smith, Horace W. Taft, and John Wiley, together with such others as have, or may hereafter associate with them and their successors, be, and they are hereby made and declared to be a corporation and body politic, by the name of The Proprietors of the Sunderland Bridge, and by that name may sue and be sued to final judgment and execution, and shall do and suffer, all other things, which similar corporations may or ought to do and suffer.

Persons in-  
corporated.

SEC. 2. *Be it further enacted*, That the proprietors aforementioned be, and they are hereby authorised to build a bridge over Connecticut river between the towns of Deerfield and Sunderland, at or near Morris' ferry, and the said bridge shall be faithfully built with sound and durable materials, at least twenty-eight feet wide, and covered with planks, and have a sufficient railway on each side of the bridge for the safety of passengers, and the said bridge shall at all times be kept in safe, convenient, and passable repair.

Empowered  
to build a  
bridge.

SEC. 3. *Be it further enacted*, That a toll be, and hereby is granted to the proprietors, to reimburse them for their expenses in building said bridge, and for supporting the

Toll estab-  
lished.

same, viz.—For each foot passenger, three cents ; for each horse and rider, seven cents ; for each horse and chaise, chair, or sulkey, sixteen cents ; for each coach, chariot, Phæton, or other four wheeled carriage for passengers, thirty-three cents ; for each curricule, twenty-five cents ; for each sleigh drawn by one horse, ten cents ; and if drawn by more than one horse, twelve and an half cents ; for each cart, sled, or other carriage of burthen drawn by one beast, ten cents ; if drawn by two beasts, sixteen cents ; and if drawn by more than two beasts, twenty cents ; for each horse without a rider, and for neat cattle, three cents each ; and for sheep and swine, one cent each ; and one person and no more shall be allowed to each team as a driver to pass free of toll, and all persons who shall have occasion to pass said bridge to perform military duty, or to attend public worship on the Lord's day, shall pass free of toll ; and the toll shall commence on the day of the first opening of said bridge, and shall continue for the term of seventy years, and at the place where the toll shall be received, there shall be erected and constantly exposed to view, a sign-board with the rates of toll fairly and legibly written or printed thereon, in large or capital letters, and the said corporation at the time of opening said bridge shall cause a true and just account of the expenses thereof, to be returned into the office of the Secretary of this Commonwealth, and after fifteen years from the opening said bridge, the General Court may regulate the rates of toll receivable thereat : *Provided however*, That if the said proprietors shall neglect for the space of six years from the passing of this act, to build and finish the said bridge, then this act to be void and of no effect.

Exemptions  
from toll.

SEC. 4. *Be it further enacted*, That any three of the persons aforementioned may warn and call a meeting of the proprietors, to be holden at any convenient time and place, by publishing the same three weeks successively in the Hampshire Gazette, published in Northampton, the last publication to be six days at least before the time of such meeting, and the said proprietors by a vote of the majority of those present, or represented at said meeting, shall appoint a clerk who shall be sworn to the faithful discharge of said office, and in voting for the said clerk, and in all other cases, one vote only shall be allowed to each single share : *Provided however*, That no one proprietor shall be allowed

Method of  
calling a  
meeting.

Proprietors  
to establish  
by-laws.

more than twenty votes, and at the said first meeting the proprietors may also agree on a method of calling future meetings, and at the same, or some subsequent meeting or meetings, may elect such officers, and make and establish such rules and by-laws, as to them shall seem necessary or convenient for the regulation and government of the said corporation, and for carrying into effect the purposes aforesaid, and for collecting the toll herein granted, and may annex penalties to the breach of any by-laws, not exceeding five dollars; and all representations at said meetings shall be filed with the clerk of the said corporation, and this act, and all rules, regulations, and proceedings shall be fairly and truly recorded by the said clerk in a book or books to be provided and kept for that purpose.

[This act passed June 21, 1811.]

## CHAP. XXXIX.

An Act to establish The First Baptist Society in the town of Woburn.

Society in-  
corporated.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That George Washington Reed, Samuel Bryant, Jacob Eames 2d. Jacob Buckman, Jonathan Convers, Jacob Wright, John Fowle, Lille Eaton, Elijah Leathe, Benjamin Wood, Abel Richardson 3d. John Edgell, Abel Richardson, John Fowle 2d. Ebenezer Reed, Ebenezer Reed 2d. James Waide, Jacob Leathe, Jesse R. Fowle, Daniel Hadley, Thomas Eaton, Ezra Kimball, Joshua Reed, Zadock Wyman 2d. Hiram Thompson, Elijah Leathe 2d. Isaac Wood, Benjamin Fowle, Jacob Richardson, John Cummins. Jacob Richardson 2d. Isaac Merrion, Jonathan W. Fowle, Rachel Reed, Rebecca Totttingham, William Emmerson, Samuel West, John Waide, Ichabod Parker, William Young, William Young 2d. Josiah Convers, Luther Convers, Thomas Pool, Ruth Eaton, Phebe Eaton, Lot Eaton, Keziah Thompson, Elijah Wyman, Jethro Richardson, Samuel T. Richardson, Josiah Richardson, Samuel Evans, Micajah Lock, Samuel Tidd, Joseph H. Beers, Nathaniel

Waide, Joseph H. Beers 2d, John B. Beers, Job Richardson, Edward Richardson 2d. Charles Richardson, Reuben Richardson, Jesse Convers, Sarah Evans, John Tidd, Joshua Convers, William Wood, Hepsebah Convers, Hiram Flagg, Benjamin Edgell, Abel Winn, Jerry Winn, Samuel E. Wyman, Eleazer F. Pool, Thomas Dean, Nathan Peirce, Joseph Winn, Abraham Skinner, Sylvanus Wood, Josiah Lock, Asa Lock, Robert Wood, George Richardson, Hosea Evans, and Matthew Skillton, together with all such others as may hereafter associate with them, with their polls and estates, be, and they are hereby incorporated into a religious society, by the name of The First Baptist Society in Woburn, with all the powers, privileges and immunities which parishes are entitled to, by the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That any person in either of the said towns of Woburn or Burlington, or any other town, who may at any time hereafter join with and actually become a member of, and unite in religious worship with the society aforesaid, and give in his or her name to the clerk of the town or parish to which he or she may belong, and produce a certificate, signed by the minister or clerk of the said Baptist society, that such person has actually become a member of said Baptist society, fourteen days previous to the town or parish meeting to be held in the month of March annually, shall from and after the date of such certificate, with his or her polls and estates, be considered as a member of said Baptist society. *Provided however*, That all such persons shall be held to pay his or her proportion of all monies voted or assessed in the town or parish to which he or she formerly belonged, within one year previous to their leaving the same.

Method of becoming members.

SEC. 3. *Be it further enacted*, That whenever any member of said Baptist society shall see cause to leave the same, and unite with any other religious society in the town in which he or she may reside, and shall declare such intention in writing, and deliver the same to the minister or clerk of said Baptist society, and also leave a copy of the same with the clerk of the town in which he or she may reside, and also with the clerk of the parish in said town to which he or she may intend to be united, fourteen days at least before the town or parish meeting to be held

Manner of leaving.

June 21, 1811.

in the month of March annually, shall from and after the date of such certificate, with his or her polls and estates, be considered as belonging to the town or parish in which he or she may intend to be united in the same manner as if he or she had never belonged to said Baptist society. *Provided however,* That all such persons shall be held to pay their proportion of all monies voted or assessed in the said Baptist society, within one year previous to their leaving the same.

Warrant to  
be issued.

SEC. 4. *Be it further enacted,* That Bill Russell Esq. is hereby authorised to issue his warrant directed to some principal member of said Baptist society, requiring him to notify and warn the members thereof to meet at such time and place, as shall be appointed in said warrant, to choose all such officers and transact all such business as parishes in this Commonwealth are by law authorised to do in the month of March or April annually.

[This act passed June 21, 1811.]

## CHAP. XL.

An Act regulating the collection of taxes in the town of Newburyport, and providing for the appointment of Constables in the said town.

Selectmen to  
appoint Con-  
stables.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Selectmen of the town of Newburyport, be, and they hereby are empowered to appoint annually such a number of persons as Constables in said town, as the public service may require, and the said Constables so appointed, shall be sworn to the faithful discharge of the duties of said office, by any one of the said Selectmen who shall enter the same on their records, and the said Constables shall also give bonds to the Treasurer of the said town of Newburyport in such sums, and on such conditions, as the said Selectmen shall think proper for the faithful performance of the duties of their office; and the Constables so appointed by the said Selectmen shall have the same powers as are by law vested in Constables chosen by the towns in this Commonwealth.



SEC. 2. *Be it further enacted*, That the Treasurer of the town of Newburyport shall be the collector of the state, county, and town taxes in said town, and shall be, and hereby is empowered to substitute and appoint under him such, and so many deputies or assistants as the service may be found to require, who shall give bonds to the said Treasurer in his said capacity for the faithful discharge of their duty, in such sums and with such sureties as the Selectmen of said town may think proper. And the said collector and his deputy or deputies shall have the same powers as are vested by law in the collector of taxes, chosen by other towns in this Commonwealth; and the said Treasurer and his deputy or deputies may by a vote of the said town for such purpose, collect all such taxes as may be outstanding and uncollected at the time of the passing of this act, or at the time of his being chosen to the office of Treasurer, he and his deputy or deputies first giving bonds for the faithful discharge of their duty in such sums and with such sureties, as the Selectmen of said town shall think proper.

Treasurer to  
be Collector  
with power  
to appoint  
Deputies.

SEC. 3. *Be it further enacted*, That the said Treasurer may issue his warrants to his deputy or deputies for the collecting and gathering in of such parts of the rates or assessments as in his discretion he shall think proper to commit to such deputy or deputies, which warrant shall be in the same tenor with the warrant prescribed to be issued by the Selectmen or assessors for the collecting or gathering in of the state or town rates or assessments, *mutatis mutandis*.

to issue  
Warrants to  
Deputies.

SEC. 4. *Be it further enacted*, That the Treasurer and Collector of the said town of Newburyport, be, and he is hereby authorised to issue his warrant to the Sheriff of the county of Essex, his deputy, or to any constable of the said town of Newburyport, directing them to distrain the property of any person or persons who may be delinquent in the payment of taxes after the time has expired, that is or may be fixed for payment by any vote of said town, which warrants shall be of the same tenor with the warrant prescribed to be issued by the Selectmen or Assessors for the collecting or gathering in of the state rates or assessments *mutatis mutandis*, and the said officers shall make a return of their warrants with their doings thereon, to the said Treasurer and Collector within thirty days from the

and War-  
rant of dis-  
tress.

Proviso. date thereof. *Provided however*, That nothing in this act shall prevent the said Treasurer and Collector, whenever there may be a probability of losing a tax, from distraining the property or person of any individual before the expiration of the time fixed by the vote of said town.

Duty of officers in executing Warrants. SEC. 5. *Be it further enacted*, That it shall be the duty of said officers, to execute all warrants they may receive from said Treasurer and Collector, and pursue the same process in distraining the persons or property of delinquents, as collectors are now by law authorised to do and perform, and for collecting the sum of money due on said warrants, to receive the same fees that are allowed by law for levying executions in personal actions: *Provided however*, That before said officers shall serve any warrant, they shall deliver to the delinquent, or leave at his or her usual place of abode, a summons from said Treasurer and Collector, stating the sum due, and that unless the same is paid in ten days from the time of leaving said summons, into the treasury of said town, with twenty cents for said summons, his or her property will be distrained according to law.

Proviso. Bonds. SEC. 6. *Be it further enacted*, That the Constables of said town of Newburyport, in addition to the usual condition of their bonds, shall also be bound to the faithful execution of all warrants committed to them by the Treasurer and Collector of said town.

[This act passed June 21, 1811.]

## CHAP. XLI.

An Act to incorporate a number of the inhabitants of the towns of Medfield, Dedham and Wrentham, in the county of Norfolk, as a Religious Society, by the name of The First Baptist Society in Medfield.

Persons incorporated. SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Eleazer Allen, Joseph Baker, Obed Baker, Eliphalet Baker, David Baker, Abijah Blake, Samuel Blake, William Boyden, Silas Boyden, Edward Buckmaster, Abijah Colburn, Benjamin Colburn,

Isaac Colburn jun. Jonathan Colburn, Phineas Colburn, Eliphalet Colburn, Ellis Colburn, George Colburn, Thatcher Colburn, Joseph Cutler, Joseph Draper, Daniel Draper, Daniel Draper jun. Joseph Ellis 2d. Abijah Fisher, Asa Fisher, Benjamin French, Benjamin French jun. Abraham Harding, Andrew Lewis, Abner Mason, William Mason jun. Eliakim Morse, Samuel Needham, John Needham, Elihu Onion, Oliver Partridge, Eleazer Perry, James Potter, Jason Richardson, Jason Richardson jun. Ariel Sayles, Elisha Sayles, Abijah Smith, Asa Smith, Billings Tisdale and Moses Wadsworth, with their families and estates, together with such others as may hereafter associate with them, and their successors, be, and they are hereby incorporated as a religious society, by the name of The First Baptist Society in Medfield, with all the powers and privileges of other religious societies, according to the constitution and laws of this Commonwealth: *Provided* <sup>Proviso.</sup> *however*, That the persons aforesaid shall be holden to pay their proportion of all monies granted and assessed before the first day of March last past, and not after in the several towns or parishes to which they severally belonged, previous to the passing of this act.

SEC. 2. *Be it further enacted*, That any person belonging to either of the towns aforesaid, who may be desirous to join with the said Baptist society, shall declare such intention in writing to the elder, clerk, or committee of the said society fifteen days at least previous to the annual meeting of the said society, and if such person do receive and can produce a certificate of membership signed by the elder, clerk, or committee aforesaid, that he or she has actually become a member of said Baptist society in Medfield, such person from the date of such certificate with his or her polls and estate, shall be considered a member of said society: *Provided however*, That every person so joining with the said Baptist society, shall give like notice of his intention to the minister, clerk, or committee of the society from which he doth secede. <sup>Method of becoming members.</sup>

SEC. 3. *Be it further enacted*, That if any member of the said Baptist society, see cause to leave the same and to unite with any other religious society in the town in which such person may live, he or she shall give notice of such intention to the elder, clerk, or committee of the said Baptist society, and also to the minister, clerk, or com- <sup>Manner of leaving.</sup>

Proviso.

mittee of such other society fifteen days at least before the annual meeting thereof, and if such person doth receive and can produce a certificate of admission signed by the minister, clerk, or committee of such other society, such person from the date of said certificate, with his or her polls and estates, shall be considered a member of such other society. *Provided however*, That in every case of secession from one society and joining another, in the manner provided for by this act, every such person shall be holden to pay his or her proportion of all pecuniary assessments, or other charges and expenses assessed and not paid prior to such secession, and the said certificates in either case given and received as aforesaid, shall operate to exempt such person from taxation for the support of public worship in any other society.

Warrant to  
be issued.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the county of Norfolk is hereby authorised to issue a warrant, directed to a member of the said society, requiring him to notify and warn the members thereof, to meet at such convenient time and place as shall be expressed in said warrant, for the choice of such officers as parishes and religious societies are empowered to choose at their annual parish or society meetings.

[This act passed June 19, 1811.]

## CHAP. XLII.

An Act to establish The Methodist Episcopal Society of  
Lenox.

Society in-  
corporated.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Gamaliel B. Whiting, William Whiting, Amos Benton, Josiah G. Barker, William F. Swift, William S. Smith, John S. Smith, James Smith, Enoch Johnson, Erastus Benton, Simeon Calkins, Jethro Butier, Salmon Andrews, Jethro Butler jun. Joshua W. Cobb, Zebadiah Hyde, Andrew Hyde 3d. Selah Cook, Jesse Root, Orriange Judd, Seth N. Judd, Daniel Dunbar, Solomon Bodfish, Oliver Stedman, John Bennett, Sion Turner, James Newbury, William Ross jun. Silvanus

Hullet, Samuel Hullet, William Dunham, Levi Goodrich, Horace Whiting, Jeremiah Bulmore, James Smith jun. Selah Andrews, Walter Cook, and Oren Stephens, members of the said religious society, with their families and estates, be, and they are hereby incorporated by the name of The Methodist Episcopal Society of Lenox, with such others as may hereafter associate and join with them, with all the privileges and immunities to which parishes are entitled by the constitution and laws of this Commonwealth: *Provided however*, That all such persons shall be holden to pay their proportion of all monies assessed for parochial purposes in the town or parish, to which they respectively belonged previous to the passing of this act.

Proviso.

SEC. 2. *And be it further enacted*, That Azariah Egleston Esq. be, and he is hereby authorised to issue a warrant directed to some suitable member of said Methodist society, requiring him to notify and warn the members thereof to meet at such time and place as shall be appointed in said warrant, to choose such officers as parishes in this Commonwealth are by law empowered to choose in the month of March or April annually.

Justice to  
issue war-  
rant.

[This act passed June 22, 1811.]

### CHAP. XLIII.

An Act to incorporate a number of persons by the name of The Buxton Proprietors of Canals, Locks, and Slips, on Saco River.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Judah Dana, John Goode-now jun. John Gording, Joseph Howard, Henry Howard, Isaac Lane, John M'Millan, Richard Odell, John Spring, Thomas Spring, James Steel, Ellis Busher, Joseph Woodman, and Edmund Woodman, with their associates and successors, be, and they are hereby made and declared to be a corporation by the name of The Buxton Proprietors of Canals, Locks, and Slips, on Saco River, and by that name may sue and prosecute, and be sued and prosecuted, to final judgment and execution, and shall have all other

Persons in-  
corporated.

powers, incident to, and usually exercised and enjoyed by other corporations, established for the like purposes.

SEC. 2. *Be it further enacted*, That the said corporation shall have power and authority to construct, build, cut, and make canals, locks, and slips, on Saco river, by and from the Great falls (so called) on said river, in Hiram, to the Steep falls; and from thence to the Ossapee falls, and from thence to the Bona Eagle falls, and from thence to, and by Moderation falls, and from thence in the most convenient ground between said Moderation falls and Salmon falls, to form a communication with the waters which run from the place last mentioned, through a part of Buxton, Scarboro' and Falmouth, to those of Stroudwater.

SEC. 3. *Be it further enacted*, That in prosecuting and completing the said canal, no person shall be injured by the digging and cutting the said canal through his land, or by removing mills or mill dams, diverting water courses, or flowing his land by the proprietors aforesaid, without receiving full and adequate compensation therefor. And in all cases where any person shall suffer loss or damage in his property by the said proprietors, in the manner above mentioned, or in any other way, and the said proprietors do not, within twenty days after being requested thereto, make or tender reasonable satisfaction to the acceptance of the person damaged by them as aforesaid, the person so damaged may apply to the Court of Common Pleas, for the county in which the damage has happened, to have a committee appointed by said Court, to estimate the damage so done; and the said Court are hereby authorised and empowered, by warrant, under the seal thereof, if application be made within one year from the time of the damage being done as aforesaid, to appoint a committee of five disinterested freeholders in the same county, to estimate the damage; which committee shall give seasonable notice to the persons interested, and to the clerk of the proprietors aforesaid, of the time and place of their meeting, and they shall be under oath to judge and award impartially, according to their best skill and judgment, which having done, they or the major part of them, shall make return thereof, under their hands and seals, to the next Court of Common Pleas, to be holden in said county, to the end that the same may be accepted, allowed, and

Empowered  
to make canals, &c.

Compensation to be  
made for individual injury.

Court to appoint referees to estimate damage.

recorded, and the said committee so empowered, are required to estimate the said damage, and make return thereof as aforesaid, and if the estimate and award of the said committee be accepted by the Court, then the clerk of the Court is hereby authorised and directed, on application therefor, to issue an execution against the property only of the corporation, or in want thereof, on the property of any individual belonging thereto, for the sum thus awarded in damages.

SEC. 4. *Be it further enacted*, That the said corporation be, and they hereby are empowered to purchase and hold to them and their successors forever, so much land and real estate as may be necessary to the purposes of the said canal, not exceeding the value of fifty thousand dollars. And if the said proprietors shall refuse or neglect, for the term of ten years from the passing of this act, to complete the said canal, then this act shall be void and of no effect. May hold real estate.

SEC. 5. *Be it further enacted*, That if any person or persons shall designedly and maliciously break up, remove, beat down, destroy, dig under, or do any other injury to the said canal, its banks, locks, dams, slips, or any other part or appurtenance thereof, or shall damage, carry away, or set on float to be carried away, any boards, plank, joist, post, or other timber or lumber, or materials used, or to be used in or about said works, or shall be aiding or assisting in any of the trespasses aforesaid, he shall for every such offence forfeit and pay to the corporation aforesaid, treble such damages, as the said corporation shall make appear to the Justice, or Court and Jury before whom the trial may be, that they have suffered, by means of the same trespasses, to be sued for and recovered in any Court proper to try the same. Penalty in case of wilful injury.

SEC. 6. *Be it further enacted*, That for reimbursing to the said corporation, their expenses in making the said canal, and for keeping the same in repair, a toll shall be, and hereby is granted and established, for the sole benefit of the said corporation, according to the rates following, viz. For every ton weight that shall be transported in boats or other vessels through the said canal, the sum of six cents for each mile; for all masts, timber, and lumber, floated on a raft or otherwise through the said canal, six cents a ton for each mile, and the said toll shall commence Toll established.

when the said canal, or any section thereof between two locks or slips, shall be completed.

**SEC. 7.** *Be it further enacted,* That the said corporation shall appoint toll gatherers, and such other necessary assistants as they see cause, for to attend at each lock, and at other convenient and necessary stations on the said canal, who shall give constant attendance at their respective posts, during the whole of the season for boats and rafts to pass; and on the toll being paid shall assist the passengers, with their property, to pass the said locks and canal. *Provided however,* That when forty years from the first opening the said canal are expired, the Legislature shall thereafter regulate the toll, and the same shall be collected in such manner as the Legislature may then order and provide by law.

Toll gatherers to be appointed.

**SEC. 8.** *Be it further enacted,* That the said corporation shall have full power and authority to sell and dispose of the share or shares of any proprietor, who, according to the regulations which may be made and adopted by the said corporation, shall be delinquent in the payment of any assessment that may be made on said share or shares, according to such rules as shall be established by said corporation for the sale of the shares of delinquents. And the share or shares of each proprietor in said corporation shall be liable to be attached on mesne process, and to be levied upon and sold on execution, in the way and manner provided in and by a certain act passed the eighth day of March in the year of our Lord one thousand eight hundred and five, entitled, "An act directing the mode of attaching on mesne process, and selling by execution shares of debtors in incorporated companies."

Shares of delinquents may be sold.

**SEC. 9.** *Be it further enacted,* That any Justice of the Peace for the county of Oxford, is hereby authorised upon application by any three of the said associates or proprietors, to grant a warrant directed to one of the said proprietors to call a meeting of his associates, to meet at such time and place, as shall be therein appointed, to organize the said corporation by the appointment of its officers. And the said corporation being thus organized, may then and there agree on and establish some mode of calling and notifying future meetings; and may also adopt and fix such other rules and regulations for their government, and the prosperous management of their affairs, as

Justice authorised to issue warrant.



they may think proper. And every proprietor shall have a right to vote in the proprietary meetings, according to his share and interest, in person or by representation: *Provided*, no one proprietor shall be allowed more than ten votes; and all representations shall be made in writing, signed by the person making the same, by special appointment, which shall be filed with, and recorded by the said clerk; and this act, and all rules, regulations, votes and doings of the said corporation, shall be fairly and truly recorded by the said clerk, in a book or books, for that purpose to be provided and kept.

[This act passed June 22, 1811.]

## CHAP. XLIV.

### An Act to establish The Winthrop Copperas Factory Company.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That John Gorham, Isaac P. Davis, Samuel Sumner Wilde, John L. Sullivan, William Mead, and Richard Sullivan, together with such other persons as may hereafter associate with them, their successors and assigns, be, and they hereby are made and constituted a body corporate and politic, by the name of The Winthrop Copperas Factory Company, for the purpose of manufacturing copperas in the town of Winthrop, and county of Kennebeck, and for the purpose aforesaid shall have all the powers and privileges, and shall also be subject to all the duties and requirements prescribed and contained in the act, entitled "An act defining the general powers and duties of manufacturing corporations," passed the third day of March, eighteen hundred and nine.

SEC. 2. *Be it further enacted*, That the said corporation shall and may lawfully hold and possess real estate not exceeding thirty thousand dollars, and personal estate not exceeding one hundred thousand dollars, as may be necessary and convenient for carrying on the aforesaid manufacture of copperas.

[This act passed June 22, 1811.]

## CHAP. XLV.

An Act to annex Samuel Wentworth and others, to the North Parish in Berwick.

**BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Samuel Wentworth, Henry Ricker, and Stephen Ricker, with their families, polls, and estates, lying in the town of Berwick, in the south parish in said town, be and hereby are set off from the said south parish, and annexed to the north parish in said town, and shall forever hereafter be considered as belonging thereto, enjoying all parish privileges and to pay parish charges, which may arise within the same. Provided nevertheless, That they be holden to pay all such taxes, that may be now due from them or their estates, to the south parish, in the same manner as though this act had not passed.*  
 [This act passed *June 22, 1811.*]

## CHAP. XLVI.

An Act to establish The First Baptist Society in Carver, in the county of Plymouth.

Society in-  
 corporated.

**SEC. 1.** **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Benjamin Shurtliff, Flavell Shurtliff, Lot Shurtliff, Ebenezer Shurtliff, Gideon Shurtliff, Abiel Shurtliff, Gideon Shurtliff jun. Francis Shurtliff, Nathaniel Shurtliff, Nathaniel Shurtliff 2d. Peter Shurtliff, Thomas Shurtliff, William Atwood, Asaph Atwood, Jonathan Atwood, Joseph Atwood, Lazarus Atwood, Samuel Atwood, Samuel Atwood jun. Stephen Atwood, Levi Atwood, Caleb Atwood, Aber Atwood, John Atwood, John Atwood jun. Joshua Atwood, Nathaniel Atwood, William Atwood 2d. Samuel Shaw, John Shaw, Silvanus Shaw, Silvanus Shaw jun. Levi Shaw, Abigail Shaw, Benjamin Ward, Benjamin Ward jun.*

Samuel Lucas, Carver Barrows, Seth Barrows, Ephraim Griffith, Huit M'Farlain, Bethuel Tilson, David Vaughan, Joseph Ellis jun. Ellis Shaw, Joseph Robbins, Eli Thomas, Benjamin White, William Murdock, Ebenezer Dunham, Jabez Maxam, Jabez Maxam jun. Thomas Maxam, John Bumpus, Isaac Cushman, Hosea Lucas, Cornelius Dunham, Calvin Lucas, John Appling, Lewis Pratt, and Swansey Hart, of said Carver, and John Shaw, Ephraim Ward, Gideon Perkins, and Nathaniel Shurtliff, of Middleborough, in the county of Plymouth, with their polls and estates, be, and they hereby are incorporated, by the name of The First Baptist Society in Carver, with all the privileges, powers and immunities, and subject to all the duties which parishes in this Commonwealth by law enjoy and perform.

SEC. 2. *Be it further enacted*, That any person in said towns of Carver or Middleborough, or of the town of Plymouth, in the county of Plymouth, who may at any time hereafter, actually become a member of, and unite in religious worship with said Baptist society, and shall give in his or her name to the clerk of the parish to which he or she did heretofore belong, with a certificate, signed by the minister or clerk of said society, that he or she hath actually become a member of, and united in religious worship with said Baptist society, fourteen days previous to the parish meeting therein to be held in the month of March or April annually, shall from and after giving in such certificate, with his or her polls and estates, be considered as a member of said society. *Provided however*, That such person shall be held to pay his or her proportion of all the monies assessed or voted in the parish to which he or she belonged, previous to that time.

Method of becoming a member.

SEC. 3. *Be it further enacted*, That when any member of said society shall see cause to leave the same, and unite in religious worship, with any other religious society in the town or parish in which he or she may live, and shall give in his or her name to the clerk of said Baptist society, signed by the minister or clerk of the parish, or other religious society with which he or she may unite, that he or she hath actually become a member of, and united in religious worship with such other parish or religious society, fourteen days previous to their annual

Manner of leaving.

June 22, 1811.

meeting in March or April, and shall pay his or her proportion of all monies voted in said society, to be raised previous thereto, shall from and after giving such certificate, with his or her polls and estates, be considered as a member of said society to which he or she may so unite.

Warrant to  
be issued.

SEC. 4. *Be it further enacted*, That any Justice of the Peace, in the town of Carver, be, and he is hereby authorised and empowered to issue his warrant directed to some suitable member of said society, to meet at such time and place, as he shall appoint in said warrant, to choose all such officers as parishes in this Commonwealth are by law entitled to choose in the month of March or April annually.

[This act passed June 22, 1811.]

## CHAP. XLVII.

An Act to repeal part of an act, entitled, "An act regulating the Collection of Taxes in the town of Boston, and providing for the appointment of Constables in the said town."

**BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the fourth section of the act, passed the eighteenth of June, one thousand eight hundred and two, entitled, "An act regulating the collection of taxes in the town of Boston, and providing for the appointment of Constables in the said town," which allows a discount on the payment of taxes within certain periods, be, and the same is hereby repealed.

[This act passed June 22, 1811.]

## CHAP. XLVIII.

An Act to direct the Assessment and Collection of Taxes in the Second Religious Society or Parish in the town of Biddeford.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That it shall, and may be lawful for the assessors of the Second Parish or Religious Society in Biddeford, for the time being, who shall be duly sworn to the faithful discharge of their trust, and they are hereby empowered to assess the several pews in the meeting-house of the said second parish, and their several parts and proportions according to the just value the said assessors shall set the said pews at, of all such sums of money as the said parish shall vote to raise, and appropriate for the purpose of raising such sum or sums of money as may have been expended by said parish in the erection of said meeting house, and which have not been paid, and in case at any future period the said house shall want repairs, the assessors for the time being may assess all the pews in manner aforesaid, such sums of money for the repairs thereof as the said parish shall vote to be raised for that purpose, and the assessment thus made shall be committed to the collector of said parish with directions to collect and pay the same to the treasurer of said parish in ninety days after said assessment shall be committed to him. Assessors empowered.

SEC. 2. *And be it further enacted,* That the parish treasurer shall keep an account separate and distinct from other parish money, of the sums thus received, and the manner in which they are expended, and shall have the same power to enforce the payment of the sums of money from the said collector as is by law provided for collecting other parish taxes. Treasurer's duty and power.

SEC. 3. *And be it further enacted,* That if the owner or proprietor of a pew or pews, or of a part or proportion of any pew or pews in said house, shall refuse or neglect to pay the sum assessed thereon as aforesaid, for the space of thirty days after notice of the assessment shall have been posted up in the porch of the said meeting-house, it shall Pews of delinquents may be sold.

June 22, 1811.

be lawful for the collector to sell the said pews at public vendue to the highest bidder, first giving fifteen days notice of the time and place of sale, by posting up notifications thereof in the porch of the said meeting-house, and the overplus besides the taxes and necessary charges of notifying and selling, he shall pay over to the owner or proprietor in ten days after the sale.

Right of re-  
demption.

SEC. 4. *And be it further enacted*, That the mode of transferring pews sold as aforesaid, shall be by deed executed by the collector; *Provided always*, that if the former owner or proprietor of a pew thus sold and transferred, shall within one year from the time of sale as aforesaid tender and pay to the purchaser, or to his assignee in case of assignment, the full sum said pew sold for, and charges with the addition of ten per cent. it shall be the duty of the purchaser or assignee to reconvey the same by deed, and upon his refusing thus to do, said proprietor may have the like remedy for obtaining the title and possession of the same pew, as mortgagers of real estate now have in the Courts of this Commonwealth.

[This act passed June 22, 1811.]

## CHAP. XLIX.

An Act limiting the period during which any person shall be eligible to the office of County Treasurer.

**BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That from and after the passing this act, no person shall be eligible to the office of county treasurer for more than five years successively, and no county treasurer now in office shall be eligible for more than five years successively, computing from the date of his last election, prior to the passing of this act.

[This act passed June 22, 1811.]

## CHAP. L.

An Act in addition to an act, entitled, "An act for incorporating certain persons for the purpose of laying out and making a Turnpike Road from Newburyport to Chelsea Bridge."

**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 Newburyport Turnpike be, and they hereby are authorised and empowered from time to time to convey, sell, and dispose of, or to exchange in fee simple or otherwise as they shall think fit, any part of the real estate which they have already purchased, or shall hereafter purchase, by any deed or deeds made and duly executed either by their president and directors, or the major part of them, under the seal of said corporation, or by any agent or agents by the said corporation appointed under their seals, provided they shall have been respectively authorised by a vote of said corporation, to make such conveyance, sale, deposition or exchange thereof.

Proprietors  
empowered  
to convey.

[This act passed *June 22, 1811.*]

## CHAP. LI.

An Act to annex James Parmele and others to the incorporated Baptist Society, in the town of West Stockbridge.

**BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That James Parmele, Ezra Hubbel, Eli Hubbel, Chauncey Root, Otis O. Robbins, John French, Christopher French jun. Samuel Ives, James Cobb, Robert Perry, John Millen, Joel Millen, John Burgharett, Jehuda Stephens, Samuel Dunbar, Abraham Tobey, Abijah Smith, Nathaniel Lockwood, Sylvester Hooper, John C. Deming, Gilbert Wilson, Augustine

Society in-  
corporated.

Spencer, Jare Bendict, Brainard Spencer, and Eli Barnes, together with their polls and estates, all belonging to the towns of West Stockbridge, Stockbridge, and Great Barrington, in the county of Berkshire, be, and they hereby are annexed to, and incorporated with the First Baptist Society, in the town of West Stockbridge, for parochial purposes only, and in that connection shall be entitled to all the privileges, and equally subject to all the duties of other members of the said society in as ample a manner as if they had been originally members thereof : *Provided however*, That each of the persons aforementioned, shall always be held to pay their proportion of all parish, town, or society charges, assessed, and not paid previous to their leaving any other society, and their incorporation with the society aforesaid.

[This act passed June 22, 1811.]

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## CHAP. LII.

An Act in addition to “ An act to incorporate the Town of Randolph.”

**BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That so much of the third section of the act to which this is in addition, as is supposed to annex to, and subject to taxation in the town of Braintree, the estates which heretofore belonged to Samuel Cheesman, deceased, and Levi Thayer, who were remonstrants against the incorporation of the town of Randolph, be, and the same is hereby repealed.

[This act passed June 22, 1811.]



## CHAP. LIII.

An Act to establish a Baptist Society in Gloucester, in the county of Essex.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That John Smith, Seth Woodbury, Benjamin Hale, James Appleton, Matthew Whipple, William Kennedy, Thomas Millet jun. Joseph Putnam, John Smith jun. Joseph Fears, Samuel A. Gale, Elijah Foster jun. William Dexter, Jesse Wilson, Ephraim Davis jun. John L. Witham, Jonathan Medley, James Laha, George Wood, Benjamin Parsons, Pliny Davison, Thomas Lee, William Woodbury, Ebenezer Pool, William Smith jun. Solomon Pool jun. Jonathan Pool jun. Jonathan Pool, Francis Hilton, Nehemiah Grover, John Grover, Josiah Pool, Ebenezer Pool 3d. Henry Blatchford, Thomas Parsons jun. Ebenezer Gamage, Paul Morgan, William Morgan, Ebenezer Clark, Ebenezer Rowe 3d. Moses E. Colby, William Smith, Ebenezer Dresser, William Parkhurst, David Stanwood, Benjamin Dodge, Daniel Ober, Joseph Trask, John Ryerson, Samuel French, Benjamin Hoig, Daniel Douglass, John Douglass, Charles Wonson, Edward Gearing, Abraham Tarr, Moses Parsons, Charles G. Martin, Samuel Day, Isaac Fears, John Edgar, Samuel Parsons, James Rowe, Samuel B. Thomas, Nathaniel Blatchford, Ezekiel Adams, Isaac Low, Joseph Smith, Ezekiel Bradstreet, Samuel G. Gamage, John Pool jun. Robert Hooper, Caleb Herrick, Henry Clark jun. John Clark, Aaron Sargent, Ebenezer Tarr, Daniel Allen, Zebulon Witham, Nathan F. Morgan, Elizabeth Dexter, Daniel Bradford, and Elijah Foster, with their polls and estates, be, and they are hereby incorporated by the name of the Baptist Society in Gloucester, with all the privileges, powers, and immunities which parishes in this Commonwealth by law enjoy.

SEC. 2. *Be it further enacted*, That any person in said town of Gloucester, who may at any time hereafter actually become a member of, and unite in religious worship with said Baptist society, and give in his or her name

Method of becoming a member.

to the clerk of the parish to which he or she did heretofore belong, with a certificate signed by the minister or clerk of said society, that he or she hath actually become a member of, and united in religious worship with said Baptist society, fourteen days previous to the parish meeting therein to be held in the month of March or April annually, shall from and after giving in such certificate, with his or her polls and estate, be considered as a member of said society. *Provided however,* That such person shall be held to pay his or her proportion of all the monies assessed or voted in the parish to which he or she belonged previous to that time.

Manner of  
leaving.

SEC. 3. *Be it further enacted,* That when any member of said society shall see cause to leave the same and unite in religious worship with any other religious society in the town or parish in which he or she may live, and shall give in his or her name to the clerk of said Baptist society, with a certificate signed by the minister or clerk of the parish or other religious society with which he or she may unite, that he or she hath actually become a member of, and united in religious worship with such other parish or religious society, fourteen days previous to their annual meeting in March or April, and shall pay his or her proportion of all monies voted in said society to be raised previous thereto, shall from and after giving such certificate with his or her polls and estate, be considered as a member of said society to which he or she may so unite.

Warrant to  
be issued.

SEC. 4. *Be it further enacted,* That any Justice of the Peace in the town of Gloucester be, and he hereby is authorised and empowered to issue his warrant directed to some suitable member of said society, to meet at such time and place as he shall appoint in said warrant, to choose all such officers as parishes in this Commonwealth are by law entitled to choose in the month of March or April annually.

[This act passed June 22, 1811.]

## CHAP. LIV.

An Act to enable the administrator on the estate of Samuel Bartlett, late of Newburyport, mariner, deceased, to convey certain Real Estate of the said Samuel.

**W**HEREAS on the petition of Benjamin Norton of Newburyport, in the county of Essex and Commonwealth of Massachusetts, sail-maker, it is made to appear that on the sixteenth day of March, in the year of our Lord eighteen hundred and nine, he the said Benjamin, by his deed of quitclaim of the same date, duly executed, did convey to the said Samuel, then living, certain real estate in and by said deed particularly described, that though said conveyance was absolute and unconditional, yet in fact it was intended only as security for payment of certain sums of money before that time hired of said Samuel by said Benjamin, and it was the mutual agreement of the said parties, that on payment of said several sums of money and interest by said Benjamin to said Samuel, he the said Samuel would reconvey the said premises to the said Benjamin, that after the conveyance of the said premises as aforesaid, and before the death of the said Samuel, the said Benjamin paid the said Samuel a considerable part of said money, and whereas by the death of said Samuel, the said Benjamin cannot obtain a reconveyance of said premises on payment of the balance due from him to said Samuel, nor has he legal remedy for the money paid to said Samuel in his lifetime. Therefore,

*BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the administrator on the estate of the said Samuel, be, and he is hereby authorised and empowered to make and execute to said Benjamin, or to his legal heirs or representatives, a good and sufficient deed of quitclaim of the same premises so conveyed by said Benjamin to said Samuel as aforesaid; Provided, the said Benjamin shall first, and on or before the first day of January next, have paid to the administrator on the estate of the said Samuel, the full balance of money and*

Preamble.

Administrator authorised and empowered.

Proviso.

interest due from the said Benjamin to the estate of the said Samuel ; *And provided also*, that no conveyance of the same premises by the said Samuel in his life time appears on record, and such deed by the administrator on the estate of the said Samuel as aforesaid, shall vest in the said Benjamin, as full and absolute a title as he held before his conveyance to the said Samuel as aforesaid.

[This act passed *June 22, 1811.*]

## CHAP. LV.

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

Preamble.

**W**HEREAS doubts have arisen, whether the act to which this is in addition, contemplates those lands belonging to the Hopkins' donation or trust, which lie in Upton, and out of the county of Middlesex.

Lands secured in the Hopkins' donation.

**SEC. 1.** *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the said act, to which this is in addition, shall be construed as extending to all the lands belonging to the Hopkins' donation or trust lying in Upton in the county of Worcester, as well as in Hopkinton in the county of Middlesex, any law to the contrary notwithstanding ; and if, in consequence of a different construction of the act aforesaid, any deeds or conveyances of, or executions extended upon such lands have been or shall be recorded in the registry of deeds for the county of Worcester, or by the Register appointed by the Trustees

of the donation or trust aforesaid, and not in the registry of deeds for the county of Middlesex between the first day of July in the year of our Lord one thousand eight hundred and eight, and the first day of August next, such records shall be valid to all intents and purposes as if made in the registry for the county of Middlesex, and if any deeds or conveyances of land belonging to the said Hopkins' donation or trust through misapprehension or otherwise may have been recorded in the registry of deeds for the county of Worcester, or that of the county of Middlesex, after the passing of the act in the year one thousand seven hundred and forty-one, mentioned in the title of this act, and before the first day of July, in the year one thousand eight hundred and eight, and were not recorded by the Register appointed by the Trustees aforesaid, as that act required, shall be valid to all intents and purposes, as if they had been recorded according to law.

Validity of records.

SEC. 2. *Be it further enacted*, That no future conveyances of land belonging to the Hopkins' donation or trust, shall be valid in law, which purport to convey any other lands derived from a title or titles other than such Hopkins' donation or trust.

Conveyances not valid.

SEC. 3. *Be it further enacted*, That the said Trustees of the Hopkins' donation or trust, shall on or before the first day of August next, deposit in the registry of deeds for the county of Middlesex, all the books of records of deeds, conveyances and executions, relating to the lands aforesaid, which are in the possession of the Register appointed by them, and it shall be the duty of the Register of deeds for the county of Middlesex, to receive and keep the same, and to record all deeds, conveyances, and executions made of, and extended upon the lands aforesaid, lying as well in Upton as Hopkinton, in the books of the said Trustees, and for making such records, he shall be entitled to the same fees as for similar records of other deeds, conveyances, and executions. *Provided*, That the Trustees aforesaid, their Treasurer, and such other person or persons as they may delegate for the purpose, shall have liberty at all times to search the records which relate to the lands aforesaid, free of all expense.

Records to be deposited with the register for the county of Middlesex.

Proviso.

[This act passed June 22, 1811.]

## CHAP. LVI.

An Act to incorporate certain Proprietors of the common and undivided lands in the town of Hull, in the County of Plymouth, for the purpose of managing the same as a Common and General Field.

SEC. 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 proprietors and owners, their heirs and assigns of certain common and undivided lands lying in the town of Hull, in the county of Plymouth, bounded as follows, viz. beginning at the east end of the lane, (so called,) then running easterly round point Alderton to the sea; thence southerly by the sea till it comes to the Mill lane, (so called;) thence across said lane to Robert Gould's land; then by Robert Gould's land till it strikes the water on the west side of the beach; thence northerly by the sea until it strikes Sagamore hill, (so called;) thence round said hill, to the water; thence northerly until it strikes White Head, (so called;) then round White Head till it comes to the Salt marsh; northerly by the Salt meadow until it comes to the sea again; then by the sea to the entrance of Point Alderton; then by the salt water to the east end of the burying-ground; from thence to the first mentioned bounds, excepting therefrom, certain lots of land within said bounds, fenced in, and belonging to individuals, be, and they are hereby incorporated by the name of The Proprietors of Common and Undivided Lands, in the town of Hull, and by that name may sue and be sued, and do and suffer all such acts and things, as like corporate bodies may and ought to do and suffer.

Boundaries.

Proprietors  
incorporat-  
ed.

Empower-  
ed.

SEC. 2. *Be it further enacted*, That the said proprietors, when legally assembled, shall have power from time to time to appoint a Clerk, Treasurer, Assessors, and Collectors of taxes, Committees, or other necessary officers, who shall severally be sworn to the faithful discharge of their trust, which officers, shall have the same power to carry into effect any vote or order of said corpo-

ration as town officers of like description have by law to do and perform in their respective offices, and the said corporation shall at their first meeting determine on the manner of calling future meetings, and at any legal meeting for that purpose, shall have power to raise monies, and establish such rules and regulations concerning the improvement of said lands, as shall from time to time be found necessary for the better management of the same.

SEC. 3. *And be it further enacted*, That the said proprietors shall have liberty to erect the following gates and water fences, viz. one gate at the east end of the lane, (so called;) one at the east end of the burying-ground with a water fence; also, a water fence at the Pier (so called,) at the most convenient place; also, one gate at the west end of Row (so called;) also to continue that already erected on Mill lane. And the said town of Hull shall be at the expense of the aforesaid gates and water fences, reserving to any person the privilege of passing and repassing through said gates, as occasion may require, and the proprietors may have liberty to impose a penalty not exceeding one dollar, for the neglect of any such person in not shutting said gates; and also reserving to the town of Hull the privilege of the shores, and of feeding all lands, not comprehended within the aforementioned bounds.

Gates and  
fences to be  
made.

SEC. 4. *Be it further enacted*, That upon the application of any two or more of the said proprietors to any Justice of the Peace in the county of Plymouth, the said Justice is hereby authorised to issue his warrant, directed to one of the said proprietors, requiring him to notify a meeting, at such time and place, and for such purposes as shall be expressed in said warrant, which warrant and notification thereon shall be posted up at the door of the meeting-house in said town of Hull, and at some public place in the town of Hingham, fourteen days before the time expressed in the warrant for holding such meeting.

Justice to  
issue war-  
rant.

[This act passed June 22, 1811.]

## CHAP. LVII.

An Act to establish the Hopkinton Cotton Manufacturing Company.

Persons in-  
corporated.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Joseph Valentine, Thomas Bucklin, William Wood, Joseph Morse, Samuel Godard, Benjamin Herrick, John Gibson jun. Elijah Wheelock, Gardner Parker, Aner Fisk, Josiah Pease jun. John Starkweather, Joseph Clough and Russell Smith, together with such others as already have associated, or may hereafter join and associate with them, their successors or assigns, be, and hereby are made a corporation by the name of The Hopkinton Cotton Manufacturing Company, for the purpose of manufacturing cotton in the town of Hopkinton, and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act defining the general powers and duties of manufacturing corporations, passed the third day of March, one thousand eight hundred and nine.

May hold  
estate.

SEC. 2. *Be it further enacted*, That the said corporation may lawfully hold and possess real estate not exceeding the value of fifty thousand dollars, and personal estate not exceeding the value of one hundred thousand dollars, as may be convenient and necessary for carrying on the manufacturing of cotton in the said town of Hopkinton,  
[This act passed June 22, 1811.]

## CHAP. LVIII.

An Act to establish the Methodist Episcopal Society in Provincetown, in the County of Barnstable.

Society in-  
corporated.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Solomon Cook, Simeon Conant, Elisha Freeman, Seth Nickerson, Reuben Rider,



Abraham Smalley, Pason C. Cook, Elisha Young, Solomon Cook jun. Elisha Holmes, William Gasacan, Benjamin Dyer, John Leny, Treuman Garret, Timothy Nickerson, George R. Wisell, Joshua Cook, Gamaliel Collings, Peter Lambart, Daniel Smalley, Gamaliel Rowley, Reuben Cook, Benjamin Gifford, Samuel Genn jun. Thomas Ridley, Isaac Cook, John Cook jun. Warren Freeman, Enoch Smith, Reuben Nickerson, Hatsub Freeman, Henry Atwood, Josiah Knowles, William Eldridge, Samuel Atwood jun. Reuben Smith, Ruman Anthony, Ephraim Cook, Samuel Cook, Samuel Cook jun. Stephen Cook, Samuel Genn, Enoch Smith jun. Washington Case, David Brown, Alexander Gross, James Smith, Samuel Kilburn, John Cook, Joshua Pane, Josiah Atkins, Levi Lerton, Prince Freeman, Amasa Snow, John Atwood, John Savage, Joshua Smith, Charles Freeman, Robinson Crocker, Nathaniel Rider, James Sparkes, Reuben Hill, Gersham Cutter, Nathaniel Nickerson, Samuel Conant, Seth Smith, Ebenezer Smith, Samuel Atwood, Benjamin Kingham, Jeremiah Newcomb, William Pane, William Phillips jun. John Long, Ebenezer Newcomb, and Oliver Barlow, with their polls and estates, be, and they hereby are incorporated by the name of The Methodist Episcopal Society in Provincetown, in the county of Barnstable, with all the privileges, powers, and immunities, and subject to the same duties which parishes in this Commonwealth by law enjoy and perform.

SEC. 2. *Be it further enacted,* That any person in said town of Provincetown, who may at any time hereafter actually become a member of, and unite in religious worship with said Methodist Episcopal Society, and shall give in his or her name to the clerk of the parish to which he or she did heretofore belong, with a certificate signed by the minister or clerk of said society, that he or she hath actually become a member of, and united in religious worship with said Methodist Episcopal Society, fourteen days previous to the parish meeting therein to be held in the month of March or April annually, shall from and after giving such certificate with his or her polls and estates, be considered as a member of said society. *Provided however,* That such person shall be held to pay his or her proportion of all the monies assessed or voted in

Method of  
becoming  
a member.

the parish to which he or she belonged previous to that time.

Manner of  
leaving.

SEC. 3. *Be it further enacted*, That when any member of said Society shall see cause to leave the same, and unite in religious worship with any other religious society in the town or parish in which he or she may live, and shall give in his or her name to the clerk of the said Methodist Episcopal Society, with a certificate signed by the minister or clerk of the parish or other religious society with which he or she may unite, that he or she hath actually become a member of, and united in religious worship with such other parish or religious society, fourteen days previous to their annual meeting in March or April, and shall pay his or her proportion of all monies voted in said society to be raised previous thereto, shall from and after giving such certificate, with his or her polls and estates, be considered as a member of said society to which he or she may so unite.

Warrant to  
be issued.

SEC. 4. *Be it further enacted*, That any Justice of the Peace in the town of Provincetown, be, and he hereby is authorised and empowered to issue his warrant, directed to some suitable member of said society, authorising him to summon the members of said society, to meet at such time and place, as he shall appoint in said warrant, to choose all such officers as parishes in this Commonwealth are by law entitled to choose in the month of March or April annually.

[This act passed June 22, 1811.]

## CHAP. LIX.

An Act for the support of the Ministry and Schools in the towns of Otisfield and Harrison.

Committee  
appointed.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That David Ray, Zebulon Knight, Enoch Spurr, Robert Anderson, Daniel Holton, all of said Otisfield, and Naphtali Harmon, Samuel Scribner, Samuel Willard, Benjamin Foster, and Nathaniel Burnham, of said Harrison, be, and hereby are appointed a committee

to sell the ministerial and school lands, within the said towns of Otisfield and Harrison, being three sixty-fourth parts of the township of Otisfield, as originally granted to the town of Otisfield, and to divide the proceeds arising from such sale, between the said towns of Otisfield and Harrison, according to their respective proportions thereof, said proportions to be determined by the act setting off said town of Harrison from the town of Otisfield, and to pay over the said respective shares unto the respective trustees of said towns hereinafter appointed, and for the purposes hereinafter mentioned.

SEC. 2. *Be it further enacted*, That the said committee be, and they are hereby authorised and empowered to sell and convey in fee simple, all the said ministerial and school lands belonging to said towns as aforesaid, and to make, execute, and acknowledge a good and sufficient deed or deeds thereof, which deed or deeds, signed and sealed by them, or any seven of them, shall be good and effectual in law, to pass and convey in fee simple from said town to the purchaser or purchasers, to all intents and purposes whatever.

Empowered  
to sell lands  
and give  
deeds.

SEC. 3. *Be it further enacted*, That the said David Ray, Zebulon Knights, Enoch Spurr, Robert Anderson, and Daniel Holton, be, and they are hereby incorporated into a body politic, by the name of The Trustees of the Ministerial and School Funds, in the town of Otisfield. And that the said Naphtali Harmon, Samuel Scribner, Samuel Willard, Benjamin Foster, and Nathaniel Burnham, be, and they hereby are incorporated into a body politic by the name of The Trustees of the Ministerial and School Funds, in the town of Harrison. And each of them and their respective successors shall continue a body politic and corporate forever, by those names; and they shall each have a common seal subject to be altered at their pleasure, and they may each of them respectively sue and be sued in all actions, and prosecute and defend the same to final judgment and execution by their respective names aforesaid.

Trustees in-  
corporated.

SEC. 4. *Be it further enacted*, That each of the said bodies politic and their respective successors shall and may annually elect a President and Clerk, to record the doings and transactions of the Trustees at their meetings, and a Treasurer to receive and apply the monies hereinafter

empowered  
to elect offi-  
cers.

mentioned, as hereinafter directed, and any other needful officers for the better managing of their business.

Number of  
Trustees li-  
mited.

SEC. 5. *Be it further enacted*, That the number of trustees in each of said bodies politic shall not at any one time be more than seven nor less than five; any five of their number to constitute a quorum for the transacting business; and they shall and may from time to time respectively fill up vacancies in their number which may happen by death, resignation, or otherwise, from the inhabitants of their respective towns, and shall also have power to remove any of their number who may become unfit or incapable, from age, infirmity, misconduct, or any other cause, of discharging their duty, and to supply a vacancy so made by a new choice from their respective towns as aforesaid, and the said Trustees respectively shall annually hold a meeting in March or April, and as much oftener as may be found necessary to transact their necessary business, which meetings after the first shall be called in such way and manner as the respective trustees shall hereafter direct.

Meeting to  
be held an-  
nually.

Persons au-  
thorised to  
fix first  
meeting.

SEC. 6. *Be it further enacted*, That David Ray be, and he is hereby authorised to fix the time and place of holding the first meeting of the Trustees of the town of Otisfield; and that Naphtali Harmon be, and he hereby is authorised to fix upon the time and place of holding the first meeting of the Trustees of the town of Harrison, and each of them to notify the respective trustees thereof.

Appropri-  
ations of the  
monies.

SEC. 7. *Be it further enacted*, That each of the said bodies politic shall receive the share or dividend of the monies arising from the sale of the aforesaid lands, which shall be the proportion of their respective town, and shall put out the same to interest, as soon as may be, secured by mortgage of real estate to the full value thereof, or by two or more sufficient sureties with the principal, unless the trustees shall think it best to invest the same in public funded securities or bank stock of this Commonwealth, which they may do.

Application  
of the in-  
terest.

SEC. 8. *Be it further enacted*, That the interest arising from said funds respectively, shall and may be annually or oftener in equal proportions applied to the use of the ministry and school in said towns respectively. And it shall never be in the power of said towns to alienate or any wise alter the funds aforesaid.

SEC. 9. *Be it further enacted*, That the Clerks of the said respective corporations shall be sworn previous to their entering on the duties of their office, and the respective Treasurers of the Trustees, shall each give bond faithfully to perform their duty, and to be at all times responsible for the faithful application and appropriation of the money which may come into their hands conformably to the true intent and meaning of this act, and for all negligence or misconduct of any kind in their respective offices, said bond shall be given to the town treasurer of each of said towns for the use of its inhabitants.

Treasurer  
to give  
bonds.

SEC. 10. *Be it further enacted*, That the Trustees respectively, or their officers, for the services they may perform, shall be entitled to no compensation out of any money arising from the funds aforesaid, but if entitled to any shall have and receive the same of said towns, as may be mutually agreed on.

Compensa-  
tions for  
services.

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

Trustees to  
account.

SEC. 12. *Be it further enacted*, That the said trustees shall be responsible to their respective towns for their personal negligence or misconduct whether they be officers or not, and liable to a suit for any loss or damage arising thereby, the debt or damage recovered in said suit to be for the uses aforesaid.

and to be res-  
ponsible.

[This act passed June 22, 1811.]

## CHAP. LX.

An Act further regulating the taking of Fish in Mat-  
tepoissett River.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That if any person or persons shall take any fish called alewives in Mattepoissett river, in the town of Rochester, in the county of Plymouth, or stretch any sein in said river for the purpose of taking fish at any time hereafter in either of the months of March, April, or

Penalty for  
taking fish  
contrary to  
law.

May, in any part of Mattepoisett harbour in said Rochester, to the northward of a line running directly from the most southerly part of Capt. Job Haskell's farm on the westerly side of said harbour, to the most southerly part of Joseph Edwards' land on the easterly side of said harbour, such person or persons so offending shall for each offence forfeit and pay fifty dollars, to be recovered in the same way, and to the same uses as forfeitures for taking said fish in the same river are by law to be recovered.

Selectmen  
empowered.

SEC. 2. *Be it further enacted*, That the Selectmen of said town are hereby authorised annually to regulate the manner in which the purchasers of the exclusive right of taking said fish in said river, shall respectively take them, and if any such purchaser shall not conform to such regulations, such purchaser shall for every such offence forfeit fourteen dollars, to be recovered as aforesaid, for the use or uses aforesaid.

Persons not  
inhabitants  
forbidden to  
take fish.

SEC. 3. *Be it further enacted*, That if any person, not an inhabitant of the said county of Plymouth, shall take any of said fish in said river contrary to law, he shall be holden to answer for the same before any Justice of the Peace within and for the county of which such person is an inhabitant, or in which he is resident; and all such Justices have hereby given them respectively ample jurisdiction of all such actions which may be brought before them, and fully authorised to hear and try them in the same manner as if the forfeiture had been incurred in the same county, and no fiction of law shall be necessary in the declaration to bring such cause within the jurisdiction of such Justice of Peace.

Method to  
be adopted  
by the plain-  
tiff.

SEC. 4. *Be it further enacted*, That in all prosecutions for taking said fish in the said river contrary to law, none of the laws on that subject need to be recited, but the plaintiff may declare generally against the offender for taking the fish called alewives in Mattepoisett river in Rochester, in the county of Plymouth, within a limited time, contrary to the form and effect of the statute in such case made and provided.

[This act passed June 24, 1811.]

## CHAP. LXI.

An Act to divide the County of Hampshire, and to constitute the northerly part thereof into a County, by the name of the County of Franklin.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the county of Hampshire shall be divided by a line, beginning on the westerly line of the county of Worcester, at the west corner of the town of Petersham, in said county of Worcester; thence southerly following the east line of the town of New Salem, to the southeast corner of said New Salem; thence westerly on the southerly lines of the towns of New Salem and Shutesbury, to the southwest corner of the town of Shutesbury; thence northerly on the line of Shutesbury, to the southerly line of the town of Leverett; thence westerly on the southerly lines of the towns of Leverett and Sunderland, to Connecticut river; then beginning on the west bank of said river at the southeasterly corner of the town of Whately; thence westerly and northerly upon the line of said Whately, to the southerly line of the town of Conway; thence westerly and northerly upon the line of said Conway, to the southeasterly corner of the town of Ashfield; thence westerly and northerly upon the line of the said Ashfield, to the southeasterly corner of the town of Hawley; thence westerly upon the line of said Hawley, to the easterly line of the county of Berkshire. And the bounds of the county by this act created, on the east, shall be the line heretofore established between the counties of Hampshire and Worcester, and on the west, by the line between the counties of Hampshire and Berkshire, and on the north, by the north line of the Commonwealth. Boundaries.

SEC. 2. *Be it further enacted,* That all and every part and parcel of the late county of Hampshire, included within the lines before described, shall be, and the same is hereby formed and erected into an entire and distinct county by the name of Franklin, of which Greenfield shall be the shire or county town. And the inhabitants of the said county of Franklin, shall hold, possess, use, exercise Franklin county created.

and enjoy all the powers, rights and immunities, which by the constitution and laws of this Commonwealth, the inhabitants of any county within the same, do hold, possess, use, exercise, enjoy, and are entitled to.

Court of  
Common  
Pleas estab-  
lished.

SEC. 3. *Be it further enacted*, That there shall be held and kept within the said county of Franklin, a Circuit Court of Common Pleas, to set at Greenfield aforesaid, on the second Monday of March and September yearly, and in every year until the General Court shall otherwise order, and the Justices of the said Court of Common Pleas, who shall be thereunto lawfully commissioned, shall have, hold, use, exercise and enjoy, all and singular, the powers which are by law given and granted to such Justices, within any other county of this Commonwealth where a Court of Common Pleas is already established. And all appeals from any judgment or judgments given at any Court of Common Pleas, within the said county of Franklin, shall be heard and tried at the Supreme Judicial Court, to be holden at Northampton in the county of Hampshire. And the Supreme Judicial Court, to be holden at Northampton, in the county of Hampshire, shall be holden for the counties of Hampshire and Franklin, 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 Franklin, and to hear and determine all other matters and things arisen, or which shall arise within the body of the county of Franklin, and shall have the same jurisdiction in all matters, civil, criminal and mixed, arisen, or which shall arise, in said county of Franklin, as if the same actions, matters and things had arisen within the body of the county of Hampshire.

Jurisdiction  
of S. J.  
Court.

Probate  
Court.

SEC. 4. *Be it further enacted*, That all business commenced in the Probate Court for the county of Hampshire, as well as all actions, suits, cognizances, matters and things, pending in the Court of Common Pleas for the said county, prior to the second Monday of March next, shall be heard, tried, and finally determined in the county of Hampshire, in the same manner as though the county of Franklin had not been incorporated

SEC. 5. *Be it further enacted*, That all officers within the said county of Franklin, having authority to commit prisoners to jail, shall be authorised for the term of three



years to commit their prisoners to the jail in the county of Hampshire; and the keeper of the jail in the said county of Hampshire is hereby authorised and required to receive and detain such prisoners, and all persons committed to jail in the county of Hampshire from the county of Franklin, shall be entitled to the same benefits and indulgencies, as though they lived or had their homes in the county of Hampshire, and it is made the duty of the proper magistrates and officers in the county of Hampshire, 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 Franklin.

Officers authorised respecting prisons.

SEC. 6. *Be it further enacted*, That the respective Justices of the Peace for the county of Hampshire, who shall upon the division of the county aforesaid, reside in the county of Franklin, be, and they hereby are authorised to issue execution on all judgment and recognizances heretofore recovered or taken before them respectively, and do and finish all matters and things commenced and begun by them respectively in their said offices before this act takes effect, in the same manner as they might by law have done if the said county of Franklin had not been incorporated.

Justices authorised.

SEC. 7. *Be it further enacted*, That the methods and proceedings, directed by law, for choosing a County Treasurer and Register of Deeds, and the modes and forms of proceeding, known and practised in bringing forward and trying actions, causes, pleas, or suits, and of originating and conducting legal processes of every kind, whether civil or criminal, in the Judicial Courts established in the several counties in this Commonwealth, and for choosing persons to serve as jurors at the said Courts, shall be observed and put in practice, used and exercised within the said county of Franklin, as is usual in other counties in this Commonwealth.

Election of county officers, &c.

SEC. 8. *Be it further enacted*, That the several towns, districts and plantations, within the said county of Franklin, shall pay to the Treasurer of the county of Hampshire, in the same manner they have paid previous to the passing of this act, their due proportion of all county taxes, that shall have been heretofore granted. And the Court of Common Pleas, in and for the county of Hampshire, shall

Towns, &c. directed in paying taxes.

June 24, 1811.

have the same powers and authority to proceed with and assess upon all such towns, districts and plantations severally, their due proportion of all such taxes as have been granted as aforesaid; and the assessors of all such towns, districts and plantations, and the inhabitants thereof severally, shall be governed by and subject to the same laws of this Commonwealth, and held, bound, and obliged to perform the same duties, and be under the same penalties with respect to assessing and paying all such taxes; and the Treasurer of said county of Hampshire shall be, and hereby is, directed and empowered to proceed in the same manner for the collection of such taxes, and shall have the same power and authority to collect and levy the same by warrant of distress, in due form of law, as if this act had never passed. And all lawful precepts issued by the said Treasurer for said county of Hampshire, for the collection or levying such taxes, directed to the proper officer, within and for the county of Franklin, shall be duly obeyed by such officer, under the same penalty; and such officer shall be liable to be proceeded with for any default therein, in the same manner as in like cases where a similar default happens in any county within this Commonwealth, within and to which both said Treasurer and officer belong. And the said county of Franklin shall be held to pay their due and just proportion of all debts that shall be now due and owing from the said county of Hampshire.

Venires for  
Jurors.

SEC. 9. *Be it further enacted*, That the Clerk of the Supreme Judicial Court, whenever he shall issue venires for any Grand or Traverse Jurors to attend the Supreme Judicial Court to be held for the counties of Hampshire and Franklin, shall be governed by the division into jury districts already made for the county of Hampshire, until a new division into districts is made hereafter in both of the counties of Hampshire and Franklin.

SEC. 10. *And be it further enacted*, That this act shall be in force from and after the second day of December next.

[This act passed June 24, 1811.]

## CHAP. LXII.

An Act to prohibit certain officers of Courts from buying promissory notes and other demands for the purpose of making a gain or profit in the collection thereof.

**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, if any person shall with an intent thereby to procure himself to be retained as an attorney, or employed as a Justice of the Peace, Sheriff, Deputy Sheriff, Coroner or Constable, in the collection of any note, account or other demand whatever, by a suit at law, or with an intent thereby to procure and obtain any promissory note, account or other demand, for the purpose of making to himself any gain or profit from the writs or fees arising in the collection thereof by a suit at law, directly, or indirectly loan or advance any sum or sums of money, or shall promise to loan or advance any sum or sums of money, or shall forbear and give day of payment, or shall promise to forbear and give day of payment of any sum of money due on any demand left with such person, to be by him collected, or shall pay or assume to pay any debt of any person whatever, or shall purchase any goods or chattels or shall give or promise any valuable consideration whatever, with an intent thereby to procure and obtain any promissory note, account or other demand, for the purpose of making to himself any gain or profit from the writs or fees arising in the collecting thereof by a suit at law, every person so offending shall forfeit and pay a sum not more than five hundred nor less than twenty dollars for each and every offence, to be recovered by indictment in the Supreme Judicial Court, in which case the forfeiture shall enure to the Commonwealth, or by action before any Court proper to try the same, in which case the forfeiture shall accrue one moiety to him or them who shall first sue and prosecute for the same, and the other moiety to the use of the county where such action may be prosecuted.

Prohibition  
& forfeiture  
in case of of-  
fence.

[This act passed June 24, 1811.]

N n n

## CHAP. XLIII.

An Act to establish The North Methodist Society in  
Hallowell.

Society in-  
corporated.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Zachariah Gibson, Joshua Wingate, Enoch Greeley, Francis Norris, Daniel Evans, Robert Francis, Ralph Blake, Edward Warren, John Hasleth, John Megroth, Robert Yallaly, William West, Samuel Dally, Sullivan Kendall, Asa Robinson, Jonathan Brown, Stephen Brown, Ebenezer Bessey, S. S. Bermett, Stephen Stantiall, Edward Freeman, Ebenezer B. Greeley, William Moore, and Ebenezer Laughton, together with their polls and estates, be, and they hereby are incorporated by the name of The North Methodist Society in Hallowell, with all the privileges, powers, and immunities, and subject to like duties which parishes in this Commonwealth by law enjoy and perform.

Method of  
becoming  
a member.

SEC. 2. *Be it further enacted*, That any person in said town of Hallowell, who may at any time hereafter actually become a member of, and unite in religious worship with said Methodist society, and give in his or her name to the clerk of the parish to which he or she did heretofore belong, with a certificate signed by the minister or clerk of said society that he or she hath actually become a member of, and united in religious worship with said Methodist society, fourteen days previous to the parish meeting therein to be held in the month of March or April annually, shall from and after giving in such certificate with his or her polls and estates, be considered as a member of said society. *Provided however*, That such person shall be held to pay his or her proportion of all monies assessed or voted in the parish to which he or she belonged previous to that time.

Proviso.

anner of  
leaving.

SEC. 3. *Be it further enacted*, That when any member of said society shall see cause to leave the same, and unite in religious worship with any other religious society in the town or parish in which he or she may live, and shall give in his or her name to the clerk of the said

Methodist society, and a certificate signed by the minister or clerk of the parish or other religious society with which he or she may unite, that he or she hath actually become a member of, and united in religious worship with such other parish or religious society, fourteen days previous to their annual meeting in March or April, and shall pay his or her proportion of all monies voted in said society to be raised previous thereto, shall from and after giving in such certificate with his or her polls and estate be considered as a member of the society with which he or she may so unite.

SEC. 4. *Be it further enacted*, That any Justice of the Peace in the town of Hallowell, be, and he hereby is authorised and empowered to issue his warrant to some suitable member of said society, to meet at such time and place as shall be appointed in said warrant, to choose all such officers as parishes in this Commonwealth are by law entitled to choose in the month of March or April annually. Warrant to be issued.

[This act passed June 24, 1811.]

#### CHAP. XLIV.

An Act to establish the Universalist Society in Farmington.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Daniel Beale, Leonard Billings, Thomas K. Blake, Asa Brown, Jeffry B. Brown, Lemuel Bursley, Asa Butterfield, Moses Butterfield, Isaac Butterfield, Isaac Butterfield, Joseph Butterfield, Joseph Butterfield 2d. Jesse Butterfield, Hannah Butterfield, Reuben Butterfield, Henry Butterfield, Warren Butterfield, Peter Corbetts, James Cummings, David Daniel, Nathaniel Folsom, Newhall Gordon, Thomas Gordon, Noah M. Gould, William Gould, William Gower, Guy Green, Joseph Hiscock, Lot Hosmer, Jacob Jordan, Ebenezer Jones, Samuel Ladd, John Lowell, Reuben Lowell, Reuben Lowell jun. James Marvell, John Morrison, Isaac B. Porter, Horatio G. Quincy, Saer Quincy, Jonathan Russ, John Russ, Ebenezer Shaw, John P. Shaw, Joseph Star- Society incorporated.

ling, Jeremiah Stinchfield, Benjamin Wethren, Benjamin Whittier, Nathaniel Whittier, Jeremy Wyman, and John Young, with their families and estates, together with such others as may hereafter associate with them and their successors in the manner provided by this act, be, and they are hereby incorporated as a religious society, by the name of The Universalist Society in Farmington, with all the powers and privileges exercised and enjoyed by other religious societies, according to the constitution and laws of this Commonwealth.

Method of  
becoming a  
member.

SEC. 2. *Be it further enacted*, That any person living within either of the towns of Farmington, Wilton, Cheshire, New Sharon, Industry, Strong or Temple, who may desire to join the said Universalist society, shall declare such intention in writing delivered to the elder, minister, or clerk of the said Universalist society, fifteen days at least before their annual meeting, and if such person do receive, and can produce a certificate of admission signed by the said elder, minister, or clerk, that such person has united with, and actually become a member of the said society, such person from the date of the said certificate shall be considered with his or her polls and estate, a member of the said Universalist society. *Provided however*, That every such person shall be holden to pay his or her proportion of all parochial expenses in the society to which such person belonged, assessed and not paid prior to leaving such society.

Proviso.

Manner of  
leaving.

SEC. 3. *Be it further enacted*, That when any member of the said Universalist society shall see cause to leave the same and to unite with any other religious society in the town in which such person may have his home, shall give notice of such intention in writing to the minister, clerk, or committee of such other society, fifteen days at least previous to the annual meeting, and if such person do receive, and can produce a certificate of admission signed by the minister, clerk, or committee of such other religious society, that such person has united with, and actually become a member of the said society, such person from the date of the said certificate shall be considered with his or her polls and estate a member of such other society.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the county of Kennebeck, upon application there-

for, is hereby authorised to issue a warrant directed to a freeholder and inhabitant of said Farmington, requiring him to notify and warn the members of the said Universalist society to meet at such convenient time and place as shall be expressed in said warrant, for the choice of such officers, as religious societies have a right to choose at their annual meetings.

Warrant to be issued.

[This act passed June 24, 1811.]

## CHAP. LXV.

An Act establishing The First Baptist Society, in the town of Kittery, in the County of York.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Joshua T. Chase, John Rodgers, John Stevens, Darius Frisbee, William Seward, John Phillips, Daniel Fernald, Aaron Witham, Joseph Manson, William Fernald 3d. Richard Parsons, Samuel Gunnison, James Lewis, Roger Dearing, Mark Dennett, Joel Haley, Josiah Phillips, Andrew W. Black, Joshua Fernald jun. Palatiah Fernald, Samuel Norton 3d. Theodore Parker, Daniel Parker, William Toby, John Williams, William Paul, John Billings, Andrew Toby, Elihu W. Wilson, and John Dennett jun. together with their polls and estates, be, and they hereby are incorporated by the name of The First Baptist Society in the town of Kittery, with all the privileges, powers, and immunities, and subject to all the duties which parishes in this Commonwealth by law enjoy or perform.

Society incorporated.

SEC. 2. *Be it further enacted,* That any person in said town of Kittery, who may at any time hereafter actually become a member of, and unite in religious worship with said Baptist society, and give in his or her name to the clerk of the parish to which he or she did heretofore belong, with a certificate signed by the minister or clerk of said society, that he or she hath actually become a member of, and united in religious worship with said Baptist society, fourteen days previous to the parish meeting therein to be held, in the month of March or April

Method of becoming a member.

Proviso.

annually, shall from and after giving such certificate, with his or her polls and estate, be considered as a member of said society : *Provided however*, That such person shall be held to pay his or her proportion of all monies, assessed or voted, in the parish to which he or she belonged previous to that time.

Manner of leaving.

SEC. 3. *Be it further enacted*, That when any member of said society, shall see cause to leave the same and unite in religious worship with any other religious society in the town or parish, in which he or she may live, and shall give in his or her name to the clerk of the said Baptist society, and a certificate, signed by the minister, or the clerk of the parish, or other religious society, with which he or she may unite, that he or she hath actually become a member of, and united in religious worship with such other parish or other religious society, fourteen days previous to their annual meeting in March or April, and shall pay his or her proportion of all monies voted in said society, to be raised previous thereto, shall from and after giving in such certificate, with his or her polls and estate, be considered as a member of the society with which he or she may so unite.

Warrant to be issued.

SEC. 4. *Be it further enacted*, That any Justice of the Peace in the town of Kittery, be, and he hereby is authorised and empowered to issue his warrant, directed to some suitable member of said society, to meet at such time and place, as shall be appointed in said warrant, to choose all such officers as parishes in this Commonwealth, are by law entitled to choose in the month of March or April annually.

[This act passed *June 24, 1811.*]

## CHAP. LXVI.

An Act establishing the Hopkinton and Framingham Cotton Manufacturing Company.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Samuel Valentine, Aaron Eames, Elias Grout, Fisher Metcalf, Samuel Valentine jr.



Henry Valentine, Luther Bixby, John J. Valentine, Simpson Clark, and Thomas Valentine, together with such others as already have, or may hereafter join and associate with them, their successors or assigns, be, and hereby are made a corporation by the name of The Hopkinton and Framingham Cotton Manufacturing Company, for the purpose of manufacturing cotton in the said town of Hopkinton or Framingham, and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in "An act defining the general powers and duties of manufacturing corporations," passed the third day of March eighteen hundred and nine.

SEC. 2. *Be it further enacted*, That the said Corporation may lawfully hold and possess such real estate not exceeding the value of fifty thousand dollars, and such personal estate not exceeding one hundred thousand dollars, as may be convenient and necessary for carrying on the manufacturing of cotton in the said town of Hopkinton or Framingham. May hold estate.

[This act passed *June 24, 1811.*]

## CHAP. LXVII.

An Act to establish the First Congregational Society in Sullivan.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Samuel Bean, John Bean, Robert Berry, George Crabtree, Lemuel Crabtree, Hiram Emery, John Ford, Thomas Foss, George Hinman, Moses Hodgkins, Samuel Hodgkins, Shemuel Hodgkins, Philip Hodgkins, Morgan Jones, Robert Mercer, Joseph Moon, Joseph Parsons, Francis Salter, Paul Dudley Sargent, John Sargent, Mark Shepard, James Simpson, James Smith, Elijah Stratton, Betsey Wooster, and William Wooster, with their polls and estates, together with such others as may hereafter associate with them, and their successors, be, and they are hereby incorporated as a religious society by the name of The First Congregational Society in Sullivan, with all the powers and privileges of other religious socie- Society in-  
corporated.

ties, according to the constitution and laws of this Commonwealth.

Method of  
becoming a  
member.

SEC. 2. *Be it further enacted*, That any person in the said town of Sullivan, who may at any time hereafter actually become a member of, and unite in religious worship with the said First Congregational Society, and give in his or her name to the town clerk of said Sullivan, and receive a certificate thereof signed by the minister or clerk of the said society, that he or she has actually become a member of the said Congregational society in Sullivan fifteen days before the annual town or parish meeting, shall from the date of said certificate with his or her polls and estate, be considered a member of the said society.

Warrant to  
be issued.

SEC. 3. *Be it further enacted*, That any Justice of the Peace for the county of Hancock, is hereby authorised upon application therefor to issue his warrant, directed to a freeholder and inhabitant of the said town of Sullivan, requiring him to notify and warn the inhabitants thereof, to meet at such convenient time and place as shall be appointed in said warrant, for the choice of such officers as parishes are empowered to choose at their annual parish meetings.

[This act passed June 24, 1811.]

## CHAP. LXVIII.

An Act to empower the Alford and Egremont Turnpike Corporation to erect a Gate.

Corporation  
empowered.

**B**E *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the Alford and Egremont Turnpike Corporation, be, and they hereby are authorised and empowered to erect a gate on the Alford and Egremont Turnpike Road fifty-two rods south of the north line of said Egremont, which line divides the towns of Alford and Egremont instead of erecting the same in the town of Alford, as said corporation were heretofore by law authorised to do.

[This act passed June 24, 1811.]

## CHAP. LXIX.

An Act to regulate the Prison in the County of Suffolk.

SEC. 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 who is now or may be imprisoned for debt, in the county of Suffolk, either upon mesne process or execution, shall be permitted and allowed to have a room and lodging in any of the houses or apartments belonging to any individual situated within the exterior boundaries of the gaol yard, in the said county, upon obtaining the consent of the owner or occupant of such building, house or other apartment, and liberty to reside therein, both in the night and day time, and the same apartment shall be a part of the Prison. Liberty of Prisoners.

SEC. 2. *Be it further enacted,* That this act shall continue in force until the first of March next, and no longer.

[This act passed *June 25, 1811.*]

## CHAP. LXX.

An Act to establish The First Baptist Society in Hallowell.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That George Bartlett, James Hinckley, Thomas Hinckley, Thomas Norris, Simeon Norris, Jonathan Hains, Thomas L. Hovey, William Door, Samuel Corr, Ralph Blake, Daniel Norcross 2d. Jacob Carter, Thomas Norcross, Shubael Hinckley, Jeremiah Littlefield, Dean Wyman, Oliver Wyman, Elizabeth Andross, George Andross, Bracket Andross, George Littlefield, Ansel Nye, Thomas Laughton, Elijah Handy, of Hallowell and Augusta, in the county of Kennebeck, with their families and estates, together with such others as may associate with them and their successors agreeably to the provisions of this act, be, and they

Society in-  
corporated.

are hereby incorporated and established as a religious society by the name of The First Baptist Society in Hallowell, with all the powers and privileges, and subject to all the duties of other parishes and religious societies, according to the constitution and laws of this Commonwealth.

Method of  
becoming a  
member.

SEC. 2. *Be it further enacted*, That when any person in the towns of Hallowell and Augusta aforesaid, who may desire to join with, and become a member of said Baptist society, shall declare such intention in writing to the clerk of said society fourteen days at least previous to the annual meeting of said society, and shall receive a certificate signed by said clerk, which certificate shall set forth, that he or she has actually united with, and become a member of said society, and shall also leave an attested copy of such certificate under the hand of said clerk, with the clerk of the town, parish, or society, to which he or she did belong on or before the last day of April next ensuing, and said certificate shall further set forth that he or she has constantly attended public worship with said Baptist society, for at least six months next preceding the said last day of April, such person from the date of such certificate shall be considered a member of said Baptist society, with his or her polls and estate, and shall be exempted from all future taxation for the support of public worship in the town, parish or society, which such person has left as aforesaid.

Manner of  
leaving.

SEC. 3. *Be it further enacted*, That when any member of the said Baptist society shall desire to leave the same and join in religious worship with any other religious society in Hallowell or Augusta, and shall give notice of such intention in writing to the clerk of said town or other society fourteen days at least previous to the annual meeting of such other society, and shall receive a certificate of membership signed by the clerk thereof, setting forth that he or she has constantly attended public worship with said society, for at least one year previous to the said meeting of said society, and shall also leave an attested copy of such certificate, signed by said clerk, with the clerk of the said society, he or she did belong to, on or before the last day of April then next ensuing, such person shall be considered a member of the town, parish, or society, which he or she may so join, with their polls and estates, and

shall be exempted from all further taxation for the support of public worship in the society he or she hath left as aforesaid: *Provided however*, That in every case of secession every such person shall be held to pay his or her proportion of all parish or society taxes already assessed, or other charges in the society from which such person has seceded, being assessed and not paid previous to leaving such society.

SEC. 4. *Be it further enacted*, That any Justice of the Peace in the county of Kennebeck, upon application therefor, is hereby authorised to issue his warrant directed to some member of said Baptist society, requesting him to notify and warn the members thereof to meet at such time and place as shall be expressed in said warrant, for the choice of such officers as parishes or religious societies are by law empowered to choose at their annual meeting, and all acts or doings of all such officers so chosen shall be legal and binding until others are chosen in their stead, as if they were chosen at any annual meeting of a parish or religious society, any law to the contrary notwithstanding. Warrant to be issued.

[This act passed June 25, 1811.]

## CHAP. LXXI.

### An Act to limit the Tenure in office of Sheriff.

**BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That as soon as conveniently may be after the passing of this act, the Governor, with the advice of Council, shall nominate and appoint some suitable person in each county in this Commonwealth, who shall be Sheriff of the said county, and the Governor shall remove from office all Sheriffs now in commission, who shall not be reappointed, and the persons so appointed shall be commissioned by the Governor for the term of five years; *Provided however*, That the Governor, with advice of Council, may remove any Sheriff to be appointed as aforesaid, at any time when he may think proper within the said term of five years. Limitation of office.

[This act passed June 25, 1811.]

## CHAP. LXXII.

An Act supplementary to “An act regulating the taking and disposing of the fish called Alewives in the town of Pembroke.”

Regulations  
for fishing.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That no person or persons, shall set, draw, or cast any seine, drag or set net, of any dimensions whatever, in the North river (so called,) in the county of Plymouth, except from the sun's rising on Monday morning to the sun's rising on the following morning, and from the sun's rising on Friday morning to the sun's rising on the following morning in each week; and that no seine, drag or set net, shall be set, drawn, or cast in said river, above what is called and known by the name of the Third Herring Brook, or Smelt Brook, excepting as is excepted in the tenth section of the act to which this is a supplement, on the penalty of sixteen dollars for each offence, to be recovered and appropriated in the manner provided for the recovery and appropriation of fines and forfeitures by the act to which this act is a supplement.

SEC. 2. *Be it further enacted*, That the ninth section of the act to which this is a supplement, be, and it hereby is repealed.

[This act passed June 25, 1811.]

## CHAP. LXXIII.

An Act, in addition to an act, entitled “An act, in addition to an act, entitled An act to secure the town of Boston from damage by fire, and repealing certain parts thereof.”

**BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That in so much of that part of the town of Boston, which was set off from the town of Dor-

chester, by an act passed March sixth, one thousand eight hundred and four, as lays south and east of Dorchester street, and the street north forty-eight degrees east, leading from said Dorchester street to the water by the ship yard, the proprietors of the land shall be permitted, for the term of five years after the passing this act, to erect any buildings which they might by law have erected previous to the passing of an act, entitled "An act, in addition to an act, entitled An act to secure the town of Boston from damage by fire, passed the ninth day of February in the year of our Lord one thousand eight hundred and three.

Privilege of  
building in  
S. Boston.

[This act passed June 25, 1811.]

## CHAP. LXXIV.

An Act to direct the time and manner of exhibiting the accounts of County Treasurers, and the estimates for County Taxes.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the respective Courts in the several counties of this Commonwealth, having jurisdiction in this behalf, at the terms of the said Courts holden next before the first day of January annually, shall make up and prepare estimates of taxes for all county charges, equal at least to defray the expenses which have accrued or may probably accrue for one year ensuing therefrom, including the building and repairing of gaols and court houses, and their appurtenances, with the debts due and owed by the said counties respectively, and the said estimates being so made and approved by the said courts, shall be recorded by the respective clerks in a book for that purpose to be provided and kept, and a fair copy of the said estimates shall be signed by the Chief Justice or Senior Justice presiding in the said Courts, and attested by the Clerks thereof, and the said Clerks respectively shall transmit the same to the office of the Secretary of the Commonwealth, on or before the first day of January annually, so that the said estimates may be laid before the

Courts to direct time and manner of exhibiting accounts, &c.

Legislature for their approbation, at the session thereof which may be thereafter next holden.

Treasurers  
directed.

SEC. 2. *Be it further enacted,* That the Treasurers of the several counties be, and they are hereby directed to prepare and exhibit their accounts as County Treasurers annually, to the close of every year, to be accompanied with the estimates for County taxes, being first allowed and approved by the said Courts; and it shall be the duty of the said Treasurer to deliver the said accounts to the said Clerks of the Courts aforesaid, and it shall be the duty of the said Clerks to enclose and seal up the said Treasurers accounts with the said estimate, and transmit them to the office of the Secretary of the Commonwealth, that they may be examined and allowed by the Legislature, at the same time with the said estimates for county taxes.

[This act passed June 25, 1811.]

## CHAP. LXXV.

An Act directing the manner of conveyance to be used by Counties in purchasing and disposing of lands.

Manner of  
conveyance  
for county  
purposes di-  
rected.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That whenever any county in this State shall purchase any lands whereon to erect a court house or gaol, or for any other purposes authorised by law, the deed or deeds of the grantor or grantors duly executed, acknowledged, and registered made to the inhabitants of the county, making the purchase, to have and to hold to the said inhabitants, their successors, and assigns forever, shall be good and valid to all intents and purposes to vest in the said inhabitants and county, their successors and assigns, in fee simple, all the right, title, interest, and estate whatever, which the grantor or grantors in such deed or deeds had at the execution thereof in the lands contained therein.

Convey-  
ances made,  
deemed se-  
cure.

SEC. 2. *Be it further enacted,* That all grants and conveyances heretofore made to the inhabitants of any county, or to their Treasurer, Committee, or any other person or persons, and by whatever form of conveyance



for the use and benefit of such county, in any manner whatever, shall be deemed and holden to be the property of such county, and all such conveyances shall have the same force and effect as if they had been made to the inhabitants of such counties by their respective corporate names.

SEC. 3. *Be it further enacted*, That the Court which by law may have the powers in relation to county lands, may by their order of record appoint an agent or agents, to sell and dispose of any real estate of said county, and the deed or deeds of such agent or agents under their proper hands and seals, for and in behalf of the inhabitants of such county, duly acknowledged and registered, shall be sufficient to all intents and purposes to convey to the purchaser or purchasers, all the right, title, interest, and estate whatever, which the county may then have to the premises so conveyed. Agents may be appointed to sell, &c.

SEC. 4. *And be it further enacted*, That in all cases where any real estate may now or at any time hereafter be holden in trust for the use and benefit of any county by any conveyance whatever, and no convenient and effectual remedy may exist at common law to enforce the execution of such trust, the Supreme Judicial Court, shall have full powers and process, and they are hereby empowered to enforce the execution of such trust, according to the course of proceedings in equity. Estate hold-  
en in trust.

[This act passed June 25, 1811.]

## CHAP. LXXVI.

An Act for the relief of the owners of the North Mill Dam, (so called) at the Lower falls in Newton.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That a certain act made and passed in the year of our Lord one thousand seven hundred and forty-one, entitled "An act, in addition to An act made to prevent the destruction of the fish called alewives and other fish," so far as the same may regard or impose any duty upon the owners or occupants of the North Mill Act repeal-  
ed.

Dam, which is erected across Charles River from the town of Newton to the town of Needham, at the lower falls, be, and the same is duly repealed.

Privilege of  
owners or  
occupants.

SEC. 2. *Be it further enacted*, That it shall not hereafter be the duty of the owner or occupants of the said Mill dam, or any other dam which may be built or erected across Charles river, between the said towns of Newton and Needham at the Lower falls aforesaid, in the place where the old dam now stands, to make or keep open through any such dam, any sluice or passage way through any such dam during any part of the year, any other law, usage, or custom to the contrary notwithstanding.

[This act passed June 25, 1811.]

## CHAP. LXXVII.

An Act to establish the First Baptist Society in the town of Sidney.

Society in-  
corporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Benjamin Dyer, Jeremiah Thayer, Jonathan Matthews, Eli French, Joshua Howard, Edmund Howard, John Sawtell, Jesse French, Asa Williams, Amasa Hayward, David Reynolds, Ambrose Howard, Ebenezer Matthews, Daniel Thayer, Alexander Smily, David Smily jun. Joseph Smily, Levi Keith, Isaiah Hayward, John Lancaster, Beriah Ingraham, Timothy Reynolds jun. Charles Webber jun. Edmund Matthews, Luther Reynolds, Luther Ingraham, Calvin Snell, Timothy Reynolds, Paul Bayley, Edward Reynolds, William Brands, John Pinkham jun. and a number of the inhabitants of the towns of Sidney, Augusta, and Vassalborough, in the county of Kennebeck, with their families and estates, with such others belonging to either of the towns aforesaid, as have or may hereafter associate themselves for the same purpose in the manner hereafter described, be, and they are hereby incorporated into a religious society by the name of The First Baptist Society in the town of Sidney, with all the powers, privileges,

and immunities, to which other parishes are entitled by the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That any person belonging to either of the towns aforesaid, who may at any time hereafter actually become a member of, and unite in religious worship with the society aforesaid, and give in his or her name to the town or parish clerk to which he or she belongs with a certificate signed by the minister or clerk of said society, that he or she has actually become a member of, and united in religious worship with the aforesaid Baptist Society in the town of Sidney, fourteen days previous to the town or parish meetings therein to be held in the month of March or April annually, shall from and after giving such certificate, with his or her polls and estates, be considered as part of said society. *Provided however*, That such person shall be held to pay the proportion of all money assessed in the town or parish to which he or she belonged previous to that time.

Method of becoming a member.

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

Manner of leaving.

SEC. 4. *And be it further enacted*, That Ambrose Howard Esq. be, and he is hereby authorised to issue a warrant directed to some suitable member of said Baptist society, requiring him to notify and warn the members thereof to meet at such time and place as shall be appointed in said warrant, to choose such officers as parishes in this Commonwealth are by law authorised to choose in the month of March or April annually.

Warrant to be issued.

[This act passed June 25, 1811.]

## CHAP. LXXVIII.

An Act for the better regulation of the Indian, Mulatto, and Negro Proprietors of Gay Head in the County of Duke's County.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That His Excellency the Governor, by and with the advice of the Council, may appoint three proper persons to be guardians, to the Indian, Mulatto, and Negro Proprietors of Gay Head, in the county of Duke's County, who shall give bonds with sufficient sureties to the Judge of Probate, in and for said county of Duke's County, for the faithful discharge of their trusts, and to render and settle their accounts as is therein after directed, which Guardians are hereby empowered to take into their possession the lands of said Indians, Mulattoes, and Negroes, and allot to the several Indian, Mulatto, and Negro proprietors of said lands, such parts of said lands as shall be sufficient for their particular improvement from time to time; and the remainder, if any there be, shall be let out by the said Guardians to suitable persons, for a term not exceeding two years, and such part of the income thereof as is necessary shall be applied for the support of such of the said proprietors as may be sick or unable to support themselves, and the surplus thereof, (if any there be,) shall be distributed amongst them according to their respective rights or interest, for providing necessaries for themselves and families, and for the payment of their just debts, at the discretion of their said Guardians; and that the respective Guardians aforesaid, or the major part of them, be hereby empowered and enabled, in their own names, and in their capacities as Guardians, to bring forward and maintain any action or actions for any trespass or trespasses that may be committed, or any action of ejectment against any person or persons who may illegally enter into the possession of said lands, and that any liberty or pretended liberty obtained from any Indian, Mulatto, or Negro proprietor, for cutting off any timber, wood, or hay, carrying off any ore,

Guardians  
appointed &  
empowered.

Surplus ap-  
propriated.

Privileges  
granted by  
Guardians  
only.

earth, or grain, or planting or improving said lands, shall not be any bar to said Guardians in their said action or actions.

SEC. 2. *And be it further enacted*, That no action shall be brought against any of the Indian, Mulatto, or Negro proprietors of said lands, for any debt hereafter to be by them contracted with any person or persons for any sum whatsoever, unless the same be first examined and allowed in writing, and signed by the said Guardians or a major part of them. Guardians to inspect accounts.

SEC. 3. *And be it further enacted*, That the said Guardians shall keep a fair account of their proceedings relative to the trust in them reposed by this act, to be by them laid before the Court, who exercise the powers and duties of the Court of Sessions for the county of Duke's County, from year to year, and oftener if required by said Court, for their inspection and allowance. to account annually with the Court of Sessions.

SEC. 4. *And be it further enacted*, That no action shall be sustained in any Court of Law in this Commonwealth, wherein any of said Indian, Mulatto, or Negro proprietors shall be plaintiff, unless the original writ be endorsed by two or more of their Guardians, and this act may be given in evidence in all such actions under the general issue. to endorse writs.

SEC. 5. *And be it further enacted*, That whenever the Governor and Council shall judge the continuance of the said Guardians in their said trust inexpedient or unnecessary, they may remove them.

[This act passed June 25, 1811.]

## CHAP. LXXIX.

An Act to establish the Baptist Society of Limington and Limerick in the County of York.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Lemuel Foss, John Manson, Richard Edgerly, Andrew Rankins, Hiram Staple, Andrew Cobb jun. James Staple, Andrew Cobb, Joseph Libbey, David Ridley jun. Tristram Staple, Nathaniel

Persons in-  
corporated.

Bracket jun. Samuel Morrison, Benjamin Libbey, John Staple, David Barry, Daniel Bean, James Emery, Enoch Staple, Robert Staple, David Stover, Simeon Tufts, Dennis Marr, Mark Manson, James Lord, William Manson jun. Samuel Garey, Joel Garey, Samuel Garey jun. John Foss, Joseph Foss, Josiah Foss, Dudley Evans, Daniel Grant, David Richardson, Dominicas M'Kennéy, William Sawyer, Ezra Davis jun. Enoch Nason, George Meserve, John Lord, Reuben Chancy, Joseph Sawyer, John Stone, David Meserve, Andrew Cobb, Nathaniel Norton, Joseph Durgen, James Nason, David Richardson, John Randell, Samuel Edgerly, John Gore, Jeremiah Bullock, William Boothby, John Berry, Samuel Manson, Enoch Strout, Joseph Libbey jun. John Haley, Benjamin Joy, Samuel Joy, David Boyd, Moses Bayley, and Benjamin Keen, together with their polls and estates, be, and they are hereby incorporated, by the name of The First Baptist Society of Limington and Limerick, with all the privileges, powers, and immunities, and subject to all the duties which parishes in this Commonwealth by law enjoy and are liable to perform.

Method of  
becoming a  
member.

SEC. 2. *Be it further enacted*, That any person who may at any time hereafter actually become a member of, and unite in religious worship with said Baptist society, and give in his or her name to the clerk of the parish to which he or she did heretofore belong, with a certificate signed by the minister or clerk of said society, that he or she hath actually become a member of, and united in religious worship with said Baptist society, fourteen days previous to the parish meeting therein to be held in the month of March or April annually, shall from and after giving such certificate with his or her polls and estate, be considered as a member of said society. *Provided however*, That such person shall be held to pay his or her proportion of all monies assessed or voted in the parish to which he or she belonged previous to that time.

Manner of  
leaving.

SEC. 3. *Be it further enacted*, That when any member of said society shall see cause to leave the same, and unite in religious worship with any other religious society in the town or parish in which he or she may live, and shall give in his or her name to the clerk of said Baptist society, with a certificate signed by the minister or clerk of the parish or other incorporated society with

which he or she may unite, that he or she hath actually become a member of, and united in religious worship with such other parish or other incorporated religious society, fourteen days previous to their annual meeting in March or April, and shall pay his or her proportion of all monies voted in said society to be raised previous thereto, shall from and after giving in such certificate, with his or her polls and estates, be considered as a member of the society to which he or she may so unite.

SEC. 4. *Be it further enacted*, That any Justice of the Peace in the towns of Limington or Limerick be, and he hereby is authorised and empowered to issue his warrant, directed to some suitable member of said society, to meet at such time and place as shall be appointed in said warrant, to choose all such officers as parishes in this Commonwealth are by law entitled to choose in the month of March or April annually.

Warrant to  
be issued.

[This act passed June 25, 1811.]

## CHAP. LXXX.

An Act to establish the Great Barrington and Alford Turnpike.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Jacob Van Deusen 1st. Lambert Burghardt, Joseph Pelton, Isaac Van Deusen 2d. Elias Arnold, Christopher French, Ebenezer Pope, Matthew Van Deusen, Jabez Turner, George Beckworth, and others, their associates, together with such other persons as may hereafter associate with them, be, and they hereby are made a corporation and body politic, by the name and style of The Great Barrington and Alford Turnpike Corporation, for the purpose of laying out and making a Turnpike road from the dwelling house of Ezekiel A. Mills in Great Barrington in the county of Berkshire, thence on the best route to or near the dwelling house of Isaac Van Deusen, at the foot of the monument mountain (so called); thence the best route to or near the dwelling house of Jacob Van Deusen, thence to or near the dwell-

Persons in-  
corporated.

ing house of Captain Bethuel Seley ; thence to or near the dwelling house of John Scripture in Alford ; thence on the best route to the dwelling house of Andrew Race in Egremont ; from thence on the best route to the line of the state of New York, near the dwelling house of Philip Smith ; 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," made and passed the sixteenth day of March in the year of our Lord one thousand eight hundred and five, and any acts which have been made in addition thereto.

One gate to  
be erected.

SEC. 2. *Be it further enacted*, That when the road aforesaid shall be laid out, made, completed, and shall be approved by the Court for said county, which shall have jurisdiction on the subject of highways, at the time when said road is completed, the said corporation shall have power to erect one gate thereon, at such place as the said Court may order, and shall be entitled to receive such toll thereat, as by the act aforesaid is provided.

[This act passed June 25, 1811.]

## CHAP. LXXXI.

### An Act to establish the Court of Sessions.

Act repeal-  
ed.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That from and after the first day of September next, an act made and passed the nineteenth day of June in the year of our Lord one thousand eight hundred and nine, entitled " An act to transfer the powers and duties of the Court of Sessions to the Courts of Common Pleas, and for other purposes," be, and the same is hereby repealed ; and that all acts and parts of acts relative to the Courts of Sessions, which were in force at the time the act was in force which is hereby repealed, be, and the same are hereby revived from and after the said first day of September next.

SEC. 2. *Be it further enacted*, That from and after the first day of September next, all petitions, recogniz-



zances, warrants, orders, certificates, reports and processes, made to, pending in, taken for, or continued or returnable to the Courts of Common Pleas in the several counties of this Commonwealth, of which the Courts of Sessions had cognizance at the time of passing the act which is hereby repealed, shall be returnable to, entered, have day, be proceeded in and determined, by the respective Courts of Sessions, within and for the same counties at the term thereof which shall next be holden after the first day of September next, in the same way and manner as if the same had never been made returnable or transferred to the Courts of Common Pleas, 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 Sessions within the respective counties at the term thereof, which shall be next holden after the first day of September next, in the same manner as they would have been made or taken to the said Court of Common Pleas, if this act had not been passed. *Provided how-* Powers and duties of Courts of Common Pleas transferred.  
*ever,* That the Clerks of the Courts of Common Pleas, Proviso. in the several counties, shall be Clerks of the Courts of Sessions.

SEC. 3. *Be it further enacted,* That his Excellency the Governor, by and with the advice and consent of the Council, be, and he is hereby authorised to appoint and commission one Chief Justice, and not exceeding four, Appoint-ments of Justices. nor less than two other persons for any one county, who shall be Justices of the same Court in their respective counties; and the powers of the Courts of Sessions, who were in commission at the time of transferring their powers and duties to the Courts of Common Pleas shall cease from and after the passing of the act transferring said powers to the Courts of Common Pleas aforesaid.

[This act passed June 25, 1811.]

## CHAP. LXXXII.

An Act to incorporate The President, Directors, and Company of the Merchants' Bank.

SEC. 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, Jonathan Neal jun. William Cleaveland, Joshua Dodge, Henry Elkins, James Devereaux, John Hathorne, George Hodges, Robert Stone, William Fabens, Henry Prince, Peter Lander, Robert Stone jun. Timothy Bryant, William Silsbee, James Cheever, Joseph Sprague, John Deland, Stephen White, John Saunders, Butler Fogerty 2d. John W. Treadwell, John Crowninshield, George Crowninshield jun. George S. Johonnot, Gilbert Chadwick, William Lander, Jeremiah Shepard, Ebenezer Burrell, William Hathorn jun. James Bott, Hugh Ervin, John Foster, Thomas M. Woodbridge, Benjamin Cox, Thomas Whitteredge, and William Stearns, their associates, successors, and assigns, shall be, and hereby are created a corporation, by the name of The President, Directors, and Company of the Merchants' Bank, and shall so continue from the first day of October next, for the term of twenty years next ensuing, and by that name shall be, and hereby are made capable in law, to sue and be sued, plead and be impleaded, defend and be defended in any Courts of Record, or any other place whatever, and also to make, have, and use a common seal, and to ordain, establish and put in execution, such by-laws, ordinances, and regulations, as to them may appear necessary and convenient for the government of the said corporation, and the prudent management of their affairs; *provided*, such by-laws, ordinances, and regulations, shall in no wise be contrary to the constitution and laws of this Commonwealth, and the said corporation shall be always subject to the rules, restrictions, limitations, and provisions herein prescribed.

SEC. 2. *And be it further enacted*, That the capital stock of the said Corporation, shall consist of a sum not less than two hundred thousand dollars, but the same may by the vote of the Stockholders, be increased to any

Persons in-  
corporated.

Their pow-  
ers.

Proviso.

sum not exceeding three hundred thousand dollars, in gold and silver, divided into shares of one hundred dollars each. The two hundred thousand dollars of which shall be paid in at four equal instalments; the first, on the first day of October; the second, on the first day of January; the third, on the first day of April next; and the fourth, on the first day of July, which will be in the year of our Lord eighteen hundred and twelve. And the Stockholders, at their first meeting shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which being entered in the books of said corporation, shall be binding on the Stockholders, their successors and assigns; and the said corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy, and retain to them, their successors and assigns, lands, rents, tenements, and hereditaments to the amount of fifty thousand dollars and no more, at any one time, with power to bargain, sell, and dispose of the same, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they shall think advisable: *Provided however*, That nothing herein contained, shall restrain, or prevent the said corporation from taking and holding real estate in mortgage, or on execution to any amount as security for, or in payment of any debts due to the said corporation; *and provided further*, that no money shall be loaned on discounts made, nor shall any bills or promissory notes be issued from said bank until the capital subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to fifty thousand dollars.

Time of  
paying in-  
stalments.

Corporation  
may hold  
real estate.

Proviso.

SEC. 3. *And be it further enacted*, That the following rules, limitations, and provisions, shall form and be the fundamental articles of the said corporation:—

*First*, That the total amount of the debts which the said corporation shall at any time owe, whether by bond, bill, note, or other contract, exclusive of debts due on account of deposits, shall not exceed twice the amount of their capital stock actually paid in. Nor shall there be due to the said corporation at any one time more than double the amount of their capital stock actually paid in as aforesaid. In case of excess the Directors, under whose administration it shall happen, shall be liable for the same in their natural and private capacities; and an action of

Rules, limi-  
tations and  
provisions

debt may in such case be brought against them, or any of them, their, or any of their heirs, executors, or administrators, in any Court proper to try the same, by any creditor or creditors of said corporation; and may be prosecuted to final judgment and execution, any condition, covenant, or agreement to the contrary notwithstanding. But this shall not be construed to exempt said corporation, or the lands, tenements, goods, or chattels of the same from being also liable for, and chargeable with said excess, such of said Directors who may have been absent when said excess was contracted, or created, or who may have dissented from the resolution or act whereby the same was so contracted, or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact, and of their absence, or dissent, to the Governor and Council, and to the Stockholders at a general meeting, which they shall have power to call for that purpose.

*Second.* That the said corporation shall not vest, use, or improve any of their monies, goods, chattels, or effects in trade or commerce; but may sell all kinds of personal pledges lodged with them by way of security, to any amount sufficient to reimburse the sum loaned.

*Third.* That the lands, tenements, and hereditaments, which the said corporation shall hold, shall be only such as shall be requisite for the convenient transaction of their business.

*Fourth.* None but a member of the said corporation, being a citizen of this Commonwealth, and resident therein, shall be eligible for a Director; and the Directors shall choose one of their own number to act as President; and the Cashier before he enters on the duties of his office, shall give bonds with two sureties, to the satisfaction of the board of Directors, in a sum not less than twenty thousand dollars, with condition for the faithful discharge of the duties of his office.

*Fifth.* No Director of any other bank, shall be eligible to the office of Director of this bank, although he may be a stockholder therein. And any Director, accepting any office in any other bank, shall be deemed to have vacated his place in this bank.

*Sixth.* That for the well ordering the affairs of the said corporation, a meeting of the Stockholders shall be held

at such places as they shall direct, on the first Monday in annually, and at any other time during the continuance of the said corporation, and at such place, as shall be appointed by the President and Directors for the time being, by public notification, given one week previous thereto, at which annual meeting, there shall be chosen by ballot, nine Directors to continue in office the year ensuing their election; and the number of votes to which each Stockholder shall be entitled, shall be according to the number of shares he shall hold, in the following proportion, that is to say, for one share, one vote; and every two shares above one, shall give a right to one vote more; *provided*, no one member shall have more than ten votes; and absent members may vote by proxy, being authorised in writing.

*Seventh.* The Stockholders may make the President such compensation, as to them shall appear reasonable.

*Eighth.* Not less than three Directors shall constitute a board for the transaction of business, of whom the President shall always be one, (excepting in cases of sickness or necessary absence, in which case the Directors present may choose a chairman for the time being in his stead.)

*Ninth.* All bills issued from the bank aforesaid, and signed by the President, shall be binding on the corporation; but it shall not be lawful for them to issue any bills of a less denomination than five dollars.

*Tenth.* The Directors shall make half yearly dividends of all the profits, rents, premiums, and interest of the bank aforesaid.

*Eleventh.* The Directors shall have power to appoint a Cashier, Clerks, and such other officers for carrying on the business of said bank, with such salaries as to them shall seem meet.

*Twelfth.* In case any loss or deficiency of the capital stock shall arise from the official mismanagement of the Directors, the persons who are Stockholders at the time of such mismanagement, shall, in their private and individual capacities, be respectively liable to pay the same; *Provided however*, that in no case shall any one Stockholder be liable to pay a sum exceeding the amount of the stock actually then held by him.

*Thirteenth.* In case the officers of said corporation in the usual banking hours at said bank, shall refuse or delay

payment in gold or silver of any note or bill of said corporation then presented for payment, the said corporation shall be liable to pay as additional damages at the rate of twenty-four per cent. per annum, for the time during which such payment shall be refused or delayed.

*Fourteenth.* The holders of the shares or stock in said corporation at the time when this act may expire, shall be chargeable in their private and individual capacities, and shall be holden for the payment and redemption of all bills, which may have been issued by said corporation, and which may then remain unpaid, in proportion to the stock which they may respectively hold.

SEC. 4. *And be it further enacted,* That the said bank shall be established and kept in the town of Salem.

Special committee empowered.

SEC. 5. *And be it further enacted,* That any committee specially appointed by the Legislature for the purpose, shall have a right to examine into the doings of said corporation, and shall have free access to all their books and vaults, and if upon such an examination it shall be found, and after a full hearing of said corporation thereon, be determined by the Legislature that said corporation have exceeded the power herein granted them, or failed to comply with any of the rules, restrictions, and conditions, in this act provided, their incorporation may thereupon be declared forfeited and void.

Manner of calling a meeting of stockholders.

SEC. 6. *And be it further enacted,* That the persons herein before named, or any three of them, are authorised to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place, as they may see fit, (by advertising the same for three weeks successively in the Essex Register and Salem Gazette), for the purpose of making, ordaining, and establishing, such by-laws, ordinances, and regulations, for the orderly conducting the affairs of the said corporation, as the said Stockholders shall deem necessary, and for the choice of the first board of Directors, and such other officers as they shall see fit to choose.

Directors required to transmit to authority.

SEC. 7. *And be it further enacted,* That it shall be the duty of the Directors of said bank, to transmit to the Governor and Council of this Commonwealth, for the time being, once in six months at least, and as much oftener as they may require, accurate and just statements of the amounts of the capital stock of said corporation,

and of debts due to the same, of the monies deposited therein, of the notes in circulation, and of the gold, silver, and copper coin, and the bills of other banks on hand, which statement shall be signed by the Directors, and attested by the Cashier.

SEC. 8. *And be it further enacted*, That the said corporation shall be liable to pay to any bona fide holder, the original amount of any note of said bank counterfeited, or altered, in the course of its circulation, to a larger amount, notwithstanding such alteration. Counterfeit notes.

SEC. 9. *And be it further enacted*, That the said corporation, from and after the first Monday of October, in the year of our Lord one thousand eight hundred and twelve, shall pay by way of tax, to the Treasurer of this Commonwealth, for the use of the same, within ten days after each semi annual dividend, the half of one per cent. on the amount of the original stock, which shall at the time of said dividend have been actually paid in. Tax. *Provided however*, That the same tax, payable in manner aforesaid, shall be required by the Legislature of all banks, that shall be hereafter incorporated within this Commonwealth; Proviso. *and provided further*, that nothing herein shall be construed to impair the rights of the Legislature to lay a tax upon any bank already incorporated, under the authority of this Commonwealth, whenever they may see fit so to do.

SEC. 10. *And be it further enacted*, That one tenth part of the whole funds of said bank, shall always be appropriated to loans, to be made to citizens of this Commonwealth, not resident in the town of Salem, and wherein the Directors shall wholly and exclusively regard the agricultural and manufacturing interest, which loans shall be made in sums, not less than one hundred dollars, nor more than five hundred dollars, and upon the personal bond of the borrower, with collateral security by a mortgage of real estate to the satisfaction of the Directors of said bank, for a term not less than one year, and on condition of paying the interest annually on such loans, subject to such forfeitures and right of redemption as is by law provided in other cases. Proportion appropriated for loans.

SEC. 11. *And be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money which may

Obligation to  
loan to the  
Common-  
wealth.

Proviso.

be required, not exceeding ten per centum of the amount of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or at any shorter period, at the election of the Commonwealth, with the annual payments of interest, at a rate not exceeding five per centum per annum. *Provided however,* That the Commonwealth shall never at any one time stand indebted to said corporation, without their consent, for a larger sum than twenty per centum of the capital stock actually paid in.

Common-  
wealth may  
become  
stockhold-  
ers.

SEC. 12. *Be it further enacted,* That the Commonwealth shall have a right, whenever the Legislature shall make provision by law, to subscribe on account of the Commonwealth a sum not exceeding one hundred and fifty thousand dollars, to be added to the capital stock of said company, subject to such rules, regulations, and provisions as shall be by the Legislature made and established as to the management thereof.

[This act passed June 26, 1811.]

### CHAP. LXXXIII.

An Act to repeal part of "An act to provide for the instruction of Youth, and for the promotion of good education."

**W**HEREAS the fifth section of said act provides that no settled minister shall be deemed, held, or accepted to be a school-master within the intent of the same act.

*BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the said provision as it respects settled ministers, be, and the same is hereby repealed.

[This act passed June 26, 1811.]



## CHAP. LXXXIV.

An Act to incorporate the President, Directors and Company of the State Bank.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That William Gray, Henry Dearborn, David Tilden, Russell Sturgis, John Brazer, and David Townsend, their associates, successors, and assigns, shall be, and hereby are created a corporation, by the name of The President, Directors, and Company of the State Bank, and shall so continue from the first day of October next, until the first Monday in October which will be in the year our Lord one thousand eight hundred and thirty-one, and by that name shall be, and hereby are made capable in law, to sue and be sued, plead and be impleaded, defend and be defended in any Courts of Record, or any other place whatever; and also to make, have, and use a common seal, and the same at pleasure again to break, alter and renew; and also to ordain, establish and put in execution, such by-laws, ordinances, and regulations, as to them shall appear necessary and convenient for the government of the said corporation, and the prudent management of their affairs; *provided,* such by-laws, ordinances, and regulations, shall in no wise be contrary to the constitution and laws of this Commonwealth, and the said corporation shall be always subject to the rules, restrictions, limitations, and provisions herein prescribed.

Bank incorporated.

SEC. 2. *And be it further enacted,* That the capital stock of the said Corporation, shall consist of a sum not more than three millions of dollars, in gold and silver, to be besides such part as this Commonwealth shall subscribe, in manner hereinafter mentioned, divided into shares of one hundred dollars each, which shall be paid in at five equal instalments; the first on the fifteenth day of October next, the second on the fifteenth day of April next, and the third on the fifteenth day of October, which will be in the year of our Lord one thousand eight hundred and twelve, the fourth on the fifteenth day of April, and the

Amount of capital stock.

Time of paying instalments.

Corporation  
may hold  
real estate.

Proviso.

fifth on the fifteenth day of October, which will be in the year of our Lord one thousand eight hundred and thirteen. And the Stockholders at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which being entered in the books of said corporation shall be binding on the stockholders, their successors and assigns until they shall otherwise determine; and the said corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy and retain to them, their successors and assigns, lands, rents, tenements, and hereditaments, to the amount of one hundred thousand dollars, and no more at any one time, with power to bargain, sell, and dispose of the same, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they shall think advisable: *Provided however*, That nothing herein contained, shall restrain or prevent the said corporation from taking and holding real estate in mortgage, or on executions, to any amount, as security for, or in payment of any debts due to the said corporation: *And provided further*, That no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and actually paid in and existing in gold and silver in their vaults, shall amount to six hundred thousand dollars, nor until the said capital stock actually in said vaults shall have been inspected and examined by three Commissioners to be appointed by the Governor for that purpose, whose duty it shall be at the expense of said corporation to examine and count the monies paid and actually existing in said vaults, and to ascertain by the oath of the Directors of said bank, or some of them, that said capital hath been bona fide paid in by the stockholders of said bank, and towards payment for their respective shares, and not for any other purpose, and it is intended therein to remain as part of said capital, and to return a certificate thereof to the Governor.

SEC. 3. *And be it further enacted*, That the following rules, limitations, and provisions, shall form and be the fundamental articles of the said corporation:—

*First*. That the total amount of the debts which the said corporation shall at any time owe, whether by bond, bill, note or other contract, shall not exceed twice the

amount of their capital stock actually paid in, exclusive of the sums due on account of deposits; nor shall there be due to the said corporation at any one time more than double the amount of the capital stock actually paid in as aforesaid. In case of excess, the Directors under whose administration it shall happen, shall be liable for the same in their natural and private capacities; and an action of debt may in such case be brought against them, or any of them, their, or any of their heirs, executors, or administrators, in any Court proper to try the same, by any creditor or creditors of said corporation; and may be prosecuted to judgment and execution, any condition, covenant, or agreement to the contrary notwithstanding. But this shall not be construed to exempt said corporation, or the lands, tenements, goods, or chattels of the same, from being also liable for, and chargeable with said excess, such of said Directors who may have been absent when said excess was contracted, or created, or who may have dissented from the resolution or act whereby the same was contracted, or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact, and of their absence, or dissent, to the Governor and Council, and to the Stockholders at a general meeting, which they shall have power to call for that purpose.

Rules, limitations and provisions.

*Second.* That the said corporation shall not vest, use, or improve any of their monies, goods, chattels, or effects in trade or commerce; but may sell all kinds of personal pledges lodged in their hands by way of security, to an amount sufficient to reimburse the sum loaned.

Monies not to be used in trade.

*Third.* That the lands, tenements, and hereditaments, which the said corporation shall hold, shall be only such as shall be requisite for the convenient transaction of their business.

*Fourth.* None but a member of the said corporation, being a citizen of this Commonwealth, and resident therein, shall be eligible for a Director; and the Directors shall choose one of their own number to act as President; and the Cashier before he enters upon the duties of his office, shall give bonds with two sureties, to the satisfaction of the board of Directors, in a sum not less than fifty thousand dollars, with conditions for the faithful discharge of the duties of his office.

Person eligible as President.

*Fifth.* No Director of any other bank shall be eligible to the office of Director of this bank, although he may be a stockholder therein; and any Director, accepting any office in any other bank, shall be deemed to have vacated his place in this bank.

Annual  
meeting of  
stockholders  
to be held.

*Sixth.* That for the well ordering the affairs of the said corporation, a meeting of the Stockholders shall be held at such places as they shall direct, on the first Monday in October annually, and at any other time during the continuance of the said corporation, and at such place, as shall be appointed by the President and Directors for the time being, by public notification, given fourteen days previous thereto, at which annual meeting there shall be chosen by ballot twelve Directors, to continue in office the year ensuing their election, and the number of votes to which each Stockholder shall be entitled, shall be according to the number of shares he shall hold in the following proportions, that is to say: for one share one vote, and every two shares above one, shall give a right to one vote more: *provided*, no one member shall have more than ten votes; and absent members may vote by proxy, being authorised in writing.

President  
may be paid.

*Seventh.* The Stockholders may make the President such compensation, as to them shall appear reasonable.

*Eighth.* No less than seven Directors shall constitute a board for the transaction of business, of whom the President shall always be one, (except in case of sickness or necessary absence, in which case the Directors present may choose a chairman for the time being in his stead.)

Bills not to  
be issued  
less than five  
dollars.

*Ninth.* All bills issued from the bank aforesaid, and signed by the President, shall be binding on the corporation; but it shall not be lawful for them to issue any bills of a less denomination than five dollars.

Dividends.

*Tenth.* The Directors shall make half yearly dividends of all the profits, rents, premiums, and interest of the bank aforesaid.

*Eleventh.* The Directors shall have power to appoint a Cashier, Clerks, and such other officers for carrying on the business of said bank, with such salaries as to them shall seem meet.

*Twelfth.* In case the officers of said corporation in the usual banking hours at said bank, shall refuse or delay payment in gold or silver of any note or bill of said cor-

poration there presented for payment, the said corporation shall be liable to pay as additional damages at the rate of twenty-four per cent. per annum, for the time during which such payment shall be refused or delayed.

*Thirteenth.* In case any loss or deficiency of the capital stock shall arise from the official mismanagement of the Directors, the persons who are Stockholders at the time of such mismanagement, shall, in their private and individual capacities be respectively liable to pay the same: *Provided however,* That in no case shall any one Stockholder be liable to pay a sum exceeding the amount of the stock actually then held by him.

*Fourteenth.* The holders of the shares or stock in said corporation when this act may expire, shall be chargeable in their private and individual capacities, and shall be holden for the payment and redemption of all bills which may have been issued by said corporation, and which may then remain unpaid, in proportion to the stock which they may respectively hold.

Individual property liable for the Bank's debts.

SEC. 4. *And be it further enacted,* That the said bank shall be established and kept in the town of Boston aforesaid.

SEC. 5. *And be it further enacted,* That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money which may be required, not exceeding three hundred thousand dollars, at any one time, reimbursable by five annual instalments, or at any shorter period, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum: *Provided however,* That the Commonwealth shall never at any one time stand indebted to said corporation, without their consent, for a larger sum than six hundred thousand dollars.

Obligation to loan to the Commonwealth.

SEC. 6. *And be it further enacted,* That any committee specially appointed by the Legislature for the purpose, shall have a right to examine into the doings of said corporation, and shall have free access to all their books and vaults, and if upon such an examination it shall be found, and after a full hearing of said corporation thereon, be determined by the Legislature that said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions, and conditions,

Special committee empowered.

in this act provided, their incorporation shall thereupon be declared forfeited and void.

Manner of  
calling a  
meeting of  
stockhold-  
ers.

SEC. 7. *And be it further enacted*, That the persons herein before named, or any three of them, are authorised to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place as they may see fit, (by advertising the same for three weeks successively in the Boston Patriot and Independent Chronicle), for the purpose of making, ordaining, and establishing, such by-laws, ordinances, and regulations, for the orderly conducting the affairs of the said corporation, as the said Stockholders shall deem necessary, and for the choice of the first board of Directors, and such other officers as they shall see fit to choose.

Directors  
required to  
transmit to  
authority.

SEC. 8. *And be it further enacted*, That it shall be the duty of the Directors of said bank to transmit to the Governor and Council of this Commonwealth, for the time being, once in six months at least, and as much oftener as they may require, accurate and just statements of the amount of the capital stock of said corporation, and of debts due to the same, of the monies deposited therein, of the notes in circulation, and of the gold, silver, and copper coin, and the bills of other banks on hand, which statement shall be signed by the Directors, and attested by the Cashier, and shall be verified by oath before some person competent to administer the same.

SEC. 9. *And be it further enacted*, That in addition to the capital stock aforesaid of three millions of dollars, the Commonwealth may be interested in the said corporation to the amount of one million five hundred thousand dollars, whenever provision shall be made therefor by law, and the Commonwealth from the time of making any payment towards the capital of said bank, shall be entitled to their proportionate share of the profits and dividends arising from the amount thereof from said bank.

Counterfeit  
notes.

SEC. 10. *And be it further enacted*, That the said corporation shall be liable to pay to any bona fide holder, the original amount of any note of said bank, altered in the course of its circulation to a larger amount, notwithstanding such alteration.

Tax.

SEC. 11. *And be it further enacted*, That the said corporation, from and after the first Monday of October, in the year of our Lord one thousand eight hundred and

twelve, shall pay by way of tax, to the Treasurer of this Commonwealth, for the use of the same, within ten days after each semi-annual dividend, the half of one per cent. on the amount of the original stock, which shall at the time of said dividend have been actually paid in: *Provided however*, That the same tax, payable in manner Proviso. aforesaid, shall be required by the Legislature of all banks that shall be hereafter incorporated within this Commonwealth, from and after the said first Monday of October: *And provided further*, That nothing herein contained shall be construed to impair the right of the Legislature to lay a tax or excise upon any bank already incorporated, under the authority of this Commonwealth, whenever they may think proper so to do.

SEC. 12. *And be it further enacted*, That one tenth part of the whole funds of said bank shall always be appropriated to loans to be made to citizens of this Commonwealth, not resident in the town of Boston, and wherein the Directors\* shall wholly and exclusively regard the agricultural and manufacturing interest, which loans shall be made in sums, not less than one hundred dollars, nor more than five hundred dollars, and upon the personal bond of the borrower, with collateral security by a mortgage of real estate to the satisfaction of the Directors of said bank, for a term not less than one year, and on condition of paying the interest annually on such loans, subject to such forfeitures and right of redemption as is by law provided in other cases. Proportion appropriated for loans.

SEC. 13. *And be it further enacted*, That the Treasurer of the Commonwealth for the time being shall ex officio be a Director of said bank, in addition to the Directors by law to be chosen by the stockholders. State Treasurer to be Director ex officio. And that the Legislature shall have a right from time to time to appoint a number of Directors of the said bank in proportion as the sums paid from the Treasury of the Commonwealth, shall bear to the whole amount of the stock actually paid into the said bank, if at any time hereafter they shall judge fit to exercise that right.

[This act passed June 27, 1811.]

## CHAP. LXXXV.

An Act to regulate Prisons within this Commonwealth.

Privileges  
& limitation  
of debtors.

SEC. 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 imprisoned for debt, on mesne process or execution, on giving bond with sufficient surety to the creditor or creditors, in double the sum for which he is imprisoned, conditioned that from the time of executing such bond he will not depart without the exterior bounds of the gaol yard or debtor's liberties, until lawfully discharged, or who is or shall be under bond for the liberty of the gaol yard as heretofore provided by law, may have a chamber and lodgings in any buildings belonging to the prisons by paying at the lawful rate, and may go into churches and other public buildings, and lodge in and occupy any apartments by night and day, and enter into and upon any estate and building within the exterior bounds of the gaol yard or debtor's liberties by a usual express or implied consent of owners; and all such apartments so lodged in or occupied, shall be considered a part of the prison limits.

SEC. 2. *Be it further enacted*, That the notification of imprisoned debtors on their creditors, may in all cases be served and returned by a sheriff, his deputy, or a constable.

Discharge of  
bond by sur-  
render.

SEC. 3. *Be it further enacted*, That any bond given agreeably to the provision of the first section of this act, shall be discharged and void when the principal shall surrender himself or be surrendered by his surety to the gaol keeper of the prison where the bond was given, excepting as to the right of the creditor or creditors to recover for a breach of such bond before such surrender, by suit instituted within one year from such breach; and such surrendered principal shall be in custody of the gaol keeper under the execution or writ on which the bond issued as fully as on the first commitment. *Provided*, That giving such bond shall entitle the person imprisoned to the same privileges after such surrender as on his first imprisonment.

Proviso.



SEC. 4. *Be it further enacted*, That this Act shall remain in force until the thirty-first day of January, in the year of our Lord one thousand eight hundred and thirteen, and no longer.

[This act passed June 27, 1811.]

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## CHAP. LXXXVI.

An Act supplementary to "An act to incorporate the President, Directors, and Company of the Merchants' Bank."

WHEREAS in the sixth article of the third section of the act to incorporate the President, Directors, and Company of the Merchants' Bank, a blank is left of the month, on which the annual meeting of the stockholders shall be holden. Therefore,

*BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the said annual meeting <sup>Annual</sup> for the purposes specified in said article, shall be holden <sup>meeting.</sup> on the first Monday of October annually.

[This act passed June 27, 1811.]