

MAINE STATE LEGISLATURE

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LAWS

OF THE

Commonwealth of Massachusetts,

PASSED BY THE GENERAL COURT

AT THEIR SESSION, WHICH COMMENCED ON WEDNESDAY, THE 10th

DAY OF JANUARY, AND WHICH ENDED ON THE

16th DAY OF FEBRUARY, 1816.

—>>>—
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1816.

JAN 3 1852

LAWS

OF THE

COMMONWEALTH OF MASSACHUSETTS,

PASSED BY THE GENERAL COURT,

AT THE SESSION COMMENCING ON THE 10th DAY OF JANUARY,

AND ENDING ON THE 16th DAY OF FEBRUARY, 1816.

CHAP. XXXVI.

An Act regulating the attendance of the Grand Jury,
at the Circuit Court of Common Pleas for the county of Somerset.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Justices of the Circuit Court of Common Pleas, within and for the county of Somerset, shall at any time within five years, from and after the passing of this act, have power to dispense with the attendance of the Grand Jury, at any term of said Court, when in their opinion it may be proper so to do. Grand Jury, Somerset.

[Approved by the Governor, January 20, 1816.]

CHAP. XXXVII.

An Act respecting Clerks of Courts.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Supreme Judicial Court, and every other Court of record in this Com-

monwealth, who by law have a Clerk or Recorder, to record the proceedings of such Court, shall have power, and they are hereby respectively authorized, at any term of said Courts, to appoint a Clerk pro tempore, whenever by death, sickness, or inability to attend, the said Courts are deprived of the attendance in Court of the Clerk or Recorder of such Courts respectively :—

Clerks pro tem. *Provided however*, that in all cases, before such Clerk pro tempore, to be appointed as aforesaid, shall enter on the duties of his office, he shall take the same oaths of office which the Clerk or Recorder, for whom he may be substituted, is by law obliged to take, previous to his entering on the duties of his office; *And provided also*, that the office and duty of such Clerks pro tempore, to be appointed as aforesaid, shall cease from and after the disabilities or incapacities of the Clerks or Recorders of said Courts respectively, are removed, or new ones appointed, agreeably to the provisions of law.

[Approved by the Governor, January 20, 1816.]

CHAP. XXXVIII.

An Act requiring certain public Inspectors to make annual returns.

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 be the duty of the Inspectors hereafter named, to make an annual return into the office of the Secretary of this Commonwealth, of the quantity of articles inspected by them, and their Deputies, in the course of the year, viz :—The Inspector of pot and pearl ashes, the Inspector of nails, the Inspector of butter and lard, the Inspector of hops, the Inspector of beef and pork, and the Inspector of pickled fish.

SEC. 2. *Be it further enacted*, That the items of said returns shall be as follows :—That the Inspector of pot and pearl ashes, shall make a return of the num-

ber of casks of pot and pearl ashes, specifying the number under each brand, and the weight of each specific quality. That the Inspector of beef and pork shall return the whole number of barrels under each of the respective brands used by him. That the Inspector of nails shall make return of the number of casks, and weight of wrought and cut nails, specifying the different quantities of each. That the Inspector of butter and lard shall make a return of the number of casks of different qualities of these articles branded by him, and the weight of the respective kinds. That the Inspector of pickled fish shall make return of the gross quantities of fish inspected by him. That the Inspector of hops shall return the whole number of bags marked by him, of the different qualities, and the weight of each quality respectively.

How Returns
are to be made.

Sec. 3. *Be it further enacted*, That the several Inspectors before named, shall require of their several Deputies to make the returns to them, necessary to carry into effect the provisions of this act. The several Inspectors shall make up the returns before specified, to the first day of May of each year, and send in their returns to the Secretary's office, in the course of the same month.

Their Deputies
to make Re-
turns.

[Approved by the Governor, January 20, 1816.]

CHAP. XXXIX.

An Act in addition to the act establishing a law term of the Supreme Judicial Court within and for the counties of Plymouth and Bristol.

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, when any judgment is rendered by any Circuit Court of Common Pleas, holden in and for either of the counties of Plymouth or Bristol, on an issue in law, (unless there is a reservation in the pleadings to waive the same at the Supreme Judicial Court,

How Appeals
are to be made.

and there plead anew,) and either party shall appeal from such judgment, that such appeal shall be to the law term of the Supreme Judicial Court, next to be holden within and for the said counties of Plymouth and Bristol, and such action shall be heard and tried by said Court.

Jury to decide
as to the sanity
of Testator.

SEC. 2. *Be it further enacted,* That when an appeal is made from the decree of the Judge of Probate, of either of said counties, with regard to the sanity of a testator to the Supreme Judicial Court for said county, and the parties do not agree to have the same decided by the Court, that in every such case the same shall be tried by a jury, under the direction of the Judge, who shall attend said Court, (if but one Judge is present,) and either of the parties who shall be dissatisfied with the direction of the Judge, may have the point or points saved for the consideration and determination of the Justices of said Court, at their next law term, in and for said counties; and the same proceedings shall be had as in other cases tried in said Court by a jury. But if the parties shall agree that the same shall be tried by the Court, then the same shall be transferred to the next law term of said Court, to be holden in and for said counties, in the same way and manner as law questions are by said Court heard and tried.

SEC. 3. *Be it further enacted,* That the Justices of said Court, at any law term, in either of said counties, are hereby authorized to receive the report of Referees in any case referred from the Supreme Judicial Court, in either of said counties, to render judgment, and award execution thereon, and also to decide on any other matter which shall be submitted to them, by the parties in any action, render judgment, and award execution thereon.

[Approved by the Governor, January 24, 1816.]

CHAP. XL.

An Act incorporating Trustees of the Saco Free Bridge Fund.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Jeremiah Hill, Israel Lassell, Samuel Pierson, Samuel Hartley, Reuben H. Green, and Jonathan Tucker, be, and are hereby appointed and incorporated as Trustees, by the name of the Trustees of Saco Free Bridge Fund, and by that name they and their successors in office shall be, and continue a body politic and corporate forever; and they shall have a common seal subject to alteration, and they may sue and be sued, in all actions real, personal and mixed, and prosecute and defend the same to final judgment and execution, by the name aforesaid, and shall have all other powers which are incident to, and necessarily belonging to the like corporations; and the said Trustees and their successors may annually elect one of their number as President, a Clerk to record the doings of said Trustees, and a Treasurer to receive and pay the monies belonging to the fund according to the provisions of this act, who shall give bond to the said Trustees for the faithful performance of his duty.

SEC. 2. *Be it further enacted,* That the number of the Trustees aforesaid shall not be more than seven, nor less than five, which number shall be necessary to constitute a quorum for transacting business—and that whenever one or more of the Trustees aforesaid shall die or resign the duties of his office, the surviving Trustees may fill such vacancy or vacancies.

SEC. 3. *Be it further enacted,* That the said Trustees be, and they are hereby authorized and empowered to sell and convey the lands heretofore granted by this Commonwealth to the proprietors of Saco Free Bridges, and the monies arising from the sale of the said lands shall be put on interest, and shall form a fund for the support of the Free Bridges over Saco River, which

Powers of Trustees.

shall be under the care and management of said Trustees; and all gifts, grants or donations which have been or may be hereafter made, to and for the same use and purpose shall be under the same care and improvement of the Trustees aforesaid: and the Agent for the sale of Eastern lands is hereby authorized to sign and convey to the Trustees aforesaid the lands granted to the proprietors of Saco Free Bridges by this Commonwealth, by their Resolves dated the second day of March, on thousand eight hundred and ten, and January the twenty-eighth, one thousand eight hundred and fifteen, any condition in said Resolves to the contrary notwithstanding.

Obligations of Trustees.

SEC. 4. *Be it further enacted*, That the Trustees of aforesaid shall be obligated to keep and maintain the Bridges aforesaid in good repair so far as said fund shall be sufficient therefor; and to this end they shall give bond to the Treasurer of the Commonwealth for the time being, and to his successor in said office, in the penal sum of three thousand dollars, for their faithful execution of the trust reposed in them by this act.

Holding first meeting.

SEC. 5. *Be it further enacted*, That Samuel Pierson, Esquire, be, and he is authorized and empowered to fix the time and place for holding the first meeting of the said Trustees, and to notify them thereof.

[Approved by the Governor, January 24, 1816.]

CHAP. XLI.

An Act to establish the town of Kingfield, in the county of Somerset.

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 Plantation numbered three, in the first range of townships, on the west side of Kennebeck river, (within the Bingham purchase) as contained within the following described boundaries, be, and hereby is established as a town by the name of Kingfield, viz. bounded south by New Portland and Freeman; west by the township numbered four, in the

first range ; north by the township numbered three, in the second range, and east by the township numbered two, in the first range, as laid down in a plan, by actual survey, made by Solomon Adams, of Farmington, the measure thereof being six miles and one hundred and fifty four rods, from east to west, and six miles from north to south ; and the said town of Kingfield is hereby vested with all the powers and privileges, and subjected to all the duties and requisitions of other corporate towns, according to the constitution and laws of this Commonwealth.

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

[Approved by the Governor, January 24, 1816.]

CHAP. XLII.

An Act to repeal an act, entitled “ An act setting off Samuel Sparhawk of Cambridge, in the county of Middlesex, from the South Parish in Cambridge, and annexing him and his estate to the first parish in said town.”

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That an Act passed the twenty-seventh day of February, one thousand seven hundred and ninety-five, entitled “ An act setting off Samuel Sparhawk of Cambridge, in the county of Middlesex, from the South parish in Cambridge, and annexing him and his estate to the first parish in said town,” be, and the same is hereby repealed ; and the

Jan. 27, 1816.

said estate lately in possession of the said Samuel Sparhawk, deceased, be, and hereby is re-annexed to the said town, and parish in Brighton.

[Approved by the Governor, January 27, 1816.]

CHAP. XLIII.

An Act for the regulation of the Fishery, in the town of Malden.

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 or catch any Shad or Alewives in any river, stream or pond, within the limits of the town of Malden, in the county of Middlesex, excepting as hereinafter by this act is provided. each person so offending shall forfeit and pay a sum, not exceeding twenty dollars, nor less than ten dollars for each offence, to be recovered in an action of debt, before any Court proper to try the same, in the county of Middlesex, one half thereof to the use of him or them who shall sue for the same, and the other half to the use of the said town of Malden.

Penalty for
taking fish.

SEC. 2. *Be it further enacted,* That from and after the passing of of this act, it shall be lawful for any and all the inhabitants of the said town of Malden, to catch Shad and Alewives within the limits of the said town, on every Monday, Wednesday and Friday, from sun-rising on each of the said days, to sun-rising on the next succeeding day in each week, from the first day of March, to the tenth day of June, annually, at such place or places only as shall have been previously determined by the said town.

Time of taking
fish.

[Approved by the Governor, January 27, 1816.]

CHAP. XLIV.

An Act to empower George Houdlette to build a Tide Mill, or Mills, on Eastern river, in the town of Dresden.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That George Houdlette be, and he is hereby empowered to build a tide Mill or Mills on Eastern river, in the town of Dresden: Provided the Navigation of the said Eastern river shall not be obstructed by the said Mills: And provided also, that, after the expiration of twenty years it shall be lawful for the Legislature to amend or to repeal this Act.*

[Approved by the Governor, January 30, 1816]

CHAP. XLV.

An Act to establish the town of Moscow in the County of Somerset.

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 one, in the second range, on the East side of Kennebeck river, within the Million acres (commonly called Bingham's patent) be, and the said township is hereby established a town, according to the following described bounds, by the name of Moscow: viz. East by the township numbered two in the second range aforesaid, North by the South line of the second range, West by Kennebeck river, and South by the town of Bingham. And the inhabitants of the said town of Moscow, are hereby vested with all the powers and privileges, and subjected to the like duties and requisitions of other corporate towns, according to the constitution and laws of this Commonwealth.*

Town Bound-
aries.

Choice of town
officers.

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

[Approved by the Governor, January 30, 1816.]

CHAP. XLVI.

An Act in addition to an act, entitled “An act establishing the North-West River Canal Corporation.”

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the proprietors of the North-West River Canal Corporation be, and they hereby are allowed a further term of two years in addition to the time provided in their Act of Incorporation to make their Canal, any thing in their Act of Incorporation to the contrary notwithstanding.

[Approved by the Governor, January 30, 1816.]

CHAP. XLVII.

An Act to incorporate the Douglas Cotton Manufacturing Company.

Persons incor-
porated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Ezekiel Preston, Richard Olney, Welcome Whipple, and others doing business under the name and firm of the Douglas Cotton Manufacturing Company, and such others as may hereafter associate with them, their successors and

assigns, be, and they hereby are made a Corporation, by the name of the Douglas Cotton Manufacturing Company, for the purpose of manufacturing cotton yarn and cloth in the town of Douglas, in the county of Worcester, and for the purposes aforesaid shall have all the powers and privileges, and be subject to all the duties and requirements contained in an Act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An act defining the general powers and duties of Manufacturing Corporations."

SEC. 2. *Be it further enacted*, That said Corporation may be lawfully seized and possessed of such real estate, not exceeding the value of one hundred thousand dollars, and such personal estate, not exceeding the value of one hundred thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid.

May hold real
and personal
estate.

[Approved by the Governor, February 1, 1816.]

CHAP. XLVIII.

An Act to establish the town of Wales 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 the plantation called Wales, as contained within the following described boundaries, be, and hereby is established as a town, by the name of Wales, viz. North by the town of Monmouth, East by the town of Litchfield, South by the town of Lisbon, and West by the town of Greene, and a corner of the town of Leeds. And the said town of Wales, is hereby vested with all the powers and privileges, and subject to all the duties and requisitions of other corporate towns, according to the constitution and laws of this Commonwealth.

Town boundaries.

SEC. 2. *Be it further enacted*, That any Justice of the Peace for the county of Lincoln is hereby empowered, upon application therefor, to issue a warrant

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Choice of town
officers.

directed to a freehold inhabitant of said town of Wales, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at such convenient time and place, as shall be appointed in the said warrant, for the choice of such town officers, as towns are by law empowered and required to choose and appoint at their annual town meetings.

[Approved by the Governor, February 1, 1816.]

CHAP. XLIX.

An Act to regulate the Practice of Law in certain cases.

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 this Act, no person shall engage or be employed as Counsel or Attorney before any Court within this Commonwealth in any action which he shall have determined as Judge or Justice of the Peace; and if any person as aforesaid shall appear as Counsel or Attorney in any action or suit, he shall not be permitted to prosecute, defend, answer to, or manage such action or suit.

SEC. 2. *Be it further enacted*, That no Justice of the Peace within this Commonwealth shall hear or determine any civil action which shall have been commenced by himself or by his order or direction, and every civil action commenced as aforesaid shall abate.

[Approved by the Governor, February 1, 1816.]

CHAP. L.

An Act to incorporate the first Congregational Society in the town of Union.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Nathaniel Robbins, Rufus Gilmore, Ebenezer Alden, Robert Foster, Amos

Barrett, John Little, Joseph Vaughn, Elisha Bennet, Moses Morse, Jonathan Carriel Jun. Calvin Morse, John Folger, Abijah Hawes, David Robbins, James Rice, Seth Luce, Jesse Robbins, Herman Hawes, Amariah Mero, Thomas Mitchell, Nathan Daniels, Levi Morse, John P. Robbins, Nathaniel Batchelor, William Dougherty, Fisher Hart, Caleb T. Jacobs, William Hart, David Robbins Jun. Jonathan Carriel, Micajah Gleason, Whiting Hawes, John W. Lindley, Ebenezer W. Adams, Samuel Spear, John Tobey, David Carriel, Jeremiah Mitchell, Thaddeus Shepard, and Noah Rice, with such other inhabitants of the town of Union as do not belong to any other religious society, and such as may hereafter associate with them, with their polls and estates, be, and they hereby are incorporated into a Religious Society, by the name of the First Congregational Society in Union; and the said Society is hereby invested with all the powers and privileges, and subjected to the same duties and requisitions as other Religious Societies are invested and subjected to, according to the Laws and Constitution of this Commonwealth.

Persons incor-
porated.

SEC. 2. *Be it further enacted,* That if any person living in said town of Union, who may at any time hereafter desire to become a Member of said First Congregational Society, shall declare his or her desire and intention thereof in writing, and deliver the same to the Minister or Clerk of said Society, and a copy of the same to the Minister or Clerk of the Religious Society to which he or she may at that time belong, such person shall from the time of delivering such declaration be considered a Member of said First Congregational Society in Union.

Membership

SEC. 3. *Be it further enacted,* That when any member of the said First Congregational Society may think proper to secede therefrom, and to unite with any other Religious Society in the said town of Union, the same course and process, *mutatis mutandis*, shall be had and done as is prescribed in the second section of this Act; *provided, however,* that in every case of secession from one Religious Society and joining another, every such person shall be held to pay his or her pro-

Condition of
secession.

SECURING LOGS, MASTS, &c. *Feb. 1, 1816.*

portion or assessment of all Parish or Society Taxes legally voted by the Society prior to his or her secession therefrom in manner above pointed out.

Justice to issue
warrant.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the county of Lincoln, upon application therefor, is hereby authorized to issue his warrant directed to some member of said Congregational Society, requiring him to notify and summon the members thereof, to meet at such convenient time and place as may be appointed in said warrant, to organize the said Society by the election of its officers.

[Approved by the Governor, February 1, 1816.]

CHAP. LI.

An Act in further addition to an act entitled, "An Act to secure to owners their property in Logs, Masts, Spars, and other Timber in certain cases."

Regulations for
disposing prize
logs.

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 Logs, Masts Spars and other Timber, floated in Sheepscot river, in the county of Lincoln, unmarked or on which the marks shall have been so defaced as not to be known, commonly called prize logs, shall be carefully secured by themselves, either at Choate's Falls in Whitefield, or at the head of the Tide, so called in Alna, as may be most convenient, by a Committee of three persons, two of whom shall be appointed by the Selectmen of the town of Alna, and one by the Selectmen of the town of Whitefield, in the month of March annually; and the said Committee shall sell such prize logs, at such time and place, and in such manner as they shall think proper and advantageous.—And the proceeds of such sales, after deducting the necessary expenses of securing and selling the same, shall by said Committee be appropriated to the clearing the river of obstructions, and facilitating the passage of logs and rafts down the same. And the Committee shall exhibit annually, in the month of March, at the expiration of their term of

service, to the Selectmen of the town of Alna and Whitefield respectively, an account of the sales and expenditures by them made during the year, and shall pay over all money remaining in their hands (if any) to their successors in that office.

SEC. 2. *Be it further enacted*, That any person or persons, not being the owners of such prize Logs, Masts, Spars or other Timber, who shall take, carry away, sell or mark the same, either before or after they are secured by the before mentioned Committee, contrary to the intent and meaning of this act, shall forfeit and pay for each and every offence, the sum of twenty dollars, to be recovered by an action of debt in any court, proper to try the same, with legal costs, to be prosecuted by the Committee for the time being, or any other person, and to be paid to the Committee aforesaid, and to be by them appropriated as the proceeds of the sales of prize Logs are by this Act ordered to be appropriated.

Penalty for
breach.

SEC. 3. *Be it further enacted*, That the act entitled an act in further addition to the act, entitled an act to secure to owners their property in Logs, Masts, Spars and other Timber in certain cases, passed March the fourth, in the year of our Lord one thousand eight hundred and eight, be, and the same is hereby repealed.

Former Act re-
pealed.

[Approved by the Governor, February 2, 1816.]

CHAP. LII.

An Act to incorporate the town of Greenwood.

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 plantation number four, in the county of Oxford, as described within the following bounds, viz —beginning at the north-east corner of the town of Norway; thence running north fourteen degrees west, on the line of the town of Paris two miles and ninety rods to the north-west corner of the town of Paris; thence north thirty degrees west by

Town bounds.
ties.

the town of Woodstock and Hamlin's gore, seven miles and twenty-one rods to a beach-tree on Bethel south line; thence south seventy degrees west on Bethel south line, three miles, two hundred and eighty rods to the line of the town of Albany; thence south twenty degrees east by the line of the town of Albany seven miles two hundred and eighty rods, to a stake; thence south twenty-five degrees east by Norway line, one mile to a stake; thence north sixty-five degrees east by Norway line four hundred and eighty rods, to a stake; thence south twenty-five degrees east by Norway line fifty-five rods to a stake; thence north seventy-six degrees east by the head line of Norway one thousand and four rods to the first mentioned bounds, with the inhabitants thereon, be, and they hereby are incorporated into a town, by the name of Greenwood, and vested with all the powers and privileges, and subject to all the duties and requisitions of other towns according to the Constitution and Laws of this Commonwealth.

Choice of town
officers.

SEC. 2. *Be it further enacted*, That any Justice of the Peace for the county of Oxford, is hereby empowered, upon application therefor, to issue his warrant, directed to a freehold inhabitant of the said town of Greenwood, requiring him to notify and warn the inhabitants thereof, to meet at such convenient time and place as shall be expressed in said warrant, to choose all such officers as towns are by law required to choose in the months of March or April annually.

[Approved by the Governor, February 2, 1816.]

CHAP. LIII.

An Act to incorporate the First Universalist Society in Waterville.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Asa Soule, Samuel Downing, Solomon Hallet, David Pattee, Abraham Lander, Joshua Boyington, Elisha Hallet, Ebenezer Moore, Samuel Gower, Moses Healy, Daniel Moor,*

Baxter Crowell, Richard M. Dorr, James Shorey, Ichabod Smith, Moody Lander, Abel Wheeler, Abraham Morrell, Josiah Morrell, Edward Esty, Joseph Warren, Thomas M'Farland, David M'Farland, William M'Farland, Thomas Cook, Reuben Shorey, Alexander M'Kecknie, Benjamin Soule, Benjamin Foster, James G. Getchell, William Pullen 2d, Henry Richardson 3d, Joseph H. Hallet, Simeon Tozer, jun. Silas Osgood, Elias Tozer, jun. and Leonard Pullen, with their families and estates, together with such others as may hereafter associate with them, or their successors, be, and they are hereby incorporated into a Religious Society, by the name of The First Universalist Society in Waterville, with all the powers, privileges and immunities, and subject to all the duties to which other parishes or Religious Societies are entitled or subjected by the Constitution and Laws of this Commonwealth.

Persons incor-
porated.

SEC. 2. *Be it further enacted,* That any Justice of the Peace in the county of Kennebeck, be, and he hereby is authorized to issue his warrant, directed to some suitable person, who is a Member of said Universalist Society, requiring him to warn and notify the members thereof, to meet at such time and place in said town of Waterville as shall be directed in said warrant, to choose such officers as Parishes and other Religious Societies in this Commonwealth are by Law authorized to choose in the month of March or April annually.

Justice to issue
warrant.

Choice of offi-
cers.

[Approved by the Governor, February 2, 1816.]

CHAP. LIV.

An Act for the regulation of the Fishery in Woburn.

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 Act passed on the sixteenth day of February, in the year of our Lord one thousand seven hundred and eighty-nine, entitled "An act to prevent the destruction of the fish called shad

Extension of
fish act.

and alewives, in Mystick river, so called, within the towns of Cambridge, Charlestown and Medford, and for repealing all laws heretofore made for that purpose," shall extend to the town of Woburn, in the county of Middlesex, and to all the streams running from any of the ponds, or other waters there into Mystick pond, or Spy pond, so called, in the same manner to all intents and purposes, that it would have extended, in case the said town of Woburn and the streams aforesaid had been mentioned and contained in the said Act; and that it shall be lawful for any or all the inhabitants of the said town of Woburn to take shad and alewives within the limits of that town, on all such days and times as in and by the Act aforesaid, are allowed for the inhabitants for the towns of Charlestown and Medford, respectively, to take said fish, and on no other.

Passage for fish
kept open.

SEC. 2. *Be it further enacted*, That the owner or occupant of any dam already built, or which may hereafter be built, in or upon any of the streams aforesaid, shall make and maintain a convenient passage way for shad and alewives to pass by, through, or over such dam, and keep the same constantly open and free for said fish to pass up and down therein, from the fifteenth day of April to the fifteenth day of July, annually: and if the owner or occupant of any such dam shall refuse or neglect to make and build such passage way, when thereto requested by a majority of the Committee for the preservation of fish in either of the said towns of Charlestown, Medford or Woburn, or shall neglect or refuse to open the same on the said fifteenth day of April annually, or after the same shall have been so opened, shall shut, or obstruct, or permit or suffer the same to be shut or obstructed within the term aforesaid, he shall forfeit and pay for each and every such neglect or offence the sum of twenty dollars.

Penalty.

Choice of Com-
mittees.

SEC. 3. *Be it further enacted*, That from and after the passing of this Act, the several Committees for the preservation of fish, to be annually chosen in the said towns of Woburn, Charlestown and Medford, respectively, shall be chosen by ballot, and shall consist of three freeholders, who shall not be interested

in any such dam as aforesaid; and any person who shall be duly chosen a member of either of said Committees, and shall refuse or neglect to qualify himself, by taking the oath required by law, within seven days next after he shall have been duly notified of such choice, shall forfeit and pay the sum of twenty dollars to the use of the town in which he shall have been so chosen, to be recovered by the Treasurer thereof, in an action of debt, before any Court proper to try the same, in the county of Middlesex; and the said town shall proceed to a new choice; and so, *toties quoties*: And it shall be the duty of each and every member of any such Committee to see that the passage ways aforesaid are made convenient for said fish to pass up and down therein, and that they are kept constantly open at and during all the time required by this Act; and to open and clear the same, if any of them shall be found shut or obstructed within the said term; and if the owner or occupant of any such dam, situate as aforesaid, shall neglect or refuse to make and build such passage way, when thereto requested by a majority of either of the said Committees, it shall be lawful for the Committee, making such request, and they are hereby directed to make and build the same; and when it shall be compleated by said Committee, the said owner or occupant shall pay to said Committee double the amount of all the expenses incurred or sustained by the said Committee in making and building the same, on demand: And the said Committee shall have a right to sue for and recover the same of such owner or occupant in an action of the case, in any Court proper to try the same, in said county of Middlesex; and each member of either of the Committees aforesaid shall have full power and authority to do any act in either of the said towns of Charlestown, Medford and Woburn, which, before the passing of this Act, might have been lawfully done by a majority of either of said Committees, in the town where such Committee was chosen; and shall be entitled to and enjoy all the privileges and protection, when acting as such in either of said towns, which, before the passing

Powers of committee.

of this Act, a majority of either of the said Committees were entitled to and enjoyed, when acting within the limits of the town in which they were chosen.

Sale of priv-
ileges.

SEC. 4. *Be it further enacted*, That it shall be lawful for the inhabitants of the said town of Woburn, at their annual meeting in March or April, to sell, or otherwise dispose of the privilege of taking shad and alewives in the streams aforesaid, so far as the same run wholly within the limits of that town, at such times only as are or may be allowed by law for said inhabitants to fish, and to fix on and determine the place or places where said fish shall be so taken, and appropriate the emoluments arising therefrom to such purpose as the said town shall determine.

Penalty for a-
buses.

SEC. 5. *Be it further enacted*, That if any purchaser or manager of the said fishery in said Woburn shall take or catch any of the said fish at any other place than the place or places which shall have been fixed on and determined by the said town as aforesaid, and if any person other than such purchaser or manager, and those in the employ of such purchaser or manager, when said privilege shall have been disposed of by said town as aforesaid, shall take or catch, or attempt to catch any of the said fish within the said town of Woburn, each and every person, so offending, shall forfeit and pay the sum of twenty dollars to the use of said town; to be recovered by the Treasurer thereof, in an action of debt, in any Court proper to try the same, in the county of Middlesex.

Dispositions of
forfeitures.

SEC. 6. *Be it further enacted*, That all forfeitures, which may be incurred for any breach of this Act, not herein otherwise appropriated, shall be recovered in an action of debt, in the name of any one or more members of either of the Committees aforesaid before any Court in the county of Middlesex proper to try the same, to the use of the town where the Plaintiff or Plaintiffs, in any such action shall live, at the commencement thereof; and on the trial of any such action, any member of either of the said Committees shall be a competent witness, notwithstanding said action may have been commenced and prosecuted in the name of such member. And each of the towns aforesaid shall be holden to pay the members of their said Committee

for all their services and expenses incurred by them respectively, in executing the duties required of them by this Act.

[Approved by the Governor, February 2, 1816.]

CHAP. LV.

An Act to incorporate the First Baptist Society in Hardwick.

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 Raymond, Elisha Sturtevant, Seth Willis, Enos Newland, Massa Newland, Benjamin Rider, Timothy Hathaway, John Croff, Lemuel Wheeler, David Elwell, Judah Simonds, Judah Marsh, Gamaliel Collins, Asa Sturtevant, John Wetherell, Jeremiah Newland, Daniel Barrows, Aquilla Collins, Jonah Collins, Cary Howard, Jeremiah Campbell, Jeremiah Campbell, jun. Lemuel Gilbert, Aaron Marsh, Zenas Marsh, Cary Howard, jun. and Isaac Barlow, members of the First Baptist Society, with their polls and estates, be, and they are hereby incorporated as a Religious Society, for religious purposes only, by the name of the First Baptist Society in Hardwick, with all the powers and privileges usually exercised and enjoyed by other Religious Societies, according to the Constitution and Laws of this Commonwealth.*

SEC. 2 *Be it further enacted, That any inhabitant, living in either of the towns of Hardwick, in the county of Worcester, and Greenwich and Ware in the county of Hampshire, who may hereafter desire to become a member of the said First Baptist Society in Hardwick, shall have a right so to do, by declaring such desire and intention in writing, and delivering the same to the clerk of the said Baptist Society, fifteen days before the annual meeting of the said Society; and shall also deliver a copy of the same to the town clerk, or to the clerk of any other religious Society with which such person has been before connected,*

fifteen days before the annual meeting thereof. And if such person doth receive, and can produce a certificate of admission, certifying that he or she has united with and become a member thereof, such person, from the date of said certificate, with his or her polls and estate, shall be considered members of the said First Baptist Society, and shall be exempted from taxation towards the support of any other Religious Society in the town or parish where such person may dwell.

Condition of secession.

SEC. 3. *Be it further enacted*, That when any member of the said First Baptist Society in Hardwick may see cause to secede therefrom, and to unite with any other Religious Society in the town where such person may dwell, the same forms and process, of a written declaration and certificates shall be made required and given, *mutatis mutandis*, as is prescribed and required in the second section of this Act; *provided always*, that in every case of secession from one society and joining to another, the person so seceding, shall be holden in law to pay his or her proportion or assessment of all parochial or society debts and expenses, which have been voted and assessed, and not paid prior to such secession.

Justice to issue warrant.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the county of Worcester, upon application therefor, be, and he is hereby empowered to issue a warrant, directed to a freehold inhabitant, and member of the said First Baptist Society in Hardwick, requiring him to notify and warn the members thereof, to meet at such convenient time and place as shall be appointed in the said warrant, to organize the said Society by the election and appointment of its officers.

[Approved by the Governor, February 3, 1816.]

CHAP. LVI.

An Act to regulate the Shad and Alewife Fishery
in the town of Watertown.

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, it shall be lawful for the inhabitants of the town of Watertown, by their agents to sell the right, and regulate the times, places and manner of taking the fish called shad and alewives, within the limits of said town; subject in all respects to an act passed on the twenty-eighth day of February, one thousand eight hundred and fourteen, entitled "An act to prevent the destruction of the fish called shad and alewives in Charles river." And it shall be the duty of the Selectmen of said town, as soon as may be after the passing of this act, and forever after, in the month of January in each year, to appoint, and they are hereby empowered to appoint, two persons as Agents, whose duty it shall be to carry into execution the purposes of this act; *provided however*, that neither of the Agents, at the time of their appointment, shall belong to the board of Selectmen.

Liberty to sell
Rights.

SEC. 2. *Be it further enacted*, That the Agents appointed as aforesaid, shall for and in behalf of the inhabitants of said town, and to their use and benefit, as soon as may be, after the first appointment, and forever after, in the month of February in each year, sell the right at public vendue, and regulate the time, places and manner of taking the fish called shad and alewives, within the limits of said town, after giving seven days notice of the time and place of such sale; and the proceeds arising from such sale, said Agents shall be held to pay over to the Treasurer of the town aforesaid.

Time of Sale.

SEC. 3. *Be it further enacted*, That the said Agents shall make and establish such rules and regulations as they may think necessary, to promote the interest of the town, and after determining by whom said fish

Rules and Re-
gulations.

may be taken, they shall cause an attested copy of such rules and regulations, and the name of the person or persons hiring the right to take the fish aforesaid, to be posted up in some public place in said town; and if any person or persons, other than he or they, to whom said right is sold, or persons employed by him or them, shall take any of the fish called shad and alewives, within the limits of said town, or if any person or persons to whom said right is sold, or those employed by him or them, shall take any of said fish, contrary to the rules and regulations made and established by said agents, which rules and regulations shall be made public at the time and place of sale, every person so offending, shall severally forfeit and pay a sum not exceeding twenty dollars, nor less than five dollars, for each and every offence, to be recovered in an action on the case to the use of any person who may sue for the same, or the Agents may sue in the name of the inhabitants of the town.

Record of Proceedings.

SEC. 4. *Be it further enacted*, That it shall be the duty of the town Clerk to attend said Agents, at the time of sale, and to make a fair record of all such rules and regulations, as they shall from time to time make and establish, and the conditions of such sale, with the name of such person or persons as may hire the right aforesaid, in a book to be by him kept for that purpose, and to post all such rules and regulations as the Agents may direct.

Former Law repealed.

SEC. 5. *Be it further enacted*, That an act passed on the second day of March, one thousand seven hundred and ninety-eight, entitled "An act authorizing the inhabitants of Watertown, Weston and Waltham, in the county of Middlesex, to regulate the taking of the fish called shad and alewives, within the limits of said towns," be, and the same is hereby repealed; *provided nevertheless*, that all questions of the constitutional validity, and all actions now pending, and causes of action, that have or may arise under the before described act, shall remain and be the same in any court, as they might or would have been, had not said act been repealed. And whereas the Selectmen of Watertown, Weston and Waltham, have in behalf of their respective towns prayed this honorable court

that the inhabitants of said Weston and Waltham may be discharged by law from any further cost or charge towards the support of the bridge over Charles river, in said Watertown;—therefore

SEC. 6. *Be it further enacted*, That from and after the passing of this act, the inhabitants of said Weston and Waltham be, and they are hereby wholly discharged from any further cost or charge towards the support of the bridge aforesaid, any act or agreement to the contrary notwithstanding.

Weston and
Waltham dis-
charged.

[Approved by the Governor, February 3, 1816.]

CHAP. LVII.

An Act to establish a Ministerial Fund in the town of Medfield.

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 Deacons of the church, and the Assessors of the first parish in Medfield for the time being, in the said parish, be, and they are hereby incorporated as Trustees, by the name of The Trustees of the Medfield Ministerial Fund; and by that name, they and their successors in office, shall be, and continue a body corporate forever; and they shall have a common seal, subject to alteration, and they may sue and be sued in all actions real, personal or mixed, and prosecute and defend the same to final judgment and execution, by the name of the Trustees of the Medfield Ministerial Fund, and shall have all other powers which are incident and necessarily belonging to like corporations. And the said Trustees may annually elect one of their number as a President, and a Clerk to record the doings of said Trustees, and a Treasurer to receive and pay the monies, belonging to the said fund, according to the provisions of this act, who shall give bond to the said Trustees, for the faithful performance of his duty, and shall at all times be responsible for the faithful application of the monies.

Trustees incor-
porated.

which may come into his hands, conformably to the true intent and meaning of this act, and for all neglect or misconduct in his office. And the said parish shall be called and known by the name of the Congregational parish in the town of Medfield, and shall have, exercise, and enjoy, all the rights, powers and privileges which by law are incident to parishes in this Commonwealth.

SEC. 2. *Be it further enacted,* That the said Trustees be, and they are hereby empowered to sell and convey, or lease for a term of years, as the several grants, by which said lands are held, may require, the several lots of land which are, or may hereafter be appropriated to the support of a Gospel minister of the Congregational persuasion in said town; and the monies, arising from the sale or lease of said land, shall be put on interest, and shall form a fund, the annual income of which shall be appropriated towards the support of the ministry, in the said Congregational parish, and shall be under the care and management of said Trustees, in the manner provided for and directed in this act. And all gifts, grants, donations, bequests or legacies, which have been, or may hereafter be made to, and for the same use and purpose, shall be added to the said fund, and shall be under the same care and improvement of the Trustees aforesaid; and when the said Trustees do loan the said monies, or any part thereof, the same shall be secured by mortgage on real estate, to twice the value of the money loaned or secured, or by two or more sufficient sureties with the principal, unless the said Trustees shall think it best to invest the said proceeds and fund in public securities or bank stock, which they shall have power to do, in their discretion, and the interest, and that only, shall ever be appropriated for the use aforesaid; and it shall never be in the power of the said Trustees, or the said parish to alienate or alter the appropriation of the said ministerial fund. And the said Trustees, or a majority of them, are hereby empowered to make and execute a good and sufficient deed or deeds, or lease or leases, of the said several lots of land, which shall be subscribed by the Treasurer, and when duly executed, acknowledged and delivered, by direction

May sell and
convey lands,

May loan money or invest it
in Banks,

of the said Trustees, or a major part of them, shall be valid and effectual in law, to pass and convey the fee or term of years, as the case may be, to the purchasers.

SEC. 3. *Be it further enacted*, That the said trustees, Treasurer, clerk, or other officers, or persons employed by them, shall be entitled to receive no compensation for the services they may perform out of any monies belonging to the said fund; but, a reasonable compensation may be paid them by the said parish. And the said trustees, and each of them, shall be responsible to the parish for their personal neglect or misconduct, whether they be officers or not, and liable to prosecution for any loss or damage resulting thereby to the said fund, and the debt or damage recovered in such suit shall be added to the said fund, and the said Trustees and Treasurer and their successors in office, shall exhibit to the said parish a report of their doings yearly and every year, in the month of March or April.

Officer accountable.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the county of Norfolk, upon application therefor, is hereby empowered to issue his warrant, directed to one of the Trustees aforesaid, requiring him to notify and call a meeting of the said trustees, to be holden at such convenient time and place, as may be appointed in said warrant, to organize the said corporation by the appointment of its officers.

Justices to issue warrants.

[Approved by the Governor, February 3, 1816.]

CHAP. LVIII.

An Act authorizing the President, Directors and Company of the Wiscasset Bank to reduce the amount of their capital stock.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the passing of this act, the capital stock of the President, Directors and Company of the Wiscasset Bank shall be one hundred and fifty thousand dollars;—the number of shares to be the same as at present established

Stock reduced.

Feb. 7, 1816.

by law: *Provided however*, that no dividend of the capital stock of said Bank, as now existing, shall be made, until proof shall have been made to the satisfaction of the Governor and Council, or of Commissioners by them appointed, that there exist in said Bank funds belonging to said Corporation sufficient to pay all bills in circulation, and all deposits, and other demands existing against the same, beyond the sum then to be divided; *provided also*, that nothing herein contained shall be construed to affect the liability of the Corporation or the individual stock holders, as established by the original act incorporating said Bank: *Provided also*, that the said President, Directors and Company shall be holden to pay into the treasury of this Commonwealth, their proportion of the tax now required to be paid by law upon the existing capital of said Bank, until the same shall actually be reduced and paid.

[Approved by the Governor, February 7, 1816.]

CHAP. LIX.

An Act authorizing the President and Directors and Company of the Portland Bank to cease to be a Banking 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 President, Directors and Company of the Portland Bank shall from and after the passing of this act, cease to be a Banking Company in the same manner, and to every intent and purpose as if the act incorporating said Company had expired by its own limitation: *Provided*, that the President, Directors and Company of the Portland Bank, pay all their debts and redeem all their outstanding Bills. and pay the proportion of the semi-annual tax due to the Commonwealth up to the time of passing this act.

Extinction of
Bank.

Conditions.

SEC. 2. *Be it further enacted*, That all the privileges, immunities and restrictions of an act entitled

“An act to enable certain Banks in the Commonwealth to settle and close their concerns,” passed on the twenty-fourth day of June, in the year of our Lord eighteen hundred and twelve. shall be extended to and be enjoyed by the said President, Directors and Company of the Portland Bank, for the term of four years, from and after the passing of this act, and no longer.

[Approved by the Governor, February 7, 1816.]

CHAP. LX.

An Act respecting Portland Academy.

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 act and doings of the Trustees of Portland Academy be, and the same are hereby confirmed and rendered valid, to every intent and purpose, as if the records thereof had never been burnt; and the said Trustees or any person claiming under them, shall not in any case, be obliged to produce any record, to support any of their proceedings, prior in date to the thirty-first day of January, in the year of our Lord one thousand eight hundred and fifteen; but said acts and doings, shall in every respect be considered good and valid, as if the records thereof were produced.

SEC. 2. *Be it further enacted,* That from and after the passing of this act, it shall not be lawful for said Trustees to fill any vacancies, which may happen in said Board, until the number of Trustees is reduced to nine, after which time the said Board shall never consist of more than nine members; and that any five of said Trustees shall at all times hereafter constitute a quorum, for transacting the business of the said Corporation, any thing in the act incorporating said Trustees to the contrary notwithstanding.

[Approved by the Governor, February 7, 1816.]

CHAP. LXI.

An Act in addition to an act, entitled "An act to establish a Free School in township number six in the eight range, north of the Waldo patent, in the county of Hancock, by the name of the Hancock Free School."

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 votes and proceedings of the Trustees of the Hancock Free School, at their first meeting, on the twenty-fifth day of December, in the year of our Lord one thousand eight hundred and fifteen, be, and are hereby made valid and effectual: *Provided* that they do not contravene the intentions of the donors to the funds of said School, nor the Constitution and Laws of this Commonwealth.

Proceedings
valid.

SEC. 2. *Be it further enacted*, That the said Trustees shall have power to manage and appropriate any funds, which are or may hereafter be committed to their hands for the purpose, to the support of a regular and learned Minister of the Gospel, minor Schools for the instruction of children in the rudiments of learning, and a public library; *provided* that there shall be a surplus in their hands after the necessary support of an instructor for said Free School.

Appropriation
of Funds.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Treasurer of said Trustees, within one month from the passing of this act, to lodge in the office of the Secretary of this Commonwealth, a certificate under oath, that the sum of three thousand five hundred dollars, or a satisfactory equivalent therefor, has been duly secured to said corporation, otherwise this act shall be null and void.

Duties of Treas-
urer.

SEC. 4. *Be it further enacted*, That the sixth section of the act passed the twenty-sixth day of February in the year of our Lord one thousand eight hundred and fourteen, entitled "An act to establish a

Free School in township number six, in the eighth range, north of the Waldo patent in the county of Hancock, by the name of the Hancock Free School," be Former act repealed. and hereby is repealed.

[Approved by the Governor, February 7, 1816.]

CHAP. LXII.

An Act to set off certain lands from the town of Orange, and to annex the same to the town of Athol in the county of Worcester.

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, containing about seventy acres, belonging to George Oliver, Luther Smith, Jonathan Harwood, and Jonathan Separation. Wheeler shall be separated from the town of Orange in the county of Franklin, and the same is hereby annexed to the town of Athol in the county of Worcester, contained within the following boundaries, viz. begin- Annexation ning at a stake and stones on the present line between the said towns, a few rods westerly from the dwelling house of said Jonathan Harwood, in said Athol, thence running northerly to the northwest corner of said George Oliver's land, thence easterly on the north- Bounds. erly line of said Oliver's land to Tully river, thence down said river to a stake and stones at a corner of said town of Orange, thence westerly on the present dividing line between said towns to the first mentioned boundary: *Provided nevertheless*, that the said George Oliver, Luther Smith, Jonathan Harwood, and Jonathan Wheeler shall be held to pay all taxes already Proviso. legally assessed on them by the said town of Orange.

[Approved by the Governor, February 7, 1816.]

CHAP. LXIII.

An Act in addition to an act entitled, "An act for incorporating certain persons for building a Bridge over Androscoggin river between Brunswick and Topsham, and for supporting the same."

SEC. 1. **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 section of the act, entitled "An act for incorporating certain persons for building a bridge over Androscoggin river between Brunswick and Topsham, and for supporting the same, as relates to the establishing the rates of toll, be, and hereby is repealed; and that the following section establishing the rates of toll for the benefit of the said proprietors, their heirs and assigns, be, and hereby is enacted instead thereof.

Section repealed.

Rates of Toll established.

SEC. 2. *Be it further enacted*, That for the purpose of reimbursing said proprietors the monies by them expended, or that may hereafter be expended in re-building and supporting said Bridge, a toll be, and hereby is granted and established for the sole benefit of said proprietors, according to the rates following; that is to say:—For each foot passenger, two cents; for each person and horse, six cents; for each chaise or sulkey drawn by one horse, twelve and half cents; for each sleigh drawn by one horse, six cents; for each sleigh drawn by two horses, seven cents; for each coach, phaeton or curricule, twenty-five cents; for each sled drawn by one or two beasts, seven cents; for each additional beast in the same team, one cent; for each cart or waggon drawn by one or two beasts, eight cents; for each additional beast in said cart or waggon, two cents; for each wheelbarrow, hand-cart, or other vehicle capable of carrying a like weight with one person, three cents; for neat cattle, or horses, other than those rode on, or in carriages or teams, two cents each; for sheep and swine, at the rate of six cents the dozen; and to each team, one person and no more shall be allowed a driver for the toll as established for teams.

And at all times when the toll gatherer shall not attend his duty, the gate or gates shall be left open.

SEC. 3. *Be it further enacted*, That all meetings of said Corporation, which shall have been held since the first day of January, in the year of our Lord one thousand eight hundred and ten; and all the doings and acts of said meetings, not repugnant to the Constitution and Laws of this Commonwealth, shall be good and valid to all intents and purposes, notwithstanding the want of due notice, or any other informalities in calling said meetings. Meetings valid.

[Approved by the Governor, February 7, 1816.]

CHAP. LXIV.

An Act in addition to an act, entitled “An act to incorporate the President, Directors and Company of the Kennebeck Bank.”

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the President, Directors and Company of the Kennebeck Bank be, and they hereby are authorised to remove their office of discount and deposit, established at Augusta, to Hallowell in the county of Kennebeck; and there to transact all such business as by their act of incorporation they are authorised to do and perform at Augusta, any thing in their said act of incorporation to the contrary notwithstanding. Removal.

[Approved by the Governor, February 8, 1816.]

CHAP. LXV.

An Act to incorporate the town of Weld.

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 num-

Boundaries.

bered five, (otherwise called Webbs pond plantation.) on the north side of Great Amerescoggin river, in the county of Oxford, as contained within the following described limits, be, and hereby is established as a town, by the name of Weld; north-easterly by the towns of Avon and Temple, south easterly by township number four, south-westerly by township number seven, and north-westerly by township number six. And the said town of Weld is hereby vested with all the corporate powers and privileges, and shall be subject to all the duties and requisitions of other corporate towns, according to the Constitution and Laws of this Commonwealth.

Justice issue warrant.

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

[Approved by the Governor, February 8, 1816]

CHAP. LXVI.

An Act to establish the Dudley 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 John Nichols, Theodore Dwight, Stephen Brackit, Nathaniel Crosby, William Kimball, and David Carroll, together with such others as may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation by the name of the Dudley Cotton Manufacturing Company, for the purpose of manufacturing cotton in the town of Dudley, in the county of Worcester. and for that purpose shall have all the powers and privileges, and be subject to all the duties and re-

quirements prescribed and contained in an act, entitled "An act defining the general powers and duties of Manufacturing Corporations," passed the third day of March, in the year of our Lord one thousand eight hundred and nine.

SEC. 2. *Be it further enacted,* That said Corporation in their capacity shall and may lawfully hold and possess such real estate, not exceeding in value fifty thousand dollars, and personal estate not exceeding May hold real & personal estate. fifty thousand dollars, as may be necessary and convenient for carrying on said Manufacture in its various branches as aforesaid.

[Approved by the Governor, February 8, 1816.]

CHAP. LXVII.

An Act to incorporate the town of Guilford.

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 six, in the seventh range of township north of the Waldo patent, in the county of Somerset, as described Boundaries. by the following boundaries, be, and hereby is established as a town, by the name of Guilford: viz. east by the township numbered five in the seventh range; west by the township numbered seven in the seventh range; north by the township numbered eight in the eighth range; south by township numbered four, in the sixth range, being one of the four townships granted to Bowdoin College. And the said town of Guilford is hereby vested with all the corporate powers and privileges, and shall be also subject to all the duties and requisitions of other corporate towns, according to the Constitution and Laws of this Commonwealth.

SEC. 2. *Be it further enacted,* That any Justice of the Peace for the county of Somerset, is hereby authorised, upon application therefor, to issue a warrant, directed to a freehold inhabitant of the said town of Guilford, requiring him to notify and warn the inhabitants thereof to meet at such convenient time and place Justice issue warrant.

as shall be appointed in the said warrant, for the choice of such officers as towns are by law empowered and required to choose and appoint at their annual town meetings.

[Approved by the Governor, February 8, 1816.]

CHAP. LXVIII.

An Act in addition to an act, entitled “An act to incorporate the Manufacturers’ and Mechanics’ Bank.”

Reduction of
Stock.

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 capital stock of the Manufacturers’ and Mechanics’ Bank, be, and the same is hereby reduced from fifteen hundred thousand to seven hundred and fifty thousand dollars, divided into shares of fifty dollars each.*

Ibid.

SEC. 2. *Be it further enacted, That the amount of stock, which the Commonwealth has the right to subscribe for, in addition to the capital stock of said Corporation, is hereby reduced from five hundred thousand dollars, to two hundred and fifty thousand dollars.*

SEC. 3. *Be it further enacted, That so much of the act to which this act is in addition, as is inconsistent with the provisions of this act, be, and the same is hereby repealed.*

[Approved by the Governor, February 8, 1816.]

CHAP. LXIX.

An Act in addition to an act, entitled “An act to incorporate certain persons in the town of Dudley, by the name of The First Congregational Society in Dudley.”

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, the meetings of the inhabitants of the First Congregational Society in Dudley, for the choice of their officers, shall be held in the months of April or May annually, any thing in any former act to the contrary notwithstanding. Time of holding meetings.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the county of Worcester be, and hereby is empowered and directed to issue his warrant to some principal member of said Society, requiring him to warn a meeting thereof, at such time and place as shall be therein set forth, at which meeting, said Society shall agree on the manner of calling their future meetings. Justice issue warrant.

[Approved by the Governor, February 8, 1816.]

CHAP. LXX.

An Act to repeal a provision in the Act, entitled "An act for the preservation of Fish in Union River and Bay, and in the waters emptying into the same."

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 act, entitled "An act for the preservation of Fish in Union river and bay, and in the waters emptying into the same," passed on the twenty-seventh day of February, in the year of our Lord one thousand eight hundred and fifteen, as prohibits the taking of fish in said river, bay and waters, between the twentieth day of May and the first day of July annually, on two days in each week, that is to say, between sunrise on Monday and sunrise on Wednesday, in the modes and places prescribed by the act aforesaid, during the times in which fish are thereby permitted to be taken, be, and the same is hereby repealed: *Provided always*, that all offences heretofore committed against said act, and all prosecutions and processes now pending thereon, may be prosecuted and proceeded on to final judgment and execution, as if this act had never been made. Provision repealed.

[Approved by the Governor, February 8, 1816.]

CHAP. LXXI.

An Act incorporating certain persons for the purpose of building a Bridge over Bass river in the towns of Yarmouth and Dennis.

Persons incor-
porated.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Richard Sears, Peregrine White, Isaac White, Alden Gray, Josiah Nickerson, William Gray, and Washington Baker, together with such others as may hereafter associate with them, and their heirs and assigns, shall be a Corporation, by the name of The Proprietors of Bass river Bridge, and by that name may sue and be sued to final judgment and execution, and may do and suffer all such matters, acts and things, which bodies politic may and ought to do and suffer; and that said Corporation shall have full power and authority to make, have and use a common seal, and the same to break, alter and renew at pleasure; and the said Corporation shall be, and they are hereby authorised to erect a Bridge over Bass river, at the second narrows, between the land owned by Richard Sears on the west side of the river aforesaid, and land owned by Josiah Nickerson, on the east side of the river aforesaid; and the said Bridge shall be well built of good materials, not less than eighteen feet wide, and well covered with plank or timber, with sufficient rails on each side for the safety of passengers.

Mode of calling
meeting.

SEC. 2. *Be it further enacted*, That any three of the persons before named, may call the first meeting of the said proprietors by an advertisement, posted up at the door of the North Meeting House, in said town of Yarmouth, at least fifteen days prior to the time appointed for such meeting, and the said proprietors by a vote of a majority of those present, accounting and allowing one vote to each share, (*provided* no person either by his own right or by proxy, or by both, shall be entitled to more than ten votes) shall choose a clerk, who shall be sworn to the faithful discharge of the du-

ties of his office ; and at the same time, or at any subsequent meeting, choose such other officers as may be found necessary for managing the business of said Corporation, and shall agree on a method of calling future meetings, and at the same or at any subsequent meeting, may make and establish such rules and regulations as shall be deemed convenient and necessary for regulating said Corporation, effecting, completing and executing the purpose aforesaid, and for collecting the toll herein granted ; and the same rules and regulations may cause to be observed and executed, and for the breach of any of them, may order and enjoin fines and penalties, not exceeding twenty dollars ; *provided*, that said rules and regulations be not repugnant to the Laws and Constitution of this Commonwealth.

SEC. 3. *Be it further enacted*, That a toll be, and hereby is granted and established, for the use and benefit of said Corporation. according to the rates following, viz :—for each foot passenger, or one person passing said bridge, two cents ; one person and horse, six cents ; each single horse-cart, sled, or sleigh, eight cents ; each wheel-barrow, hand-cart, and every other vehicle, capable of carrying a like weight, three cents ; each team, including cart, sled or sleigh, drawn by more than one beast, and not exceeding four, ten cents ; and for every additional beast above four, two cents ; each single horse and chaise, chair or sulkey, ten cents ; neat cattle and horses, exclusive of those rode on or in carriages, carts or waggons two cents each ; sheep and swine for each dozen, six cents ; and at the same rate for a greater or less number ; and the same toll shall be paid for all carriages passing said bridge, whether the same be loaded or not ; and to each team one man, and no more, shall be allowed, as a driver, to pass free from payment of toll ; and at all times when the toll gatherer shall not attend his duty at the said bridge, the gate or gates shall be left open ; and the said toll shall commence on the first day of the opening of the said bridge for passengers, and shall continue for and during the term of seventy-five years, from the said day, and be collected as shall be prescribed by said Corporation ; *provided* the said proprietors

Rates of Toll.

Proviso.

shall at all times keep the said bridge in good repair, and at the end of said term, deliver the same to the Commonwealth, for their use: *Provided also*, at the place where the toll shall be collected, there shall be constantly kept on a board or sign, exposed to open view, the rates of toll in legible letters.

Condition of
this law grant.

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

Exemptions.

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

May after toll.

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

Proviso for dis-
continuing toll.

SEC. 7. *Be it further enacted*, That if at any future period the towns of Yarmouth or Dennis, or any inhabitant or inhabitants of the said towns, shall reimburse the proprietors of said bridge for all expenses they may have been at for building the same, with legal interest on the amount, deducting the amount of tolls received from the account of interest, it shall no longer continue a toll bridge, and the third section of this act shall be void.

[Approved by the Governor, February 8, 1816.]

CHAP. LXXII.

An Act to incorporate the Patent Pump Company.

Persons incor-
porated.

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, William B. Swett, Phineas Adams, Caleb Loring, and

Thomas Curtis, together with such persons as are now, or may hereafter become associated with them, and their successors and assigns, be. and they hereby are made and constituted a body politic, and a Corporation, by the name of The Patent Pump Company, for the purpose of making and vending triangular valve pumps in any and all places. And they shall have all the powers and privileges, and be subject to all the duties contained in the act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled “An act defining the general powers and duties of Manufacturing Corporations.”

SEC. 2. *And be it further enacted,* That the said Corporation shall be capable of purchasing and holding the patent right of Mr Jacob Perkins’ triangular valve pump, and all patent rights to all improvements that have been, or shall be made thereon. May purchase patents.

SEC. 3. *Be it further enacted,* That said Corporation shall be capable of purchasing, taking and holding real estate within this Commonwealth, to the value of twenty thousand dollars, and personal estate not exceeding the value of two hundred thousand dollars. May hold real estate.

[Approved by the Governor, February 9, 1816.]

CHAP. LXXIII.

An Act to regulate the quality of paper for Books of Public Record.

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 May next, all matters which are to be entered of record in any office of Public Record within this Commonwealth, shall be so entered or recorded on paper made wholly of linen, of a firm texture, well glazed and well finished. Paper for public records.

SEC. 2. *Be it further enacted,* That it shall be the duty of the Clerks or Registers of said offices, respect-

ively, to give a preference, for the aforesaid purpose, to linen paper of American or domestic manufacture : *Provided always*, that such paper be marked in water line with the word *linen*, and also with the name of the manufacturer.

Proviso.

[Approved by the Governor, February 9, 1816.]

CHAP. LXXIV.

An Act to incorporate the second Congregational Society in Charlestown.

SEC. 1 **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Nathaniel Austin, jun. Benjamin Swift, Seth Knowles, Jacob Foster and Joseph Phipps, jun. together with such others as shall hereafter associate with them, with their families, polls and estates, be, and they are hereby incorporated into a religious Society, by the name of The Second Congregational Society in Charlestown, with all the powers, privileges and immunities to which parishes are by law entitled in this Commonwealth.

Persons incor-
porated.

SEC. 2. *Be it further enacted*, That the said Society be, and is hereby authorized and empowered to receive a deed of the meeting-house they have purchased, and to sell or lease the pews in said meeting-house, and to give deeds to convey the same.

May sell or
lease pews.

SEC. 3. *Be it further enacted*, That any other person who shall unite in religious worship with the said Second Congregational Society, by giving in his or her name to the town Clerk of said Charlestown, 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 worship with said Society, shall from and after giving in such certificate, with his or her family, polls and estates, be considered as members of said Society.

Conditions of
membership.

SEC. 4. *Be it further enacted*, That the pew holders in said religious Society, are hereby authorised to

assess on the pews of said meeting-house, such taxes as they from time to time shall find necessary for the maintenance of public worship and other parochial charges, according to the relative value of said pews; and the pews in said house shall be held liable to be taken and sold for the payment of all assessments duly made as aforesaid, and for the charge of all expenses incurred by such sale, in such manner and on such contingencies and conditions as may be agreed upon by said Society, and which shall be summarily expressed and contained in the deeds of the pews; and the assessments made as aforesaid shall be considered as a lien upon the pews in said meeting-house; and a bill of each proprietor's assessment, and of the time or times of payment, shall be left in his pew, of which fact the oath of the Treasurer, or of the person by him employed for that purpose, shall be sufficient evidence. May assess tax-
es.

SEC. 5. *Be it further enacted,* That when any member of said second Congregational 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 second Congregational Society, accompanied with a certificate from the Minister or Clerk of such Society, as he or she may have joined, shall be considered as no longer a member: *Provided however,* that in all cases of se- May secede. cession from said Society, every such person shall be holden to pay his or her proportion or assessment made on the pews in said Society prior to leaving the same. Proviso.

SEC. 6. *Be it further enacted,* That all deeds and conveyances of, and all executions extended on the pews in said meeting-house, shall be recorded by the Clerk of the said parish, in a book to be provided for that purpose, and being so recorded shall be considered valid in law. Records.

SEC. 7. *Be it further enacted,* That the persons named in the first section of this act, or either of them, may cause the first meeting of said society to be called for any purpose specified by them, to be posted up in some public place in said Charlestown, giving notice Mode of call-
ing meeting.

of the time and place of said meeting; at which meeting said Society may agree on the mode of notifying future meetings.

[Approved by the Governor, February 9, 1816.]

CHAP. LXXV.

An Act to incorporate the Agricultural Society in Attleborough.

Persons incor-
porated.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Joel Read, Amos Ide, John Haven, Jonathan Peck, Joseph Tiffany, Richard Hunt, Abiathar Richardson, jun. Ebenezer Guild, Levi Read, Lemuel May, with their associates and successors, be, and they are hereby made a Corporation, by the name of the Attleborough Agricultural Society, for the purpose of promoting Agriculture; and for this purpose shall have the same powers and privileges, and be subject to the like duties and restrictions as the other incorporated Agricultural Societies in this Commonwealth; and the said Corporation may hold and possess real estate not exceeding the value of five thousand dollars, and the annual income of its personal estate shall not exceed the value of two thousand dollars.*

Regulations for
organizing.

SEC. 2. *Be it further enacted, That any Justice of the Peace for the county of Bristol, is hereby authorized to issue a warrant, directed to one of the members aforementioned, requiring him to notify and warn the first meeting of said Society, to be held in said Attleborough, at such convenient time and place, as may be appointed in said warrant, to organize said Society by electing necessary officers, and forming rules and regulations for the government of the said Society.*

[Approved by the Governor, February 9, 1816.]

CHAP. LXXVI.

An Act to incorporate the Rivulet Manufacturing 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 Samuel Read, Daniel ^{Persons incor-} Carpenter, and Alpheus Baylis. with such other persons as have already, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a Corporation, by the name of the Rivulet Manufacturing Company, for the purpose of manufacturing woollen yarn and cloth, in the town of Uxbridge, in the county of Worcester; and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act made and passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled “An act defining the general powers and duties of Manufacturing Corporations.”

SEC. 2. *Be it further enacted,* That the 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 thousand dollars, as may be necessary and convenient for the purposes aforesaid. ^{May hold real estate.}

[Approved by the Governor, February 9, 1816.]

CHAP. LXXVII.

An Act to incorporate the Handel and Haydn Society.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Thomas Smith Webb, ^{Persons incor-} Amasa Winchester, Nathaniel Tucker, and Mathew Stanley Parker, together with such as may become ^{porated.}

associated with them, and their successors, be, and they hereby are incorporated and made a body politic and Corporation, for the purpose of extending the knowledge and improving the style of performance of church music, by the name of the Handel and Haydn Society; and by that name they may sue and be sued, have a common seal, and the same at pleasure alter, and be entitled to all the powers and privileges incident to aggregate Corporations.

Officers to be
chosen.

Duties.

SEC. 2. *Be it further enacted* That the said Corporation shall at their first, or some subsequent meeting, choose a President, Treasurer, and such other officers as they may deem necessary or convenient for the government and regulation of said Corporation and its property; they shall have the power to make standing rules or bye-laws, for prescribing the terms of office, and duties of their officers, for regulating the terms on which persons may be admitted and continue members of the corporation, and generally for the regulation of their affairs.

May hold real
estate.

SEC. 3. *Be it further enacted*, That the said Corporation shall be capable of taking and holding real estate, not exceeding the value of fifty thousand dollars, and personal estate not exceeding the value of fifty thousand dollars, which estate shall never be divided among the members of the Corporation, but shall descend to their successors, subject only to the payment of the just debts to be incurred by said Corporation.

Power to call
first meeting.

SEC. 4. *Be it further enacted*, That Thomas Smith Webb shall have power to call the first meeting of said Corporation, by appointing a time and place therefor, and giving notice thereof to the other persons named and incorporated by this act.

[Approved by the Governor, February 9, 1816.]

CHAP. LXXVIII.

An Act to establish the town of Cherryfield in the County of Washington.

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 eleven, (of the Lottery townships) commonly called Cherryfield in the county of Washington, as described within the following bounds, be, and hereby is established as a town, by the name of Cherryfield: viz. east by the town of Columbia, south partly by the town of Steuben, and partly by the town of Harrington, west by the township numbered ten, and north by the township numbered seventeen: And the said town of Cherryfield is hereby vested with all the corporate powers and privileges, and shall be subject to the like duties and requisitions of other corporate towns, according to the Constitution and Laws of this Commonwealth. Boundaries.

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

[Approved by the Governor, February 9, 1816.]

CHAP. LXXIX.

An Act to incorporate the North Brookfield Woollen Manufacturing 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 Daniel Waite, John

Persons incor-
porated.

Bigelow, Thomas Bond, jun. Moses Bond, Silas Henry, Josiah Carey, Abraham Hunter, Peleg Peekham, Edmund Mayo, and Robert Blair, with 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 North Brookfield Woollen Manufacturing Company, for the purpose of manufacturing woollen cloths, within the town of North Brookfield in the county of Worcester; and for that purpose 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 duties of Manufacturing Corporations."

May hold real
estate.

SEC. 2. *Be it further enacted*, That the said Corporation may be lawfully seized and possessed of such real estate, not exceeding the value of thirty thousand dollars, and such personal estate, not exceeding fifty thousand dollars, as may be necessary and convenient for carrying on the Manufactory aforesaid.

[Approved by the Governor, February 9, 1816.]

CHAP. LXXX.

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

Discretionary
powers

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the third and fourth instalments of twenty-five dollars on each share of the capital stock of the Dedham Bank, in lieu of being paid in at the time by law now prescribed, may respectively be paid in at the discretion of the stockholders of said Bank, at any time within one year from the passing of this act, any thing in the several acts to which this is in addition, to the contrary notwithstanding.

[Approved by the Governor, February 9, 1816.]

CHAP. LXXXI.

An Act establishing the compensation of the Judge of Probate in the county of Hancock for his services in said office.

WHEREAS the fees and compensation of the Judge of Probate for the county of Hancock, as by law established, are found to be an inadequate compensation for the services rendered in said office:

SEC. 1. *Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Treasurer of the county of Hancock be, and he is hereby authorized and directed to pay the said Judge of Probate for the time being, such sum as, together with the fees of his office, shall amount to three hundred and fifty dollars annually: Provided, that the said Judge shall keep an account of all the fees by him taken in said office, and shall present such account, attested by the Register of Probate, to the Treasurer of said county at the end of each year.* Compensation.

SEC. 2. *Be it further enacted, That an act entitled "An act regulating the annual allowance to the Judge of Probate for the county of Hancock, for his services in said office," passed the twenty-fifth day of February in the year of our Lord one thousand eight hundred and twelve, be and is hereby repealed.* Law repealed.

[Approved by the Governor, February 9, 1816]

CHAP. LXXXII.

An Act in addition to an act, entitled "An act to incorporate the Episcopal Church in Cambridge, so called, for certain purposes."

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 proprietors of Christ

Body politic. Church, so called, in Cambridge, in the county of Middlesex, together with such other persons by law entitled to vote in parish affairs, as usually attend public worship in said church, be, and they hereby are incorporated and made a body politic and corporate, by the name of the Episcopal Society in Cambridge, with all the powers and privileges, which parishes in this Commonwealth are by law vested with. And the said Society shall be to all legal intents and purposes, the successor to the Corporation created and made by the act to which this act is in addition.

Membership. SEC. 2. *Be it further enacted*, That when any other person or persons, may hereafter incline to join said Society, and shall leave a certificate thereof, signed by the Wardens of the Society, with the Clerk of the town or parish, to which he, she, or they may respectively belong, fourteen days, at least, before the annual meeting of such town or parish, by law to be holden in the months of March or April, such person or persons, with his, her, or their polls and estates, shall thenceforth be considered as belonging to said society. And whenever any person or persons, belonging to said society shall see cause to leave the same and to unite with any other parish, or religious society, and shall leave with the Wardens of the said Episcopal Society a certificate thereof, signed by the Minister or Clerk of such other parish, or religious society, such person or persons, with his, her or their polls and estates, shall be discharged from the said Episcopal Society, and annexed to the parish or society, to which he, she, or they may have so united.

Officers to be elected. SEC. 3. *Be it further enacted*, That the said Society, at their first meeting, which shall be convened pursuant to this act, and afterwards at their annual meetings on Easter Monday, in each year, or at any adjournment of such meeting, shall or may elect, two or more church Wardens, and any number of vestry men, not exceeding twelve, a Treasurer, Assessors, recording Clerk, and such other officers as they shall think necessary for the management of their concerns, to continue in their respective offices until others shall be chosen in their place; and at any such meeting, or other meeting to be called for the purpose, may supply

the vacancy of any office, and may establish suitable bye laws and rules for the government of the said Corporation, and prescribe the manner in which their meetings shall be warned, and the forms of proceedings and voting therein, and the authorities and duties of their respective Officers and Agents.

SEC. 4. *Be it further enacted*, That at any such meeting, the said society may make or order reasonable taxes and assessments, for the support of public worship, and for the preservation, repairs or improvement of their Church, or other estates of which they may at any time be seized or possessed, and may order the same to be assessed upon the pews of said Church, or a part thereof upon the pews, and the remainder upon the polls and estates of the members of the said society, according to the valuation of their respective estates by the assessors of the said society. And for the purpose of such assessments upon the pews, there shall be a valuation of the same by the Assessors, according to their size and situation, which valuation may be from time to time revised and altered by the Society; and the sum voted at any time to be assessed upon the pews, shall be apportioned upon them according to such valuation. May levy taxes.

SEC. 5. *Be it further enacted*, That the Assessors and recording Clerk to be chosen pursuant to this act, shall, before they enter on the duties of their respective offices, be sworn to the faithful discharge of the same, which oath may be administered by the Moderator of the meeting at which they shall be chosen, or by any Justice of the Peace for the said county of Middlesex. Obligation of church officers.

SEC. 6. *Be it further enacted*, That if any member of said Society shall neglect to pay the tax assessed upon him, or her, as aforesaid, or any tax which shall be due from him or her under the authority of the act to which this is an addition, after notice and demand thereof by the Treasurer or Collector, the same may be recovered by an action of debt, or upon the case, to be brought in the name of the Treasurer for the time being, against any such delinquent member of the said society, or his or her Executors or Administrators. May sue for debts.

SEC. 7. *Be it further enacted*, That the said society be, and they hereby are empowered to raise and establish a fund, in such way and manner as they may see fit, the income or interest of which, or so much thereof as shall be found necessary or expedient, they may from time to time appropriate and apply to the support of the Minister of the society, for the time being, or to the repairs of the Church, Parsonage House, or other estates of the society, or to the relief of the poor of the society, as the said society shall from time to time, agree and determine. And the Wardens of the society for the time being shall be the Trustees of such fund, and shall have the management of the same, subject to the control and direction of the society:

May raise funds

Proviso. *Provided* that the whole annual income of such fund, exclusive of the parsonage house, glebe or lands in the actual occupation of the Minister for the time being, shall not exceed the sum of five thousand dollars.

SEC. 8. *Be it further enacted*, That Abraham Biglow and Samuel P. P. Fay, Esquires, the present Wardens of said Church, or either of them, shall notify and warn the first meeting of the said society, by posting notifications thereof at the doors of said Church, fourteen days, at the least, before the time appointed for such meeting.

Persons to warn meeting.

[Approved by the Governor, February 9, 1816.]

CHAP. LXXXIII.

An Act to regulate the Fisheries in the town of Dennis.

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, the town of Dennis shall be and hereby is empowered and directed, at their meeting for the choice of town officers in March or April annually, to choose three or more persons, being freeholders in the said town, to see that this act be duly observed; and each person so chosen, shall be sworn faithfully to discharge the duties required of him by this act; and the

Officers to be chosen.

said Committee shall meet together annually on or before the twentieth day of April, on such time and place as they, or a majority of them, shall appoint, and the major part of the Committee present at such meeting, are hereby authorized and empowered to order the times, places and manner in which it may be lawful to take any of the fish called Herring, Alewives, Perch, and Eells in said town; and the said Committee, or a majority of them, are hereby fully authorized and empowered to cause the natural course of the streams through which the said fish pass, to be kept open and without obstruction, to remove such as may be found therein, and to make the said passage ways wider or deeper, if they shall judge it necessary; and said Committee or either of them, paying a reasonable consideration therefor, if demanded, shall have authority for those purposes, to go on the land or meadow of any person through which said streams run, without being considered as trespassers; and any person who shall molest or hinder the said Committee, or either of them, in the execution of the business of his or their office, or shall obstruct any passage way in the river, streams, coves or ponds, in said town, otherwise than may be allowed by the said Committee, he or they shall forfeit and pay a fine for every such offence, not exceeding ten dollars, nor less than three dollars.

SEC. 2. *Be it further enacted*, That if any person or persons shall take any of the said fish in the rivers, streams, ponds or coves aforesaid, at any time, in any place, or in any manner other than shall be allowed by the said Committee as aforesaid, each person so offending, for each and every such offence shall, on conviction thereof, pay a fine not exceeding four dollars, nor less than one dollar, if the quantity of fish so taken, ^{Fines.} is less than one barrel, but if the quantity of fish so taken shall be one barrel or more, such person or persons so offending, shall forfeit and pay for each and every barrel of fish so taken the sum of four dollars.

SEC. 3. *Be it further enacted*, That if the Committee aforesaid, or either of them, shall detect any person or persons in attempting to take any of the said fish, at any time, or in any place, or in any manner, otherwise than is allowed by the Committee, or shall

find such fish with such person or persons, such person or persons shall be deemed to have taken the said fish unlawfully, and shall be subject to the penalties of this act accordingly, unless such person or persons can make it appear on trial that they came to the said fish in some other way.

Seizure and
forfeitures.

SEC. 4. *Be it further enacted*, That if any vessel, boat, or craft shall be found within the limits of any of the rivers streams, ponds or coves, with any more of said fish than shall be permitted by the Committee aforesaid, it shall be the duty of said Committee, and they are hereby authorized to seize such vessel, boat, or craft, and detain the same, not exceeding forty-eight hours, in order that the same may be attached, or arrested by due process of law, and made answerable for said fines and forfeitures with cost of suit; *Provided however*, that as soon as the owner or master of said vessel, boat or craft, shall pay such fines and forfeitures to the Treasurer of said town, if he shall pay the same before being sued, such vessel, boat or craft shall be discharged with the effects therein.

SEC. 5. *Be it further enacted*, That all the forfeitures incurred by virtue of this act shall be to the use of the said town of Dennis, to be recovered by an action on the case, in any court proper to try the same, to be brought by the Treasurer thereof.

[Approved by the Governor, February 10, 1816.]

CHAP. LXXXIV.

An Act to empower the Selectmen of Saugus to appoint Engine Men.

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 Saugus be, and hereby are authorized and empowered to nominate and appoint, as soon as may be after the passing of this act, and ever after in the month of March annually, so long as there shall be a good Engine near Saugus river, within the bounds of

the town of Lynn, nine persons, who in addition to those appointed by the selectmen of the town of Lynn, the whole not to exceed twenty-one men, shall be one Company of Engine men, to take charge of and manage said Engine, who shall be subject to the same duties and vested with the same powers, and entitled to the same rights, privileges and exemptions that other Engine men now by law are.

[Approved by the Governor, February 10, 1816.]

CHAP. LXXXV.

An Act to authorize the towns of Charlestown and Medford to sell the privilege of taking Shad and Alewives in the waters situate between those towns.

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, the selectmen of the towns of Charlestown and Medford, in the county of Middlesex respectively, shall on or before the last Monday in February annually appoint two suitable persons, as Agents of their respective towns, for the purpose of selling the privilege of taking the fish called Shad and Alewives, in Mystic river, so far as that river forms any part of the dividing line between the said towns, and also in Mystic pond, so called, and all the other waters through which the said division line passes, on such days and times only as are, or shall be established by law for taking the said fish.

Agents to be appointed.

SEC. 2. *Be it further enacted,* That the said Agents shall meet, for the purpose of selling the said privilege on the second Friday of March annually, at which meeting a majority of those of them, who may be present, shall have the power of the whole, and shall then put up and offer for sale at public vendue, the said fishing privilege entire, or in parts, or lots, as they shall determine, and shall sell the same, in case two or more purchasers appear, and bid therefor, on such

Power to sell rights.

terms and conditions as the majority shall agree upon and make known at said sale; and in case the said privilege shall not be sold at said meeting for want of purchasers as aforesaid, the said majority may adjourn said vendue. not exceeding three days, and so from time to time until said sale shall be accomplished; and the said Agents of the said town of Medford, the first year, and the Agents of the said town of Charlestown the second year, and so alternately forever hereafter, shall appoint the place where the said meeting and vendue shall be holden, and shall give public notice of the time and place thereof, by posting advertisements in two or more public places in each of said towns, seven days at least before the said second Friday of March, and shall also notify the town Clerk of the other town concerned as aforesaid, of the said place of meeting and sale as aforesaid, by giving him a written notification thereof, or leaving it at his dwelling house or office, at least seven days before said meeting; and if either of said towns shall neglect to appoint Agents as required by this act, or if such Agents, when so appointed, whose duty it shall be to notify the Clerk of the other town concerned, of the place appointed for their meeting as aforesaid, shall neglect to give said notice, or shall neglect to give public notice of the time and place of the said vendue in manner aforesaid, such town so neglecting, or whose Agents shall so neglect as aforesaid, shall thereby forfeit all right in the said fishery for the then current year; and the Agents of the other of said town shall proceed to sell the same at vendue at such time and place as they shall appoint, giving public notice thereof in manner aforesaid, four days at least before the said sale, and the net proceeds of the said sale, shall belong solely to the town, whose Agents shall so sell the said privilege. And upon all questions which may arise relative to any notice or advertisement, required by this act, the Agents of either of said towns shall be competent witnesses.

Penalty.

SEC. 3. *Be it further enacted*, That if any person or persons, except the purchaser or purchasers as aforesaid, and those in their employ, shall catch any of said fish in any of the waters mentioned in the first section of this act, or shall draw, set, or place therein, any

seine, net, or other instrument, with intent to catch the said fish, or with intent to obstruct, or turn them in their passage through any of the waters aforesaid, each and every person so offending, shall forfeit and pay a sum not exceeding twenty dollars, nor less than ten dollars, for each and every such offence, to be recovered in an action of the case before any court competent to try the same, one half to the use of him or them who shall prosecute therefor, and the other half to the use of the said towns of Charlestown and Medford, to be equally divided between them.

Punishment for
breach of right.

[Approved by the Governor, February 10, 1816.]

CHAP. LXXXVI.

An Act in addition to an act, entitled “An act for the punishment of Rape, and for the prevention of the same.”

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That when any person shall be convicted in the Supreme Judicial Court of having made an assault on any female child under the age of ten years, with an intent to commit a Rape, after the passing of this act, he shall be punished by solitary imprisonment, not exceeding four months; and afterwards by confinement to hard labor for any term of years, or for life, according to the circumstances and aggravation of the offence, as the Court in their discretion may think proper.

Punishment.

[Approved by the Governor, February 10, 1816.]

CHAP. LXXXVII.

An Act for setting off Japheth C. Washburn and John Brackett, and their estates from the town of Fairfax and annexing them to the town of Harlem.

Boundaries.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Japheth C. Washburn and John Brackett, with their estates lying within the following bounds, viz. beginning on the west side of Twelve Mile Pond on the line between the town of Harlem and the town of Fairfax; thence running south sixty-eight degrees west, about one mile to a small pond; thence northerly by said pond about forty-four rods; thence north sixty-eight degrees east, on the line between Fairfax and Winslow, to the south-east corner of the town of Winslow; thence nearly the same course on a straight line to the middle of the brook, at the head of said Twelve Mile Pond, on the north side of the bridge, thence on a straight line to the first mentioned bound, be, and hereby are set off from the town of Fairfax, in the county of Kennebeck, and annexed to and made a part of the town of Harlem in said county.

[Approved by the Governor, February 10, 1816.]

CHAP. LXXXVIII.

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

Persons incor-
porated.

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 Rotch, jun. William Howland, Oliver Crocker, Gideon Howland, jun. Joseph Ricketson, Gideon Allen, Seth Russell, jun. John A. Parker, Joseph Dunbar, James Howland, McNassah Kempton, and Cornelius Grinnel, with their

associates, successors and assigns shall be, and hereby are created a corporation, by the name of the President, Directors and Company of the Bedford Commercial Bank, and shall so continue until the first day of October, which will be in the year of 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 place whatever, and also to make, have and use a common seal, and to ordain, establish and put in execution such bye-laws, ordinances and regulations as to them shall appear necessary and prudent for the government of their affairs: *Provided*, such bye-laws, ordinances and regulations shall in no wise be contrary to the Constitution and Laws of this Commonwealth; and the said Corporation shall always be subject to the rules, restrictions, limitations and provisions herein prescribed.

SEC. 2. *Be it further enacted*, That the capital stock of said Corporation shall consist of the sum of one hundred thousand dollars in gold and silver, divided into shares of one hundred dollars each, which shall be paid in four equal instalments. The first on or before the first day of September next, the second on or before the first day of March next after, the third on or before the first day of September next afterwards, and the last on or before the first day of March next afterwards; 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 on 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 thirty 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 proper: *Provided, however*, that nothing herein contained shall restrain or prevent the said Corporation from taking

Capital Stock.

Privileges.

and holding real estate in mortgage or on execution to any amount as security for, or in payment of any debts due to said Corporation; and *provided further*, that no money 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 twenty-five thousand dollars.

Penalty.

SEC. 3. *Be it further enacted*, That the rules, limitations, and provisions, which are provided in and by the third section of an act, entitled "An act to incorporate the President, Directors and Company of the State Bank," shall be binding on the Bank hereby established; *provided*, that the bond required to be given by the Cashier shall be given in the penalty of twenty thousand dollars, and the number of Directors to be annually chosen shall be nine, who shall be inhabitants of this Commonwealth, five of whom may constitute a quorum for transacting business; and *provided also*, that the amount of bills at any time issued from said Bank shall not exceed fifty per cent beyond their capital stock actually paid in.

Location.

SEC. 4. *Be it further enacted*, That the said Bank shall be established and kept in the town of New Bedford.

State loans.

SEC. 5. *Be it further enacted*, That whenever the Commonwealth may require it, said Corporation shall loan to the Commonwealth any sum of money which may be required, not exceeding ten thousand dollars at any one time, reimbursable at 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 cent 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 thousand dollars.

SEC. 6. *Be it further enacted*, That any Committee specially appointed by the Legislature for that 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 on such examination, it shall be found, and after a full hearing of said Corpor-

ation thereon be determined by the Legislature, that said Corporation have exceeded the powers herein granted, or failed to comply with any of the rules, regulations or conditions in this act provided, the Corporation shall thereupon be declared forfeited and void. Forfeitures.

SEC. 7. *Be it further enacted*, That the persons herein before named, or a majority of them are authorized 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 three weeks successively in the New-Bedford Mercury, printed at New-Bedford, and by posting up notifications in one or more public places in the town of New-Bedford and the town of Fair Haven, for the purpose of making, ordaining and establishing such bye-laws, ordinances and regulations for the orderly conducting the affairs of said Corporation, as the 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. Order of notice.

SEC. 8. *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 the debts due the same, of the monies deposited therein, and 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 or affirmation before some person competent to administer the same.

Semi-annual
report.

SEC. 9. *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 fifty thousand dollars, to be added to the Capital Stock of said Corporation, subject to such rules, regulations and provisions, as shall be by the Legislature made and established as to the management thereof.

Additional
stock.

SEC. 10. *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.

SEC. 11. *Be it further enacted*, That the said Corporation, from and after the first day of April in the year of our Lord one thousand eight hundred and seventeen, shall pay by way of tax to the Treasurer of this Commonwealth, for the use of the same, within ten days after the first Mondays of April and October, annually, the half of one per cent on the amount of the original stock which shall have actually been paid in; *provided however*, that the same tax, payable in manner as aforesaid, shall be required by the Legislature of all Banks hereafter incorporated within this Commonwealth; 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.

Tax to State.

SEC. 4. *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 the citizens of this Commonwealth, 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 on the personal bond of the borrower with collateral security by 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.

[Approved by the Governor, February 10, 1816.]

CHAP. LXXXIX.

An Act to establish the Fourth Congregational Society in the town of Plymouth.

SEC. 1 **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Silvanus Finney, Solomon Finney, Stephen Doten, Isaac Howland, John Doten, Nathan Whiting, Stephen Doten, jun. Caleb Morton, Lemuel Leach, jun. Henry Howland, Ichabod Howland, Thomas Chiles, George K. Wiswall, James Morton, jun. William Burgess, jun. Barnabas Holmes 3d. Job Hill, Ephraim Morton, Alexander Ripley, Zaben Olney, Caleb Finney, Charles Howland, George Finney, William Howland, Nathaniel Clark 3d, Hosea Churchill, Henry Cassady, Elkanah Finney, Finney Leach, Clark Finney, Robert Finney, Ephraim Finney, Seth Finney, Bartlet Holmes, Lemuel Leach, John Clark, John H. Clark, William C. Nye, Ezra Burbank, Caleb Fish, Gilbert Holmes, Ebenezer Holmes, Samuel Howland, Elisha Doten, Francis McGill, Ephraim Bradford, Freeman Morton, William Clark, Prince Manter, be, and hereby are incorporated into a parish, by the name of The Fourth Congregational Society in Plymouth, with all the privileges, powers and immunities which other parishes in this Commonwealth are entitled to by law. Persons incorp.

SEC. 2. *Be it further enacted*, That any Member of said Society, or any Member of the first and third parishes in Plymouth, shall have full liberty to join themselves with their families and estates that they hold in their own right, to said Society, or said first and third parishes respectively, at any time within two years from the passing of this act; *provided* they shall first signify in writing under their hands to the Clerk of said town of Plymouth their determination of being considered as belonging to the Society or parish to which they may join themselves as aforesaid. May join membership.

SEC. 3. *Be it further enacted*, That forever after the expiration of the said two years, any member of

said Society, or any member of the first and third parishes aforesaid, shall be considered as belonging to said Society, or said first or third parishes respectively, with his family and estate, by signifying his determination in writing to the Clerk of said town as aforesaid, and at the expiration of eighteen months after signifying such determination in manner above said; *provided* the party applying shall not have withdrawn said application before the expiration of said term.

Privileges

SEC. 4. *Be it further enacted*, That the members of said Society, and said first and third parishes respectively and their families, shall be deemed and considered as continuing members of said Society, and said first and third parishes respectively, with their estates, for the time being, until their relation shall be changed, in manner as above prescribed.

Property taxable.

SEC. 5. *Be it further enacted*, That the estate real and personal of any Member of said Society or of said first and third parishes, shall be taxable by said Society or said first and third parishes respectively, only in, by and for the Society or parish to which the person owning such property shall or may belong at the time of making such tax; and any person leaving said society or either of said parishes in manner as above mentioned, shall be holden to pay all taxes remaining assessed upon him at the time of his ceasing to be a member of said Society or said first and third parishes respectively.

Power limited.

SEC. 6. *Be it further enacted*, That the word estate mentioned in this act, so far as it relates to real estate, shall extend only to such real estate as the members of said Fourth Congregational Society, and of the said parishes hold or may hold in their own right; and that any Justice of the Peace for the county of Plymouth is hereby authorized to issue his warrant to some member of the said Fourth Congregational Society, requiring him to notify and warn the members thereof to meet at such convenient time and place as shall be appointed in said warrant, to choose such officers as parishes are by law empowered and required to choose at their annual meetings.

[Approved by the Governor, February 10, 1816.]

CHAP. XC.

An Act to incorporate the President, Directors and Company of the Commercial 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 James Neal, Arthur McLellan, Joseph Cross, jun. Eleazer Greeley, Benjamin Butman, Timothy Fletcher, Amos S. Webber, William Wood, Josiah Paine, James Farmer, William Cross, Henry Holey, Woodbury Storer, jun. Joseph M. Gerrish, Jonathan Stuart, and John Woodman, their associates, successors and assigns, shall be and hereby are created a Corporation, by the name of the President, Directors and Company of the Commercial Bank, and shall so continue from the first day of April next till the first day of October, which will be in the year of our Lord one thousand eight hundred and thirty-one; and by that name shall be and they hereby are made capable in law, to sue and be sued, plead and be impleaded, defend and be defended, in any Court 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 bye-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 bye-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 restrictions, limitations and provisions herein prescribed.

Persons incor-
porated.

SEC. 2. *Be it further enacted*, That the Capital Stock of the said Corporation shall consist of one hundred thousand dollars in gold and silver, divided into shares of one hundred dollars each, which shall be paid in at two equal instalments. The first on the first day of April next, and the other on the first day of April which will be in the year of our Lord one thousand eight hundred and seventeen, and as much

Amount of
stock.

sooner as the Stockholders shall direct. 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 on 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, tenements and hereditaments, to the amount of ten 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 or discount 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.

Proviso.

SEC. 3. *Be it further enacted*, That the rules, limitations and provisions, which are provided in and by the third section of an act entitled, "An act to incorporate the President, Directors and Company of the State Bank," shall be binding on the Bank hereby established: *Provided*, that the bond required to be given by the Cashier, shall be for the sum of ten thousand dollars penalty; the number of Directors to be annually chosen shall be seven, and four may constitute a *quorum* for the transaction of business.

Shall give Bonds.

SEC. 4. *Be it further enacted*, That the said Bank shall be established and kept in the town of Portland.

Location.

SEC. 5. *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 examination it shall be found, and after a full hearing of said Corporation

Committee may examine vaults.

thereon be determined by the Legislature that said Corporation have exceeded the powers 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.

SEC. 6. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the Stockholders of said Corporation as soon as may be, at such time and place as they may see fit, by advertising three weeks successively in one or more of the news-papers printed in the town of Portland, for the purpose of making, ordaining and establishing such bye-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.

Mode of calling meetings.

SEC. 7. *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 the debts due the same, of the monies deposited therein, of the notes in circulation, and of the gold and 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.

Returns to be made.

SEC. 8. *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 fifty thousand dollars, to be added to the Capital Stock of said Company, subject to such rules and regulations and provisions as shall be by the Legislature made and established as to the management thereof.

State stock.

SEC. 9. *Be it further enacted*, That said Corporation shall be liable to pay to any bona fide holder the original amount of any note of said Bank altered

Altered notes payable.

in the course of circulation to a larger amount, notwithstanding such alteration.

State Tax.

SEC. 10. *Be it further enacted*, That said Corporation shall pay by way of tax to the Treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of April and October annually, the half of one per cent on the amount of the Capital Stock actually paid in at the time of said dividend: *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: And *provided further*, that nothing herein shall be construed to impair the right 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.

State Loan.

SEC. 11. *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 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 Incorporation without their consent for a larger sum than twenty per centum of the Capital Stock actually paid in.

Proviso.

[Approved by the Governor, February 10, 1816.]

CHAP. XCI.

An Act to incorporate the York County Bible Society.

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 Charles Coffin, Jonathan Cogswell, Joseph Dane, Nathaniel H. Fletcher, Joseph Gilman, Henry Holmes, and John Low, together with such others as may hereafter associate with them

and their successors, be, and they are hereby made a Corporation, by the name of The York County Bible Society, with all the powers and privileges incident and usually given to, and exercised and enjoyed by other Bible Societies in this Commonwealth.

SEC. 2. *Be it further enacted*, That the said Charles Coffin and others his associates, shall during the pleasure of the Legislature, continue and remain, for the purposes of this act, a body corporate and politic, and keep and use a seal, which they may change or annul as they may see cause; and the said Society shall be capable in law, to receive, possess and improve donations in money and gifts, grants and bequests of land and tenements, or other estate, real or personal, and the income, rents and profits thereof shall appropriate and employ exclusively to the furtherance of the purposes of this act.

SEC. 3. *Be it further enacted*, That the said Corporation shall be and hereby are further empowered to purchase and hold other real estate than that which may be given to them as aforesaid: *Provided* that the value of the whole of said estate, both real and personal, shall never exceed one hundred thousand dollars; and the said Society, in its corporate capacity, may sue and be sued, and may appoint an Agent or Agents, with power of substitution, to prosecute and defend such suits in law.

SEC. 4. *Be it further enacted*, That the said Society may choose a President, Vice-President, Trustees, Treasurer, a Recording Secretary, a Corresponding Secretary, and such other officers as they may think necessary, and make and establish bye-laws and regulations for the orderly conducting their business: *Provided* such laws and regulations shall never be repugnant to the Constitution and Laws of this Commonwealth.

SEC. 5. *Be it further enacted*, That the first meeting of said Society may be called by any two of the persons named in this act, by causing a notification for that purpose to be published in one or both of the news papers printed in Portland, appointing the time and

place for the said first meeting, and to organize the said Society by the election of its officers.

[Approved by the Governor, February 13, 1816.]

CHAP. XCII.

An Act making further provision in the Judicial Department,

Judgments entered.

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, when at any term of the Supreme Judicial Court holden or to be holden in any county by three or more Justices thereof, any actions shall have been continued *nisi*, for advisement by the Court, or for argument by consent of parties, and the Justices of said Court shall have determined the same before the next law term of said Court holden in the same county, it shall be lawful to enter judgments upon said actions, as of the last term of said Court at which said actions shall have been continued, or at any succeeding term of said Court holden by one or more of the Justices thereof; and such judgment entered as aforesaid shall have the same force and validity as though the same had been rendered at a Court holden by three or more of said Justices, and executions may accordingly be issued thereon.

Docket entry.

SEC. 2. *Be it further enacted, That* whenever the Clerk of said Court in any county shall enter a judgment upon any action by order of the Justices of said Court out of term time, he shall enter upon his docket the time when he shall receive such order, and all liens created by attachment or mesne process in said actions shall continue and be in force for and during thirty days after the day on which judgment shall have been so actually entered, any thing in the law to the contrary notwithstanding.

[Approved by the Governor, February 13, 1816.]

CHAP. XCIII.

An Act in addition to an act, entitled, “An act in addition to an act entitled, an act to incorporate the President, Directors and Company of the Pawtucket Bank.”

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 an act, entitled, “An act in addition to an act, entitled an act to incorporate the President, Directors and Company of the Pawtucket Bank,” as regards the times at which the Stockholders of said Bank are required to pay in their third and fourth instalments of the Capital Stock thereof, be, and hereby is repealed; and that the Stockholders of said Bank be, and they hereby are required to pay in the third and fourth instalments of the Capital Stock of said Bank at the following periods, to wit—the third instalment on the first Tuesday in February, in the year of our Lord one thousand eight hundred and eighteen; and the fourth instalment on the first Tuesday of August, then next following, or at such earlier times as the Stockholders at any meeting thereof may order. Time allowed.

[Approved by the Governor, February 13, 1816.]

CHAP. XCIV.

An Act to incorporate the Trustees of the Westerly School in Roxbury.

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 Committee, Treasurer and Clerk, for the time being, of the Westerly School in the town of Roxbury, be, and they hereby are incorporated and made a body politic and corporate, by the name of the Trustees of the Westerly School fund in Roxbury. Body politic;

May hold real
estate, &c.

SEC. 2. *Be it further enacted*, That the said Corporation may have and use a common seal, and shall be capable of suing and being sued in any actions, real, personal or mixed, in any Court having jurisdiction thereof; shall or may take and hold in fee simple or otherwise, by purchase, gift, grant or devise, any estate, real, personal or mixed, and may sell and dispose of the same at pleasure, not using the same in trade; may make and execute any bye-laws and rules for the government of the Corporation, and may appoint such officers, and invest them with such powers as the Trustees may think expedient, not repugnant to the Laws of this Commonwealth.

Application of
income.

SEC. 3. *Be it further enacted*, That any note, bond, mortgage, or other security which may have been made payable to the Treasurer of the said Westerly School district, shall remain good and valid in the hands of the said Trustees as if made payable to them; and the income of the fund shall be applied toward the support of the said School agreeable to the will and intention of the donors, so far as the same can be known.

Meeting called.

SEC. 4. *Be it further enacted*, That meetings for the choice of the officers aforesaid, may be called in the same manner that meetings are called for building and repairing school houses, and the said officers may be chosen annually, or for a longer time, as the district, when legally convened for that purpose, by a major vote shall determine.

[Approved by the Governor, February 13, 1816.]

CHAP. XCV.

An Act to incorporate the Trustees of the Ministerial Fund in the first parish in Amherst.

Parish incorporation.

WHEREAS certain persons, inhabitants of the first parish in Amherst, in the county of Hampshire, have already subscribed a considerable sum of money to constitute a permanent fund for the support of the Ministry of the Gospel and the Congregational worship, in said parish, and have by their petition, prayed this

Legislature to incorporate Trustees for the due management of said Fund, and vest them with the power necessary for the accomplishment of that subject.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That* Noah Webster, Rufus Cowles, Moses Hastings, Enos Baker, and Calvin Merrill, be, and they are hereby appointed Trustees to receive and hold all such sums of money as now are Trustees to be or hereafter may be subscribed for the aforesaid purpose, ^{chosen.} and also to receive and hold any estate, real or personal, that may be given or bequeathed to them as Trustees, for the said purpose. And the said Trustees are hereby authorized and empowered to demand and receive from the Treasurer of the parish, all notes, obligations or other securities which have been or may be given for any sum or sums of money subscribed for the purpose aforesaid, and the same to hold for the sole use and benefit of said parish: *provided* the amount of the said sum shall not exceed twelve thousand dollars. And the said Trustees are hereby constituted a body politic and corporate to have perpetual succession, with power to supply all vacancies in the trust, to appoint such officers as they shall deem necessary or expedient for transacting the business of said Corporation, and to do and execute whatever may be necessary or useful towards a faithful management of said Fund.

SEC. 2. *Be it further enacted, That* the Trustees before named and their successors in office, be, and are hereby invested with full power to receive all sums of money, notes, bonds or obligations, and all deeds, bequests, legacies and donations that may be given or made to them in trust for the benefit of said parish as aforesaid, and to collect the interest or rents and profits of the same annually, and also to collect the principal sum when due and payable, or require security for the payment, when, in their apprehension, the debts are in danger of being lost. And in order to accumulate the Fund, according to the design of the subscribers, they are hereby authorized to add the annual interest to the principal, placing the whole at interest on good security, until the whole Fund shall amount to ten thousand dollars. But nothing in this

Duties of Trustees.

act shall authorize the said Trustees to use or apply any money given for the purpose aforesaid, in any manner contrary to the direction of the subscribers or donors.

Powers of
Trustees.

SEC. 3. *Be it further enacted*, That the said Trustees may hold, sell or lease any real estate, given, bequeathed or mortgaged to them for the support of the Ministry in said parish as aforesaid.

Appropriation
of funds.

SEC. 4. *Be it further enacted*, That when the Fund aforesaid shall amount to the sum of ten thousand dollars, the whole of the annual interest, rents and profits of the same shall be annually paid by said Trustees to the Treasurer of the parish, and by him applied to the payment of the salary of the settled Congregational Minister of said parish: And the said Trustees, shall, at the annual meeting of said Parish, in March or April, exhibit to the said parish their account with the Treasurer, expressing the receipts and payments, with the state of the funds: and the Treasurer shall exhibit his account with the said Trustees to the parish at the same meeting; and the said parish, at their discretion, may appoint auditors, not exceeding three in number, to examine said accounts and the vouchers, and make report to the said parish of the state of the fund, with the receipts and disbursements.

Appropriation
of interest of
fund.

SEC. 5. *Be it further enacted*, That the interest of any money or donation, not intended to form a part of the accumulating fund aforesaid, shall be annually paid over to the Treasurer of the said parish, by the said Trustees, to be applied to the payment of the salary of the Minister of said parish, in the manner prescribed by the fourth section of this act.

Meeting called.

SEC. 6. *Be it further enacted*, That Noah Webster, Esq. be, and he is hereby authorized and empowered to call the first meeting of the Trustees aforesaid, at such time and place as he shall deem expedient.

[Approved by the Governor, February 13, 1816.]

CHAP. XCVI.

An Act incorporating certain persons for the purpose of building a Bridge over Kennebeck river, between the towns of Anson and Madison.

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 Parlin, Nathan Houghton, Benjamin Ellis, Ephraim Heald, John Ellis, William Adams, Hemon Moor, John Ellis, jun. and Benjamin Hilton, together with such others as may hereafter associate with them and their successors and assigns, shall be a Corporation, by the name of the Proprietors of Madison Bridge, and by that name may sue and be sued to final judgment and execution, and may do and suffer all such matters, acts and things which bodies politic may and ought to do and suffer; and that said Corporation shall have full power and authority to make, have, and use a common seal, and the same to break, alter and renew at pleasure; and the said Corporation shall be, and they are hereby authorized to erect a Bridge over Kennebeck river, at the place called Norridgewock Falls, at the narrowest part of said river, between the upper pitch and the lowest pitch of the said falls, on the west side of said Kennebeck river to a point or place between the mills called Ellis and Hale's mills, and land owned by Nathan Houghton, on the east side of the river aforesaid. And the said Bridge shall be well built, of good materials, not less than twenty-four feet wide, and well covered with plank or timber, with sufficient rails on each side for the safety of passengers.

Persons incor-
porated.

Powers.

SEC. 2. *Be it further enacted*, That any three of the persons before named, may call the first meeting of the said proprietors, by an advertisement in the *Hallowell Gazette*, in three successive papers, the last publication to be at least fourteen days prior to the time appointed for such meeting; and the said proprietors, by a vote of a majority of those present, accounting and allowing one vote to each share, (provided no person

Meeting called.

either by his own right or by proxy, shall be entitled to more than ten votes) shall choose a Clerk, who shall be sworn to the faithful discharge of the duties of his office; also may, at the same time, or at any subsequent meeting choose such other officers as may be found necessary for managing the business of said Corporation, and shall agree on a method of calling future meetings; may make and establish such rules and regulations as shall be deemed convenient and necessary for regulating said Corporation, for effecting, completing and executing the purposes aforesaid, and for collecting the toll herein granted; and the same rules and regulations may cause to be observed and executed; and for the breach of any of them, may order and enjoin fines and penalties not exceeding twenty dollars; *provided*, that said rules and regulations be not repugnant to the Laws and Constitution of this Commonwealth.

SEC. 8. *Be it further enacted*, That a toll be, and hereby is granted and established, for the use and benefit of said Corporation, according to the rates following, to wit, for each passenger or one person passing said Bridge, two cents; one person and horse six cents and one quarter of a cent; a single horse cart, sled, or sleigh, eight cents; each wheel-barrow, hand-cart and every other vehicle capable of carrying a like weight three cents; each team including cart, sled, or sleigh drawn by more than one beast and not exceeding four, twelve cents and five mills; and for every additional beast above four two cents; each single horse and chaise, chair or sulkey, seventeen cents; each coach, chariot, phaeton and curricule thirty-seven cents and an half cent; neat cattle and horses, exclusive of those rode on, or in carriages, or in teams, two cents each; sheep and swine, for each dozen six cents and a quarter of a cent; and at the same rate for a greater or less number; and the same toll shall be paid for all carriages passing said Bridge, whether the same be loaded or not, and to each team one man, and no more, shall be allowed as a driver, to pass free from payment of toll; and at all times when the toll gatherer shall not attend his duty at the said bridge, the gate or gates shall be left open. And the said toll shall commence on the day of the first opening of the said Bridge for passen-

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

SEC. 4. *Be it further enacted*, That if the said Corporation shall neglect or refuse, for the space of two years from the passing of this act, to build and complete said Bridge, then this act shall be void and of no effect. Proviso.

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

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

[Approved by the Governor, February 13, 1816.]

CHAP. XCVII.

An Act to set off the south east part of Thompson Pond Plantation, and annex the same to the town of New-Gloucester.

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 Thompson Pond Plantation, in the county of Cumberland, which is described within the following bounds, viz. : Beginning at the south east corner of said plantation ; thence south west adjoining New-Gloucester line to the southwesterly corner of said plantation ; thence north-west by Raymond's line to the inlet of the upper range pond ; thence northeasterly by said inlet and pond Boundaries.

Proviso.

across said plantation to the line of the town of Poland ; thence southeasterly by Poland line to the place of beginning, with the inhabitants thereon, be, and the same are hereby set off from Thompson Pond Plantation and annexed to the town of New-Gloucester in the said county of Cumberland: *Provided nevertheless*, that the said tract of land and the inhabitants thereon so set off as aforesaid, shall be holden to pay all such taxes as are already assessed or ordered to be assessed by said plantation in the same manner as they would have been, if this act had not been passed.

Taxes.

SEC. 2. *Be it further enacted*, That six cents on the sum of one thousand dollars, which was charged to said plantation in the settlement of the last valuation, be, and hereby is deducted from said plantation, and charged to the town of New-Gloucester, in all public taxes hereafter to be assessed until a new valuation.

[Approved by the Governor, February 13, 1816.]

CHAP. XCVIII.

An Act in further addition to an act, entitled “ An act in addition to an act, entitled an act to incorporate the President, Directors and Company of the Hampshire Bank.”

Time allowed.

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 an act, entitled, “ An act in addition to an act, entitled an act to incorporate the President, Directors and Company of the Hampshire Bank,” as regards the time at which the Stockholders of said Bank are required to pay in their fourth instalment of the Capital Stock thereof, be, and hereby is repealed ; and that the Stockholders of said Bank be, and they hereby are required to pay in their said fourth instalment of the Capital Stock of said Bank on the first day of March, in the year of our Lord, one thousand eight hundred and seventeen.

[Approved by the Governor, February 13, 1816.]

CHAP. XCIX.

An Act in addition to an act, entitled "An act to regulate the weight of Beef and Pork."

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 April next, it shall be the duty of the Selectmen of every town within this Commonwealth, where Beef Cattle are sold for the purpose of Market, or barreling, to appoint one or more person or persons, not being dealers in Cattle, and conveniently situated in such town, to be weigher or weighers of Beef, who shall be sworn to the faithful discharge of the duties of their office, and shall receive such fees as are hereinafter described.

Weighers appointed.

SEC. 2. *Be it further enacted*, That all Beef sold as aforesaid, shall be weighed by the said sworn weighers, and certificates of the weight of all the Beef, Hide and Tallow of each head of Cattle, in the form following, shall be signed by the said weighers, and delivered to the seller or sellers thereof.

Certificate.

FORM OF CERTIFICATE.

This Certifies that I have duly weighed the Cattle,
Bought by of from of this
 day of 181

Beef, - - - - -					
Hide, - - - - -					
Tallow, - - - - -					
Total - - - - -					

Sworn Weigher.

SEC. 3. *Be it further enacted*, That the fees for weighing shall be as follows: for weighing any quantity of Cattle, not exceeding five head, twenty cents per head; not exceeding ten head, fifteen cents per head, not exceeding twenty head, ten cents per head, all over twenty head, five cents per head, beyond the first twenty head, which fees shall be paid by the seller or sellers of such Cattle, twelve and one half cents

Rate of fees.

for each certificate duly signed, which shall be paid by the seller or sellers thereof, which shall contain the several weights of all the Cattle offered for weight, by any one person, unless otherwise requested, by the seller or sellers thereof.

Fines.

SEC. 4. *Be it further enacted*, That any butcher or butchers, purchaser or purchasers of Beef Cattle, intended for market or barreling, who shall purchase any such Beef Cattle, contrary to the true intent and meaning of this act, shall forfeit and pay the sum of thirty dollars for each and every such offence, to be recovered with cost of suit, by action or plaint, before any Court proper to try the same, one half to the use of the Commonwealth, and the other half to the person or persons who shall prosecute for the same: *Provided* that nothing in this act shall prevent any person or persons from buying or selling live Cattle, commonly called Cattle on the foot. And *provided* that no person shall be obliged to weigh any Beef Cattle, when the weight or mode of weighing shall be agreed on by the buyer and seller.

Proviso.

[Approved by the Governor, February 13, 1816.]

CHAP. C.

An Act authorizing the President, Directors and Company of the Cumberland Bank to reduce their capital stock.

Reduction of
Stock.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That, from and after the passing of this act, the capital stock of the President, Directors and Company of the Cumberland Bank, shall be two hundred thousand dollars, the number of shares to be the same as at present established by law: *Provided* however, that no dividend of the capital stock of said Bank, as now existing, shall be made until proof shall have been made to the satisfaction of the Governor and Council, or of Commissioners by them appointed, that there exists in said Bank funds belonging to said

Corporation, sufficient to pay all bills in circulation, and all deposits and other demands existing against the same, beyond the sum then to be divided: *Provided also*, that nothing herein contained shall be construed to affect the liability of the Corporation or the individual Stockholders as established by the original act incorporating said Bank: *Provided also*, that the said President, Directors and Company shall be holden to pay into the Treasury of this Commonwealth their proportion of the tax now required to be paid by law upon the existing Capital of said Bank, until the same shall actually be reduced and paid. Proviso.

[Approved by the Governor, February 13, 1816.]

CHAP. CI.

An Act to incorporate the proprietors of certain Meadows in Sudbury and East Sudbury

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 proprietors and owners of meadow lands situated in the towns of Sudbury and East Sudbury, which are adjoining Sudbury river, so called, from the line of the town of Framingham to the line of the town of Concord, and which have been flowed in the summer season, from and after the passing of this act, be, and they hereby are incorporated into a body politic, by the name of The Proprietors of Meadows in Sudbury and East Sudbury, and by that name may sue and be sued, and do and suffer all matters, acts or things which bodies politic may or ought to do and suffer. Proprietors incorporated.

SEC. 2. *Be it further enacted*, That said Corporation shall have power to clear said river, by removing the sand banks, bars, and other natural obstructions, and by cutting and clearing the grass that grows in said river, whether the same be within the limits of said towns or not; and that the said Corporation, in their corporate capacity, may maintain an action of the case in any court proper to try the same, for any un- May sue.

lawful obstructions put in or kept up in said river, either within the limits of said towns or elsewhere, by reason of which said meadow may in any wise be injured.

SEC. 3. *Be it further enacted*, That any Justice of the Peace in the county of Middlesex be, and he hereby is empowered and directed, upon application in writing from five or more of said proprietors, to issue his warrant to any one of the proprietors aforesaid, requiring him to notify and warn the said proprietors to meet at such time and place as he shall deem most convenient, and for the purposes to be expressed in said warrant, by posting up copies of said warrant with the notification thereon, at the several houses of public worship in said towns of Sudbury and East Sudbury, fourteen days at least prior to the time of holding said meeting; and the said proprietors, when legally assembled as aforesaid, shall have power to

Meetings
warned,

Officers to be
chosen.

Powers.

Future meet-
ings.

Assessment.

choose a Clerk, Committee, Assessors, Collector of taxes, Treasurer, and such other officers as they shall deem necessary, who shall be sworn to the faithful discharge of the trust reposed in them, and continue to serve until others are chosen and sworn in their room, which may be when, and as often as said Corporation shall judge necessary: which officers chosen and sworn as aforesaid shall have the same power to perform, execute and carry into effect any vote or lawful order of said Corporation, as town officers of the like description have by law to do and perform in their respective offices; and the said Corporation shall at their first meeting agree and determine upon a method of calling future meetings; and the said Corporation at any meeting legally called for that purpose, may vote to raise monies for the purposes of removing obstructions in said river, and for draining and better managing said meadows, and for carrying the votes and orders of said Corporation into effect; and all monies raised as aforesaid, shall be assessed upon each proprietor in proportion to the interest he or she may have in said meadows; and if any proprietor shall refuse or neglect to pay the sum or sums assessed upon him or her as aforesaid, for the space of ninety days after the assessment shall have been shewn to him by

the Collector, or a copy thereof left at his usual place of abode, so much of his or her meadow shall be sold by the Collector as will be sufficient to pay the same with cost, notice of such sale to be given by the Collector by posting up advertisements thereof at the several houses of public worship in the towns of Sudbury and East Sudbury, thirty days prior to the sale, with the names of the proprietor or proprietors, the amount of taxes assessed upon their meadow land respectively, and also the time and place of sale; and if no person shall appear thereupon to discharge the said taxes and all intervening charges, then the Collector shall proceed to sell at public auction to the highest bidder, so much only of said meadow land as shall be sufficient to discharge said taxes, and all intervening charges; and shall give and execute a deed or deeds to the purchaser or purchasers, his or her heirs and assigns, expressing therein the cause of such sale, saving to such delinquent proprietor or proprietors the right of redeeming the same for the space of one year, by paying the said purchaser the sum he may have given therefor, and interest after the rate of ten per centum per annum. And the said Corporation may at their first meeting, or any future meeting legally called, establish such rules and regulations as shall be judged necessary, *provided* the same are not contrary to the Constitution and Laws of this Commonwealth, for the better management of its affairs, for which purpose, in addition to the power and authority in this act given them, they are hereby invested with all the powers legally appertaining to the proprietors of general and common fields.

Redemption.

Rules and Regulations.

[Approved by the Governor, February 13, 1816.]

CHAP. CII.

An Act to establish an Academy in the town of Amherst, in the county of Hampshire.

WHEREAS sundry persons, inhabitants of Amherst, in the county of Hampshire, have, at the expense of five thousand dollars, erected a suitable building for an Academy in said town, and have procured an able instructor to teach the usual Academical branches of learning, and it appears that said town is a suitable place for such an institution :

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That there be, and hereby is established in the town of Amherst, an Academy, by the name of Amherst Academy, for the purpose of promoting morality, piety and religion, and for the instruction of youth in the learned languages, and in such arts and sciences as are usually taught in other Academies, or as shall be directed by the Trustees; and David Parsons, Nathan Perkins, Samuel T. Dickenson, Hezekiah W. Strong, Rufus Cowles, Calvin Merrill, Noah Webster, John Woodbridge, James Taylor, Nathaniel Smith, Josiah Dwight, Rufus Graves, Winthrop Bailey, Experience Porter, and Elijah Gridley, be, and are hereby incorporated into a body politic, by the name of The Trustees of Amherst Academy, and that they and their successors shall be and continue a body politic and corporate, by the same name forever.

Persons incor-
porated.

SEC. 2. *Be it further enacted,* That all monies, lands, or other property and things already given, or which shall be hereafter given, granted, devised, bequeathed, transferred or assigned to the said Trustees, for the purpose aforesaid, shall be and hereby are confirmed to the said Trustees and to their successors in that trust forever; and that the said Trustees may have and hold in fee simple, by gift, grant, devise, bequest, or otherwise, any lands, tenements, hereditaments, or other estate, real or personal; *provided the*

Fee simple.

annual income thereof shall not exceed the sum of five thousand dollars; and may sell and dispose of the same, and apply the interest, rents and profits thereof in such manner as to promote the end and design of said institution.

SEC. 3. *Be it further enacted*, That the said Trustees shall have power, from time to time, to elect such officers of the said Academy as they shall judge necessary, and to fix the tenures of their respective offices; to remove any Trustee from the Corporation, when, in their opinion, he shall be incapable by reason of age or otherwise, of discharging the duties of his office; to fill all vacancies in said Corporation by electing such persons for Trustees as they shall think suitable; to determine the times and places of their meetings, the manner of notifying the Trustees, and the method of removing and electing Trustees; to prescribe the powers and duties of their several officers; to appoint preceptors of the said Academy, to determine their powers and duties, and to fix the tenures of their offices, and to make and ordain rules and orders, with reasonable penalties, for the good government of said Academy, not repugnant to the Laws of the Commonwealth.

Power of Trustees.

SEC. 4. *Be it further enacted*, That the said Trustees may have a common seal, which they may, at pleasure, break, alter and renew; and that all deeds signed and sealed with their seal, delivered and acknowledged by the Treasurer or Secretary of said Corporation, by order of said Trustees, shall be good and valid in law; and that the said Trustees may sue and be sued, in all actions, real, personal, and mixed, and prosecute or defend the same to final judgment and execution, by the name of the Trustees of Amherst Academy.

May sue and be sued.

SEC. 5. *Be it further enacted*, That the number of said Trustees shall not, at one time, be more than fifteen, nor less than nine; and five of them shall constitute a quorum for transacting business.

Officers limited

SEC. 6. *Be it further enacted*, That the Reverend David Parsons be, and hereby is authorized to appoint the time and place for holding the first meeting of the

Meetings called.

said Trustees, and to give them notice thereof, in such manner as he shall judge expedient.

[Approved by the Governor, February 13, 1816.]

CHAP. CIII.

An Act in addition to an act, entitled “ An act regulating the Commencement of certain Actions in which the inhabitants of the town of Boston, in the county of Suffolk, shall be a party.”

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 actions to be commenced hereafter, wherein the inhabitants of the town of Boston, in the county of Suffolk, in their corporate capacity, shall sue or be sued, may be instituted and prosecuted in either of the counties of Norfolk, Middlesex, or Essex, any thing in a law, to which this is in addition, to the contrary notwithstanding.*

Actions trans-
ferred.

SEC. 2. *Be it further enacted, That any Coroner of the county of Suffolk, be, and be hereby is authorized to serve and execute all writs and precepts to him directed, wherein the inhabitants of the town of Boston shall sue, or be sued by the Sheriff of said county, or either of his Deputies, notwithstanding said Coroner may be an inhabitant of said town.*

Power to Cor-
oners.

SEC. 3. *Be it further enacted, That whenever an execution, which has been issued on the judgment of any Court within this Commonwealth, in which judgment the inhabitants of said town of Boston shall be a party, shall be in the hands of an officer, having authority to serve the same, and said officer shall be directed to extend the said execution on real estate of the debtor, situated in the said town of Boston, then the said officer shall cause three discreet men, being free holders in said county of Suffolk, to be chosen and sworn to appraise such real estate in the manner prescribed in the second section of an act of this Commonwealth, passed the seventeenth day of March, in the year of our Lord one thousand seven hundred and eigh-*

Appraisers.

ty four, and entitled " An act directing the issuing, extending and serving of executions ;" and the appraisement, so made, shall be valid, notwithstanding the appraisers, so chosen, or any of them, may be an inhabitant of said town.

[Approved by the Governor, February 13, 1816.]

CHAP. CIV

An Act to incorporate the Trustees of Hopkins Academy.

WHEREAS it appears by the petition of Seth Smith and others, the Committee of the Donation School in the town of Hadley, that a fund heretofore given for the support of said School by the Honorable Edward Hopkins, may be more conveniently and advantageously directed to the furtherance of the benevolent objects of the donor by establishing a body politic for the management of the same : 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 there be, and hereby is established an Academy in the town of Hadley and county of Hampshire, upon the foundation of the Hopkins Donation School, to be known and called hereafter by the name of Hopkins Academy, and that Seth Smith, William Porter, Jacob Smith, William Dickinson, and Moses Porter, the Committee of the Donation School aforesaid, be, and they hereby are incorporated into a body politic by the name of The Trustees of Hopkins Academy ; and they and their successors shall be and continue a body politic by the same name forever.

Persons incor-
porated

SEC. 2. *Be it further enacted,* That all the lands and monies heretofore given or subscribed to the Committee aforesaid for the use of the said School, or which shall hereafter be given, granted and assigned to the Trustees aforesaid for the use of the said Academy, shall be confirmed to the said Trustees, and their successors in that trust forever, for the uses designated

Property as-
signed.

Fee simple.

by the Donors : and they, the said Trustees and their successors shall be further capable of having, holding and taking, in fee simple, by gift, grant, devise or otherwise, any lands, tenements or other estate, real or personal ; *provided* the annual income of the same shall not exceed five thousand dollars ; and that the rents, issues and profits thereof shall be applied in such a manner as that the designs of the donors may be most effectually promoted.

Officers to be chosen.

SEC. 3. *Be it further enacted*, That the said Trustees shall have power from time to time, as they shall determine, to elect such officers of the said Academy as they shall judge necessary and convenient, and fix the tenures of their respective offices : to remove any Trustee from the Corporation, when in their opinion he shall be incapable, through age or otherwise of discharging the duties of his office ; to fill all vacancies by electing such persons for Trustees as they shall judge best ; to determine the times and places of their meetings, the manner of notifying the said Trustees, and the method of electing or removing them ; to ascertain the powers and duties of their several officers ; to elect preceptors and instructors of the said Academy, and determine the duties and tenures of their offices ; to ordain reasonable rules, orders and bye-laws, not repugnant to the Laws of this Commonwealth, with reasonable penalties, for the good government of the said Academy, and to ascertain the qualifications of Students, requisite to their admission, and the same rules, orders or bye-laws at their pleasure to repeal.

Rules and Regulations.

May sue and be sued.

SEC. 4. *Be it further enacted*, That the Trustees of the said Academy may have one common seal, which they may change at pleasure, and that all the deeds signed and delivered by their Treasurer or Secretary, by their order, and sealed with their seal, shall, when made in their name, be considered as their deed, and as such to be duly executed and valid in law ; and that the Trustees aforesaid may sue and be sued in all actions, real, personal or mixed, and prosecute and defend the same to final judgment and execution.

Limitation.

SEC. 5. *Be it further enacted*, That the number of said Trustees and their successors, shall not at any one time be more than nine, nor less than five, and a

majority of the whole number for the time being, shall constitute a quorum for transacting business; and a majority of members present at a legal meeting, shall decide all questions proper to come before the Trustees.

SEC. 6. *Be it further enacted*, That Seth Smith be, and he hereby is authorized to fix the time and place of holding the first meeting of the said Trustees, and to notify them thereof.

[Approved by the Governor, February 14, 1816.]

CHAP. CV.

An Act to incorporate certain proprietors of Meadow and Woodland, within the town of Topsfield 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 from and after the passing of this act, all the proprietors of certain Meadow and Woodland lying in Topsfield, bounded as follows; beginning at Ipswich river by Garden Meadow ditch, so called; thence westerly by land of Robert Perkins, jun. and Joseph Batchelder, to the upland by land of Dudley Bradstreet, thence northerly by land of said Dudley Bradstreet, and heirs of Nathaniel Averell, Joseph Averell, heirs of Jacob Averell, Solomon Averell, and Daniel Averell, to land of Isaac Averell; thence easterly and northeasterly by land of said Isaac Averell and Asa Perkins to the river, and thence up, by and with said river to the ditch aforementioned, be, and they hereby are incorporated into a body politic, by the name of The Proprietors of the Hassocky and River Meadows in Topsfield, and by that name may sue and be sued, and do and suffer whatever other similar bodies politic may and ought to do and suffer. Proprietors incorporated.
May sue and be sued.

SEC. 2. *Be it further enacted*, That the said Ipswich river, where ever said Meadow is bounded thereon, shall be, and hereby is made a legal fence. Boundaries.

SEC. 3. *Be it further enacted*, That any Justice of the Peace in the county of Essex be, and he is hereby

Justice issue
warrant.

Officers to be
chosen.

May raise moneys.

empowered and directed, upon application in writing from three or more of said proprietors, to issue his warrant to one of the proprietors aforesaid, requiring him to notify and warn a meeting of said proprietors, at such time and place as he shall judge most convenient, and for the purposes to be expressed in said warrant, by posting up copies of the warrant, with the notification thereon, at some public place in said Topsfield, and in the town of Hamilton in said county of Essex, seven days at least before the time for holding the meeting; and the said proprietors, when thus legally assembled, shall have power to choose a Clerk, who shall be sworn to the faithful execution of that office, in the meeting, by the Moderator, who is hereby authorized to administer the oath accordingly; and also to choose a Committee or Committees, Field-drivers, Assessors, Collector or Collectors of taxes, and Treasurer, who shall be sworn to the faithful discharge of the trust reposed in them, and continue to serve until others are chosen and sworn in their places, which may be annually; and the Clerk of the Corporation, or any Justice of the Peace in the county of Essex, are hereby severally authorized to administer the oath to the above named officers, which officers chosen and sworn as aforesaid, shall have the same power to perform, execute and carry any vote or order of said Corporation into full effect, as town officers of like description have by law; and said Corporation shall, at their first meeting, agree and determine upon the method for calling future meetings; and said Corporation shall at their first meeting, or at any other legal meeting called for the purpose, have power to vote and raise monies for the purpose of draining off any stagnant water from said Meadow from time to time, as shall be found necessary, and to pay all other expenses that shall be found necessary for the better improving and management thereof; and all monies raised as aforesaid, shall be assessed upon each proprietor in proportion to the just value of such part of the Meadow as he or she may own of the same; and if any proprietor shall refuse or neglect to pay the sum or sums assessed upon him or her as aforesaid, after ninety days notice, so much of his or her Meadow land shall

be sold as will be sufficient to pay the same with legal cost, in the same way and manner as non-resident proprietors lands in this Commonwealth are sold to pay taxes.

SEC. 4. *Be it further enacted*, That said proprietors shall make and maintain their several proportions of the fence inclosing said general and common field, according to the number of acres they shall severally own of the same, to be apportioned in the same way and manner as is provided in a law passed February twenty-fourth, one thousand seven hundred and eighty-six, concerning general and common fields, for apportioning and assigning to each proprietor his share of the general fence of the same. Fences apportioned.

[Approved by the Governor, February 14, 1816.]

CHAP. CVI.

An Act to incorporate the President, Directors and Company of the Castine 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 Daniel Johnston, Otis Little, Doty Little, David Howe, William Abbot, Samuel Upton, Thomas Adams, Jonathan L. Stevens, Josiah Hook, jun. Pearl Spofford, Joseph Perkins, and Robert Perkins, their associates, successors and assigns, shall be, and hereby are created a Corporation, by the name of the President, Directors and Company of the Castine Bank, and shall so continue until the first day of October, which will be in the year of our Lord one thousand eight hundred and thirty-one, and by that name shall be, and are hereby made capable in law to sue and be sued, plead and be impleaded, defend and be defended in any Court of Record, or any place whatever; and also to make, have and use a common seal, and to ordain, establish and put in execution such bye-laws, ordinances and regulations, as to them shall appear necessary and convenient for the government of the said Corporation and Persons incorporated.
Limitation.
May sue and be sued.

Proviso.

the prudent management of their affairs : *provided* such bye-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.

Capital Stock.

Instalments.

SEC. 2. *Be it further enacted*, That the Capital Stock of said Corporation shall consist of the sum of one hundred thousand dollars, in gold and silver, divided into shares of one hundred dollars each, which shall be paid, one quarter on or before the first day of October next, and the remaining sum, one quarter in six months, one quarter in twelve months, and one quarter in eighteen months, after the said first day of October. 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 on 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 thirty 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 proper : *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 for any debts due to the said Corporation : And *provided further*, that no money 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 twenty-five thousand dollars.

SEC. 3 *Be it further enacted*, That the rules, limitations and provisions which are provided in and by the third section of an act, entitled " An act to incorporate the President, Directors and Company of the State Bank," shall be binding on the Bank hereby

established: *Provided* that the bond required to be given by the Cashier, shall be given in the penalty of twenty thousand dollars; and the number of Directors to be annually chosen shall be seven, and four may constitute a *Quorum* for the transaction of business: And *provided also*, that the amount of debts at any time due from said Bank shall not exceed fifty per cent beyond the amount of their Capital Stock actually paid in. Limitation of power.

SEC. 4. *Be it further enacted*, That said Bank shall be established and kept in the town of Castine. Location.

SEC. 5. *Be it further enacted*, That whenever the Commonwealth may require it, the said Corporation shall loan to the Commonwealth, any sum of money which may be required, not exceeding ten 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 the Corporation without their consent, for a larger sum than twenty thousand dollars. State loans.

SEC. 6. *Be it further enacted*, That any Committee, specially appointed by the Legislature for that 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 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 or conditions, in this act provided, the Incorporation shall thereupon be declared forfeited and void. State overseers.

SEC. 7. *Be it further enacted*, That the persons herein before named, or a majority of them, are authorized 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 three weeks successively in the Columbian Centinel printed in Boston, and by posting notifications in one or more public places in the town of Castine, for Public notice.

the purpose of making, ordaining and establishing such bye-laws, ordinances and regulations for the orderly conducting the affairs of said Corporation, as the 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.

Duties of Directors.

SEC. 8. *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 the debts due 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.

State Stock.

SEC. 9. *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 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.

Must pay altered notes.

SEC. 10. *Be it further enacted*, That the said Corporation shall be liable to pay to any bonafide holder, the original amount of any note of said Bank, altered in the course of its circulation to a larger amount, notwithstanding such alteration.

State tax.

SEC. 11. *Be it further enacted*, That the said Corporation, from and after the first day of October next, shall pay by way of tax, to the Treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of April and October annually, the half of one per cent. of the amount of the original stock which shall have been actually paid in; *provided, however*, that the same tax, payable in manner aforesaid, shall be required by the Legislature, of all Banks hereafter incorporated within this Commonwealth: 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. *Be it further enacted,* That one tenth part of the whole fund of said Bank shall always be appropriated to loans, to be made to the citizens of this Commonwealth, 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 the forfeitures and right of redemption as is by law provided in other cases.

Limitation of
Loans.

[Approved by the Governor, February 14, 1816.]

CHAP. CVII.

An Act making provision for the holding of a term of the Supreme Judicial Court, in the counties of Franklin and Hampden, and for altering the time of holding the same in the counties of Hampshire and Berkshire.

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, the Supreme Judicial Court shall be holden at Springfield, within and for the county of Hampden, on the fourth Tuesday of April annually; and at Greenfield, within and for the county of Franklin, on the fourth Tuesday next after the fourth Tuesday of April annually; and the Supreme Judicial Court now appointed by law to be holden at Northampton, in the county of Hampshire on the fourth Tuesday of April, shall in future be holden on the third Tuesday next after the fourth Tuesday of April; and the Su-

Time of hold-
ing Courts.

preme Judicial Court, now appointed by law to be holden at Lenox, within and for the county of Berkshire, on the second Tuesday next after the fourth Tuesday of April, shall in future be holden on the first Tuesday next after the fourth Tuesday of April.

SEC. 2. *Be it further enacted*, That the Tuesday on which any of the said Courts are respectively to be holden, may, in all judicial proceedings, from time to time, be expressed and designated by such Tuesday of the month as will be the Tuesday on which any Court is to be holden pursuant to the aforesaid arrangement: And all writs, recognizances, warrants, complaints, and every other matter and thing, that should, after the passing of this act, be returned to or entered at the Supreme Judicial Court, at the times and places heretofore appointed in the said counties of Hampshire and Berkshire, and all parties and persons that may be required or directed to appear and attend at the aforesaid times and places, and all actions, matters and suits that may be pending in the same Court in the said counties on the day of the passing of this act, shall be returned to, entered, appear and attend, have day, be tried and determined in said Court, in said counties, at the respective times and places established by this act, pursuant to the true intent and meaning thereof, except such matters and things as in and by this act are transferred to, and are directed to be heard and determined in the said counties of Franklin and Hampden respectively.

Suits returned.

Suits transferred.

SEC. 3. *Be it further enacted*, That all actions and civil suits of every name and kind now pending in the Supreme Judicial Court for the county of Hampshire, which were originally commenced in the Circuit Court of Common Pleas for the counties of Franklin or Hampden; all petitions in which the petitioner is an inhabitant of either of said counties; and all indictments against any person or persons for offences committed within either of said counties, shall be transferred and removed to, entered, heard, tried, and proceeded upon within the said counties of Franklin and Hampden, respectively, within which the said actions originated and were commenced, the said petitioners reside, and the said offences were committed; and all

the papers and documents belonging to all such actions, suits, petitions and indictments, that are or shall be filed in the Clerk's office for the said county of Hampshire, shall be delivered over by him to the Clerks of the said counties of Franklin and Hampden, respectively. And all appeals, which have been made from any Circuit Court of Common Pleas, and all recognizances, which shall have been taken within either of the said counties of Franklin and Hampden, since the last term of the Supreme Judicial Court holden within the county of Hampshire, and all offences, which shall have been committed within either of the said counties of Franklin and Hampden shall be entered, heard, tried, prosecuted and proceeded upon, within the said counties, respectively, where the appeals were made, the recognizances were taken, and the offences were committed: *Provided* nevertheless, that all cases and questions that may arise in the Supreme Judicial Court in either of said counties of Franklin or Hampden, which require three or more of the Justices of said Court to determine; and all crimes and offences which require the attendance of three or more of said Justices, shall be heard, tried and determined in the same manner as if this act had not been passed.

[Approved by the Governor, February 14, 1816.]

CHAP. CVIII.

An Act to set off Samuel Lawrence from the town of Pownal to North Yarmouth.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Samuel Lawrence of Pownal, together with his family and so much of his estate as now lies in said Pownal, be, and they are hereby set off from the town of Pownal, and annexed to the town of North Yarmouth; and shall forever hereafter be subject to all the duties, and entitled to all the privileges of inhabitants of the town of North Person set off.

Yarmouth : *Provided*, however, that said Samuel Lawrence shall be holden to pay all taxes that have been lawfully assessed upon him by the town of Pownal, previous to the passing of this act.

[Approved by the Governor, February 14, 1816.]

CHAP. CIX.

An Act to regulate the Alewife Fishery in the town of Bluehill.

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 town of Bluehill, in the county of Hancock, annually, at any legal meeting of the inhabitants of said town, to sell or otherwise dispose of the privilege of taking the fish called Alewives in any brook, stream or place within the limits of said town, not exceeding three days in each week, under such regulations as the said town shall direct, and the emolument arising from said privilege shall be appropriated by said town to such purposes and use as the inhabitants thereof shall, in town meeting, from time to time, determine.

May sell priv-
ilege.

SEC. 2. *Be it further enacted*, That if the purchaser or purchasers, manager or managers of the said privilege, or those employed by them, shall presume to take any of the said fish, at any other time or place in said town than shall be determined by said town ; and if any other person whatever shall presume to take or catch any of said fish in any brook or stream within the boundaries of said town without permission from the inhabitants thereof in legal town meeting, he or they so offending, shall, for each offence, forfeit and pay a sum not exceeding twelve dollars, nor less than one dollar, at the discretion of the Justice before whom the offence shall be tried.

Fines for
breach of
privilege.

SEC. 3. *Be it further enacted*, That the said town of Bluehill, shall, at their annual meeting in March or April, choose a Committee not exceeding seven, nor less than three freeholders of said town, who shall be

Committee to
be chosen.

sworn or affirmed to the faithful discharge of the duties, enjoined upon them by this act; and it shall be the duty of said Committee to cause the natural course of the streams or brooks through which the said fish shall pass, to be kept open and without obstruction during the whole time the said fish pass up and down said streams or brooks in each year, and remove any such obstructions as shall be found therein; and the said Committee, or a majority of them, in the discharge of their duty, shall be permitted at all times, to go upon and pass over the lands of any person through or by which said streams or brooks run, without being considered as trespassers; and any person who shall hinder or molest the said Committee in the business of his or their office, or shall obstruct any passage way in any of the said streams or brooks, otherwise than may be permitted by said Committee, or a majority of them, he or they, so offending, shall forfeit and pay for every such offence, a sum not exceeding twelve dollars nor less than one dollar, at the discretion of the Justice before whom the same shall be tried: *Provided* nevertheless, that nothing in this act shall be considered as authorizing the said Committee to injure the proprietor of any lands, mills or water works, further than is necessary to give the said fish a good and sufficient passage up and down the streams and brooks aforesaid.

Duties.

Forfeitures.

SEC. 4 *Be it further enacted*, That it shall be the duty of the fish Committee appointed by said town, to prosecute for all breaches of this act, and for any one of them, to seize and detain in their custody, any net which may be found in the hands of any person using the same contrary to the true intent and meaning of this act, until the person so offending makes satisfaction for his offence, or is legally acquitted therefrom; and also to seize to the use of said town all such fish as they shall have taken contrary to the provisions of this act.

May detain nets.

SEC. 5. *Be it further enacted*, That all the penalties incurred by any breach of this act, shall be recovered by an action on the case, or by an action of debt, before any Justice of the peace within and for the county of Hancock, allowing an appeal to the next Circuit

May sue for penalties.

SPRING. BANK.—MID. FISH'Y. *Feb. 14, 1816.*

Witnesses. Court of Common Pleas to be holden in and for the said County; and all sums of money, recovered in consequence of any breach of this Act, shall be to the use of said town, and no person by reason of his being one of said Committee, or an inhabitant of said town, shall be thereby disqualified from being a witness in any prosecution or suit for any breach of this act.

[Approved by the Governor, February 14, 1816.]

CHAP. CX.

An Act authorizing the President, Directors and Company of the Springfield Bank to reduce the amount of their Capital Stock.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, the Capital Stock of the President, Directors and Company of the Springfield Bank shall be one hundred thousand dollars, the number of shares to be the same as at present established by law, and that the sum necessary to complete the said Capital, shall be paid in by the first day of April next, any thing in the several acts to which this is in addition to the contrary notwithstanding.

[Approved by the Governor, February 14, 1816.]

CHAP. CXI.

An Act to regulate the Fishery within the town of Middleborough in the county of Plymouth.

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 it shall not be lawful for any person or persons (except as is hereinafter provided) to catch or destroy any of the fish called Alewives within the lim-

its of the town of Middleborough, or in Titicut river, so called, either within the limits of the towns of Middleborough, Bridgewater or Raynham; *provided* however, that it shall and may be lawful for the inhabitants of said town of Middleborough to catch said fish with scoop nets or set nets only at the following places Proviso. in said Middleborough, to wit; at Oliver's works (so called) three days in each week only, to wit, on Mondays, Tuesdays and Wednesdays, beginning at midnight next succeeding Sunday and ending at midnight next succeeding Wednesday; at the Old Stone Ware four days in each week, to wit, on Tuesday Wednesday, Thursday and Friday, beginning at midnight next Time for fish-
ing. preceeding Tuesday, and ending at midnight next succeeding Friday; and at Assawampset brook, three days in each week, to wit, Monday, Tuesday and Wednesday, beginning at midnight next succeeding Sunday and ending at midnight next succeeding Wednesday; *provided* also that said town of Middleborough Proviso. shall, at a legal town meeting, dispose of and grant upon such conditions, and under such restrictions and regulations as said town shall establish for that year, and so from year to year, the sole privilege of catching Alewives with scoop nets or set nets only, on the days and at the places designated by this act to such person or persons, as shall give most for the same, and give sufficient security for payment, such person or persons so purchasing to have the right to take fish, and no other person whatever.

SEC. 2. *Be it further enacted*, That if any person or persons shall, at any time or place other than those admitted by this act, catch or destroy any of the fish aforesaid, or, by any other means whatever, shall interrupt, impede or hinder the passage of said fish up the streams, brooks and ponds within said town, or in Titicut river, which divides said town of Middleborough from the towns of Bridgewater and Raynham, or any of the waters connected therewith, within the limits of either of said towns, he or they shall forfeit and pay a sum not exceeding twenty dollars, nor less than five dollars, to be recovered by indictment, complaint, or action of debt, in any court proper to try the same; one half to the use of the said town of Middle- Fines for stop-
ping fish.

borough, the other half to him who shall prosecute or sue for the same.

SEC. 3. *Be it further enacted,* That if any person or persons be found fishing with any seine or net, or other machine and instrument, or any seine or other instrument which shall be used by any person or persons, contrary to the true intent and meaning of this act, it shall be lawful for any person to seize and take such seine, net, or other instrument to his own use: and if prosecuted therefor, to plead the general issue and give this act in evidence, as though the same had been specially pleaded.

May seize nets.

Committee to be chosen annually.

Fines for neglect of duty.

SEC. 4. *Be it further enacted,* That said town of Middleborough shall, at the annual meeting in the month of March or April in each year, choose four or more persons, being freeholders in said town, whose duty it shall be to see that this act be duly observed, and to prosecute for all breaches thereof; and each person, so chosen, shall be sworn to the faithful discharge of his duty: And if any person so chosen shall refuse to serve, he shall forfeit and pay, to the use of said town of Middleborough, the sum of five dollars, to be sued for and recovered by the town Clerk of said town; and said town shall immediately proceed to a new choice.

Act repealed.

Exception.

SEC. 5. *Be it further enacted,* That all laws heretofore made for the regulation of the Fishery in the said town of Middleborough be, and the same hereby are repealed: *Provided,* nevertheless, that an act passed on the sixth day of March, in the year of our Lord one thousand eight hundred and two, for the preservation and regulating the taking of fish called Alewives, in the brook running from the west Quiticus pond, to the east Quiticus pond, shall be and remain in full force; any thing in this act to the contrary notwithstanding.

Justice may try actions.

SEC. 6. *Be it further enacted,* That any Justice of the Peace for the county of Plymouth shall be deemed and considered competent to try any action, complaint, or suit, prosecuted under this act, notwithstanding said Justice may be an inhabitant of the said town of Middleborough.

[Approved by the Governor, February 14, 1816.]

CHAP. CXII.

An Act in addition to an act, entitled “An act to establish a town by the name of Brewer.”

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the boundaries of the town of Brewer shall be, and the same are hereby declared to be so far altered, as that the division line between the towns of Brewer and Orrington shall hereafter be established and known as follows, viz :—A yellow birch tree marked, being the northeast corner of bound of lot number twenty-six, in the Bevel, so called, where the same intersects the southerly line of lot number ninety-four, in the second division, shall be a fixed boundary ; thence westerly, on the division line, between the south lots of the first and second divisions, and the Bevel, so called, to the head of the front lots ; thence by the head of the front lots, to the north line of the lot of the Widow Priscilla Brastow ; thence by the northerly line of said lot to Penobscot river ; any thing contained in the act, to which this is an addition notwithstanding.

Boundaries of
tend.

[Approved by the Governor, February 14, 1816.]

CHAP. CXIII.

An Act in further addition to an act, entitled “An act for establishing a Corporation by the name of the Sixth Massachusetts Turnpike 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 the Sixth Massachusetts Turnpike Corporation be, and they hereby are authorized and empowered to remove the gate now standing on said road in Rutland, to any place on said road which they may elect between the house of Levi

May remove
gate.

Bartlett, in Rutland and the Warner road, so called, in Holden.

Proviso.

SEC. 2. *Be it further enacted*, That the said Corporation be, and they hereby are authorized and empowered to remove the gate now standing on said road in Holden, to any place on said road which they may elect in Shrewsbury; *provided* that the same be not placed at a distance of more than one mile, as the said road runs from the dividing line between the towns of Worcester and Shrewsbury.

[Approved by the Governor, February 14, 1816.]

CHAP. CIV.

An Act in addition to the several acts now in force to regulate the Inspection of Butter and Lard to be exported.

Additional brand.

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, every firkin of Butter or Lard, inspected and branded by the Inspector General of Butter and Lard, or his Deputy, or either of them, shall, on so being inspected, be further branded with the month and year in which the same has been, or may hereafter be, so inspected, in legible letters and figures.

May abbreviate brand.

SEC. 2. *Be it further enacted*, That the Inspector General, or his Deputy, or either of them, may, when the month in which any Butter or Lard shall be inspected, shall consist of more than one syllable, so abbreviate the name of the month, as conveniently to brand the same on the head of each firkin, by him or them inspected.

Additional fee.

SEC. 3. *Be it further enacted*, That one cent for each firkin of Butter or Lard, so branded by virtue of this act, shall be further paid to the Inspector or Deputy Inspector, who shall so brand the same, in addition to the fees already by law established.

SEC. 4. *Be it further enacted*, That if any Inspector or Deputy Inspector shall neglect or refuse to brand

any Butter or Lard, to be exported, agreeably to this act, the person or persons, so offending, shall be subject and liable to the same penalties and forfeitures as are recoverable by the several acts to which this act is in addition: *Provided*, that nothing in this act contained shall be holden to extend to any Butter or Lard which, before the passing of this act, may have been duly inspected and branded. Penalties

[Approved by the Governor, February 14, 1816.]

CHAP. CXV.

An Act authorizing the sale of Ministerial Land in Baldwin.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Josiah Pierce, William Fitch, Joseph Richardson, Ephraim Brown, David Potter, Sylvanus Batchelor, and Ephraim Flint, be, and they hereby are appointed Trustees, and are incorporated into a body politic, by the name of the Trustees of the Ministerial Fund, in the town of Baldwin; and they and their successors shall be and continue a body politic and corporate forever; and they may sue and be sued in all actions real, personal and mixed, and may prosecute and defend the same to final judgment and execution by the name aforesaid. Trustees incorporated.

SEC. 2. *Be it further enacted*, That the said Trustees and their successors shall and may, annually elect a President and a Clerk to record the doings of the Trustees at their annual meetings, and a Treasurer to receive and apply the monies hereinafter mentioned, as is by this act directed. Officers to be chosen.

SEC. 3. *Be it further enacted*, That the number of Trustees shall not, at any one time, be more than seven nor less than five, any four of whom shall constitute a *Quorum* for transacting business; and they shall and may, from time to time, fill up vacancies in their number, which may happen by death, resignation or otherwise, from the inhabitants of said town, and shall also Number of Trustees.

Meeting called.

have power to remove any of their number who may become unfit and incapable, from age, infirmity, misconduct, or any other cause, of discharging their duty, and to supply a vacancy so made by a choice from the inhabitants of the town aforesaid; and said Trustees 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 said Trustees shall hereafter direct.

May sell lands.

SEC. 4. *Be it further enacted*, That said Trustees be, and they are hereby authorized to sell and convey in fee simple, all the lands reserved for the use of the Ministry belonging to said town of Baldwin, and to make, execute and acknowledge a good and sufficient deed or deeds thereof, which deed or deeds subscribed by the name of their Treasurer, by the direction of said Trustees, with their seal thereunto affixed, shall be good and sufficient in law to pass and convey the fee simple from said town to the purchasers, to all intents and purposes whatsoever.

Management of money.

SEC. 5. *Be it further enacted*, That the monies arising from the sale of said lands, shall be put at interest as soon as may be, and secured by mortgage of real estate to the full value of the estate sold, or by two or more sufficient sureties with the principal, unless said Trustees shall think fit to invest the same in Bank Stock of this Commonwealth, or of the funded Stock of the United States, which they may do.

Support of Ministry.

SEC. 6. *Be it further enacted*, That the Trustees shall annually apply the interest arising from the funds aforesaid, to the support of the Gospel Ministry in said town, in such way and manner as the inhabitants thereof in legal town meeting shall direct; and if the inhabitants of said town shall at any time neglect for the space of one year to appropriate the interest arising from the fund aforesaid, as before directed, then in that case the interest so arising shall be added to the original fund and shall make a part of the same; and it never shall be in the power of the said town to alienate or in any wise alter said fund or make any appropriation of the interest arising therefrom for any other

purpose than for the support of the Gospel Ministry in said town.

SEC. 7. *Be it further enacted*, That the Clerk of said Corporation shall, previous to his entering on the duties of his office, be sworn faithfully to perform the same, and the Treasurer of said Trustees shall give ^{Clerk give bonds.} bond to the said town of Baldwin, in the penal sum of two thousand dollars, conditioned for the faithful performance of the duties of said office, according to the true intent and meaning of this act.

SEC. 8. *Be it further enacted*, That the Trustees or their officers for any service they may perform, shall be entitled to no compensation out of any money arising ^{Compensation.} from the aforesaid fund, but if entitled to any, they shall have and receive the same of said town as shall be mutually agreed on.

SEC. 9. *Be it further enacted*, That said Trustees and their successors, shall exhibit to the town at their annual meeting in March or April, a regular and fair ^{Report of doings.} statement of their doings; and said Trustees, for their personal negligence or misconduct, whether they be officers or not, shall be responsible to the town and liable to prosecution for any loss or damage resulting thereby to the funds, and the debt or damage, recovered in such suit, shall be to the use and addition of said fund.

SEC. 10. *Be it further enacted*, That any Justice of the Peace within and for the county of Cumberland be, ^{First meeting.} and he hereby is authorized to fix the time and place for holding the first meeting of said Trustees, and to notify each Trustee thereof.

[Approved by the Governor, February 15, 1816.]

CHAP. CXVI.

An Act to incorporate the town of Southbridge.

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 parts of the towns of Sturbridge, Charlton and Dudley, as con-

Boundaries.

tained and described within the following boundaries, be, and the same is hereby established as a separate town, by the name of Southbridge. viz. beginning at the south-east corner, being a heap of stones on Connecticut line; thence running north, nine degrees west, eighty-nine rods, to the great monument, so called; thence continuing the same course four hundred and twenty rods further to a white oak tree marked, at the north-east corner of Sturbridge, projecting into Dudley; thence north, seventeen degrees east, five hundred and twenty rods to a stake and stones on the east line of Luther Ammidon's farm; thence north, thirty-one and an half degrees east, one hundred and two rods, to a black oak tree marked; thence north, five and an half degrees east, eighteen and a half rods, to said Ammidon's north-east corner; thence west, eleven degrees south, fifty-one rods to Eliakim Chamberlain's south-west corner; thence north one degree west, one hundred and three rods to a north-west corner of Eliakim Chamberlain's land; thence east nine and an half degrees north, forty rods; thence east eighteen degrees north, twenty-seven and an half rods to a south-east corner of said Ammidon's land; thence north two and an half degrees east, fifty-eight rods to another north-east corner of Luther Ammidon's land; thence west, eleven degrees south, thirty-two and an half rods to another south-west corner of said Chamberlain's land; thence north, twenty-three and an half degrees east, thirty-four and an half rods to a stake and stones; thence north thirty degrees east, fifteen rods to a stake and stones; thence west twelve degrees north, thirty rods to a poplar staddle on Calvin Ammidon's east line; thence north one and an half degrees west on said Calvin Ammidon's east line, and crossing a small pond, two hundred and twenty-seven rods to a stake on his north line in a cedar swamp; thence west fourteen and an half degrees south, forty-five and an half rods to Royal Ellis's south-east corner; thence west eleven and an half degrees south, forty-one rods to said Ellis's south-west corner; thence west thirty-one and an half degrees north, five hundred and eighty-eight rods to the south-west corner of Benjamin Doughty, jun's farm; thence west fifteen and an half degrees south, eighty-

four rods to a stake and stones on Sturbridge east line; thence southerly on said line, one hundred and eighty-three rods to the south-east corner of Henry Fiske's land; thence west forty and one quarter degrees south, three hundred rods to the north-west corner of Captain Jacob Endicot's farm; thence south thirteen and an half degrees west, in his west line, one hundred and thirty rods to the middle of Quinebaug river; thence running up the middle of the river about four hundred and sixty-one rods to a stake and stones on the north side of the river; thence south twenty-six degrees west, three hundred and twelve rods to a stake and stones; thence south, thirty-eight degrees west, seven hundred and eighty rods to a stake and stones on Connecticut line; thence easterly on the north line of Woodstock, in Connecticut, about seventeen hundred rods, to the corner first mentioned, or described; containing twelve thousand four hundred and two and a half acres, including all the inhabitants within the above described lines or boundaries. And the said town of Southbridge is hereby vested with all the powers and privileges, and is also subjected to the same duties and regulations of other towns, according to the Constitution and Laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That the inhabitants and proprietors of land, in the said town of Southbridge, shall be holden to pay their proportion of all taxes already voted to be raised, and shall have been assessed at the time of passing this act, by the towns of Sturbridge, Charlton and Dudley, and also to pay their proportion of all public debts due and owing by the said towns of Sturbridge, Charlton and Dudley, at the time of passing this act. Taxes paid up.

SEC. 3. *Be it further enacted*, That said town of Southbridge shall be entitled to demand and receive of the said towns of Sturbridge, Charlton and Dudley, its proportion of all the town's public stock of arms, ammunition, legacies and bequests, or any other town property whatsoever, the said towns of Southbridge, Charlton and Dudley were possessed of, or entitled to, at the time of passing this act. Said town of Southbridge is also to be entitled to the benefit of a certain bond given by Jedediah Marcy, deceased, to the inhabitants Public arms.

of the town of Charlton, for the purpose of supporting the Marcy bridge, (so called) within said town of Southbridge, for a certain time in said bond expressed.

Town poor.

SEC. 4. *Be it further enacted*, That the inhabitants of the said town of Southbridge shall support and maintain all such persons, as heretofore have been, now are, or hereafter may be, inhabitants of those parts of Sturbridge, Charlton and Dudley, hereby incorporated, and are or may become chargeable, according to the laws of this Commonwealth, and who have not obtained a settlement elsewhere therein.

Justice to issue warrant.

SEC. 5. *Be it further enacted*, That any Justice of the Peace for the county of Worcester, is hereby authorized to issue his warrant, directed to a freeholder of said town of Southbridge, 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 meeting in March or April.

[Approved by the Governor, February 15, 1816.]

CHAP. CXVII.

An Act authorizing a Lottery for the purpose of rebuilding Kennebeck Bridge.

Sum raised.

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 sum of twelve thousand dollars be raised by Lottery for the purpose of rebuilding the Bridge over Kennebeck river, at Augusta; and that the proprietors of said Bridge be, and they hereby are authorized and empowered to appoint Managers of said Lottery, whose business it shall be from time to time to make and publish such scheme, or schemes, as shall in their opinion best promote the purposes of said Lottery, to draw the same, and to transact all other business pertaining thereto.

Managers appointed.

SEC. 2. *Be it further enacted*, That the managers appointed, before they enter on the duties of their said

office, shall give separate bonds, with sufficient sureties, to the proprietors of said Bridge, each one in his proportional sum of twelve thousand dollars, and each one to be answerable for his own default, and to be sworn for the faithful performance of said trust.

SEC. 3. *Be it further enacted*, That the prizes which may be drawn in said Lottery, shall be paid by the managers, in thirty days next after the drawing of each class of said Lottery shall be completed; those prizes not demanded within one year after the publication of the drawing of said Lottery, shall not be recoverable. Prizes to be paid. And the managers shall, from time to time, as the classes shall be drawn, pay to the superintendant, or the treasurer, for the time being of said proprietors, the net proceeds thereof, after deducting the compensation that the said proprietors shall allow them for their services; which net proceeds shall be faithfully applied for the purpose of rebuilding the said Bridge: And the proprietors of the said Bridge shall give bond with sufficient sureties, in such sum as the Governor, with advice of Council, shall direct, to this Commonwealth; conditioned that the net proceeds of said Lottery shall be faithfully applied for the purpose of rebuilding said Bridge, and also that the said Bridge shall be erected and completed within the term of four years, from and after the passing of this act.

SEC. 4. *Be it further enacted*, That said Managers shall publish the scheme or schemes of the said Lottery in one or more of the public newspapers printed in this Commonwealth, the time and place of drawing the same, and also lists of all prizes which may be drawn therein. They shall also, after the business of said Lottery shall be completed, exhibit an account of their doings therein, with the amount of tickets sold in each class, and the expense and net proceeds thereof, before the Governor and Council for their examination and approbation; and they shall be severally held by their said bonds until their said accounts shall be so examined and approved. Duty of managers.

SEC. 5. *Be it further enacted*, That said managers shall refund all monies by them severally received for tickets; *provided* any class in the said Lottery shall Money to be refunded.

not be drawn within six months next after the time appointed and advertised for that purpose.

Proviso.

SEC. 6. *Be it further enacted*, That this act shall continue in force for the term of four years from and after the passing of the same, and no longer.

[Approved by the Governor, February 15, 1816.]

CHAP. CXVIII.

An Act to authorize the town of Chelsea to erect certain Mills therein.

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 inhabitants of the town of Chelsea be, and they are hereby authorized and empowered to build a Dam across a creek or river in said town, called Mill river, at or near the Poor-house in said town, and to erect and build suitable Grist Mills thereon, and to sell and lease the same Mills for such consideration, and on such conditions as they think proper.

Powers granted.

SEC. 2. *Be it further enacted*, That the inhabitants of said town be, and they are hereby authorized to raise such a sum of money, as, at any town meeting, legally warned for this purpose, shall be voted to be raised for the purpose of building said Dam and Mills, and for the payment of all damages which may be sustained by reason of the erection of said Dam and Mills, and for the proper management of the same; and the Assessors of said town, for the time being, may issue their warrants to collect the same; and the said town, and all town officers, may proceed therein in all respects, as in the assessment and collection of other town taxes: *Provided always*, That the inhabitants of said town shall be holden to indemnify all individuals having a right by prescription, or otherwise, to erect a Mill on said river, for such damage as they may sustain by reason of the erection of the Dam aforesaid.

Assessment to be made.

Proviso.

[Approved by the Governor, February 15, 1816.]

CHAP. CXIX.

An Act to regulate the Fishery in Taunton Great 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 from, and after the twentieth day of March next, it shall not be lawful for any person or persons (except as is hereinafter provided) to catch Alewives, or any other fish with seines or nets in Taunton great river; *Provided*, That it shall and may be lawful, for the inhabitants of the several towns situated on said river, to catch Alewives and other fish within the bounds of their own towns, and no where else, with seines or nets, four days in each week only, to wit, on Monday, Tuesday, Wednesday and Thursday, beginning at midnight next succeeding Sunday and ending at midnight next succeeding Thursday in each week; and *provided* that the towns of Dighton and Wellington shall draw or sweep with two seines or nets only; the town of Berkeley shall draw or sweep with two seines or nets only; the town of Taunton shall draw or sweep with three seines or nets only; the town of Raynham shall draw or sweep with two seines or nets only; and the town of Somerset shall draw or sweep with three seines or nets only, in said river, within the time before mentioned; and no person shall be permitted at any time to set any seine or net across said river, or in any part thereof, or in any waters connected with the said river, or make use of any seine or net of more than twenty rods in length; *Provided* also, that each of said towns shall at a legal town meeting, establish annually the places where the said seines or nets may be used within the bounds of the respective towns exclusively, and at the same meeting or an adjournment thereof, dispose of and grant for that year, and so from year to year, the sole privilege of catching Alewives, or other fish with seines or nets on the days above mentioned, at the places so established, to such person or persons, as shall give the most for the same, and give sufficient security for

General regulations.

Proviso.

payment at such time and in such manner as the respective towns shall order, such person or persons, so purchasing the privilege, to have right to fish, and no other person whatever.

Penalties. SEC. 2. *Be it further enacted,* That if any person or persons shall draw any seine or net on any day or time other than those before mentioned, or at any place other than those established by the town, as aforesaid, or shall on any day or at any place, set a seine or net in or across said river, or any part thereof, or in any waters connected with the same, he shall forfeit and pay fifty dollars for each and every such offence, to be recovered by indictment or information, or by action of debt, in any court proper to try the same; the one half thereof to the use of the poor of the town where the offence shall be committed, and the other half to him or them who shall prosecute or sue for the same.

May seize nets. SEC. 3. *Be it further enacted,* That if any person or persons shall be found sweeping with any seine or net, or if any seine or net shall be used by any person or persons contrary to the true intent and meaning of this act, it shall and may be lawful for any person or persons to seize and take such seine or net to his or their own use, and if prosecuted therefor, to plead the general issue, and give this act in evidence as though the same was specially pleaded.

Committee to be chosen. SEC. 4. *Be it further enacted,* That the several towns aforesaid, shall at their annual meetings in the month of March or April in each year, choose three or more persons being freeholders in their respective towns, whose duty shall be to see that this act be duly observed, and to prosecute for all breaches thereof; and each person so chosen shall be sworn to the faithful discharge of his duty; and the several towns shall be holden to make a reasonable compensation to the persons so chosen by them respectively for all necessary services in discharge of their duty under this act.

Fines. And if any person so chosen shall refuse to serve, he shall forfeit and pay to the use of the town to which he belongs, the sum of ten dollars, to be sued for and recovered by the Town Clerk; and the said town shall immediately proceed to a new choice.

SEC. 5. *Be it further enacted,* That if any person

or persons convict of any of the offences aforesaid by indictment or information, shall fail to pay the costs, or any part thereof, of the process on which he or they shall be convicted, so that the county in which the conviction takes place shall be chargeable with such costs, the several towns aforesaid shall reimburse to the said county the same costs in the following proportions, to wit:—The town of Taunton three seventh parts, and the towns of Dighton and Wellington, two seventh parts, and the town of Berkley two seventh parts thereof, to be apportioned and charged by the County Treasurer to the said towns respectively, and to be assessed by the Assessors of the said town with other town charges. Reimburse-
ments.

SEC. 6. *Be it further enacted*, That all laws heretofore made for the regulation of the Fishery in Taunton great river, be, and the same are hereby repealed.

[Approved by the Governor, February 15, 1816.]

CHAP. CXX.

An Act to regulate the Fishery in Damascotta 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, from and after the passing of this act, it shall not be lawful for any person to take Salmon, Shad or Alewives in any part of Damascotta river, above the toll bridge, across said river, with seines, drag nets, or other long nets, between the first day of May and the first day of July annually. Interdiction.

SEC. 2. *Be it further enacted*, That, from and after the passing of this act, it shall not be lawful for any person to obstruct the passing of fish up the said river by hauling timber into said river, at the lower end of the fish-ways, at the mouth of the new river, or by rafting lumber, or with boats or scows, or by any other obstructions. River obstruc-
tions.

SEC. 3. *Be it further enacted*, That each and every person who may be convicted of any offence against this act, before any Justice of the Peace, shall, for each and every offence, forfeit and pay a fine of five dollars, Fines.

to be recovered by an action of debt, in any Court proper to try the same.

[Approved by the Governor, February 15, 1816.]

CHAP. CXXI.

An Act for dividing the county of Hancock, and establishing a new county, by the name of Penobscot.

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 territory in the county of Hancock, which lies north of the Waldo Patent, on the west side of Penobscot river, and north and west of the following lines on the east side of said river : Beginning at said river, at the south line of Orrington, thence running easterly, on the southerly lines of Orrington, Brewer, and the Gore east of Brewer, to the west line of the Bingham purchase ; thence northerly by said Bingham purchase, to the northwest corner thereof ; thence easterly on the north line of said Bingham purchase, to the county of Washington, be, and hereby is constituted a new County, by the name of PENOBSCOT, whereof Bangor shall be the shire town, until otherwise ordered by the General Court : And the inhabitants of said county of Penobscot shall have and possess, use and enjoy all the powers, rights and immunities, which by the Constitution and Laws of this Commonwealth, any other inhabitants are entitled to.

Courts.

SEC. 2. *Be it further enacted,* That there shall be held and kept within the said county of Penobscot, at Bangor, a Circuit Court of Common Pleas, on the second Tuesday of July, and the first Tuesday of January, yearly, and every year, by the Justices of the Circuit Court of Common Pleas, for the third Eastern Circuit, until otherwise ordered, who shall have, hold, and enjoy all the powers which are by law given and granted to the Justices of any similar Courts in this Commonwealth : And all appeals from any judgment or judgments, given at any Circuit Court of Common

Pleas within said county of Penobscot, shall be heard and tried in the Supreme Judicial Court, holden at Castine, within the county of Hancock.

SEC. 3. *Be it further enacted*, That the jurisdiction of the county of Hancock, in all civil and criminal matters, and the power and duty of its civil officers and magistrates shall continue until the first day of April next through the county of Penobscot, in the same way and manner as though this act had not passed; and all proceedings in the Probate Court, for the county of Hancock, which may be pending at the passing of this act, and all processes commenced, prior to the first day of April aforesaid, shall be finally decided upon in said Probate Courts, for the county of Hancock.

SEC. 4. *Be it further enacted*, That all actions, suits, matters and things of every kind, commenced for, or pending in the Circuit Court of Common Pleas, in the county of Hancock, after the first day of April next, when any question of real estate is to be tried, that is situated in the county of Penobscot, or where the original plaintiff or plaintiffs, petitioner or petitioners, one or more of them, lives or resides in said county of Penobscot, may be, and all indictments for offences committed in said county of Penobscot, and all criminal prosecutions of every kind, with all recognizances, scirefacias and suits, where the Commonwealth are a party, and the adverse party live or reside in the said county of Penobscot, shall be transferred and removed, to be heard, tried and have day, entered and proceeded upon, in the said Circuit Court of Common Pleas, to be holden in said county of Penobscot, herein by law established; and all papers and documents, belonging to such actions, suits, indictments and criminal prosecutions, filed in the office of the Clerk for the county of Hancock, shall be by said Clerk delivered over to the Clerk, who shall be appointed for the county of Penobscot.

SEC. 5. *Be it further enacted*, That the several towns, districts and plantations, in the said county of Penobscot, shall be holden to pay all county taxes which have been assessed, or which may be granted and assessed for the county of Hancock, for the current year, to the Treasurer of said county of Hancock, in the same way and manner, as they have been holden

to pay, prior to the passing of this act; and the power and duty of the proper officers of the county of Hancock, for the assessment and collection of county taxes, shall extend to all the towns, districts and plantations in the county of Penobscot, so far as shall be necessary for completing such collections; and after the payment of the debts due from said county on the first day of April next, all money and credits of said county of Hancock shall be divided between the counties, in a just and equitable manner, and the adjustment and settlement thereof shall be made within one year from the passing of this act.

Officers appointed.

Proviso.

SEC. 6. *Be it further enacted*, That the methods and forms of conducting legal processes of every kind, and for choosing County Treasurer and Register of Deeds, and for choosing persons to serve as jurors, at any Courts established by law, shall be observed and put in practice in the county of Penobscot:—*Provided however*, that the County Treasurer and Register of Deeds for said county, shall, for the first time, originate in the same manner as is prescribed by law, where vacancies happen by death or resignation.

Political rights.

SEC. 7. *Be it further enacted*, That for all purposes relating to the elections of Senators and Counsellors, and Representatives to Congress, the said county of Penobscot shall be considered as a part of the district, to which it belonged prior to the passing of this act; and the several towns, districts and plantations, and the inhabitants thereof, shall enjoy the same rights, powers and privileges, and be subject to the same duties and penalties, as if this act had not passed.

SEC. 8. *Be it further enacted*, That the terms of the Circuit Court of Common Pleas, now established by law, to be held at Castine, in and for the county of Hancock, be, and they are hereby established as the only terms in the county of Hancock, until they shall be otherwise fixed by law.

Prisoners to be committed.

SEC. 9. *Be it further enacted*, That all officers within the county of Penobscot, having authority to commit prisoners to goal, shall be authorized for the term of three years, to commit their prisoners to the jail in the county of Hancock, and the keeper of the jail in the said county of Hancock is hereby authorized and

required to receive and detain such prisoners: *Provided*, nevertheless, that no expense or damage shall accrue therefrom to the county of Hancock.

[Approved by the Governor, February 15, 1816.]

CHAP. CXXII.

An Act to alter and change the names of several persons therein mentioned.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the passing of this act, Isaiah Atkins of Boston, in the county of Suffolk, gentleman, shall be allowed to take the name of Isaiah Strong Atkins; that John S. Carter of the same Boston, merchant, shall be allowed to take the name of John Sigourney Carter; that Samuel Davis of Boston aforesaid, son of Rufus Davis of Quincy, in the county of Norfolk, shall be allowed to take the name of Samuel S. Davis; that George Foster, son of Samuel Foster of said Boston, merchant, shall be allowed to take the name of George Reginald Foster; that Henry Gray, a minor, and son of Silvanus Gray of the same Boston, merchant, shall be allowed to take the name of Henry Gallison Gray; that John Loring of Boston aforesaid, son of the late Dr. John Loring of the same place, shall be allowed to take the name of John James Loring; that John Long of said Boston, trader, son of John Long formerly of Oakham, in the county of Worcester, yeoman, shall be allowed to take the name of John W. Long; that Daniel Farrar Melony, of the same Boston, mariner, shall be allowed to take the name of Daniel Farrar; that Ebenezer Wells Ramsay of Boston aforesaid, shall be allowed to take the name of Ebenezer Wells; that Thomas Rice of the same Boston, merchant, son of the Rev. Asaph Rice of Westminster, in the county of Worcester, shall be allowed to take the name of Thomas Kinsey Rice; that Thomas Smith, a minor, and son of William Smith, Esq. of Boston aforesaid, shall be allowed to take the

Persons changing their names.

name of Thomas Carter Smith; that Sally Shannon Goodhue, daughter of Samuel Goodhue, of Newburyport, in the county of Essex, shall be allowed to take the name of Susan Adams Goodhue; that Henry Small of the same Newburyport, gentleman, shall be allowed to take the name of Henry Small Ellenwood; that Jacob Jewett, jun. of Rowley, in said county of Essex, shall be allowed to take the name of Jacob Clark Jewett; that Harvey Richmond of Worthington, in the county of Hampshire, shall be allowed to take the name of Harvey Metcalf; that Job Kittridge of Hinsdale, in the county of Berkshire, shall be allowed to take the name of William Kittridge; that Isaiah Atkins of Roxbury, in the county of Norfolk, gentleman, son of Samuel Atkins of Truro, in the county of Barnstable, shall be allowed to take the name of Isaiah Malcomb Atkins; that John Batista, of Cohasset in said county of Norfolk, mariner, shall be allowed to take the name of John Barker; that Robert Dunlap, 2d of Brunswick, in the county of Cumberland, shall be allowed to take the name of Robert Pinckney Dunlap; that Jesse Barrows of Fryburg, in the county of Oxford, son of Deacon William Barrows of Hebron, in the same county, shall be allowed to take the name of John Stuart Barrows; that David Fales, 3d, of Thomaston, in the county of Lincoln, Esq. son of David Fales, Esq. of the same Thomaston, shall be allowed to take the name of David Samuel Fales; and the several persons before named, from the time of the passing of this act, shall be called and known by the names which, by this act, they are respectively allowed to take and assume as aforesaid; and the said names shall forever hereafter be considered as their only proper and legal names, to all intents and purposes.

[Approved by the Governor, February 15, 1816.]

CHAP. CXXIII.

An Act authorizing the Treasurer of this Commonwealth to enforce the collection of Taxes in certain cases, within the counties of Oxford, Somerset, Hancock and Washington.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Treasurer of this Commonwealth be, and he hereby is directed to issue his warrants to the Sheriffs of the counties of Oxford, Somerset, Hancock and Washington, requiring them to collect within their own counties the sums which by the several tax acts, for the years one thousand eight hundred and twelve, one thousand eight hundred and thirteen, one thousand eight hundred and fourteen, and one thousand eight hundred and fifteen, were assessed on the several townships, or other tracts of unimproved land, lying within their respective counties—but upon all which townships, or other tracts of unimproved land, there was not at the settlement of the last valuation, any person residing thereon, or Assessors chosen, to whom said Treasurer could issue his warrants for the assessing and collection thereof; all which sums, are to be collected in the same manner, as Collectors or Constables are authorized and directed to proceed, in the collecting of taxes, laid on non-resident proprietors of unimproved lands, and to be paid into the treasury of this Commonwealth, on or before the first day of September next.

Warrants to be issued.

[Approved by the Governor, February 15, 1816.]

CHAP. CXXIV.

An Act to alter the number of Members composing Division Courts Martial.

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 Division Court

Limitation of
members.

Martial which may hereafter be ordered in this Commonwealth, shall be formed of a President and six Members, instead of twelve, as was heretofore provided for by law, to be appointed and detailed as directed in an act, entitled "An act for governing and training the Militia of this Commonwealth," passed on the sixth day of March, in the year of our Lord one thousand eight hundred and ten; and the Supernumeraries detailed for any Division Court Martial, shall not exceed three in number, any law or usage to the contrary notwithstanding.

[Approved by the Governor, February 15, 1816.]

CHAP. CXXV.

An Act in addition to an act, entitled "An act for dividing the Commonwealth into Districts, for the choice of Counsellors and Senators."

Designation of
districts.

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, the counties of Hampshire, Hampden, and Franklin, shall form one District, and choose four Senators; the counties of Barnstable, Dukes County, and Nantucket, shall form one District, and choose one Senator.*

Act repealed.

SEC. 2. *Be it further enacted, That so much of an act passed the twenty-fourth day of February, in the year of our Lord one thousand eight hundred and fourteen, entitled "An act for dividing the Commonwealth into Districts, for the choice of Counsellors and Senators," as is inconsistent with the provisions of this act, be and the same is hereby repealed.*

[Approved by the Governor, February 15, 1816.]

CHAP. CXXVI.

An Act to annex Abraham Hilton, and a part of his estate to the town of Alna, 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 Abraham Hilton with his family, together with about twenty acres of land, being all that part of his estate which lies in the town of Jefferson, in the county of Lincoln, be, and is hereby set off from the town of Jefferson aforesaid, and annexed to the town of Alna, in said county of Lincoln: *Estate set off* **Provided**, however, that said Abraham Hilton with said estate, shall be holden to pay his proportion of all taxes already assessed, or ordered to be assessed by said town of Jefferson, prior to the passing of this act. *Provision*

[Approved by the Governor, February 15, 1816.]

CHAP. CXXVII.

An Act to establish a Fund for the support of Schools in the town of Temple.

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 Abbot, John Drury, Joel Hobert, Moses Perry, and Nathaniel K. Whittemore, be, and they are hereby made a Corporation, by the name of the Trustees of the Temple School Fund; and in that capacity the said Trustees shall have power, according to their best discretion, to sell the public lot of land, in the said town, which in the original grant thereof, was reserved for the support of Schools in the said town, and the monies accruing from said sale to be put at interest in the manner provided by this act; which monies shall constitute a Fund for the support of Schools in the said town;—and the number of *Persons incorporated.* *Powers.*

Officers to be
chosen.

said Trustees shall never exceed seven, nor be less than five, any three of whom may be a quorum for doing business; and the said Trustees and their successors in office, shall annually elect by written votes, a Chairman, and also a Clerk to record and certify their doings, and a Treasurer to receive, keep and apply the monies belonging to the said School Fund as is herein directed, and the said Treasurer shall give bond with two sufficient bondsmen, for the faithful discharge of his trust; and the said Trustees may keep and use a common seal, subject to alteration, as they may see cause; and by their corporate name aforesaid, may sue, and be sued, in any action, real, personal or mixed, and may prosecute and defend the same to final judgment and execution.

May sue and be
sued.

Vacancies to be
filled up.

SEC. 2. *Be it further enacted*, That one of the said Trustees shall annually retire, beginning and proceeding accordingly by seniority of age, and such vacancy shall be supplied by election of the freeholders at their annual town meeting for the choice of town officers, and in like manner any vacancy may be supplied which may happen by death, resignation, removal, inability, infirmity, misconduct, or any other cause, which in the judgment of the said freeholders shall be sufficient for such removal, and to fill the vacancy thereby occasioned, and they may also remove any officer or agent by them employed, when they may see sufficient cause.

Trustees may
sell land.

SEC. 3. *Be it further enacted*, That the said Trustees be, and they are hereby empowered to sell and convey the public lot in said town, which in the original grant thereof, was reserved for the support of Schools in the said town of Temple, and to make, execute, acknowledge and deliver a good and sufficient deed or deeds thereof, which being signed by the Treasurer, and countersigned by the Clerk of the said Corporation, with their seal affixed, shall be good and effectual in law to pass and convey the fee simple from the said town to the purchaser, and the monies accruing from the sale of the said School lands, shall be put at interest, as soon as may be, and secured by mortgage on real estate to the full value of the property sold, or money loaned; or by two or more sureties with the principal, unless the said Trustees shall think it more

expedient to invest the same in public funded securities, or in Bank Stock, at their discretion, and all donations, grants, bequests or legacies, which may be hereafter made and given for the use of Schools in the said town of Temple, shall be added to the said Fund, and appropriated to the same purpose, in the manner and within the restrictions and provisions made in this act, unless otherwise directed by the donor; and the interests and profits only arising from the said Funds, shall be used and applied for the benefit of the schools in the said town; and it shall never be in the power of the said town to alienate, alter, or vary the appropriation of the said Funds. And the said Trustees, and the officers of the said Corporation, for the services they may perform, shall receive no compensation out of the said Funds, interests or profits aforesaid; but a reasonable compensation for such services may be paid to them by the said town, as they may see cause.

Appropriation
of interest money.

SEC. 4. *Be it further enacted,* That the said Trustees, and each of them, severally, shall be responsible to the town for their personal neglect or misconduct, whether they be officers or not, and liable to prosecution for any loss or damage to the said Funds arising thereby; and the debt or damage recovered in such suit, shall be considered as belonging to the said Fund, and applied accordingly; and at every annual meeting of the said town, the said Trustees shall exhibit a true and fair statement of their doings and of the condition of the said Funds.

Liability of
Trustees.

SEC. 5. *Be it further enacted,* That any Justice of the Peace for the county of Kennebeck is hereby empowered, upon application therefor, to issue a warrant directed to one of the Trustees named in this act, requiring him to notify and warn the first meeting of said Trustees to meet at such convenient time and place, as shall be appointed in said warrant, to organize the said Corporation by the election and appointment of its officers.

Justice may is-
sue warrant.

[Approved by the Governor, February 15, 1816.]

CHAP. CXXVIII.

An Act to incorporate the town of Enfield.

Town Incorporation.

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 lands in the towns of Greenwich and Belchertown, which are comprised within the limits of the South Parish of the town of Greenwich, as they are now settled and established, according to the provisions of an act, entitled "An act to divide the town of Greenwich into two Parishes, and for including the north-east corner of the town of Belchertown in the South Parish," passed on the twenty-first day of June, in the year of our Lord one thousand seven hundred and eighty-seven; and an act in addition thereto, passed on the twenty-second day of February, in the year of our Lord one thousand seven hundred and ninety-two; together with the farm of Robert Hathaway in said Greenwich, with all the inhabitants dwelling thereon, be, and they hereby are incorporated into a town by the name of Enfield, and vested with all the powers and privileges, rights and immunities, and subject to all the duties and requirements of other towns, within this Commonwealth.*

Regulation of taxes.

SEC. 4. *Be it further enacted, That the inhabitants of the said town of Enfield shall be holden to pay all arrears of taxes, which have been assessed upon them by the towns to which they belonged before the passing of this act; and shall also be holden to pay their proportion of all taxes already voted to be raised or assessed by said towns of Belchertown and Greenwich; also such proportion of the expense of supporting the poor, now supported by the town of Belchertown, as the property of the inhabitants by this act set off from the said Belchertown, bears to the whole property of said town, during the lives of the present paupers; and the same may be assessed and collected in the same manner as if this act had never passed; and the expense of supporting the present paupers of the town of Greenwich, shall be divided between the towns of Greenwich and Enfield, in proportion to the present*

valuation of estates of the inhabitants of said town of Greenwich.

SEC. 3. *Be it further enacted*, That of all State and County taxes, which, shall, previous to a new valuation, be required of the said towns of Greenwich and Belchertown, the said town of Enfield shall pay their just proportion, according to the last assessment of taxes in the said towns respectively. Taxes apportioned.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the county of Hampshire be, and he is hereby authorized to issue his warrant, directed to some principal inhabitant of said town of Enfield, requiring him to notify the inhabitants thereof, qualified to vote in town affairs, to meet at such convenient time and place as may be expressed in said warrant, to elect such officers as towns are by law authorized to choose in the months of March or April annually; and that the said Justice be, and he is hereby authorized and empowered to preside at said meeting during the election of a Moderator, and to exercise all the powers, and perform all the duties which Town Clerks have and perform in the election of a Moderator of town meetings. Justice issue warrant.

[Approved by the Governor, February 15, 1816.]

CHAP. CXXIX.

An Act to establish the Massachusetts Society for the Encouragement of Manufactures.

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 Richardson, of Dedham; Samuel Crocker, of Taunton; Francis C. Lowell and Charles Davis, of Boston; Josiah J. Fisk, of Wrentham; Lyman Tiffany, of Medway, and Eli Richardson, of Franklin, and those who now are, or hereafter may be associated with them, be, and they hereby are constituted a body politic and corporate, by the name of the Massachusetts Society for the encouragement of Manufactures; and by that name may Persons incorporated.

May sue and be sued. sue, and be sued, and have and use a common seal, and the same to break, alter and renew at pleasure ; and do and suffer all things appertaining to bodies politic and corporate ; and may make and execute such bye laws, rules and regulations, and elect such officers, as the members thereof may judge necessary for its government : *Provided*, such bye-laws shall not be repugnant to the Laws of this Commonwealth.

Proviso.

May hold real estate. SEC. 2. *Be it further enacted*, That said Corporation be, and it is hereby made capable of holding real and personal estate of any description, and of disposing of the same : *Provided*, the annual income thereof shall not exceed the sum of ten thousand dollars.

Powers limited. SEC. 3. *Be it further enacted*, That the powers of said Corporation be limited to the promotion and encouragement of the manufacture of cotton and wool, by collecting and preserving useful books and models of machinery, and communicating new inventions and improvements in the manufacture of cotton and wool, to the manufacturers thereof in this Commonwealth.

[Approved by the Governor, February 15, 1816.]

CHAP. CXXX.

An Act in addition to the several laws now in force, providing for the Collection of Taxes.

Collector 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, from and after the passing of this act, it may be lawful for the inhabitants of any town within this Commonwealth, at their meeting in the month of March or April, annually, to appoint their Treasurer a Collector of taxes in their said towns ; and the Treasurer so appointed, shall be, and hereby is empowered to substitute and appoint under him, such number of deputies or assistants, as may be necessary ; which deputies or assistants, so appointed, shall give bonds for the faithful discharge of their duty, in such sums, and with such sureties, as the Selectmen of such town shall think proper ; and the said Collec-

tor and his deputies shall have the same powers as are vested by law, in Collectors of taxes chosen by virtue of the act now in force for that purpose.

SEC. 2. *Be it further enacted,* That all such inhabitants of the said towns, who shall voluntarily pay the said Collector, or his deputy, within thirty days next after the delivery of their tax bills the amount of their respective taxes, shall be entitled to an abatement of such sum, as said town at their annual meeting may agree upon, on the amount of their said taxes; and such inhabitants, as shall voluntarily pay their taxes to the said Collector or his deputy, within sixty days after the delivery of their tax bills, shall be entitled to an abatement of such sum as may be agreed upon as aforesaid, on the amount of their said taxes; and all such inhabitants as shall voluntarily pay to the said Collector or his deputy, within one hundred and twenty days after the delivery of their tax bills, shall be entitled to an abatement on the amount of their said taxes, of such sum as may be agreed upon as aforesaid.

Abatement of taxes.

SEC. 3. *Be it further enacted,* That all such taxes as shall not have been paid in agreeably to the provisions of the second section of this act shall and may be collected by the Collector or his deputy or deputies, agreeably to the act now in force for that purpose, passed March sixteenth, in the year of our Lord one thousand seven hundred and eighty-six, as also all taxes from persons whose credit they may consider doubtful at any time within the time specified in the aforesaid second section.

SEC. 4. *Be it further enacted,* That the Assessors of any town, which shall, at their annual meeting, regulate the collection of their taxes, agreeably to the provisions of this act, shall assess their taxes in due form, and deposit the same in the hands of the Treasurer for collection, together with a warrant according to law, for that purpose, after he shall have been duly qualified, together with his deputy or deputies, and at the same time, shall post up notifications thereof, together with a copy of the second section of this act, in one or more public places within said town.

Powers of Assessors.

[Approved by the Governor, February 15, 1816.]

CHAP. CXXXI.

**An Act for promoting the Sale and Settlement of the
Public Lands in the District of Maine.**

Appointment of
Commissioners.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That there be, and hereby is established a Land Office for the management, sale and settlement of Land belonging to this Commonwealth in the District of Maine, under the superintendence of three Commissioners, who shall, as soon as conveniently may be, be appointed by his Excellency the Governor, by and with the advice of Council, and upon the death, resignation or removal of either of them, the vacancy, thereby occasioned, shall be filled in the same manner.

Office held,

SEC. 2. *Be it further enacted,* That the said Land Office shall be kept in Boston, under the direction of said Commissioners, who shall be furnished with a suitable office, and a clerk and stationary, at the public expense; and said office shall be kept open at such stated hours as said Commissioners shall direct—All maps, plans, charts, surveys, records, and other property, belonging to this Commonwealth, now in the possession of the Agent for the sale of Eastern Lands, shall be delivered to the said Commissioners by the said Agent, as soon as they shall have opened their office and given notice thereof.

General pow-
ers,

SEC. 3. *Be it further enacted,* That said Commissioners, or a majority of them, shall have the care, superintendence and management of all the Land lying in the District of Maine, belonging to this Commonwealth, and shall be and hereby are invested with all and singular the powers and authorities which belong to the Agent for the sale of Eastern Lands, or to any committee of council in virtue of any acts or resolves of the Legislature, with power to make and carry into effect any contracts, and to execute and deliver any deeds or conveyances which the said Agent or any committee as aforesaid, might lawfully do in virtue of said acts and resolves, in as full and ample manner as if the

same were herein specially recited : Said Commissioners shall also perform such other duties as by this act or any law or resolve shall from time to time be committed to them.

SEC. 4. *Be it further enacted*, That the said Commissioners, as soon as conveniently may be, shall cause to be surveyed or otherwise ascertained, the boundaries of the lands of this Commonwealth in said district, and shall make and adopt all convenient regulations, and take Survey. the best measures for ascertaining as well the quantity of said land as the general quality of the soil in the different sections, and the lakes, rivers, mountains, minerals and natural productions ; and they shall cause to be surveyed and laid out into townships, each as nearly as may be, six miles square, and to be divided into lots of one hundred acres. by running parallel lines through the same, all such tracts of land as may from time to time be designated by any law or resolve of the Legislature.

SEC. 5. *Be it further enacted*, That it shall be the duty of said Commissioners to ascertain with all possible despatch, such tract or tracts of land as may be best adapted to be forthwith laid out into townships, and to report the same with their opinions thereon, and all material information in their power, relative thereto, to the Legislature — And they are hereby authorized to treat and contract for the laying out, opening and completing one or both of the roads leading from lands near the Penobscot and Kennebec rivers, to the northern boundary of said District, which have heretofore been surveyed by order of the Legislature ; *provided*, contracts can be effected for defraying at least three fourths of the expense of completing said roads by grants of land to the undertakers at a fair valuation, or by the proceeds of the sales of public lands Roads laid out. due or growing due ; they shall also have power to contract with the proprietors of lands whose title is derived from the Commonwealth, for a commutation of any settling duties which they are held to perform by the conditions of any grant or obligation, either by making roads through their respective lands in such directions, and upon such terms as said Commissioners may determine to be conducive to the settlement

and best interest of said district, or by a re-conveyance, at a fair valuation, of portions of land originally granted ;—which lands, when conveyed, shall be appropriated for the purpose of making roads, or being conveyed to actual settlers, at the discretion of the Commissioners aforesaid ; *provided*, that no such contract for a commutation shall be valid until the same shall have received the approbation of the Governor and Council, or, in the recess of the Council, of the Governor, and a Committee of Council, specially appointed for this purpose.

Proviso.

Lands set apart.

Gift to settlers.

Minister and school lands.

SEC. 6. *Be it further enacted*, That in every township to be laid out pursuant to this act, the Commissioners shall set apart fifty lots of one hundred acres each of average quality and value, no two lots of which shall lie contiguous to each other ; which shall be granted and conveyed to the first fifty settlers, in said township, upon the payment of five dollars for each lot ; *provided* that application be made to said Commissioners, and a certificate obtained from them, authorizing the person applying for the same, to enter on and improve the lot applied for ; *provided also*, that every person, at the time of receiving such certificate, shall give bonds to the satisfaction of said Commissioners, with condition that such settler, his heirs, or assigns, shall within one year from the date of said bond, build a house and barn upon such lot, and within five years from the date, clear up and make fit for the purposes of agriculture, at least ten acres of such lot ; and upon the faithful performance of such condition, such settler, his heirs, or assigns, shall be entitled to, and receive a deed of the lot described in his certificate, conveying to him and them all the right and title of the Commonwealth to said lot ; and said Commissioners shall also set apart one lot of average quality and value, in each township, for the use of the first settled minister ; one for the use of the ministry, and one for the use of schools in said township.

May sell lands.

SEC. 7. *Be it further enacted*, That the said Commissioners, after making the aforesaid reservations, may, from time to time, and under such regulations as they may prescribe, expose and offer for sale, all or any part of the residue of the lots surveyed and laid

out as aforesaid, upon such terms and conditions as they may deem best: *Provided always*, that no part of said residue shall be sold for less than one dollar Proviso. per acre: *Provided also*, that not more than five hundred acres shall be sold to any one person or association, in any one township, without the special order of the Legislature.

SEC. 8. *Be it further enacted*, That the said Commissioners shall keep books and records of all contracts made by them, and of all deeds, grants and proceedings, and also a register in which shall be entered the name of every person making application for a settler's lot, and of the date of such application, and of the doings Records. of said Commissioners thereupon—And at least two of said Commissioners shall be inhabitants of the said District of Maine, and shall receive applications made for settler's lots, and issue certificates for the same, under such regulations as said Commissioners shall agree upon and provide.

SEC. 9. *Be it further enacted*, That a Surveyor General shall, as soon as conveniently may be appointed by his Excellency the Governor, by and with the Duties of Surveyor General. advice of the Council, whose duty it shall be to execute, under the instructions of the said Commissioners, the duties enjoined by this act, and to do and perform all such other acts and duties appertaining to said office as shall, from time to time, be prescribed by said Commissioners, or by any act of the Legislature—and he is hereby authorized to appoint from time to time, with the consent of said Commissioners, one or more deputies, and to employ all necessary Chainmen and Labourers under him, who shall be sworn by him to the faithful performance of their respective duties before commencing any survey—and he shall carefully set down on his plans, all roads, townships, lots or tracts of land by him surveyed, and return correct plans and field books, to said Commissioners, with remarks and observations respecting all the objects provided for in the third section of this act, so as to ascertain the same as far as may be practicable.

SEC. 10. *Be it further enacted*, That the said Commissioners and Surveyor General shall be respectively sworn to the faithful discharge of the duties of their

Disposition of
money.

office before entering thereon, and shall respectively give bond to the Treasurer of this Commonwealth, with sureties to be approved by the Governor, or in case of his absence the Lieutenant Governor or any two members of the Council, with condition for the faithful performance of their said duties for the rendering a true account of all monies by them received, and for paying over as herein provided all monies and securities for money by them received and taken—And the said Commissioners and Surveyor General shall annually adjust and settle their accounts with the said Treasurer or any Committee of the Legislature who may be appointed to examine and adjust the same; and they shall severally receive out of the Treasury such compensation for their services as the Legislature may hereafter establish and direct.

SEC. 11. *Be it further enacted*, That in every township which shall be surveyed, one fiftieth part thereof of average value shall be reserved as a fund for the purpose of making roads through said township.

Limitation.

SEC. 12. *Be it further enacted*, That this Act shall be in force for three years and until the end of the first session of the next General Court which shall be hereafter, and no longer; *provided always*, that the faith of the Commonwealth is hereby pledged for the performance and ratification of all contracts legally made before the expiration of said act.

[Approved by the Governor, February 15, 1816.]

CHAP. CXXXII.

An Act to incorporate the Middleborough Canal Company.

Persons incor-
porated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Abiel Washburn, Thomas Weston, Levi Peirce and Horatio G. Wood, their associates and successors, shall be, and are hereby incorporated, and made a body politic, by the name of the Middleborough Canal Company, for the purpose of

opening, maintaining and managing a Canal from the northerly part of Assawampset pond to unite with Ne-masket river, between said pond and Vaughn's bridge, so called, in Middleborough, in the county of Plymouth, in such manner and direction, as shall be most convenient for drawing the water from the said pond : and by the name aforesaid may sue and be sued, and shall have a common seal, and enjoy all the privileges and powers, incident to similar Corporations, and for the purposes aforesaid, may take, use, possess and enjoy in fee simple any lands necessary to carry into effect, and compleat the same, paying therefor in manner hereafter prescribed : *Provided, however,* that the petitioners, in opening such Canal, do not cause any additional obstruction or lessen the passage way through which the water now runs from said pond, in a canal opened upon the lands of Samuel Jackson and others ; but if the present Canal shall be made wider, or deeper than it now is, said Corporation may place such obstructions as they please on the increased width, or depth, leaving the present passage way as wide and deep, as the same now is.

May sue and be sued.

Proviso.

SEC. 2. *Be it further enacted,* That in case the owner or owners of any lands which shall be taken for the purposes aforesaid, and the Corporation cannot agree upon the amount of damages thus occasioned, nor upon some person or persons to estimate the sum, in such case some person, or persons shall be appointed by the Circuit Court of Common Pleas for the county of Plymouth, and the determination of the referees so appointed shall be the measure of such damage : *Provided,* nevertheless, that if the other party shall be dissatisfied with the award of the referees aforesaid, and shall, at the next term of said Court, after the report of said referees shall be made, apply for a trial by jury, said Court shall have power to determine the same by jury, in the same manner in which other causes are determined ; and if the verdict of the jury shall not give to the party applying, a larger sum than the referees shall award aforesaid, then the Court shall award cost against the party applying ; but if the last decision shall be more favorable to the party applying than the decision of the referees, then the Court shall award costs to the

Referees to be appointed.

Proviso.

Jury trial.

applicant, and the Court shall render judgment and issue execution accordingly.

SEC. 3. *Be it further enacted*, That if any person or persons, shall wilfully take up, remove, break down, dig under, or in any other manner destroy, or injure the Canal aforesaid, or any dam, lock, gate, or other works erected thereon, or shall divert, or obstruct the water running to, through or from said Canal, or in any other manner interrupt said Corporation in the free and full use of the same, and the waters flowing therein ; he or they shall, for every such offence, forfeit and pay to said Corporation, double the value of damage sustained thereby, by said Corporation, to be recovered in an action of trespass, in any Court proper to try the same ; and such offender or offenders shall be liable to indictment by the grand jury of said county, and on conviction thereof before the Circuit Court of Common Pleas for the county of Plymouth, or the Supreme Judicial Court, shall be liable to pay a fine to the use of the Commonwealth, of not more than fifty dollars, nor less than five dollars, or be imprisoned, not more than two months, nor less than ten days, at the discretion of the Court before whom such conviction shall be had.

Penes for dam-
ages

Justice issue
warrant.

SEC. 4. *Be it further enacted*, That upon the application of the said proprietors, or any three of them to any Justice of the Peace for the county of Plymouth, such Justice is hereby empowered to issue his warrant directed to one of said proprietors, requiring him to notify and warn his associates to meet at such time and place in said town of Middleborough, as shall be directed in said warrant, who when met may agree upon a method of calling future meetings of said proprietors, and consult and transact such other business of said propriety as shall be expressed in said warrant.

[Approved by the Governor, February 16, 1816.]

CHAP. CXXXIII.

An Act enforcing the right of this Commonwealth to loans from the Banks within the same.

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 be the duty of the Treasurer of this Commonwealth, whenever he shall have occasion to borrow any sum of money of any incorporated Bank, under and by virtue of any authority for that purpose, given by any act or resolve of this Commonwealth, to give notice in writing to the President or Cashier of any such incorporated Bank, of the amount which he has so an occasion to borrow, and demanding of said Bank a loan of the same, conformably to the provisions of the act incorporating such Bank. Banks shall grant loans.

SEC. 2. *Be it further enacted,* That if any incorporated Bank aforesaid, shall neglect or refuse, for the space of ten days, after notice given as aforesaid, to loan to the said Treasurer, the sum so demanded, said Bank shall forfeit and pay into the Treasury of this Commonwealth, the sum of *two per cent per month* Fines for refusal. upon the amount of any sum so demanded as a loan, as aforesaid; and so after that rate, for a shorter or longer time, so long as the said neglect or refusal to comply with such demand of the said Treasurer shall continue.

SEC. 3. *Be it further enacted,* That it shall be the duty of the said Treasurer, at the expiration of one month after the said demand shall have been made, to cause to be instituted, in any Court of competent jurisdiction, an action in the name and behalf, and for the use of this Commonwealth, against the Bank so neglecting or refusing as aforesaid, for the recovery of the said penalty; and so, at the expiration of every succeeding month thereafter, from month to month, to cause to be instituted a similar action as aforesaid, for the amount of the penalty accruing for the neglect and refusal of the then next preceding month, so long as May levy action against Bank.

such neglect or refusal shall continue; and it shall also be the duty of the said Treasurer, upon the obtaining judgment and execution on any such action or actions, to cause the amount thereof to be forthwith levied upon the goods, chattels, or lands of the Bank, against which the same shall have been obtained.

Loans to be equalized.

SEC. 4. *Be it further enacted*, That it shall be the duty of the Treasurer, in making the demand above specified, of any Bank or Banks, to equalize, as far as is conveniently practicable, the amount of such demand, among the several Banks in the town of Boston, unless otherwise directed by an act or resolve of this Commonwealth, having reference to the amount of the obligation of each Bank, to loan the Commonwealth, and to the amount previously borrowed of each Bank, under the authority thereof.

[Approved by the Governor, February 16, 1816.]

CHAP. CXXXIV.

An Act relative to timber lodged on lands adjoining the Saco River, and the waters connected with the same.

Forfeiture of timber.

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 logs and other timber carried by the freshets or otherwise lodged upon any lands adjoining Saco River, or adjoining the ponds or waters connected with said river, shall be forfeited to and become the property and wholly at the disposal of the owner or occupier of said lands so incumbered with logs or other timber, after the expiration of one year from the time such logs or other timber may have been lodged on said lands.

Compensation for damages.

SEC. 2. *Be it further enacted*, That the owner or owners of such logs or other timber, at any time within one year from the time the same may have lodged, as aforesaid on said lands, on paying or tendering to the owner or occupier of the said lands, so incumbered with logs or other timber, a reasonable compensation for the damages, which said owner or occupier may have sus-

tained by said logs, and as may be occasioned by the removal of the same, may lawfully enter on said land and remove said timber therefrom.

SEC. 3. *Be it further enacted*, That whenever the owner or owners of such timber shall remove the same from any of said lands, or have caused the same to be removed therefrom without having paid or tendered the compensation for damages as in the second section of this act is prescribed ; the owner or occupier of such land may commence, and is hereby authorized to have and maintain, an action of the case against the owner or owners of said timber, or against the person or persons removing the same, to recover compensation for the damages aforesaid : *Provided*, that said action be commenced within one year from the time said timber is removed from said land. Actions may be sustained.

SEC. 4. *Be it further enacted*, That all acts and parts of acts which come within the purview or which are inconsistent with the provisions of this act be and the same are hereby repealed. Proviso.

[Approved by the Governor, February 16, 1816.] Acts repealed.

CHAP. CXXXV.

An Act in addition to an act entitled " An act in addition to an act, entitled an act providing for the due observation of the Lord's Day, and repealing the several laws heretofore made for that purpose.

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 shall be guilty of a breach of the second section of the act passed the eighth day of March, in the year of our Lord one thousand seven hundred and ninety-two, entitled " An act for the due observation of the Lord's Day, and repealing the several laws heretofore made for that purpose," shall be liable to a penalty not less than four dollars, nor more than six dollars and sixty-six cents ; which penalty may be recovered with costs of prosecution, upon complaint before any Justice of Fines for breach of law.

the Peace in the county where the offence may be committed ; one moiety thereof to the complainant, and the other moiety to the use of the county within which the offence may be committed ; or before the Circuit Court of Common Pleas of the same county, by presentment of the Grand Jury, in which case, the whole penalty Proviso. shall enure to the benefit of the county : *Provided however*, that all prosecutions for the said penalty shall be commenced within six months after the offence was committed, unless the offender resides without the Commonwealth.

[Approved by the Governor, February 16, 1816.]

CHAP. CXXXVI.

An Act for the suppression and punishment of Cheats.

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 persons who knowingly and designedly, by false pretence or pretences, shall obtain from any person or persons, money, goods, wares, merchandize, or other things, with intent to cheat, or defraud any person or persons of the same, shall, on conviction thereof before the Justices of the Supreme Judicial Court or the Municipal Court of the town of Fines. Boston, be sentenced to pay a fine to the use of the Commonwealth, not less than forty dollars, and not exceeding four hundred dollars, or be sentenced to be confined to hard labor, for a term not exceeding seven years, at the discretion of the Courts respectively, before whom such conviction shall be had.

SEC. 2. *Be it further enacted*, That the Supreme Judicial Court and the Municipal Court of the town of Boston shall have exclusive jurisdiction of all gross Actions at common law. frauds or cheats at common law ; and any person who shall, before either of said Courts, be convicted of any fraud or cheat, shall be sentenced by the said Courts respectively, to receive such punishment as is provided in and by the first section of this act.

[Approved by the Governor, February 16, 1816.]

CHAP. CXXXVII.

An Act in addition to the several acts for giving remedies in Equity.

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 May next, the right in equity to redeem mortgaged real estate which may be taken and sold on execution, pursuant to the provisions of the act entitled “An act in addition to an act entitled an act for giving remedies in Equity,” passed March the first, in the year of our Lord one thousand seven hundred and ninety-nine, may be redeemed from such sale by the execution debtor or debtors, within one year next after the time of executing by the officer to the purchaser the deed thereof in the manner in the aforesaid act provided, by the payment by the debtor or debtors, of such sum, as may, by such sale, have been satisfied on such execution, with the interest thereof, deducting the rents and profits the purchaser or any under him may have received over and above the repairs made by the purchaser or any under him. And in case the purchaser of any such right in equity shall have satisfied and paid the mortgagee, his heirs or assigns, the sum due on said mortgage, the mortgagor shall have the right to redeem such mortgaged estate of such purchaser, or any under him, at the time and in the way and manner he might have redeemed the same of the mortgagee, had no such sale been made, and at such time only.

Right of redemption.

SEC. 2. *Be it further enacted*, That from and after the first day of May next, the proviso in the fifth-section of the act aforementioned be, and hereby is repealed—*Provided, however*, that the said repeal shall have no effect upon any sale of a right in equity made previous to, or on said first day of May next, but the debtors right to redeem the same shall remain as though this act had not been passed.

PROVISO.

SEC. 3. *Be it further enacted*, That from and after the passing of this act, when any right in equity of

Mortgages re-
deemed.

redeeming real estate, which is mortgaged, shall be attached on mesne process and pending the attachment, such mortgaged real estate shall be redeemed by the mortgagor, the attaching creditor shall have the same lien on such estate as though the attachment had been of the fee, and execution may be levied thereon accordingly.

[Approved by the Governor, February 16, 1816.]

CHAP. CXXXVIII.

An act, establishing the Salary of the Adjutant-General.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That there be allowed and paid out of the public Treasury to the Adjutant-General of this Commonwealth the sum of one thousand dollars in full for his services in that office from the second day of September last, to the second day of March next; And, that from and after the said second day of March next, there be allowed and paid out of said Treasury, the sum of fifteen hundred dollars, annually, in quarterly payments, to the Adjutant-General of this Commonwealth, in full for his services in that office from and after said day.

Salary.

[Approved by the Governor, February 16, 1816.]

CHAP. CXXXIX

An act to explain an act for the encouragement of Literature, Piety and Morality, and the useful Arts and Sciences.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the President and Fellows of Harvard College shall be, and they hereby are

authorized to apply any part of the sum reserved in the act, entitled an "Act for the encouragement of Literature, Piety and Morality, and the useful Arts and Sciences," for the diminution of the tuition fees of such students as may need assistance, towards the support and maintenance of any resident graduates who may be permitted to reside at the University by the said Corporation and whose circumstances may in the opinion of said Corporation render such aid proper and necessary; the said Corporation in all cases exercising their discretion as to the qualifications and merits of the applicants for said benefaction; *provided, however*, that no part of the said sum reserved by the act, to which this is an addition, shall be applied to the support of any resident graduates, until all the just and reasonable claims of the undergraduates shall have been satisfied, of which claims the said Corporation shall be the Judges; and *provided further*, that if any sum shall be remaining of the aforesaid appropriations, after giving relief to the undergraduates as aforesaid, and after contributing to the support of any such resident graduates in manner afore described, it shall be lawful for the said Corporation to cause the same to be invested in some fund or securities, the income whereof may be applied for the purposes mentioned in the aforesaid act to which this is an addition, and for the purposes mentioned in this act.

Resident graduates may receive support.

Property may be funded.

[Approved by the Governor, February 16, 1816.]

CHAP. CXL

An act to apportion and assess a tax of one hundred and thirty-three thousand, three hundred and twenty-eight dollars and fifty-two cents, and to provide for the reimbursement of twenty-eight thousand four hundred and ninety-four dollars paid out of the public Treasury to the members of the House of Representatives for their attendance at the two last sessions of the General Court.

[Approved by the Governor, February 16, 1816.]

COMMONWEALTH OF MASSACHUSETTS.

Secretary's Office, May 15th, 1816.

By this, I certify, that the Laws contained in this pamphlet, passed at the session of the General Court, beginning the 10th of January, and ending the 16th of February, A. D. 1816, have been examined and compared with the originals in this office, and appear to be correct.

ALDEN BRADFORD,

Secretary of the Commonwealth.

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AND ENDING FEBRUARY 16th, 1816.

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