

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 28th DAY OF
MAY, AND ENDED ON THE 18th OF JUNE, 1817.

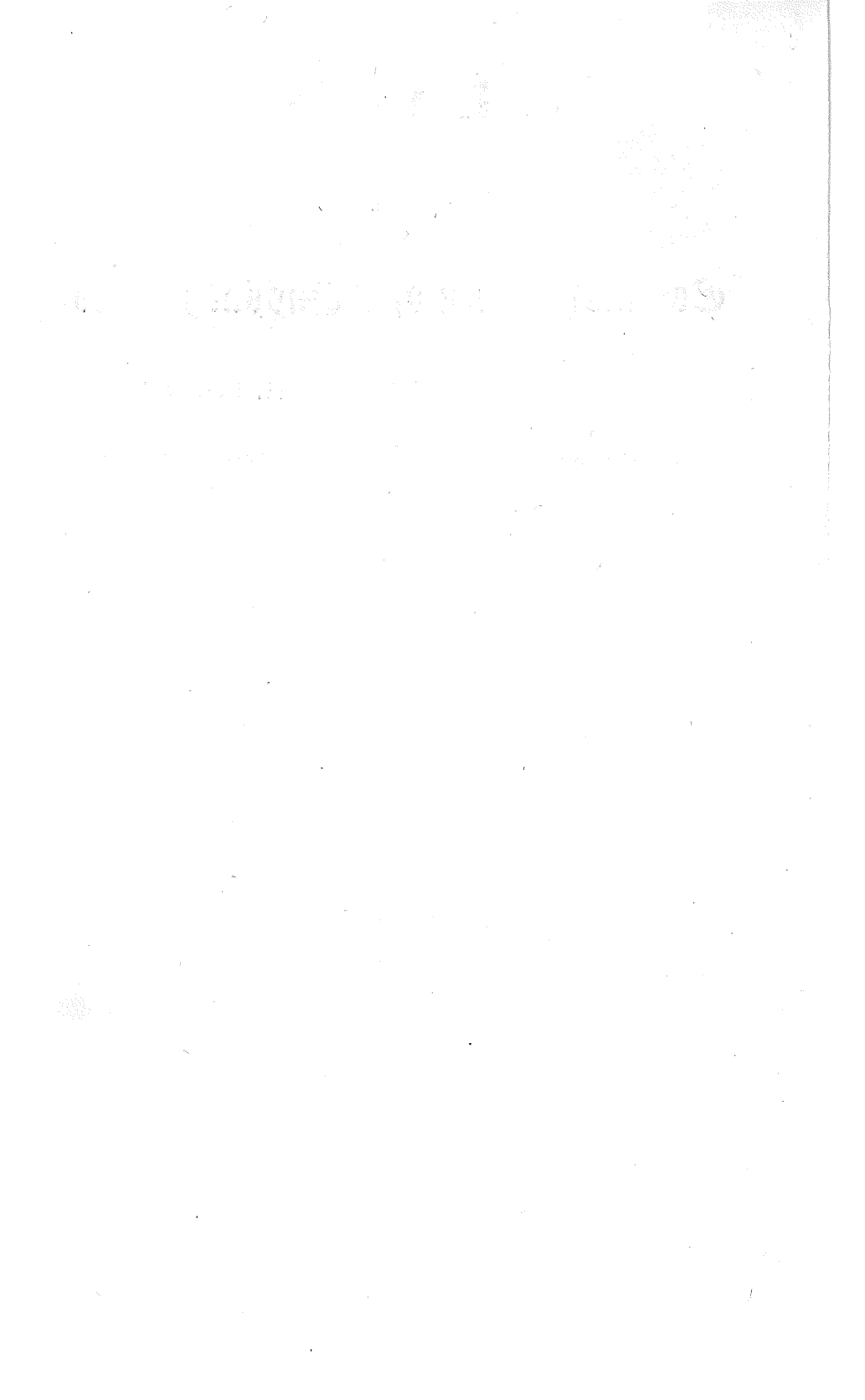
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1817.



LAWS
OF THE
COMMONWEALTH OF MASSACHUSETTS,
PASSED BY THE GENERAL COURT,
AT THEIR SESSION, WHICH COMMENCED ON THE 28th OF MAY,
AND ENDED ON THE 18th OF JUNE, 1817.

CHAP. I.

An Act to set off certain land from Malden, and annex
it to Medford,

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the tract of land hereinafter described, heretofore situated in the town of Malden, in the county of Middlesex, with the inhabitants thereon, be set off from the said town of Malden, and annexed to the town of Medford, in said county; and shall hereafter be considered as a part of said town of Medford, viz. beginning at the boundary line between said towns, at the point where the creek running from Creek Head, so called, crosses said boundary line, thence running in a southeasterly direction by said creek, pursuing the course thereof, to a stake on the southerly side thereof, in the land of Nathan Holden, bearing south fifty degrees east, and distant from the place of beginning, in a straight line, about one hundred and twenty-eight rods, thence south six degrees west across the Bradbury farm, so called, about two hundred rods, to a stake in the line between said farm and land of Richard Dexter, thence south nine degrees east, so as to divide the land of said Dexter, and passing in a straight line between said Dexter's land and land of Benjamin

New Boundaries.

LAND CEDED TO U. STATES. *June 10, 1817.*

Proviso.

Tufts, about one hundred and thirty rods, to Mystic River, at a stake; thence westerly, by Mystic River, to the old dividing line between said towns, and thence by said old line to the place of beginning: *Provided however*, that said lands, and the inhabitants thereon, shall be holden to pay all such taxes as have been lawfully assessed or granted by said town of Malden, in the same manner as they would have been holden if this act had not been passed.

[Approved by the Governor, June 10, 1817.]

CHAP. II.

An Act to cede to the United States the jurisdiction of a site for a Light House on the west chop of Holmes' Hole.

Cession of Land
to United States.

Proviso.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the United States may purchase any tract of land, not exceeding four acres, which shall be found necessary for the Light House, authorized by Congress to be built on the west chop of Holmes' Hole, on the island of Martha's Vineyard, and may hold the same during the continuance of the use and appropriation aforesaid: *Provided*, That this Commonwealth shall retain, and does hereby retain concurrent jurisdiction with the United States, in and over said land, so far as that all civil and criminal processes, issued under the authority of this Commonwealth, or any officer thereof, may be executed on any part of said land, or in any building which may be erected thereon, and for the punishment of all crimes and misdemeanors against the laws of this Commonwealth, committed upon said land, in the same way and manner as if the jurisdiction had not been granted as aforesaid.

[Approved by the Governor, June 11, 1817.]

CHAP. III.

An Act to cede to the United States part of the island of Petit Manan, near Naraguagus River, whereon to erect a Light House.

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 soil of the island of Petit Manan as lies to the southward of the bar which connects the southern with the northern part of said island, being the property of this Commonwealth, be, and hereby is ceded to the United States of America, for the purpose of erecting a Light House on the same: *Provided* that this Commonwealth shall retain, and does hereby retain concurrent jurisdiction with the United States, in and over said land, so far as that all civil and criminal processes, issued under the authority of this Commonwealth, or any officer thereof, may be executed on any part of said land, or in any building which may be erected thereon, and for the punishment of all crimes and misdemeanors against the laws of this Commonwealth, committed upon said land, in the same way and manner as if this grant had not been made.

Cession of Land to United States.
Proviso.

[Approved by the Governor, June 11, 1817.]

CHAP. IV.

An Act to continue in force an act, entitled "An act to incorporate Stephen Higginson and others, into a company, by the name of the Boston Marine Insurance Company."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the act, entitled, "An act to incorporate Stephen Higginson and others, into a company, by the name of the Boston Marine Insurance

Company," passed on the thirteenth day of February, in the year of our Lord one thousand seven hundred and ninety-nine, excepting the tenth section thereof, with all the powers and privileges granted by the said

Extension of Act. act, shall be and remain in force for the term of twenty years from the thirteenth day of February, in the year of our Lord one thousand eight hundred and nineteen: *Provided always*, that the capital stock of the said company shall continue to be three hundred thousand dollars; and that the said company shall not be allowed to insure on any one risk a greater amount than thirty thousand dollars; and *provided also*, that no person being a Director of any other company, carrying on the business of Marine Insurance, shall be eligible as a Director of this company.

Proviso.

[Approved by the Governor, June 11, 1817.]

CHAP. V.

An Act to alter the name of the town of Buckstown.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the name of the town of Buckstown, in the county of Hancock, be, and the same is hereby altered to the name of Bucksport; and the said town shall henceforth be known and called by the name of Bucksport.

Change of town's name.

[Approved by the Governor, June 12, 1817.]

CHAP. VI.

An Act in addition to an act, entitled "An act to reduce the Capital Stock of the Boston Bank."

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

Corporation, called and known by the name of the President, Directors and Company of the Boston Bank, shall be twelve thousand ; any thing in the act entitled an act Shares limited. to reduce the Capital Stock of the Boston Bank, to the contrary notwithstanding.

[Approved by the Governor, June 12, 1817.]

CHAP. VII.

An Act in addition to an act, entitled "An act to cede to the United States the jurisdiction of scites for Light Houses on Race Point, Nashaun Island and Point Gammon."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That if the Superintendant of Light Houses in Massachusetts, or persons employed for the United States, and the owner or owners, or his or their Agent or Agents, of such tract of land as shall be found necessary and convenient for such Light House as the United States may cause to be built near Tarpaulin Cove, on Nashaun Island, cannot agree in a sale and purchase thereof, such Agent or person employed, may apply to the Court of Common Pleas, which may at any time be holden within and for the county of Dukes' County, and the said Court is hereby authorized and empowered to cause the value of said land, together with the said damages which the owner or owners thereof may sustain by the erection of said Light House, to be appraised by a jury to be summoned by the Sheriff of said county, or his deputy, for that purpose ; which jury shall be sworn to the faithful discharge of their trust, and shall proceed to view and set off by metes and bounds said tract of land, or such part thereof as they shall find necessary and convenient for such Light House, and shall return their verdict to the said Court. And in case the said Court shall not then be in session, shall seal up their verdict and deliver the same to the said Sheriff or his deputy, who shall make return thereof to the said Court, at the next term to be holden in, and for

Disputes settled
by Court Common
Pleas.

said county ; which verdict of the jury being accepted by the said Court, and the amount of such verdict being paid to the owner or owners of the land so appraised and set off by the Jury, or if the owner or owners shall not appear, or shall refuse to receive such amount in money as the said Court shall order, then the amount of the appraisement aforesaid, shall be lodged in the office of the Treasurer of the county of Dukes' county, to be received by the owners, or any person legally authorized to receive the same ; and the tract of land so appraised and set off shall be vested in the United States, and shall be taken, possessed and appropriated for the purposes aforesaid : *Provided*, that all charges of such application and appraisement shall be paid by the United States : *and provided*, that the land which may be set off for the purposes aforesaid shall not exceed the quantity of four acres in the whole : *and provided*, that this Commonwealth shall retain, and does hereby retain concurrent jurisdiction with the United States, in and over said land, so far as that all civil and criminal processes issued under the authority of this Commonwealth, or any officer thereof, may be executed on any part of said land, or in any building which may be erected thereon, and for the punishment of all crimes and misdemeanors against the laws of this Commonwealth, committed upon said land, in the same way and manner as before the passing of this act.

[Approved by the Governor, June 12, 1817.]

CHAP. VIII.

An Act to alter and establish the times and places for holding the Courts having cognizance of Sessions business, in the county of York.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, the times and places for holding the Courts of Common Pleas, in the county of York, sitting in conjunction with the Session Justices of said

county, with cognizance of all the Session business therein, shall be as follows, to wit: At York on the third Monday of April, and at Alfred on the second Monday of September, annually; and all petitions, processes, matters and things, now pending in the Court of Sessions, or Court having cognizance of Session business in said county, and all parties and persons interested therein, shall be heard, have day, acted upon and determined at said Alfred, on the second Monday of September next.

SEC. 2. *Be it further enacted*, That all laws heretofore made for fixing the times and places for holding the Courts of Sessions, or for holding Courts having cognizance of Session business within said county, inconsistent with the provisions of this act, be, and the same are hereby repealed. Laws repealed.

[Approved by the Governor, June 13, 1817.]

CHAP. IX.

An Act fixing the terms at which the Circuit Court of Common Pleas for the Middle Circuit, may transact the business of a Court of Sessions.

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 Circuit Court of Common Pleas for the Middle Circuit, when duly organized as a Court of Sessions, may and shall, at every term thereof, except the term thereof holden at Ipswich, within and for the county of Essex, in December annually, hold jurisdiction as a Court of Sessions, and do and perform all things which by law they are authorized to do, any law to the contrary notwithstanding. Jurisdiction of Court.

SEC. 2. *Be it further enacted*, That whenever it may be necessary to adjourn said Court, they may, if the public interest require it, adjourn to any other place in the county, where by law such Court may be holden.

[Approved by the Governor, June 13, 1817.]

CHAP. X.

An Act to alter the time of holding the Circuit Court of Common Pleas, within and for 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 Circuit Court of Common Pleas, now holden at Wiscasset, within and for the county of Lincoln, on the second Monday in May annually, shall, from and after the passing of this act, be holden at said Wiscasset, on the fourth Monday of April annually, instead thereof; and the Justices of the said Court shall have jurisdiction of all Session business at the term of the said Court, by this act established, in like manner as at the terms holden at Topsham and Warren, for the same county.

SEC. 2. *Be it further enacted*, That all writs, recognizances, warrants, complaints and every other process, precept, matter and thing, and all parties or persons that have been or may be required or directed to appear and attend, and all actions, indictments, suits, informations, appeals, matters and things, which shall or may be pending in the said Court, now holden at Wiscasset, on the second Monday in May as aforesaid, shall henceforth be returned to, entered, appear and attend, have day, be heard, tried and determined in said Court, at the term thereof by this act established, to be holden at Wiscasset, in said county, on the fourth Monday of April annually.

[Approved by the Governor, June 13, 1817.]

CHAP. XI.

An Act to alter the times of holding the Circuit Court of Common Pleas, and Court of Sessions, within and for the county of Penobscot.

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

Terms of Court
altered.

Business return-
ed.

the authority of the same, That the Circuit Court of Common Pleas, and Court of Sessions, within and for the county of Penobscot, shall, from and after the time this act shall be in force, be holden at Bangor, within and for the said county, on the first Monday of January, on the second Monday of May, and on the third Monday of September annually, instead of the times now appointed by law, for holding said Courts. Removal of Court.

SEC. 2. *Be it further enacted,* That this act shall have full force and effect, from and after the twentieth day of July next, and not before; and all writs, recognizances, warrants, complaints and every other process, precept, matter and thing, returnable to said Courts on the second Tuesday of November next, and all parties and persons that have been or may be required or directed to appear and attend at the time or term last mentioned, and all actions, indictments, suits, informations, appeals, matters and things, which shall or may be pending in said Courts, or either of them in said county, on the said twentieth day of July next, shall be returned to, entered, appear and attend, have day, be heard, tried and determined in the said Courts, respectively, at the term thereof, appointed by this act, to be holden on the third Monday of September next. Transfer of Return.

SEC. 3. *Be it further enacted,* That all acts and parts or clauses of acts, which are or may be repugnant to, or inconsistent with the provisions of this act, be, and the same are hereby repealed, from and after the said twentieth day of July next: *Provided however,* that any thing done pursuant to those acts or clauses thereof, prior to the day last mentioned, shall be as good and valid in law to all intents and purposes, as if this act were never passed: *And provided moreover,* that the Session business cognizable by said Court, in conjunction with the Sessions Justices thereof, have day, be done, and performed, only at the aforementioned terms in January and September annually, and not at the May term before expressed. Repeal of Acts. Proviso.

[Approved by the Governor, June 13, 1817.]

CHAP. XII.

An Act to incorporate the town of Brooksville.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That those parts of the towns of Castine, Penobscot, and Sedgwick, included in the following boundaries, viz. : beginning at the water on the line between Castine and Penobscot, there bounded by the waters of the harbour of Castine, and by Castine river, to land of John Walker, on the southerly side of said river; thence on the line of said lot, including the same to the water; thence from the outlet of Walker's Pond, so called, south westerly, to the southerly line of Isaac Billings' land; thence, on said southerly line, to the sea; thence running by the sea shore round Cape Rosier, and by the shores of Castine harbour, to the first-mentioned bounds; together with the inhabitants thereon, be, and are hereby incorporated into a town, by the name of Brooksville; and the said town is hereby vested with all the privileges and immunities which other towns do, or may enjoy by the Constitution and laws of this Commonwealth: *Provided*, that the inhabitants within the boundaries aforesaid, shall be holden to pay to the several towns, to which they have heretofore belonged, their several proportions of all taxes voted by said towns, together with all state and county taxes, apportioned on said towns, before the passing of this act.*

SEC. 2. *Be it further enacted, That in all state taxes, which shall hereafter be granted by the General Court of this Commonwealth, until a new valuation shall be settled, one eighth part of the taxes which would have been set to the town of Sedgwick, one fifth part which would have been set to the town of Penobscot, and one fifth part which would have been set to Castine, according to the last valuation, shall be taken from said towns and set to the said town of Brooksville.*

SEC. 3. *Be it further enacted, That William Abbot, Esquire, be, and he is hereby authorized to issue a*

Boundaries.

Rights and Privileges.

Proviso.

Disposition of Taxes.

warrant, directed to some suitable inhabitant of said town of Brooksville, requiring him to notify the inhabitants thereof, to meet at such time and place as shall be appointed in said warrant, for the election of all such officers as towns are entitled to choose in the months of March or April annually.

Warrant for first meeting.

[Approved by the Governor, June 13, 1817.]

CHAP. XIII.

An Act to extend the powers and duties of Sheriffs, Coroners, and Constables, in certain cases.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Sheriffs, Deputy Sheriffs, Coroners, and Constables be, and they hereby are authorized and empowered to make service and return of all writs and processes to them duly directed, in which towns or districts, of which they are inhabitants, are parties or interested, any law, usage or custom to the contrary notwithstanding.

Return.

[Approved by the Governor, June 13, 1817.]

CHAP. XIV.

An Act in addition to the several laws now in force respecting School 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 each and every School District in this Commonwealth, is hereby made a body corporate, so far as to bring and maintain any action, on any agreement, made with any person or persons, for the non performance thereof, or for any damage done to their School Houses; and be liable to have any action brought and maintained against them for the non performance of any contract by them made.

Schools incorporated.

SEC. 2. *Be it further enacted*, That the said corporation shall have power to take and hold in fee simple, or otherwise, any estate, real or personal, which has been or may be given by any person or persons, for the purpose of supporting a school or schools in said district, and to apply the same for the purposes aforesaid, and may prosecute and defend any suit or suits relative to the same.

[Approved by the Governor, June 13, 1817.]

CHAP. XV.

An Act to set off the town of Guilford from the county of Somerset, and annex the same to the county of Penobscot.

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 Guilford, in the county of Somerset, be, and the same is hereby set off from said county of Somerset, and annexed to the county of Penobscot: *Provided however*, that the inhabitants of said Guilford shall be holden to pay their proportion of all legal taxes which have been assessed, or by the General Court ordered to be laid on said Guilford, in the same manner as though this act had never been passed.

[Approved by the Governor, June 14, 1817.]

CHAP. XVI.

An Act further regulating the Fishery in Merrimack 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, any Fish Warden, Sheriff, Deputy

Sheriff, Grand Juror, or Constable, who may find a seine, net, pot, or any other machine for catching salmon, shad, or alewives, at any place between the banks of Merrimack river, in this Commonwealth, upon any day other than those on which said fish may be taken by law, shall have a right to take such seine, net, pot, or other machine, and dispose of them in the same way and manner as is prescribed by the said act for unlawful fishing. Forfeitures.

SEC. 2. *Be it further enacted*, That if any person or persons shall be found at any place between the banks of said river with a seine, net, or other machine, for catching any of said fish, in his or their possession, upon any day when it is not lawful to catch said fish, he or they shall forfeit and pay a fine of ten dollars, for each and every such offence, to be recovered and appropriated to the sole use of the Fish Warden, Sheriff, Deputy Sheriff, Grand Juror, or Constable, who shall prosecute for the same. Penalties.

[Approved by the Governor, June 14, 1817.]

CHAP. XVII.

An Act to establish a Ministerial Fund in the town of 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 the Selectmen of the town of Sudbury, for the time being, and the Deacons of the Church, for the time being, in the said town of Sudbury, be, and they are hereby appointed and incorporated as Trustees, by the name of the Trustees of the Sudbury Ministerial Fund; and by that name they and their successors in office shall be, and continue a body politic 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 belong to the like corporations. And the said Trustees and Trustees. May sue and be sued.

June 14, 1817.

May elect other officers.

their successors may annually elect one of their number as President, and a Clerk to record the doings of said Trustees, and a Treasurer to receive and pay the money belonging to 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 be at all times responsible for the faithful application of the monies 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.

May sell and convey lands.

SEC. 2. *Be it further enacted*, That the said Trustees be, and they are hereby authorized and empowered to sell and convey the several lots of land belonging to the town of Sudbury, which have been and are appropriated to the support of the ministry in said town; and the monies arising from the sale of the said land shall be put on interest, and shall form a fund for the support of the ministry in said town, which shall be under the care and management of the said Trustees, in the manner provided for and directed in this act; and when the said Trustees shall 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 by two or more sufficient sureties, with the principal; and the interest, and that only, shall ever be appropriated for the uses aforesaid; and it shall never be in the power of the said Trustees to alter or alienate the appropriation of the fund aforesaid. And the said Trustees are hereby authorized to make and execute a good and sufficient deed or deeds of the said several lots of lands, which shall be subscribed by the Treasurer, with their seals thereto affixed, and by him duly acknowledged; and when so executed and delivered, shall be good and effectual in law to pass and convey all the rights of said town in and to said real estate, to the purchaser thereof.

Compensation.

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 shall be paid them by the town; and the said Trustees and each of them 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 resulting thereby to the fund; and the debt or damage recovered in such suit shall be to the use and addition of the said fund; and the said Trustees and Treasurer, and their successors in office, shall exhibit to the town a report of their doings, and the state of the funds, at the annual meeting in March or April.

SEC. 4. *Be it further enacted*, That any Justice of the Peace, for the county of Middlesex, is hereby authorized, upon application therefor, to issue his warrant, directed to one of the Trustees named in this act, 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.

Warrant for first meeting.

[Approved by the Governor, June 14, 1817.]

CHAP. XVIII.

An Act in addition to an act, entitled "An act to incorporate the First Baptist Society in York."

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 second section of the act, entitled "An act to incorporate the First Baptist Society in York," as requires a certificate of admission to be approved of by the settled Minister of said society, be, and the same is hereby repealed.

Act repealed in part.

[Approved by the Governor, June 14, 1817.]

CHAP. XIX.

An Act establishing the Massachusetts Steam Navigation Company.

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

the authority of the same, That John H. Andrews, with such other persons as have already associated with him, or may hereafter associate with him, and their successors, be, and they hereby are made and constituted a body politic and corporate, by the name of the Massachusetts Steam Navigation Company, for and during the term of thirty years after the passing of this act; and by that name may sue and be sued, in all actions, real, personal and mixed, to final judgment and execution, and may do and suffer all acts, matters and things which bodies politic may or ought to do and suffer; and may have and use a common seal, and the same may break and alter at pleasure: Provided however, that any proprietor alienating his share or shares in said corporation, shall thereafter, in respect thereto, cease to be a member of said corporation; and the assignee thereof shall be, with respect thereto, thenceforward a member of said corporation, with all the rights, and subject to all the duties, penalties and payments which the assigner thereof was or might have been vested with or liable to.

Authorized to
build steam boats.

SEC. 2. *Be it further enacted, That said corporation shall have power, and is hereby authorized to erect and build any Steam Boats in any part of this Commonwealth, where the individual proprietors in their private capacities might lawfully do the same; and also navigate any Steam Boats in any waters where the individual proprietors might lawfully do the same, as shall appear to said corporation to be for the benefit of the same.*

May hold estates.

SEC. 3. *Be it further enacted, That said corporation may be lawfully seized and possessed of such real estate as may be necessary and convenient for establishing and carrying on the business of said corporation, and of as much personal estate as shall be actually employed by said corporation; provided, that such real estate shall not exceed the value of thirty thousand dollars, and the personal estate three hundred thousand dollars.*

proviso.

Number of shares.

SEC. 4. *Be it further enacted, That the property of said corporation shall be, and hereby is, divided into one hundred and forty-four shares, and shall be numbered in progressive order, beginning at number one; and every original member thereof shall have a certifi-*

cate under the seal of the corporation, and signed by the Treasurer, certifying his property in such shares as shall be expressed in said certificate.

SEC. 5. *Be it further enacted*, That any two of the proprietors may, and they hereby are empowered to call a meeting of the proprietors, by a notification published in the Salem Gazette and Essex Register, at least seven days previous to said meeting; at which meeting a Clerk shall be chosen, whose duty it shall be, fairly and truly to enter and record in a book or books, for that purpose to be provided and kept, this act, and all the rules, by-laws, votes and proceedings of said corporation, which book or books shall at all times be subject to the inspection of any person for that purpose appointed by the Legislature; and the said Clerk shall be sworn to the faithful discharge of the duties of his office; and at the same meeting, the proprietors shall elect a Treasurer, and such number of Directors to manage the prudential business of said corporation as to them shall seem expedient; and such Directors, as well as those which at any meetings hereafter may be chosen, shall have power, from time to time, to assess such taxes on the proprietors of the shares in said corporation as they shall deem to be necessary; and on the neglect or refusal of any proprietor to pay such tax, to sell so many of his or her shares at vendue, as will pay his or her taxes, after advertising the sale of such share or shares in one of the public papers in Salem and Boston for the space of ten days at least, previous thereto, and the overplus, (if any there be) after the payment of the taxes and the charges of sale, to be paid to the owner of the share or shares, so sold; and the proprietors may at said meeting, or at any other meeting, elect any other officers, which to them may seem necessary, for carrying into effect the object of their institution; and may agree upon a mode of calling future meetings of the proprietors, and also make any reasonable rules and by-laws, not repugnant to the constitution and laws of this Commonwealth.

First meeting
choice of off.

Officers' duties.

SEC. 6. *Be it further enacted*, That the Directors appointed, shall hold their offices for the term of one year, and until others are elected in their room: *Provided*, that if any Director ceases to be a member of this

Term of office.

corporation during the time for which he was elected, or resigns, the corporation at a legal meeting, may elect another person in his room.

May alienate
shares.

SEC. 7. *Be it further enacted*, That any share may be alienated by the proprietor thereof, by a deed acknowledged before some Justice of the Peace, and recorded by the Clerk, in a book to be kept for that purpose, and not in any other way, except in the cases hereafter provided: And any person shewing to the Treasurer such deed, so recorded, and delivering up to him the former certificate, shall be entitled to a new certificate, executed in form aforesaid, certifying the property of such share to be in the purchaser.

Shares may be at-
tached.

SEC. 8. *Be it further enacted*, That any share in said corporation may be attached on original process, or levied upon by execution, at the suit of any creditor of the proprietor of such share, by the officer having the process to execute, giving to the Treasurer or leaving at his place of abode, a certificate in writing, shewing that he hath attached or taken in execution, such proprietor's share, at the suit of such creditor; and the officer may proceed to sell the same at public auction, as he might by law sell any goods or chattels of such proprietor, attached or levied upon, to satisfy the execution of the creditor: And the officer may make and execute a deed of such proprietor's share to the highest bidder; and the purchaser producing to the Treasurer a deed under the hand and seal of such officer, acknowledged and recorded as aforesaid, shall be entitled to a certificate from the Treasurer, executed as aforesaid, certifying the property of such share to be in the purchaser; and the Treasurer shall have recorded in a book to be kept for that purpose, a schedule of the names of all the members of said corporation—of the several shares of which each proprietor is owner, and the numbers annexed to such shares; and such book shall be open to the inspection of any Sheriff, Deputy Sheriff, or Coroner, having a process to execute against any proprietor, or to the inspection of any other person when demanded, upon payment of twenty-five cents for each inspection: And in any action to be brought, or in any judgment to be rendered against said corporation, the plaintiff not being able to find any property of the corporation to attach on mesne process, or whereon

to levy his execution, shall have the right of attaching or levying his execution on any of the individual members of the corporation and their estate, real or personal, in the same manner as if the action had been brought and the judgment rendered against them in their individual capacity.

SEC. 9. *Be it further enacted*, That when any proprietor shall die possessed of any share or shares in said corporation, his Executor or Administrator, upon producing to the Treasurer such deceased proprietor's certificate or certificates, shall be entitled to receive a new certificate, executed in form aforesaid, certifying the property of such share or shares to belong to such Executor or Administrator, who shall hold such share or shares as personal estate of such deceased proprietor, and shall or may sell and dispose of the same at public auction, or otherwise, in the same manner as by law he might sell and dispose of any chattels of such deceased proprietor; and such Executor or Administrator shall and may execute and acknowledge a deed or deeds of such share or shares, and the purchaser producing to the Treasurer the certificate or certificates, executed in form aforesaid, certifying such share or shares to belong to such purchaser. And such Executor or Administrator, who shall not have sold such share or shares, shall immediately after the settling the estate of such deceased proprietor, deliver the certificate or certificates by him received, to the heir or legatee of such deceased, who shall, upon producing the same to the Treasurer, be entitled to a new certificate or certificates, executed in the form aforesaid, certifying the property of such share or shares to be in such heir or legatee.

Shares of proprietors deceased.

SEC. 10. *Be it further enacted*, That the time and place of all public sales of any share or shares, shall be made known at least seven days before such sale, by publishing the same in one of the public newspapers of Salem and Boston.

Advertisement of public sales.

SEC. 11. *Be it further enacted*, That at all meetings of the corporation, each member shall be entitled to one vote for each share owned by him; *provided*, that no person shall be entitled to more than fifteen votes.

Votes.

[Approved by the Governor, June 16, 1817.]

CHAP. XX.

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

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 Appleton, Samuel G. Appleton, Timothy Appleton, Charles Simonds, William Dennis, Frederick Mitchell, Jacob M. Farnum, Joseph L. Ross, James Caldwell, Moses Graves, Josiah Symonds, Daniel Ross, Jun. John Lord, Robert Stone, Daniel W. Low, Nathaniel Perkins, Major Woodbury, Samuel Stone, Simeon Spafford, Amos Jones, Francis Hovey, John Hovey, Levi Hovey, and Joseph Hovey, with their polls and estates, be, and they are hereby incorporated by the name of the First Baptist Society in Ipswich, with all the privileges, powers and immunities to which other religious societies are entitled by the constitution and laws of this Commonwealth.

Persons incorporated.

Powers,

Membership.

SEC. 2. *Be it further enacted,* That any person in the said town of Ipswich, or in the adjoining towns, who may at any time hereafter desire to become a member of said Baptist Society, and give in his or her name to the clerk of the town or parish to which he or she may belong, with a certificate signed by the Minister or Clerk of said Baptist Society, that he or she hath actually become a member of, and united in religious worship with said Baptist Society, fourteen days previous to the town or parish meeting, to be held in the month of March or April, annually, shall from and after the date of such certificate, with his or her polls and estates, be considered as a member of said Baptist Society: *Provided however,* that all such persons shall be held to pay his or her proportion of all monies voted or assessed in the town or parish to which he or she belonged previous to that time.

Proviso.

Secession.

SEC. 3. *Be it further enacted,* That whenever any member of said Baptist Society shall see cause to leave the same, and unite with any other religious society in the town or parish in which he or she may reside, and shall give in his or her name to the Clerk of said Bap-

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

SEC. 4. *Be it further enacted*, That any Justice of the Peace, in the town of Ipswich, upon application therefor, is hereby authorized to issue a warrant, directed to some suitable member of said Baptist Society, requiring him to notify and warn the members thereof, to meet at such time and place as shall be appointed in said warrant, to choose all such officers, and transact all such business as parishes are by law entitled to choose and transact in the month of March or April, annually.

Warrant for first meeting.

[Approved by the Governor, June 16, 1817.]

CHAP. XXI.

An Act in addition to an act, entitled "An act for establishing the Second 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 Second Massachusetts Turnpike Corporation be, and they are hereby authorized and empowered to remove the Gate erected on said road, from the place where it now stands, to Deerfield River Bridge, on said road.

Gate removed.

SEC. 2. *Be it further enacted*, That the said Corporation be, and they are hereby authorized and empowered to erect an additional Gate on said Turnpike road, within two miles of the west end of said road, where the corporation may judge most convenient.

Gate erected.

To receive toll.

Rates of toll.

SEC. 3. *Be it further enacted,* That from and after the passing of this act the said corporation be, and they are hereby authorized and empowered to demand and receive from all persons travelling on said road, the following rates of toll, at each of said Gates, viz. : For every coach, phaeton or other four wheel carriage, drawn by two horses, twenty-five cents, and for each additional horse, six and one quarter cents; for each cart or waggon, drawn by two oxen or horses, twelve and one half cents, for each additional ox or horse, six and one quarter cents; for each curricule, sixteen cents; for each chaise, chair or sulkey, twelve and one half cents; for all four wheel carriages drawn by one horse, seven cents; for each sleigh or sled, drawn by two oxen or horses, ten cents, for each additional ox or horse, four cents; for each sleigh, sled or cart, drawn by one horse, seven cents; for each man and horse, six and a quarter cents; for all sheep or swine, three cents by the dozen; for each foot passenger over the Bridge crossing Deerfield river, two cents.

[Approved by the Governor, June 16, 1817.]

CHAP. XXII.

An Act to incorporate the Master, Wardens and Members of the Grand Lodge of Massachusetts.

Powers.

Proviso.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Francis J. Oliver and his associates, and their successors be, and they hereby are incorporated and made a body politic, by the name of the Master, Wardens, and Members of the Grand Lodge of Massachusetts, with power to have a common seal, to sue and be sued, to make and ordain from time to time, by-laws, rules, and regulations for the government and management of the corporation; *provided,* the same be not repugnant to the constitution and laws of this Commonwealth; and that they have all the privileges usually given by acts of incorporation to charitable societies.

SEC. 2. *Be it further enacted*, That the said corporation may take by purchase, gift, grant, or otherwise, and hold real estate, not exceeding the value of twenty thousand dollars, and personal estate, not exceeding the value of sixty thousand dollars, for charitable uses. May hold estate.

SEC. 3. *Be it further enacted*, That Francis J. Oliver be, and he is hereby authorized to call the first meeting of said corporation, by advertisement, in two of the newspapers printed in Boston, three weeks previous thereto, and appoint the time and place thereof, at which meeting the mode of calling future meetings shall be regulated. Call first meeting.

SEC. 4. *Be it further enacted*, That this act may be amended, revised, or terminated at the pleasure of the Legislature.

[Approved by the Governor, June 16, 1817.]

CHAP. XXIII.

An Act authorizing the First Parish in Freeport to rebuild or repair their Meeting House.

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 First Parish in Freeport may, and hereby are authorized to choose and appoint three disinterested freeholders, neither of whom shall be inhabitants of said town of Freeport, to appraise, under oath, the value of said meeting house, and make a true estimate of the same in writing, with the value of each pew in the same; and the same estimate or appraisal to deliver to the Clerk of said parish, to be by him recorded on the parish books, with the whole amount at which said meeting house shall be appraised, and the amount of each pew, or part of a pew, so appraised as aforesaid. May choose appraisers.

SEC. 2. *Be it further enacted*, That said parish shall be, and hereby are authorized to take down said meeting house and rebuild the same, or repair said meeting house,

as to them shall appear best; and at the expiration of eighteen months from the time they shall so take down, or commence the repair of said meeting house, they shall be holden to account with and pay to each individual to whom said Committee shall appraise or award the value of his or their pew, the full amount due him or them for the same, and on refusal, or neglect, shall be liable to an action by him or them for that amount.

Dispose of pews.

SEC. 3. *Be it further enacted*, That whenever said parish shall repair or rebuild said meeting-house, they shall have full right and authority to dispose of the same, and the pews and room in the same, in such way and manner as they shall judge best for the interest of the parish; and all agreements, covenants and contracts made by them to repair or rebuild said house, and to dispose of the same, when repaired or rebuilt, shall be good and effectual in law, to all intents and purposes whatever.

[Approved by the Governor, June 16, 1817.]

CHAP. XXIV.

An Act in further addition to an act, entitled, "An act to incorporate Isaac Story and others into a company, by the name of the Marblehead Insurance Company."

Further time allowed to pay instalments.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the further term of two years, from and after the seventeenth day of July next, be allowed to the Stockholders of the Marblehead Social Insurance Company, to pay in the residue of the capital stock of said company, amounting to fifty dollars on each share, and being the last moiety of their instalments of the capital stock of said company; and that the said residue shall be paid in such proportions, and at such periods within the time mentioned, as the Directors of said company for the time being, shall order and appoint; any thing in the act of incorporation of said company to the contrary notwithstanding: *Provided however*, that nothing in this act shall

be construed to exonerate or discharge the estates of the stockholders of said company from being liable in the manner and for the purposes mentioned in said act, to which this is in addition.

[Approved by the Governor, June 16, 1817.]

CHAP. XXV.

An Act to incorporate the Trustees of the Lexington Ministerial 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 Joseph Fiske, Isaac Hastings, Jonas Bridge, James Brown, and Abijah Harrington, Esquires, be, and they are hereby constituted a body politic and corporate, by the name of the Trustees of the Lexington Ministerial Fund, and they and their successors shall so continue a body politic and corporate, by that name forever; and by the same name may sue and be sued, in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution; and may make such orders, rules, regulations, and by-laws as may be proper for the government of the Trustees, not repugnant to the laws of this Commonwealth; and may always have a common seal, and all deeds sealed with said seal, subscribed by the said Trustees, and duly acknowledged, shall be valid in law. Persons incor-
porated.

SEC. 2. *Be it further enacted,* That the number of Trustees shall never be more than five, nor less than three, and a majority of them may be a quorum for doing business, and the senior Trustee present shall act as Chairman; and the Trustees shall, at their annual meeting, which shall be in the month of March, appoint a Treasurer and Clerk, who shall be sworn to the faithful performance of their duty; and the Treasurer shall give bonds with sufficient sureties, to the acceptance of the said Trustees, faithfully to do and perform all the duties of his office; and the said town of Lex- Number of Trust-
tees.

Vacancies.

ington, at any legal meeting thereof, shall have power to remove any of said Trustees, who may become unfit, from age, infirmity or misconduct, to discharge their duties, and to supply the vacancies so made; and also such vacancies as may be occasioned by death, by a new Trustee, from the members of the Congregational society in said town, at any meeting called for that purpose; and the said Trustees shall annually receive such compensation out of the said fund, for any services they may perform, as the town may deem just and reasonable.

Compensation.

SEC. 3. *Be it further enacted,* That all unimproved lands, tenements and hereditaments, all monies, chattels, rights or credits, which at any time heretofore have been given, granted, devised or appropriated for the support of the gospel in said town of Lexington, be, and are hereby assigned to, confirmed and vested in the said Trustees, to every intent and purpose whatever, as fully and amply as if the same had been given or granted to the corporation hereby created; and full power and authority is hereby given to them, to enter upon all lands and tenements, heretofore given or granted for the purposes aforesaid; and upon such entry the said corporation shall be deemed and taken to be seized and possessed thereof, to every intent and purpose whatever; and the said Trustees shall and may demand from any person whomsoever, all monies, securities or other property whatever, which have at any time heretofore been given for the purposes aforesaid; and in their corporate name to have and maintain any action for the recovery thereof, and also to receive any donation that may be hereafter given to the said Ministerial fund; and it shall be the duty of the said Trustees to use and improve such estate as shall be vested in them by this act, with due care and vigilance, so as best to promote the intention of the donors thereof; and shall always loan upon interest the money belonging to the said fund, in such sums and for such term of time, not exceeding one year, as they may think proper, upon the bond or note of the borrower, with at least two sureties for the payment thereof; and they shall never loan any sum exceeding five hundred dollars, without a mortgage on real estate to double the amount

Money loaned.

of the sum loaned, as collateral security for the payment thereof, with interest annually ; or they may vest such parts thereof in the funded debt of the United States or this Commonwealth, or in the stocks of any incorporated bank, as they may judge expedient. Vest money in stock.

SEC. 4. *Be it further enacted*, That if said Trustees shall fail to pay the annual income of said fund to the settled Minister of the first Congregational society in said town, for and towards his salary, or to defray the expense of public worship, when they shall be destitute of a settled Minister, pursuant to the votes and directions of said town, within thirty days after the same shall become due, and payable as aforesaid, or neglect to make report annually in the month of May, to a Committee, chosen for that purpose, of what funds and estate they actually hold, and by what tenure ; what money and effects are due to them, and how the same are secured ; and what receipts have been obtained and disbursements made by them the preceding year ; they shall severally forfeit for each offence, the sum of thirty dollars, and the further sum of thirty dollars per month afterwards, until they shall make payment of such claims, when it is in their power to do so. Forfeiture.

SEC. 5. *Be it further enacted*, That when the income of said fund shall be more than sufficient to pay the Congregational Minister his salary, or to defray the expense of public worship, when they shall be destitute of a settled Minister, it shall be the duty of said Trustees, to put out the same at interest ; and when the income of said fund shall amount to four hundred dollars more than to pay said Congregational Minister his salary, or to defray the expenses of public worship, when they shall be destitute of a settled Minister, then the surplus shall be paid by said Trustees to the town Treasurer ; and is hereby appropriated for the maintenance of schools in said town, as shall be annually agreed upon by them, in the month of May.

SEC. 6. *Be it further enacted*, That said Trustees shall be amenable to said town, for negligence or misconduct, in the management of said fund, whereby the same shall be impaired, or suffer loss, waste, or diminution ; and the inhabitants of said town may have and maintain a special action of the case against the proper Trustees amenable to the town.

persons of said Trustees, and goods and estates, jointly and severally, for such negligence or misconduct, and
 Recover damage. recover adequate damage therefor ; and any sum so recovered, shall be deemed for the benefit of said fund, and shall be paid to the said Trustees accordingly.

SEC. 7. *Be it further enacted*, That the Treasurer of said Trustees shall be the receiver of all monies and effects which may be due, and coming to them in their official capacity ; and in their name may demand, sue for, and recover the same, unless prohibited by them : And the said Treasurer shall have the care and custody of all the monies and effects, obligations, and sureties for the payment of money, and all evidences of property belonging to the said fund, and shall be accountable to the Trustees therefor ; and shall dispose of the same as they shall order and direct ; and shall
 Treasurer to render account. render an account of his proceedings, together with a fair and regular statement of the property and evidences of property, in his hands, annually in the month of March, and as often as he may be thereto required ; and he shall deliver to his successor in office, all the books and papers, property, and evidences of property in his hands, in good order and condition ; and if he shall fail so to do for the space of thirty days, after his successor shall have been duly appointed and qualified, he shall forfeit and pay a fine of fifty dollars, and a further sum of forty dollars per month, for such failure or neglect afterward.

SEC. 8. *Be it further enacted*, That the Clerk of said corporation shall have the care and custody of all records and documents belonging to said Trustees ; and shall carefully and fairly record all their votes and proceedings ; also a statement of their funds and estate in their hands, in a book kept for that purpose, and
 Certify proceedings. shall certify all his proceedings when thereunto required ; and he shall call and notify meetings of the corporation, when directed by one of the Trustees, by verbal notice, or such other way as the said Trustees may order and direct, and do whatever else may be incumbent to said office ; and if he shall neglect so to do, or to deliver up to his successor in office, as required, all the records and documents in his hands, in good order and condition, he shall forfeit and pay a fine of fifty

dollars, and thirty dollars for every month's detention afterwards.

SEC. 9. *Be it further enacted*, That any Justice of the Peace for the county of Middlesex, upon application therefor, is hereby authorized to issue a warrant, Issue warrant. directed to either of the aforesaid Trustees, requiring him to notify and warn a meeting of said Trustees, to meet at such time and place as shall be appointed in said warrant, to organize the said corporation, by the appointment of its officers.

[Approved by the Governor, June 16, 1817.]

CHAP. XXVI.

An Act to incorporate the Damariscotta Congregational Society, in the town of Nobleborough.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That George Barstow, Benjamin Barstow, Junior, James Barstow, Samuel Ballard, Nathaniel Bryant, Junior, Israel Chapman, 2d, Nathaniel Clapp, Stephen Coffin, Nathaniel Church, Daniel Day, Robert Day, David Dennis, Ebenezer Farley, Jesse Flint, Junior, John Glidden, Junior, Joseph Glidden, Simon Handiey, Jacob Harrington, Harry Hazelton, Joel How, Junior, Job Hussey, Solomon Hutchins, Richard Jennings, William Melcher, Junior, Joseph Merrill, William Metcalf, George Reid, Jacob Sleeper, Francis Tufts, James Turnbull, John Turnbull, William Turnbull, Richard Wilkin-son, and William Worcester, with their families and estates, together with such others as may hereafter associate with them, and their successors, be, and they are hereby incorporated for religious purposes only, as a religious society, by the name of the Damariscotta Congregational Society; and for this purpose shall have all the powers and privileges, and be subject to all the duties Persons incorpo- rated. and disabilities of other religious societies, according Powers and privi- leges. to the Constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That any person in the said town of Nobleborough, being of any other religious denomination, who may desire to join with the said Congregational society, shall declare such desire and intention in writing, to the Minister, Deacons, or Clerk of the said society, (for the time being,) and shall also give a copy of the same declaration to the Clerk of the town, fifteen days before the annual town or society meeting, and shall receive a certificate of admission, signed by the said Minister, Deacons, or Clerk, (for the time being,) that he or she has united with the said Congregational society, such person, with his or her polls and estate, shall be considered from the date of said certificate, as members of the said Congregational society.

Proviso.

SEC. 3. *Be it further enacted*, That when any member of the said Congregational society, may see cause to secede therefrom, and to unite with any other religious society in the said town, the same forms and process, *mutatis mutandis*, shall be had and done as is prescribed in the second section of this act, and shall have the same effect; *provided however*, that in every case of secession from one religious society, and joining another, every such person shall be holden to pay his or her proportion or assessment of all parish or society taxes and expenses remaining due, and unpaid at the time of such secession.

Issue warrant.

SEC. 4. *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 directed to a member of said 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 organize the said society, by the election of its officers.

[Approved by the Governor, June 16, 1817.]

CHAP. XXVII.

An Act to annex a certain tract of land to the town
 of Dalton. *Union.*

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

the authority of the same, That all that tract, or gore of land, lying between the towns of Waldoborough and Union, in the county of Lincoln, and bounded by said Waldoborough on the south, and by said Union on the north and east, with the inhabitants living on the same, be, and it hereby is annexed to the said town of Union : And the said town of Union shall hereafter extend to, Boundaries. and be bounded by the said town of Waldoborough, the whole distance from the town of Warren to the town of Putnam.

[Approved by the Governor, June 16, 1817.]

CHAP. XXVIII.

An Act in addition to an act, entitled, "An act to incorporate a number of the inhabitants of the town of Dorchester, in the county of Norfolk, into a religious society, by the name of the Second Parish in Dorchester.

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 polls and estates and property of the present members of the said second parish in Dorchester, and all other persons who may hereafter become members of said second parish, and the property they shall respectively hold or occupy on the first day of May annually, in the town of Dorchester, shall be taxable in said second parish, and in that Property taxed. only, for parochial purposes.

SEC. 2. *Be it further enacted,* That whenever any person, being an inhabitant of said Dorchester, shall desire to become a member of said second parish, such membership shall be certified by a Committee of said second parish, chosen for that purpose, and filed with the Clerk of the town or parish to which he or she belongs, and the certificate of such Committee may be as Certificate. follows : We certify that of the town of Dorchester, is a member of the Second Parish in Dorchester ; dated this of A.D. 18 Committee. The said

certificate to be filed as aforesaid, on or before the first day of May, annually; and such person or persons, paying his or her proportion of all monies voted in the religious society to which he or she belonged, previous to his or her joining said second parish, shall, from and after giving such certificate, with his or her polls and estates, be considered as a member of said second parish.

SEC. 3. *Be it further enacted,* That if any member of said second parish shall see cause, or be inclined to leave said parish, and join in worship with any other religious society in said town of Dorchester, or in any other town of which he or she may be an inhabitant, shall give his or her name to the Clerk of said second parish, signed by the Minister or Clerk of the parish, or other incorporated society with which he or she may unite, that he or she has actually become a member of, and united in religious worship in such other parish or other incorporated society, before the first day of May, annually, and shall pay his or her proportion of all monies voted in said society, to be raised previous thereto, shall, from and after giving such certificate, with his or her polls and estate be considered as a member of the society to which he or she may so unite.

Income of land
divided be-
tween parishes.

SEC. 4. *Be it further enacted,* That the income of the ministerial land, so called, which was given and set off for the use and maintenance of the ministry, and the income of all other ministerial land and property which shall be used for the support and payment of the Ministers of the gospel in the town of Dorchester, shall be annually divided between the first, second and third religious societies, in the same proportion that the members of each parish shall collectively bear to each other in the state tax, which shall be assessed from time to time in the town of Dorchester, to be annually compared and ascertained by the assessors of the three parishes, and to be drawn from the town treasury accordingly.

SEC. 5. *Be it further enacted,* That all the ministerial taxes, assessed and collected within the town of Dorchester, on estates belonging to non-residents shall be divided between the first, second and third religious

societies, in the ratio established for the division of the income of the ministerial land and property.

[Approved by the Governor, June 16, 1817.]

CHAP. XXIX.

An Act to repeal an act, entitled "An act to incorporate certain persons as Trustees of an Academy, in the town of Lynn, in the county of Essex."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the act, entitled "An act to incorporate certain persons as Trustees of an Academy, in Lynn, in the county of Essex, be, and the same is hereby repealed: *Provided nevertheless,* Act repealed. that the said corporation shall be holden to pay and discharge all debts, which they, in their corporate capacity, may have contracted; and to fulfil all contracts, which they have made, as though this act had not passed.

[Approved by the Governor, June 16, 1817.]

CHAP. XXX.

An Act in addition to an act, entitled "An act to establish the Taunton and South Boston Turnpike Corporation.

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 shall travel on the road of said Corporation, with any horses, carriages, or any other thing liable to pay toll for passing the gates on said road, and shall turn off the same when coming near to either of the gates thereon, with intent to avoid paying the toll, and then come on said road again, notwithstanding it may have been where

Penalties for
refusing pay-
ment of toll.

the turnpike was made on the old road, shall be liable to all the penalties provided by law, for refusing or avoiding the payment of toll: *Provided*, any part of said travelling on either side of the gate, be on that part of the turnpike not made on the old road.

[Approved by the Governor, June 16, 1817.]

CHAP. XXXI.

An Act in further addition to an act, entitled, "An act for establishing a Corporation by the name of the Sixth Massachusetts Turnpike Corporation."

Gate establish-
ed.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the gate, erected on the Sixth Massachusetts Turnpike road in the town of Rutland, be, and hereby is established where the same is now placed; and that the Sixth Massachusetts Turnpike Corporation have a right to receive thereat the same toll as established in the act, to which this is in addition: *Provided*, that the inhabitants of Barre and Petersham shall be compelled to pay but half toll in going to and returning from Worcester.

[Approved by the Governor, June 16, 1817.]

CHAP. XXXII.

An Act to set off a part of the town of Penobscot, and annex the same to the town of Castine.

Part of town
set off.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That that part of the town of Penobscot, in the county of Hancock, hereafter described, and the inhabitants thereon, be annexed to the town of Castine, in said county, viz.: that part of said Penobscot lying between Penobscot and Castine rivers, and southerly and westerly of the following lines, viz.:

beginning at the first narrows in Castine river, on the northerly line of Lot Number sixty, laid out to Pelatiah Freeman, deceased, and surveyed by John Peters and John Peters, Jun.; thence on the northerly line of said Lot Number sixty, north-westerly to the centre line; thence northerly on the centre line, to the southerly line of Lot Number twenty-two; thence westerly to the easterly end of Lot Number twenty three; thence northerly on the head or easterly end of Lot Number twenty-three, and continuing the same course to the stream which empties into Morse's Cove, so called; thence down said stream to said Cove.

SEC. 2. *Be it further enacted*, That the inhabitants of the said part of the town of Penobscot, by this act annexed to the said town of Castine, shall be holden to pay such taxes as have been assessed, or ordered to be assessed on them by the said town of Penobscot, previous to passing of this act. Holden to pay taxes.

SEC. 3. *Be it further enacted*, That in all state taxes, which shall hereafter be granted by the General Court of this Commonwealth, until a new valuation shall be settled, one quarter part of the taxes which would have been set to the town of Penobscot, according to the last valuation, shall be taken therefrom and set to the town of Castine.

SEC. 4. *Be it further enacted*, That no person who is now supported wholly or in part, by any town in this Commonwealth, shall, by the passing of this act, thereby gain a settlement in said town of Castine.

[Approved by the Governor, June 16, 1817.]

CHAP. XXXIII.

An Act to annex Jacob Man, and his estate, to the First Parish in Wrentham.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Jacob Man, with his family and estate, be, and hereby are set off from the north parish, and annexed to the first parish in the town of Wrentham: *Provided however*, that the said

Jacob Man shall be holden to pay his assessment of all parish or society taxes and expenses, legally assessed, and not paid prior to the date of this act.

[Approved by the Governor, June 16, 1817.]

CHAP. XXXIV.

An Act in addition to the several acts concerning the curing, packing, and exportation of Smoked and Pickled Fish.

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 smoked fish shall be put on board of any boat, vessel, or carriage of conveyance, within this Commonwealth, with intent to sell or export the same, unless said fish shall have been inspected, and the casks and boxes containing the same, shall have been branded agreeably to the provisions of this act, and those to which this is in addition, it shall be lawful for any Justice of the Peace, in the same county, upon complaint made to him, to issue his warrant to the Sheriff, or his Deputy, or to any Constable of the town, where such boat, vessel, or carriage of conveyance may be, requiring them respectively, to seize and secure said fish, and carry the same to the Inspector General, or one of his Deputies, which ever may be nearest the place where said boat, vessel, or carriage may be; and said Inspector General, or Deputy Inspector, is hereby authorized and required, to open and inspect, and to pack and brand the same, in the same manner as is prescribed in the act to which this is in addition, passed the ninth day of February, in the year of our Lord one thousand eight hundred and eight. And it shall be lawful for said Inspector General, or Deputy Inspector, to detain the said fish, until the expenses and charges of seizure, inspection, packing, and all other charges arising from such seizure, shall be paid. And it shall be the duty of every person, when required, to give necessary aid to the officer having such warrant, on pain of forfeiting five dollars for his*

Holden to pay taxes.

Fish to be inspected.

Justice to issue warrant.

Fish detained.

refusal, to be recovered by action of debt, or on the case, before any Court proper to try the same; and by any person who will prosecute therefor.

SEC. 2. *Be it further enacted*, That the fees for Inspector's fees. inspecting, packing, and branding smoked herrings and alewives, in the manner prescribed in the act passed on the ninth day of February, in the year of our Lord one thousand eight hundred and eight, to which this is in addition, shall be five cents for each box, to be paid by the purchaser, one cent of which shall be allowed to the Inspector General.

SEC. 3. *Be it further enacted*, That no pickled or smoked fish, which shall be brought into this Commonwealth, from any other state or government, shall be sold, or offered for sale, before the same shall have been regularly inspected, according to the provisions of this act, or the acts to which this is in addition. And each and every person, who shall buy or sell, or offer for sale, any pickled or smoked fish, which shall be brought into this Commonwealth, from any other state or government, before the same is regularly inspected as aforesaid, shall severally forfeit and pay five dol- Forfeiture. lars for each and every hundred pounds weight, so bought or sold; to be recovered by any person who shall prosecute for the same, by action of debt, or on the case, before any Court proper to try the same.

[Approved by the Governor, June 16, 1817.]

CHAP. XXXV.

An Act declaring and confirming the incorporation of the First Congregational Society, in Salem.

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 persons who now are, and who may hereafter be the proprietors of the Proprietors of pews, in the meeting-house, in Salem, in the county of pews made a Essex, in which the reverend John Prince officiates as body politic Pastor, be, and they hereby are, declared and confirmed to be a body politic and corporate, by the name of and corporate.

the First Congregational Society in Salem; and the said corporation shall be, and hereby are, deemed in law to be seized of the same meeting-house, with the land under and adjoining the same; and also of all other lands, tenements, and hereditaments belonging to, and possessed and enjoyed by the said proprietors, together with the privileges and appurtenances to the same belonging; and the said corporation shall be, and they hereby are further authorized and empowered to take and hold any other estate, as well real as personal, the annual income whereof shall not exceed the sum of five thousand dollars.

May hold estate.

SEC. 2. *Be it further enacted*, That all gifts, grants, devises, and bequests, which have been, or shall be hereafter made to and for the use of said Congregational society, shall be under the care and management of the Committee hereinafter mentioned, or of such other Committee, or Trustees, as the said corporation shall appoint for that purpose; and all such gifts, grants, devises, and bequests, shall be faithfully appropriated, according to the intention of the donors thereof: And it shall never be in the power of said corporation to alienate or to alter the appropriation of such gifts, grants, devises, and ~~legatees~~. *bequests*.

Meet annually.

Choose Moderator, Clerk, &c.

Proviso.

SEC. 3. *Be it further enacted*, That the said corporation shall meet annually, as the said proprietors have heretofore been used to do; and shall also hold other meetings, the same being duly warned, in manner hereinafter mentioned; at such other times as shall be necessary: And at such annual meetings, after having chosen a Moderator, shall choose a Clerk, who shall be sworn to the faithful discharge of the duties of his office; and also a Treasurer, and a Committee of five persons, and such other officers as shall be necessary, who shall all continue in office during the year, and until others shall be chosen in their stead: *Provided however*, that, if for any cause such annual meeting should not be holden, then the said officers may be chosen at any meeting, duly warned, for that purpose. And the said Committee, or a major part of them, shall have full power to manage the affairs of said corporation, in like manner as the Committees of said proprietors have heretofore been used to manage the affairs of said soci-

ety; and shall further have the like power and authority, as are by law vested in the Assessors and Committees of precincts or parishes.

SEC. 4. *Be it further enacted*, That all sums of money for the settlement and maintenance of a Pastor, or Pastors, for the repairs and alterations of the meeting-house, for defraying the expenses of public wor-^{Expenses.}ship, and for other uses of said corporation, shall be assessed and collected in the manner heretofore used and accustomed by said proprietors; and in default of payment thereof, the said corporation shall have the like remedies as the said proprietors have heretofore had and exercised: *Provided nevertheless*, that the said corporation may, at any meeting duly warned for that purpose, determine upon any other manner of assessing and collecting such monies, as they may think advisable.

SEC. 5. *Be it further enacted*, That the said corporation shall be entitled to all the privileges heretofore^{Privileges.} in fact enjoyed by said proprietors, and shall be bound by all contracts heretofore in fact made by said proprietors, as well with their present Pastor as with other persons, and shall be subject to all the duties to which the said proprietors have heretofore in fact been subject.

SEC. 6. *Be it further enacted*, That the meetings of^{Meetings.} said corporation shall be warned in such manner as said corporation shall at any annual meeting determine, and the first meeting of said corporation which shall be holden after the passing of this act, shall be holden on the second Monday of November next, and shall be warned in the like manner as the said proprietors have been used to warn their annual meetings.

[Approved by the Governor, June 16, 1817.]

CHAP. XXXVI.

An Act to establish a Ministerial Fund in the town of Bloomfield, and to incorporate the Trustees, for the management thereof.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by*
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the authority of the same, That Bryce M'Lellan, John Kimball, Pickard Jewitt, Seth Wyman, Junior, John Weston, Solomon Stewart, and Brooks Dascomb, be, and they are hereby constituted and made a body politic and corporate, by the name of the Trustees of the Ministerial Fund, in the town of Bloomfield, with all the powers and privileges incident, and usually given to corporations, of a like nature and purpose.

Annual meeting for choice of officers.

SEC. 2. *Be it further enacted, That the said Trustees shall, forever hereafter, in the month of March or April, annually, and at such other times as may be found necessary for the regular doing of their business, hold meetings in the said town of Bloomfield, at such time and place, as a majority of the said Trustees, for the time being, shall appoint and direct, by advertisement, posted up in some public place in said town, seven days at least, before such meeting; and at the said annual meeting, the said Trustees shall appoint a President to preside in their meetings; a Clerk to record their votes and proceedings, in a book or books, for that purpose to be provided and kept; and a Treasurer to receive and apply the monies, as is herein directed:*

Vacancy supplied.

And when any vacancy shall happen, by the death, resignation, or removal out of the town, of any Trustee, such vacancy shall be supplied by an election from the freeholders, at the next annual town meeting which may be held thereafter. And the said Trustees, for the time being, shall have power to remove any one of their number, who may from age, infirmity, misconduct, or other cause, have become incapable of discharging the duties of a Trustee.

Power of Trustees.

Duty of Trustees.

SEC. 3. *Be it further enacted, That it shall be the duty of the said Trustees, and their successors in office, to receive and manage all monies now raised and appropriated as a fund, for the support of the ministry, in the said town of Bloomfield; and also to receive, manage, and improve all such estate, real, personal, and mixed, as may be hereafter added to the said fund, for the purpose aforesaid, by gift, grant, devise, or otherwise, by operation of law, not exceeding in the whole, the amount or value of ten thousand dollars, in such way and manner, as in their judgment will best*

obtain and secure the end of the investments of the said funds, and this act of incorporation.

SEC. 4. *Be it further enacted*, That all monies coming to the said Trustees, in their corporate capacity, shall be loaned on interest, and secured by the bond or note of the borrower, with sufficient surety or sureties, or by his bond or note, with mortgage on real estate, to the satisfaction of the said Trustees; or they may invest all, or any part of said monies in public funded securities, or bank stock, as they may judge best; and the interest only of the said fund, shall be applied to, and for the support of the Congregational Minister, (for the time being,) settled in the said town; or the said annual interest, or income, may remain for a longer time in the hands of the said Trustees, to increase the principal of the said fund, as the inhabitants of the said town, at a legal meeting, to be called for that purpose, may by a major vote determine and direct; *provided*, that the principal of the said fund, shall at no time exceed the amount or value of ten thousand dollars: And the said town shall not have power to alienate or change the appropriation of the said fund, for the support of such Congregational Ministers, as aforesaid, or to alter, or diminish the principal thereof; if by such alienation, alteration, or diminution, the said principal shall be reduced to a less sum than ten thousand dollars.

SEC. 5. *Be it further enacted*, That the said Treasurer, before entering on the duties of his said office, shall give his bond to the said Trustees, and their successors in office, with sureties to the satisfaction of the said Trustees, for the faithful discharge of the duties of his office; and the said Treasurer shall be the receiver of all monies and effects, due, owing, or coming to the said Trustees, and shall have the care and custody of all monies, effects, obligations, securities, and evidences of property, belonging to the said fund, to be accountable therefor; and shall annually render a fair and regular account of all his doings, and of the property and effects in his hands, whenever thereto required by the said Trustees, and shall dispose thereof as they shall order and direct; and shall deliver over to his successor in the same office, all the books, papers,

Money loaned.

Proviso.

Treasurer to give bond.

Duties of Treasurer.

property, and evidences of property, in his hands, in good order and condition ; and the said Trustees shall every year, at the annual town meeting, in March or April, exhibit to the town a statement of their accounts with the Treasurer, expressing the receipts and payments, with the state of the funds ; and the said town may, at their discretion, appoint Auditors to examine said accounts and vouchers, and report to the town the state of said funds.

Accountability
of Trustees.

SEC. 6. *Be it further enacted*, That the said Trustees, and their successors, shall be accountable to the said town of Bloomfield, for the faithful use and application of the said fund, and shall be liable, each one in his own private property and person respectively, for any embezzlement, negligence, or misconduct in his said capacity as a Trustee ; and the said town of Bloomfield may commence and prosecute to final judgment and execution, on action of trespass on the case, against the said Trustees, or any of them, or their successors, for any such embezzlement, negligence, or misconduct ; and all damages recovered in such actions, shall be applied to increase the said ministerial fund ; and whenever judgment shall be rendered against any one or more of said Trustees, in such action, such Trustee, or Trustees shall be held and considered thereby to be removed from his or their said trust, and the vacancy or vacancies so happening, shall be supplied in the same manner as is before provided, in the second section of this act.

Compensation.

SEC. 7. *Be it further enacted*, That the Trustees and the other officers, for any services they may perform, shall be entitled to no compensation out of any money arising from the said fund ; but a reasonable compensation may be made to them by the said town as they may think just ; and the said Trustees and their successors, and each of them, whether they be officers or not, shall be responsible to the said town of Bloomfield, for their personal neglect and misconduct, and shall be liable to prosecution for any loss or damage resulting thereby to the funds aforesaid, and the debt or damage recovered in such suit, shall be added to the said fund.

SEC. 8. *And be it further enacted*, That any Justice

of the Peace, for the county of Somerset, upon application therefor, is hereby empowered to issue a warrant, Justice to issue warrant. directed to one of the Trustees named in this act, requiring him to notify and warn the first meeting, at such convenient time and place as shall be appointed in the said warrant, to organize the said Corporation, by the election and appointment of its officers; and being so met, may agree upon and settle the mode of calling future meetings, and also to do any other business which may then properly come before them.

[Approved by the Governor, June 16, 1817.]

CHAP. XXXVII.

An Act to incorporate a number of persons, by the name of the Methodist Society in Dresden.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Turner Barker, Henry Barrett, Samuel Bishop, Gilmore Blen, Harrison Blen, Edmund Bridge, Charles Call, Obadiah Call, Obadiah Call, Junior, James H. Clancy, John Goud, James Goud, William Goud, Louis Houdlette, Louis Houdlette, Jun. George Houdlette, Francis Houdlette, Philip Houdlette, William Lewis, Charles Mayer, Charles Mayer, Jun. Gideon Meserve, Reuben Meserve, Daniel Palmer, Samuel Patterson, James H. Patterson, John Polereczky, Joshua Pray, James Puroshore, Jacob Reed, Jonathan Reed, David Reed, John Rittal, James Rittal, Francis Stilphen, George Stilphen, Charles Thayer, George Theobold, John Turner, John Turner, Jun. James Turner, Clarkson Turner, Levi Woodward, and Samuel Woodward, with their families and estates, together with such others as may hereafter associate with them and their successors, in the manner provided by this act, be, and they are hereby incorporated as a religious society, by the name of the Methodist Society in Dresden, with all the powers and privileges which are exercised and enjoyed, Persons incorporated. and subject to all the duties and disabilities of other Power and privileges.

religious societies, according to the Constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That any person belonging to any other religious society in the said town of Dresden, who may desire to become a member of the said Methodist society, shall declare his or her intention in writing to the Minister or other senior presiding officer of the said society, for the time being, and shall also deliver a copy of the same declaration to the Town Clerk, fifteen days before the annual town meeting; and if such person doth receive and can produce a certificate of admission to membership, signed by the Minister, or other senior presiding officer of the said Methodist society, for the time being, such person, with his or her polls and estate, from the date of such certificate, shall be considered as members of the said Methodist society; and the said certificate shall operate and have the effect to exonerate such person from taxation for the support of the ministry of any other religious denomination, in the said town.

Certificate.

Secession.

SEC. 3. *Be it further enacted*, That when any member of the said Methodist society in Dresden, may see cause to leave the same, and to unite with any other religious society in the said town, the same form and process shall be had and done, *mutatis mutandis*, as is prescribed in the second section of this act, and shall have the same effect: *Provided however*, that in every case of secession from one society and joining another, every such person shall be holden in law to pay his or her proportion of all parish or society taxes and expenses, legally assessed or remaining due and unpaid at the time of such secession.

Warrant for
first meeting.

SEC. 4. *And 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, directed to a member of the said Methodist society, requiring him to notify and warn the members thereof to meet at such convenient time and place as may be appointed in the said warrant, to organize the said society, by the election and appointment of its officers.

[Approved by the Governor, June 16, 1817.]

CHAP. XXXVIII.

An Act respecting the support of Public Worship in the town of Pittsfield.

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 laws heretofore made Laws repealed. and passed, by force of which the Union Parish, in the town of Pittsfield, in the county of Berkshire, was erected and does now exist as a distinct body politic, be, and the same are hereby repealed: *Provided nev-* Proviso. *ertheless*, that said Union Parish, and also the First Parish, so called, in said town, shall still continue to exist so far as to enable either of them to carry any legal contract by either of them respectively, heretofore made with their Ministers, or any other persons, into execution; and to sue for and recover any debts due to them, and that they severally shall remain liable to be sued for any debts due from them, in the same manner as if this act had not been made.

SEC. 2. *Be it further enacted*, That for the future, the inhabitants of said Union Parish and said First Parish, so called, therein shall and may unite, and shall have power, and be held as a town or parish to choose settle, and make provision for the support of a public teacher, or teachers of piety, religion, and morality, and of the public worship of God in said town, Public teachers. in the same way and manner as other towns are authorized and held by law to do, and as the said town of Pittsfield was authorized and held to do previous to its division into parishes, any law, usage or custom to the contrary notwithstanding.

SEC. 3. *Be it further enacted*, That the articles of agreement entered into by said parishes, as the foundation of their union, be, and the same are hereby ratified and confirmed, and declared to be binding upon said town: *Provided however*, that the said articles of agree- Articles confirmed. Proviso. ment are not contrary to the Constitution and laws of this Commonwealth.

[Approved by the Governor, June 16, 1817.]

CHAP. XXXIX.

An Act to incorporate certain persons for the purpose of opening a Canal from the head of Norset Cove to Boat Meadow Creek.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Michael Collins, Nehemiah Smith, Asa Higgins, Freeman Hopkins, Richard Sherman, Barnabas Doane, Edward C. Clark, and their associates and successors, shall be a corporation and body politic, for the purpose of opening and keeping open a canal from Norset Cove to Boat Meadow Creek, under the name of the Proprietors of the Eastham and Orleans Canal; and by that name may sue and prosecute, and be sued and prosecuted, to final judgment and execution, and do and suffer all other matters and things which bodies politic may or ought to do and suffer. And the said Corporation may and shall have full power and authority to make, have and use a common seal, and the same to break and renew at pleasure.*

SEC. 2. *Be it further enacted, That if it shall so happen that any individual or body corporate shall be damaged in his or their lands or marsh adjoining said canal, by cutting and keeping open the same, the damages so done shall be recompensed by the proprietors thereof, in such sums or proportions thereof as shall be ordered by the Circuit Court of Common Pleas, for the county of Barnstable, upon an inquiry into the same by a jury summoned for that purpose, at the expense of said proprietors of said canal, if any damage shall be assessed by said jury.*

SEC. 3. *Be it further enacted, That it shall be the duty of said proprietors to make and keep in good repair, at all times, good and sufficient bridges over said canal, where any county, town or private roads now are, or hereafter may be laid out across the same, for the passage of teams, and every thing else necessary for the public convenience.*

Persons incor-
porated.

May sue and
be sued.

Damages.

Bridges.

SEC. 4. *Be it further enacted*, That the said proprietors shall have full power to build any wharf or wharves which may be necessary to facilitate the transportation through the same. May build wharves.

SEC. 5. *Be it further enacted*, That if the said proprietors shall refuse or neglect, for the space of three years after the passing of this act, to open and complete said canal, then this act shall be void and of no effect.

SEC. 6. *Be it further enacted*, That the said canal shall be kept open for boats and rafts and other water craft, and for all persons who may want to pass or transact business therein, they paying to said proprietors the following toll, viz: Every boat, of the burden of one ton, ten cents; and the same proportion for vessels of a larger size; lumber twenty-five cents per thousand feet; salt or grain one cent per bushel; for each barrel six cents; and in the same proportion for all other kinds of lumber or merchandize. Rates of toll.

SEC. 7. *Be it further enacted*, That Jonathan Bascom, Esq. be, and he is hereby empowered and directed to issue his warrant to one of the proprietors aforesaid, requiring him to notify a meeting of the proprietors in manner as the law directs; and the proprietors, at said meeting, shall choose a Clerk, who shall be sworn to the faithful discharge of his duty, and all other needful officers, for managing the business of said proprietary, which they shall have power to choose from time to time, afterwards, as necessary; and said proprietors shall agree on a method for calling future meetings. Proprietors to choose officers.

[Approved by the Governor, June 16, 1817.]

CHAP. XL.

An Act repealing in part, an act in addition to an act, entitled, "An act for the preservation of Fish in Penobscot river and bay, and the several streams 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 the first section of an act in addition to an act, entitled, "An act for the preservation of fish in Penobscot river and bay, and the several streams emptying into the same," so far as it relates to any wear or wears which are or may be erected in Penobscot river or bay, southerly of Sandy Point, so called, on the westerly side of said river, and the northerly line of Penobscot, on the easterly side of said river, be, and the same is hereby repealed.

Act repealed.

[Approved by the Governor, June 16, 1817.]

CHAP. XLI.

An Act to incorporate the First Congregational Society in Hampden, in the county 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 John Crosby, Jedediah Herrick, John Godfrey, Reuben Young, Jonathan Haskins, Ebenezer Crosby, William Crosby, Charles Godfrey, Abel Hardy, Samuel Hardy, Amos Hardy, Robert Wheeler, Benjamin Crosby, John Wheeler, Elias Dudley, Daniel Wheeler, John Crosby, Junior, John Wallace, and Levi Holt, with their families and estates, together with such others as may hereafter associate with them, and their successors, be, and they hereby are incorporated, as the First Congregational Society in Hampden, in the county of Penobscot, for religious purposes only, with all the powers and privileges, and subject to all the duties of other religious societies, according to the Constitution and laws of this Commonwealth.

Persons incorporated.

SEC. 2. *Be it further enacted*, That any person who may be desirous of becoming a member of the said first Congregational society, and shall declare such intention in writing, given to the Clerk of said society, ten days prior to the annual parish meeting, in March or April, and shall receive a certificate thereof, signed by the said Clerk, that he or she has actually become a member of, and united in religious worship

Certificate.

with the said first Congregational society, such person shall be considered, with his or her polls and estate, as a member of said society : And when any member of said first Congregational society, shall desire to leave the same, and unite in religious worship with any other religious society in said town, and shall give notice of such intention, in writing, to the Clerk of said society, and shall also give in his or her name to the Clerk of such other society, ten days previous to the annual meeting of said society, in March or April, such person shall have from the Clerk of said society, a certificate thereof, and be considered as released from the society, from the date of said certificate : *Provided however*, that every such person shall ^{Proviso.} always be holden to pay his or her proportion of all parish charges in the said society, as may be voted or assessed thereby, and not paid previous to leaving the same.

SEC. 3. *Be it further enacted*, That the said society may purchase, receive by gift, or otherwise, and hold real and personal estate, the annual income of which, shall not exceed two thousand dollars, for the purpose of building a meeting-house, and supporting public worship therein ; and may also ordain and establish such by-laws and regulations as to them shall seem necessary and convenient for the government of the said society, and the management of their ministerial fund ; *provided*, such by-laws and regulations shall be in nowise contrary to the laws and Constitution of this Commonwealth. ^{May establish by-laws and regulations.}

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the county of Penobscot, upon application therefor, be, and hereby is authorized and empowered to issue his warrant to some member of said first Congregational society, requiring him to notify and warn the members thereof, to meet at such convenient time and place as shall be appointed in said warrant, for the election of such officers as parishes are by law required to choose, at their annual parish meetings ; and to transact such other parochial business as may be authorized in said warrant. ^{Justice to issue warrant.}

[Approved by the Governor, June 16, 1817.]

CHAP. XLII.

An Act making provision for the payment of the remaining two fifth parts of the balance of the debt due from the Commonwealth, for loans for defence in the late war.

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 Treasurer of this Commonwealth be, and he hereby is directed and empowered to pay, on, and at any time after the tenth day of September next, two fifth parts of the balance of the debt which may remain due from this Commonwealth, on notes issued in conformity to an act passed the twenty-eighth day of February, in the year of our Lord one thousand eight hundred and fifteen, entitled, "An act relating to loans, made to defray expenses incurred by the Commonwealth, during the late war, and for other purposes;" in addition to the interest which then shall have accrued thereon: Provided, a certain resolve, passed on the seventh day of December, in the year of our Lord one thousand eight hundred and sixteen, authorizing the sale of the public stocks belonging to this Commonwealth, in the Union Bank, shall have been carried into effect, and so much of the money as may arise from said sale, is hereby appropriated to this purpose.*

Proviso.

Treasurer empowered to pay monies.

SEC. 2. *Be it further enacted, That the Treasurer of this Commonwealth be, and he hereby is authorized and empowered to pay, on, or after the said tenth day of September next, out of any monies in the Treasury, not otherwise appropriated, the balance which may remain of said debt for defence in the late war, after applying the monies to be received at the Union Bank as aforesaid; and the two fifth parts of the debt aforesaid, shall cease to bear interest from the said tenth day of September next.*

[Approved by the Governor, June 16, 1817.]

CHAP. XLIII.

An Act to reduce the Capital Stock of the Saco 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 from and after the first Monday of July next, the capital stock of the corporation created by an act of the Legislature, passed on the twenty-third day of June, in the year of our Lord one thousand eight hundred and twelve, by the name of the President, Directors and Company of the Saco Bank, be, and the same is hereby reduced to the sum of one hundred thousand dollars. Stock reduced.

SEC. 2. *Be it further enacted,* That the number of shares in said bank, shall, from and after the said first Monday of July next, be one thousand, and that each share shall be of the estimated or nominal value of one hundred dollars.

SEC. 3. *Be it further enacted,* 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 at the expense of said corporation, that there now exists in said bank, funds belonging to said corporation sufficient to pay all notes in circulation, and all deposits and other demands, existing against the same, beyond the sum then to be reduced; and that nothing contained in this act shall be construed to effect the liability of the corporation, or the individual stockholders, as established by the original act incorporating said bank, or any other existing law; and the said corporation shall be holden to pay into the treasury of this Commonwealth their proportion of the tax now required by law to be paid upon the existing capital of said bank, until the same shall be actually reduced as aforesaid, and all arrearages of taxes unpaid. Commissioners to be appointed.

SEC. 4. *Be it further enacted,* That the liability of the President, Directors and Company of the Saco Bank, to loan to the Commonwealth, shall be in proportion to the sum of the capital of said corporation, when reduced as aforesaid. Holden to Pay taxes.

[Approved by the Governor, June 17, 1817.]

CHAP. XLIV.

An Act to annex certain land to Mount Washington, and certain land to Egremont.

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 section of land lying within the incorporation of Egremont, at the south west corner thereof, including the lands of Jesse Coe and Nathan Soles, and the lands of others, with their families and estates, be, and they are hereby set off from the said town of Egremont, and annexed to the said town of Mount Washington, by the metes and bounds here described, viz. : beginning at the south west corner of Egremont, thence north twenty degrees east, four hundred and fifty-six rods in Egremont west line, to a heap of stones ; thence east thirty-two degrees south, one hundred and eighty-six rods to a heap of stones, being the north east corner of Jesse Coe's lot ; thence south thirty-four degrees east, five hundred and ten rods, to the south line of said Egremont ; thence west eight and an half degrees north, six hundred and eight rods, to the bounds first mentioned ; containing nine hundred and twenty-nine acres and one fourth of an acre.

Boundaries.

SEC. 2. *Be it further enacted*, That the section of land lying within the said town of Mount Washington, commonly called Willard's Hollow, by the metes and bounds here described, viz. : beginning at a heap of stones, where the south line of said Egremont intersects the east line of said Mount Washington ; thence west eight and an half degrees north, three hundred and two rods, to a heap of stones in the south line of said Egremont ; thence south thirty-four degrees east, four hundred rods, to a heap of stones ; thence east twenty degrees north, one hundred and forty rods, to the east line of said Mount Washington ; thence north fifteen degrees west, two hundred and forty rods, to said Egremont south line, the place of beginning ; containing three hundred and eighty-six acres and an half acre, be, and hereby is set off from the said town of Mount Washington, and annexed to the said town of Egremont : *Provided however*, that the lands hereby annexed to

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the towns of Egremont and Mount Washington, and the inhabitants dwelling thereon, and all non-residents, shall be holden to pay all taxes assessed upon them respectively, in the respective towns to which they formerly belonged, prior to the passing of this act. Holden to pay taxes.

[Approved by the Governor, June 17, 1817.]

CHAP. XLV.

An Act establishing the compensation of certain Officers of the Militia.

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 Aids de Camp of Major Generals, the Brigade Majors and Adjutants of the Militia shall severally receive compensations for their services from the treasury of this Commonwealth, according to the following rates, viz.: each Aid de Camp, for recording any general or division order, twelve and an half cents; for each copy of the same which it may be his duty to make, twelve and an half cents; and for conveying said copies to the commanding officers of the brigades composing his division, five cents for every mile which he must necessarily travel for that purpose. Compensation. Each Brigade Major, for recording each general, division or brigade order, twelve and an half cents; for each copy of the same which it may be his duty to make, twelve and an half cents; for inspecting a regiment, seventy-five cents; for making a brigade return, one dollar and fifty cents; and five cents for every mile which he must necessarily travel for the purpose of inspecting the several regiments or corps composing his brigade, and of distributing the copies aforesaid, and blanks among the commanding officers of such regiments or corps. Each Adjutant, for recording each general, division, brigade or regimental order, twelve and an half cents; for each copy of the same which it may be his duty to make, twelve and an half cents; for every mile which he must necessarily travel to distribute blanks and copies of orders among the captains or commanding offi-

cers of the companies composing his regiment, four cents ; for making the annual regimental return, one dollar ; and for making a roster, one dollar.

Accounts to be
examined.

SEC. 2. *Be it further enacted*, That all accounts for the military services referred to in this act shall be presented for examination and allowance to the General Court, and no such account shall be by them allowed, unless it shall be accompanied by a certificate of the commanding officer of the division, brigade, regiment or battalion, (as the case may require) stating the distance which the officer, presenting his account, must necessarily travel for the purpose or purposes mentioned in his account, and also that the services therein charged have been performed.

[Approved by the Governor, June 17, 1817.]

CHAP. XLIV.

An Act in addition to 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 the Supreme Judicial Court now by law to be holden by three or more Justices thereof, at Northampton, in the county of Hampshire, and for the counties of Hampshire, Franklin and Hampden, shall have cognizance of all offences committed, as well in the counties of Franklin and Hampden, as in the county of Hampshire, when the person, or persons charged therewith are confined in goal, in either of the counties of Franklin or Hampden, in the same way and manner as though the act to which this is in an addition, had not been passed ; and Jurors to attend said Court shall be summoned also in like manner : *Provided however*, that whenever a continuance shall be had on an indictment found for an offence committed in either of the counties of Franklin or Hampden, such continuance shall be had to the term of said

Proviso.

Court next to be holden in the county where such offence is alleged to have been committed ; and such indictment shall be remitted to the office of the Clerk of that county accordingly.

SEC. 2. *Be it further enacted,* That the expenses of Jurors, and other expenses incident to said Court, to be holden as aforesaid, shall be borne equally by each of said three counties ; and the respective Treasurers of the counties of Franklin and Hampden, are directed to pay to the Treasurer of the county of Hampshire, their respective proportions thereof, accordingly. Expenses divided.

[Approved by the Governor, June 17, 1817.]

CHAP. XLVII.

An Act to authorize an extension of the limits of the State Prison.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That his Excellency the Governor, with the advice of Council, be, and he hereby is authorized to purchase, or take for the use of the Commonwealth, as is hereinafter provided, for the purpose of extending the limits of the State Prison, the whole or any part of the lands lying between the present boundaries of the State Prison, and a road to be laid out from the abutment of the Prison Point Bridge, or dam, to the street in Charlestown ; and when said lands shall be so purchased or taken, the limits of the State Prison shall extend all over such land. Limits extended.

SEC. 2. *Be it further enacted,* That if the Directors of the State Prison, under the direction of the Governor and Council, who are hereby authorized for this purpose, and the owner or owners of the land herein provided to be taken for the use of the Commonwealth, cannot agree on the sum which the Commonwealth shall pay for the lands so taken, then, in that case, the value of the land shall be ascertained and determined by a Traverse Jury, within and for the county of Middlesex, under the direction of the Justices of the Circuit

Value to be as-
certained.

Court of Common Pleas, within and for said county of Middlesex, at any term thereof holden within six months after the said land shall be taken for the use of the Commonwealth, as aforesaid, and the Jury that may be empannelled to ascertain the value of said lands, shall be under oath, truly and justly to appraise the value thereof; and shall, under the direction of the Sheriff of said county of Middlesex, go on the premises and view the same, and return their verdict into the said Court. And his Excellency the Governor, with the advice and consent of Council, is hereby authorized to draw his warrant on the treasury for such sum as may be necessary to pay the value of said lands purchased, or taken as aforesaid, as the same may be mutually agreed on by the parties, or determined by a verdict of a Jury, as herein before described.

[Approved by the Governor, June 17, 1817.]

CHAP. XLVIII.

An Act to annex Benjamin Shaw and others, with their families and estates, to the town of Bowdoinham.

Persons set off.

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 Shaw, Loring Webber, William Webber, Gideon Perry, David Perry, John Mitchell, Samuel Webber, Joseph Webber, Dummer Mitchell, Stephen Webber, George Webber and Stephen Webber, Jun. with their families and estates, together with all other persons living within that part of the town of Litchfield, which lies on the eastwardly side of Cabosa Pond, shall be, and they are hereby set off from the town of Litchfield, and annexed to the said town of Bowdoinham, and shall forever hereafter be subject to all the duties, and entitled to all the privileges of citizens and inhabitants of Bowdoinham: *Provided however*, that until a new valuation of polls and estates shall be taken and made, the said town of Bowdoinham shall be liable to pay over to the said town of Litchfield one fifteenth part of the state

tax, which hereafter may be assessed on the same town, and also one fifteenth part of all debts which have already accrued for the support of paupers in the same town, or which hereafter may accrue for the support of any persons who are now paupers, and for whose support the said town now is, and hereafter may be chargeable. Shall support paupers.

SEC. 2. *Be it further enacted*, That the dividing line between the towns of Litchfield and Bowdoinham, shall in future extend from the south easterly corner of Litchfield, near the southerly end of Cabosa Pond, and thence north eastwardly along the eastern shore of said Pond, to the north easterly line of the said town of Litchfield.

[Approved by the Governor, June 17, 1817.]

CHAP. XLIX.

An Act authorizing the United States to make a Draw in the Old Bridge, between Cambridge and Brighton, in the county of Middlesex.

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 United States of America be, and they hereby are authorized and empowered to make, at their own expense, a good and sufficient draw and passage way in the old bridge over Charles River, between Cambridge and Brighton, in the county of Middlesex; and also to erect such piers on either, or both sides of said bridge, as may be necessary to secure the bridge, and to facilitate the passage of vessels through the same. May erect piers.

SEC. 2. *Be it further enacted*, That said draw shall not be less than twenty feet wide, with a leaf or leaves of sufficient length and breadth, and every requisite for raising the same; and the leaf or leaves, and all other parts of said draw, which serve as a portion of the bridge, for the accommodation of travel over the same, shall always be maintained and kept in repair by the towns of Cambridge, West Cambridge, Lexington and Brighton, which now have to support said bridge; but

Bridge to be
kept in repair.

all the machinery necessary for raising the draw, and also the piers on the sides of the bridge, as aforesaid shall be furnished and kept in repair by the said United States, so long as they shall have occasion for a draw in said bridge.

[Approved by the Governor, June 17, 1817.]

CHAP. L.

An Act in further addition to an act, entitled, "An act for the due regulation of weights and measures, and for the more easy recovery of fines and penalties, within the town of Boston, in the county of Suffolk."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That it shall be the duty of the Sealer of weights and measures within and for the town of Boston, to be provided with a house or office, and to which all persons using scale beams, steelyards, weights or measures, within the town of Boston, in trade, for the purpose of buying or selling any article, shall be required, after notice thereof shall have been given in two or more of the newspapers published within the said town, to send annually their scale beams, steelyards, weights and measures, for the purpose of having the same tried, proved and sealed, as is provided in and by the act aforesaid, to which this is in addition; and the said Sealer shall be entitled to demand and receive therefor such fees as are allowed in and by the said act.

Notice to be
given.

Sealer authorized to examine
weights and
measures.

SEC. 2. *Be it further enacted,* That the said Sealer is hereby authorized and required to go to the houses, stores and shops of all such merchants, innholders, traders, retailers, and of all other persons living or residing within the said town of Boston, using beams, steelyards, weights or measures, for the purpose of buying and selling, as shall neglect to bring or send the same to the house or office of the Sealer aforesaid; and there, at the said houses, stores and shops, and having entered the same with the assent of the occu-

pant thereof, to try, prove and seal the same, or to send the same to his said house or office, to be tried, proved and sealed, and shall be entitled to demand and receive therefor double the fees he would be entitled to demand and receive for the same, if such beams, steelyards, weights and measures had been sent to his said house or office, with all expenses attending the removal and transportation of the same; and if any such person or persons shall refuse to have his, her, or their beams, steelyards, weights, or measures so tried, proved and sealed, the same not having been tried, proved, and sealed, within one year preceding such refusal, he, she, or they, shall forfeit and pay ten dollars for each offence; the one moiety to the use of the said town of Boston, and the other moiety of the same, to the Sealer. And if any such person, or persons, shall use any beam, steelyard, weight, or measure, which shall not conform to the public standard, the same not having been tried, proved and sealed within one year preceding such use of the same, he, she or they shall forfeit and pay ten dollars for each offence, the one moiety to the use of said town of Boston, and the other moiety of the same to the informer. And if any such person or persons shall alter any beam, steelyard, weight or measure, after the same shall have been tried, proved and sealed, so as that the same shall by such alteration be made not to conform to the public standard, and shall fraudently make use of the same, he, she, or they shall forfeit and pay fifty dollars for each offence, the one moiety to the use of the said town of Boston, and the other moiety of the same to the informer.

SEC. 3. *Be it further enacted,* That all fines, forfeitures and penalties accruing within the said town of Boston, under this act, or for the breach of any by-law of the said town, which is now in force, or which may hereafter be duly enacted and made, may be recovered by indictment, information or complaint, in the name of the Commonwealth, in any Court competent to try the same; and all fines so recovered and paid shall be appropriated to the uses for which the same are now by law ordered to be applied; reserving, however, in all cases to the party complained of and prosecuted, the

Double fees.

Forfeitures.

Forfeitures and penalties to be recovered by law.

right of appeal to the next Municipal Court, in the town of Boston from the judgment and sentence of any Justice of the Peace, in which case the judgment of the said Municipal Court shall be final; and to the next Supreme Judicial Court, to be holden within the county of Suffolk, and for the counties of Suffolk and Nantucket, from the judgment of the Municipal Court where the indictment or information originated in the same, such party recognizing with sufficient surety or sureties, to the satisfaction of the Court, to enter and prosecute his, her, or their said appeal, and to abide the final judgment thereon.

Shall not appeal
from judgment.

SEC. 4. *Be it further enacted,* That when any person, who upon a conviction before a Justice of the Peace, for any offence mentioned in this act, or for the breach of any by-law of the town of Boston, shall be sentenced to pay a fine, and shall not appeal from said judgment, or if upon claiming an appeal, shall fail to recognize as aforesaid, and upon not paying the fines and costs so assessed upon him, shall be committed to prison; there to remain, until he or she shall pay such fines and cost, or be otherwise discharged according to law; such persons shall not be holden in prison for a longer term than ten days; and at the expiration of that term, the Keeper of the said gaol is hereby authorized to release such person from confinement.

SEC. 5. *Be it further enacted,* That all fines and penalties, which shall be hereafter recovered for any offences, which shall hereafter be committed against the act of this Commonwealth, which was made and passed on the fourteenth day of December, in the year of our Lord one thousand eight hundred and sixteen, entitled, "An act in addition to an act, entitled, an act for the due regulation of licensed houses," shall be appropriated, the one moiety to the town of Boston, and the other moiety of the same to the informer, any thing to the contrary in that act notwithstanding.

Act repealed.

SEC. 6. *Be it further enacted,* That the seventh section of the act aforesaid, to which this is in addition, be, and the same is hereby repealed, so far as respects the said town of Boston.

[Approved by the Governor, June 17, 1817.]

CHAP. LI.

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

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, Dudley Atkins Tyng, Junior, of Cambridge, in the county of Middlesex, shall be allowed to take the name of Dudley Atkins: James Chever, the third, of Salem, in the county of Essex, shall be allowed to take the name of James W. Chever: Thomas Smith shall be allowed to take the name of Thomas Tarlton Smith: Edward Loring Davis, of Barnstable, in the county of Barnstable, shall be allowed to take the name of Lothrop Davis: George Kuhn, son of Jacob Kuhn, of Boston, in the county of Suffolk, shall be allowed to take the name of George Horatio Kuhn: Leonard Cummings Smith, of Leominster, in the county of Worcester, shall be allowed to take the name of Crowninshield Van Jerome Smith: Names altered. John Platts Palmer, of Rowley, in the county of Essex, shall be allowed to take the name of John Platts: Luther Platts, of said Rowley, shall be allowed to take the name of Luther Platts Palmer: William Greenough, of Boston aforesaid, shall be allowed to take the name of William Hardy Greenough: Catharine Hay Weld, of the same Boston, shall be allowed to take the name of Catharine Weld Hay: John Frost, of said Cambridge, shall be allowed to take the name of John Henry Augustus Frost: Oliver Blackman Everett, of Dedham, in the county of Norfolk, shall be allowed to take the name of Oliver B. Everett: Eliza Rider, of said Salem, shall be allowed to take the name of Eliza Rider Atkinson: Mary Fuller, of said Boston, shall be allowed to take the name of Ann Mary Fuller Weld: Thomas Weld, of said Boston, shall be allowed to take the name of Thomas Greenleaf Weld: Samuel Heywood, of said Boston, shall be allowed to take

the name of Samuel P. Heywood : William Ward, of said Boston, merchant, shall be allowed to take the name of William Haven Ward : Charles Treadwell, Junior, of said Salem, shall be allowed to take the name of Francis Charles Treadwell : Nathan Webber, of Gloucester, shall be allowed to take the name of Edward Webber : Francis Fay, Junior, of Southborough, shall be allowed to take the name of Francis Ball Fay : Barnabas Blankinship, of Rochester, shall be allowed to take the name of Barnabas B. Nye : Laurens Bascom, of Southampton, shall be allowed to take the name of Henry Laurens Bascom : John Gifford, of Westport, in the county of Bristol, shall be allowed to take the name of John Winslow Gifford : Harriot Bowers, of Billerica, shall be allowed to take the name of Silence Bowers : Samuel Tenney, Junior, of Newburyport, shall be allowed to take the name of Samuel Newell Tenney : Harriot Swett, of Dracut, shall be allowed to take the name of Harriet Swett Varnum : And the several persons before mentioned, from and after the passing of this act, shall be known and called by the names, which by this act, they are respectively allowed to take and assume, as aforesaid ; and said names shall, forever hereafter, be considered as their only proper and legal names, to all intents and purposes.

Names altered.

[Approved by the Governor, June 17, 1817.]

CHAP. LII.

An Act to establish the Penobscot Canal Corporation.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Barker, James Bartlett, Joseph Carr, Stephen S. Crosby, Thomas A. Hill, Luther H. Hills, Stephen Kimbal, Jacob McGaw, and Joseph Treat, and such other persons as may hereafter associate with them, be, and hereby are created a body politic and corporate, by the name and style of the Penobscot Canal Corporation.

Persons incorporated.

SEC. 2. *Be it further enacted*, That the said corporation shall be governed by a Board of Directors, not exceeding five, any three of whom shall make a quorum to transact business; and by such other officers and agents as the said corporation, by their by-laws shall designate and appoint; and at their first meeting, they may elect the Board of Directors, who shall remain in office until the annual meeting of said corporation, which shall be in the month of June or July, on such day, and at such place, as may be ordered by said corporation.

Shall be governed by a Board of Directors.

SEC. 3. *Be it further enacted*, That the said corporation shall have power to survey, lay out, and make a Canal from the waters of Pushaw Pond, in the county of Penobscot, to the Penobscot River, with a suitable number of locks, to commence at such point on said Pond, pass in such direction, and terminate at such place on said river, as they may designate; and for the purpose aforesaid, they shall have power to purchase, and take in fee simple, a parcel of land, not more than twenty rods wide, wherever the said Canal may pass; and any other lands and buildings, not exceeding one hundred thousand dollars in value; and of holding any personal estate, not exceeding fifty thousand dollars; and the said real estate, or any part thereof, they may sell and transfer, and they may sue and be sued, in all proper Courts, and may prosecute and defend any action to final judgment and execution; may have and use a common seal; and may have and exercise all such corporate powers as may be necessary and proper for a Canal corporation. And wherever the said Canal may pass over the land of said Commonwealth, the same is hereby given and granted to the said corporation, to hold to them in fee simple: And where the said corporation cannot agree with, and purchase of any other corporation, or individual, over and through whose lands the said Canal may pass, then they may apply by petition to the Court of Common Pleas for the third Eastern Circuit, when holden within and for the county of Penobscot, therein setting forth, by a proper description, the quantity of land they want; and that they are unable to purchase the same by agreement, and requesting the said Court to

Have power to purchase land.

May file petition.

have the same valued ; and may file the same petition in the office of the Clerk of the Judicial Courts for said county, and may take out a summons from him, under the seal of said Court, with a copy of said petition annexed thereto, returnable at the next term of said Court ; which summons shall be served at least thirty days before the setting of said Court, to which it is returnable ; and being duly served and returned by the Sheriff of said county, or his Deputy, the same may be entered with the other actions in said Court ; and the said Court shall thereupon proceed to inquire, and by the verdict of a jury, at the bar of said Court, to ascertain the value of the land taken from any individual, or corporation, for the purposes aforesaid ; and the same verdict, being allowed and recorded, shall be conclusive on all parties ; and the amount so ascertained, being paid or tendered to said corporation, and if not accepted, left with the said Clerk, for the use of the party entitled, or his, or their legal representative, shall operate a transfer of the estate so taken, and vest the same in said corporation, in fee simple ; and thereupon, they may enter upon, use, occupy, and enjoy the same forever : And the said Court, and all officers who may perform any service on any such application, shall be entitled to the same fees as are by law taxable in civil actions ; and the said corporation may join in said application, any one or more individuals, whose lands may be taken, and the said jury shall, in each case, return separate verdicts for each several respondent ; and if in the opinion of the said Court, it may be necessary, they may, upon the motion of any party, direct a view of the premises by the jury.

Jury may re-view premises.

SEC. 4. *Be it further enacted*, That for the purposes of completing the said Canal, and making the same useful to said corporation, and beneficial to the public, they shall have power to take and use the waters of said Pond, and any streams that may run in the direction of said Canal, by erecting dams, locks, mills, sluices, or any manufactories, to the working of which, water may be necessary, and to make and maintain a dam on the stream, called Pashaw stream, below the confluence of Dead River with said stream, which runs from said Pashaw Pond, at such place or places,

as the said corporation may find convenient and necessary, for the purpose of flowing the waters of said Pond, for the use of said Canal, mills, or factories; subject however, to payment of damages to the party injured, by the erection of said mills and dams, and by the flowing of any waters, to be ascertained by a jury, under oath, in case the parties cannot agree upon the amount and payment of damages.

SEC. 5. *Be it further enacted*, That said corporation may at any legal meeting, to be holden within one year from the passing this act, divide their capital stock, grant or franchise, into as many shares as they may see fit; and the same shares shall be deemed and taken to be personal estate, and transferable in such manner as said corporation, by their by-laws may determine and fix; and the same shall be subject to attachment and sale, in such manner as the law provides: And at all meetings after such division, the votes shall be taken by shares, in the scale following, viz: From one to five shares inclusive, one vote for each share; from five to ten, one vote for every two shares; from ten to twenty, one vote for every five shares; from twenty to forty, one vote for every ten shares; from forty to one hundred, one vote for every twenty shares; and one vote for every fifty shares over and above the first hundred. And the said corporation shall have power to make such rules, regulations, and by-laws, (not repugnant to the laws of the Commonwealth,) as they may see fit; and any deeds, sealed with the seal of said corporation, executed in such manner as the said by-laws may ordain, and duly acknowledged and recorded, shall be valid in law.

May divide stock.
Shall have power to make rules, regulations and by-laws.

SEC. 6. *Be it further enacted*, That a toll shall be, and hereby is granted and established, for the benefit of said corporation, according to the rates following, viz: For all planks, boards, joists, or other sawed stuff, floated on rafts or otherwise, through said Canal, ten cents a mile for each thousand feet, board measure; for clapboards, ten cents a thousand; for shingles, two cents a thousand; for staves, ten cents a thousand; for cord wood and bark, ten cents a cord for each mile; for all timber, masts, and logs, five cents a ton for each

Rules of toll.

mile ; and for other lumber in proportion to the above rates ; for all kinds of goods, or provision carried in boats, or on rafts, ten cents a ton for each mile ; for all boats or rafts, ten cents for each lock the same may pass, in addition to the toll aforesaid ; which toll shall commence, and be payable, when any three miles of said Canal shall be passable for any of the articles aforesaid ; and the said corporation shall have a lien upon the same articles, and shall have power to detain the same for the payment of the toll aforesaid, until payment is made ; and at the expiration of twenty days from the time said toll became due, may raise the same by public or private sale of so much of said article or articles, as is sufficient therefor ; or the said corporation may sue for and collect said toll by action, in any Court proper to try the same : *Provided however*, that the Legislature may at any time regulate the toll on said Canal.

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SEC. 7. *Be it further enacted*, That this act in all legal proceedings, shall be deemed and taken to be a public act : And if said corporation shall not make and complete said Canal in all parts thereof, within ten years from the passing of this act, and so make the same appear to the Governor and Council of this Commonwealth, for the time being, then this act, and all grants and immunities thereby given, shall be void.

Shall make and keep open dams.

SEC. 8. *Be it further enacted*, That said corporation shall be held at all times, to make and keep open at such dams as they may erect on any stream, sufficient sluice ways for the passage of fish, pursuant to the existing laws, under the penalties therein provided.

SEC. 9. *Be it further enacted*, That any five or more, of the persons named in this act, may call and order the first meeting of those incorporated, by causing notice to be given of the time, place, and purposes thereof, in any newspaper printed within the county of Penobscot, ten days previous to said meeting ; and at said meeting, may proceed to organize said corporation, who may then make its by-laws, designate and choose its officers, determine their qualifications, define their powers and duties, and fix on the mode of call-

ing future meetings, and all other matters and things that may be necessary for the management of the concerns of said corporation.

[Approved by the Governor, June 17, 1817.]

CHAP. LIII.

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

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the act, entitled "An act to incorporate the President, Directors and Company of the Bangor Bank," passed in the year of our Lord one thousand eight hundred and fourteen, shall be, and the same is hereby declared to be in full force and operation, excepting, that whereas the time fixed by the said act, for paying in the capital stock has elapsed, the same may, and shall be paid in, one quarter part thereof, on or before the first day of January next; one quarter part thereof, on or before the first day of April next; one quarter part thereof, on or before the first day of July, which will be in the year of our Lord one thousand eight hundred and eighteen, and the remaining quarter part thereof, on or before the first day of October, then next following.

Extension of
time for paying
in capital stock.

[Approved by the Governor, June 17, 1817.]

CHAP. LIV.

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

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

Capital stock
increased.

Proviso.

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 and fifty thousand dollars; the number of shares to be increased one half of the number as at present established by law; and that the sum necessary to complete the said capital, shall be paid in, one half on the first day of August next, and the other half on the first day of January next, any thing in the several acts to which this is in addition, to the contrary notwithstanding. *Provided nevertheless,* that before the said corporation shall proceed to do business upon the additional capital, a certificate signed by the President and Directors of said corporation, verified by the oath of the Directors, and attested by the Cashier, that the same has been actually paid into the said bank, in gold or silver coin, shall be filed in the office of the Secretary of this Commonwealth.

[Approved by the Governor, June 17, 1817.]

CHAP. LV.

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

Further time
allowed.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the further time of one year from and after the first day of March last past, be allowed to the President, Directors and Company of the Hampshire Bank, for the payment into the said bank, of the fourth instalment of the capital stock thereof, any law to the contrary notwithstanding.

[Approved by the Governor, June 17, 1817.]

CHAP. LVI.

An Act, in addition to the several acts relating to the proprietors of Mills, on Charles 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 the Clerk of the proprietors of mills, on Charles River, or in case of his absence, death, inability, or refusal to act, any other officer, or any principal member of the said corporation, be, and is hereby authorized to call any meetings of the said corporation, (upon application therefor, by any one or more of the said proprietors,) by publishing notice thereof, and of the time and place for holding the same, in some public newspaper printed in Boston, or by giving written notice thereof to the respective proprietors in person, or leaving the same at their last and usual place of abode, seven days at least before the time appointed for such meeting; and all meetings of the said proprietors, which have been had in pursuance of notice from the Clerk of the said corporation, are hereby made valid; and all the doings of the said proprietors, at any such meeting, are hereby confirmed; *provided,* ^{May call meetings.} the making valid the proceedings of such meetings, and confirming the doings of the said proprietors thereat, shall not affect the interests or rights of persons not members of said corporation; and the affidavit of the Clerk of the said proprietors, and of any other person who may call any meeting, or who has, or shall have given or served any notice of the meeting of the said proprietors, made before any Justice of the Peace, within six months from the making of this act, or from the time of holding any meeting, shall in all cases be admitted as evidence of the fact it shall contain, concerning the manner and time of calling and notifying the meeting of the said proprietors, to which such affidavit may relate.

SEC. 2. *Be it further enacted,* That any corporation which is, or may become owner of any mills, on Charles River, may be admitted a member of the corporation of the proprietors of mills on Charles River.

and may act and be represented at the meetings, and in all affairs of the said proprietors, and be served with the notice of meetings, by and through the Clerk of such corporation, owner as aforesaid, or by and through any other person or persons for that purpose appointed.

[Approved by the Governor, June 17, 1817.]

CHAP. LVII.

An Act to extend the provisions of an act, entitled,
“An act to prevent the destruction of fish in the town
of Pittsfield.”

Act extended.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all the provisions of an act, entitled, “an act to prevent the destruction of fish in the town of Pittsfield,” be, and the same are hereby extended to the towns of Lanesborough and Richmond.

[Approved by the Governor, June 18, 1817.]

COMMONWEALTH OF MASSACHUSETTS.

Secretary's Office, August 15th, 1817.

The Laws printed in this pamphlet, passed by the Legislature, at their session beginning May 28th, and ending June 18th, 1817, have been compared with the originals in this office, and appear to be correct,—excepting the word “*Dulion*,” near the bottom of the 416th page, which should be *Union*.

ALDEN BRADFORD, *Secretary of the Commonwealth.*

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