

MAINE STATE LEGISLATURE

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L A W S

OF THE

S T A T E O F M A I N E ;

TO WHICH ARE PREFIXED

THE

C O N S T I T U T I O N O F T H E U . S T A T E S

AND OF SAID STATE,

IN TWO VOLUMES,

W I T H A N A P P E N D I X .

.....
VOL. II.
.....

Published according to a resolve of the State, passed
March 8, 1821.

BRUNSWICK.

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.....
1821.

APPENDIX.

An Act relating to the Separation of the District of Maine from Massachusetts Proper, and forming the same into a separate and independent State.

WHEREAS it has been represented to this Legislature, that a majority of the people of the District of Maine are desirous of establishing a separate and independent Government within said District; Therefore,

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the consent of this Commonwealth be, and the same is hereby given, that the District of Maine may be formed and erected into a separate and independent State, if the people of the said District shall, in the manner, and by the majority, hereinafter mentioned, express their consent and agreement thereto; upon the following terms and conditions; and, provided, the Congress of the United States shall give its consent thereto, before the fourth day of March next: which terms and conditions, are as follow, viz:

First. All the lands and buildings belonging to the Commonwealth, within Massachusetts Proper, shall continue to belong to said Commonwealth; and all the lands belonging to the Commonwealth, within the District of Maine, shall belong, the one half thereof, to the said Commonwealth, and the other half thereof, to the State to be formed within the said District, to be divided as is hereinafter mentioned; and the lands within the said District, which shall belong to the said Commonwealth, shall be free from taxation, while the title to the said lands remains in the Commonwealth; and the

rights of the Commonwealth to their lands, within said District, and the remedies for the recovery thereof, shall continue the same within the proposed State, and in the Courts thereof, as they now are within the said Commonwealth, and in the Courts thereof; for which purposes, and for the maintenance of its rights, and recovery of its lands, the said Commonwealth shall be entitled to all other proper and legal remedies, and may appear in the Courts of the proposed State, and in the Courts of the United States, holden therein, and prosecute as a party, under the name and style of the Commonwealth of Massachusetts; and all rights of action for, or entry into lands, and of actions upon bonds, for the breach of the performance of the condition of settling duties, so called, which have accrued, or may accrue, shall remain in this Commonwealth, to be enforced, commuted, released, or otherwise disposed of, in such manner as this Commonwealth may hereafter determine: *Provided however*, That whatever this Commonwealth may hereafter receive or obtain on account thereof, if any thing, shall, after deducting all reasonable charges relating thereto, be divided, one third part thereof, to the new State, and two third parts thereof to this Commonwealth.

Proviso.

Second. All the arms which have been received by this Commonwealth from the United States, under the law of Congress, entitled, "an Act making provision for arming and equipping the whole body of Militia of the United States," passed April the twenty third, one thousand eight hundred and eight, shall, as soon as the said District shall become a separate State, be divided between the two States, in proportion to the returns of the Militia, according to which, the said arms have been received from the United States, as aforesaid.

Division of
arms.

Third. All monies, stock, or other proceeds, hereafter obtained from the United States, on account of the claim of this Commonwealth, for disbursements made, and expenses incurred, for the defence of the State, during the late war with Great Britain, shall be received by this Commonwealth, and when received, shall be divided between the two States, in the proportion of two thirds to this Commonwealth, and one third to the new State.

Division of
Massachusetts
claims.

Fourth. All other property of every description, belonging to the Commonwealth, shall be holden and receivable by the same, as a fund and security, for all debts, annuities, and Indian subsidies, or claims due by said Commonwealth; and within two years after the said District shall have become a separate State, the commissioners to be appointed, as hereinafter provided, if the said States cannot otherwise agree, shall assign a just portion of the productive property so held by said Commonwealth, as an equivalent and indemnification to said Commonwealth, for all such debts, annuities, or Indian subsidies or claims, which may then remain due or unsatisfied; and all the surplus of the said property, so holden, as aforesaid, shall be divided between the said Commonwealth and the said District of Maine, in the proportion of two thirds to the said Commonwealth, and one third to the said District. And if, in the judgment of the said commissioners, the whole of said property, so held, as a fund and security, shall not be sufficient indemnification, the said District shall be liable for, and shall pay to said Commonwealth, one third of the deficiency.

Commissioners to settle claims.

Fifth. The new State shall, as soon as the necessary arrangements can be made for that purpose, assume and perform all the duties and obligations of this Commonwealth, towards the Indians within said District of Maine, whether the same arise from treaties or otherwise; and for this purpose, shall obtain the assent of said Indians, and their release to this Commonwealth of claims and stipulations arising under the treaty at present existing between the said Commonwealth and said Indians; and as an indemnification to such new State, therefor, this Commonwealth, when such arrangements shall be completed, and the said duties and obligations assumed, shall pay to said new State, the value of thirty thousand dollars, in manner following, viz: The said commissioners shall set off by metes and bounds, so much of any part of the land, within the said District, falling to this Commonwealth, in the division of the public lands, hereinafter provided for, as in their estimation shall be of the value of thirty thousand dollars; and this Commonwealth shall, thereupon, assign the same to the said new State; or in lieu thereof, may pay the sum of thirty thousand dollars

Indian rights.

at its election; which election of the said Commonwealth, shall be made within one year from the time that notice of the doings of the commissioners, on this subject, shall be made known to the Governor and Council; and if not made within that time, the election shall be with the new State.

Mode of
choosing com-
missioners.

Sixth. Commissioners, with the powers and for the purposes mentioned in this Act, shall be appointed in manner following:—The Executive authority of each State shall appoint two; and the four so appointed, or the major part of them, shall appoint two more; but if they cannot agree in the appointment, the Executive of each State shall appoint one in addition; not, however, in that case, to be a citizen of its own State. And any vacancy happening with respect to these two commissioners, shall be supplied in the manner provided for their original appointment; and, in addition to the powers herein before given to said Commissioners, they shall have full power and authority, and it shall be their duty, within ten years, next after the commissions shall be filled up, to divide all the public lands within the District, between the respective States, in equal shares, or moieties, in severalty, having regard to quantity, situation and quality; they shall determine what lands shall be surveyed and divided, from time to time; the expense of which surveys, and of the commission, shall be borne equally by the two States. They shall keep fair records of their doings, and of the surveys made by their direction; copies of which records, authenticated by them, shall be deposited from time to time, in the archives of the respective States; transcripts of which, properly certified, may be admitted in evidence, in all questions touching the subject to which they relate. The Executive authority of each State may revoke the power of either or both its commissioners; having, however, first appointed a substitute, or substitutes, and may fill any vacancy happening with respect to its own commissioners; four of said commissioners shall constitute a quorum, for the transaction of business; their decision shall be final, upon all subjects within their cognizance. In case said commission shall expire, the division not having been completed, and either State shall request the renewal or filling up of the

Division of
lands.

Vacancies to
be filled up.

same, it shall be renewed, or filled up in the same manner as is herein provided for filling the same, in the first instance, and with the like powers; and if either State shall, after six months notice neglect or refuse to appoint its commissioners, either for filling the commission in the first instance, or the renewal thereof, the other may fill up the whole commission.

Seventh. All grants of lands, franchises, immunities, corporate or other rights, and all contracts for, or grants of land not yet located, which have been or may be made by the said Commonwealth, before the separation of said District shall take place, and having or to have effect within the said District, shall continue in full force, after the said District shall become a separate State. But the grant which has been made to the President and Trustees of Bowdoin College, out of the tax laid upon the banks, within this Commonwealth shall be charged upon the tax upon the banks within the said District of Maine, and paid according to the terms of said grant; and the President and Trustees, and the Overseers of said College, shall have, hold and enjoy their powers and privileges in all respects; so that the same shall not be subject to be altered, limited, annulled or restrained, except by judicial process, according to the principles of law; and in all grants hereafter to be made, by either State, of unlocated land within the said District, the same reservations shall be made for the benefit of Schools, and of the Ministry, as have heretofore been usual, in grants made by this Commonwealth. And all lands heretofore granted by this Commonwealth, to any religious, literary, or eleemosynary corporation, or society, shall be free from taxation, while the same continues to be owned by such corporation, or society.

Former grants
to be held
good.

Eighth. No laws shall be passed in the proposed State, with regard to taxes, actions, or remedies at law, or bars, or limitations thereof, or otherwise making any distinction between the lands and rights of property of proprietors, not resident in, or not citizens of said proposed State, and the lands and rights of property of the citizens of the proposed State, resident therein; and the rights and liabilities of all persons, shall after the said separation, continue the same as if the said

Suits to be
continued and
recovered.

District was still a part of this Commonwealth, in all suits pending, or judgments remaining unsatisfied, on the fifteenth day of March next, where the suits have been commenced in Massachusetts Proper, and process has been served within the District of Maine; or commenced in the District of Maine, and process has been served in Massachusetts Proper, either by taking bail, making attachments, arresting and detaining persons, or otherwise, where execution remains to be done; and in such suits, the Courts within Massachusetts Proper and within the proposed State, shall continue to have the same jurisdiction as if the said District still remained a part of the Commonwealth. And this Commonwealth shall have the same remedies, within the proposed State, as it now has, for the collection of all taxes, bonds, or debts, which may be assessed, due, made, or contracted, by, to, or with the Commonwealth, on or before the said fifteenth day of March, within the said District of Maine; and all officers within Massachusetts Proper and the District of Maine, shall conduct themselves accordingly.

Constitutional principle.

Ninth. These terms and conditions, as here set forth, when the said District shall become a separate and independent State, shall, *ipso facto*, be incorporated into, and become, and be a part of any constitution, provisional, or other, under which the government of the said proposed State shall, at any time hereafter, be administered; subject, however, to be modified, or annulled, by the agreement of the Legislature of both the said States; but by no other power or body whatsoever.

Time of meeting, and qualification of voters.

SEC. 2. *Be it further enacted,* That the inhabitants of the several towns, districts, and plantations, in the District of Maine, qualified to vote for Governor or Senators, shall assemble in regular meeting, to be notified by warrants of the proper officers, on the fourth Monday of July next, and shall, in open meeting, give in their votes, on this question: "Is it expedient, that the District of Maine shall become a separate and independent State, upon the terms and conditions, provided in an act, entitled, "an Act relating to the separation of the District of Maine from Massachusetts Proper, and forming the same into a separate and independent State?" And the Selectmen of the towns and districts, and

the Assessors of the plantations, shall, in open meeting, receive, sort, count and declare, and the Clerks thereof, respectively, shall record the votes given for and against the measure; and the said Selectmen, Assessors, and Clerks, respectively, shall make out an exact return thereof, under their hands, and shall seal up and transmit the same to the office of the Secretary of this Commonwealth, on or before the fourth Monday of August next. And all returns, not then made, shall be rejected in the counting; and the Governor and Council shall open and examine the said returns, made as aforesaid, and shall count the votes given on the said question: And the Governor shall, by public proclamation, to be made as soon as the state of the votes can be ascertained, after the said fourth Monday of August next, make known the result, by declaring the number of votes appearing in favor of the separation of said District, as aforesaid, and the number of votes appearing against it. And, if the number of votes for the measure shall exceed the number of votes against it by fifteen hundred, then, and not otherwise, the people of said District shall be deemed to have expressed their consent and agreement, that the said District shall become a separate and independent State, upon the terms and conditions above stated; and in case of such majority, the Governor, in his said proclamation, shall call upon the people of said District to choose delegates to meet in Convention for the purposes, and, in the manner hereinafter provided; and in addition to publishing said proclamation, in one or more of the public newspapers printed in Boston, and in the District of Maine, copies of the same, duly authenticated, shall, as soon as can conveniently be done, after the making of the same, be transmitted to the office of the Clerks of the Courts of Common Pleas, in the several counties of the District of Maine, for public examination; and one such copy at least, shall be transmitted to the Convention of delegates, hereinafter mentioned, when said Convention shall be formed.

Meeting of
convention.

SEC. 3. *Be it further enacted*, That if it shall be declared by said proclamation, that the said majority of fifteen hundred votes appeared by the said returns to be in favor of the separation of the said District as aforesaid; the inhabitants of the several towns and districts, now entitled to send one or

Limitation of delegates.

more Representatives to the General Court, and all other incorporated towns, shall, on the third Monday of September next, assemble in town meeting, to be notified by warrant of the Selectmen, and shall elect one or more delegates (not exceeding the number of Representatives which such town is now entitled to; each town, however, to be at liberty to elect at least one,) to meet delegates from other towns within the said District, in Convention, for the purpose of forming a Constitution, or frame of Government, for the said District. And at such meeting of the said inhabitants, every person qualified to vote for Senators, shall have a right to vote in the choice of delegates. And the Selectmen shall preside, at such meeting, and shall in open meeting, receive, sort, count and declare the votes, and the Clerk shall make a record thereof, in presence of the Selectmen, and in open meeting. And fair copies of the said record shall be attested by the Selectmen and town Clerk, and one such copy shall be delivered by the Selectmen to each of the persons duly elected a delegate.

Declaration of votes.

Application to Congress.

Constitution to be formed.

SEC. 4. *Be it further enacted*, That the persons so elected delegates, shall meet in Convention, at the Court House, in Portland, in the county of Cumberland, on the second Monday of October next, and they shall be the judges of the returns and elections of their own members, and may adjourn from time to time, and sixty of the persons elected shall constitute a quorum for the transaction of business; and the said delegates shall, as soon as may be, proceed to organize themselves, in Covention, by choosing a President, and such other officers as they may judge expedient, and establishing proper rules of proceedings; and it shall be the duty of the said Convention, to apply to the Congress of the United States, for its assent to be given, before the last day of January next, that the said District shall be admitted into the Union, as a separate and independent State. And it shall also be the duty of the said Convention, to form a Constitution, or frame of government, for said new State, and to determine the style and title of the same; and such Constitution, when adopted, and ratified by the people of said District, in the manner hereinafter mentioned, shall, from and after the fifteenth day of March, in the year of our Lord,

one thousand eight hundred and twenty, (the consent of the Congress of the United States, then being first had as aforesaid,) be the Constitution of said new State. And the said Convention shall, as soon as may be, after having formed such Constitution, or frame of government, for such new State, cause the same to be published, and sent to the several towns, districts, and plantations, within the said District of Maine; and there shall be a meeting of the inhabitants, in each of said towns, districts, and plantations, to be called and warned by the Selectmen, and Assessors respectively, in due course of law; and on the day named by said Convention, at which meeting, every male inhabitant, having the personal qualifications, herein declared requisite in the election of delegates to said Convention, shall have a right to vote; and the people so assembled, shall give in their votes in writing, expressing their approbation or disapprobation of the Constitution so prepared, and proposed by said Convention. And the Selectmen of the several towns, and the Assessors of the several districts, and plantations respectively, shall preside at such meetings, and shall receive the votes of all the inhabitants duly qualified as aforesaid, and shall sort and count them in open meeting of the town, district, or plantation; and the same, shall be then and there recorded in the books of the town, district or plantation; and a fair copy of such record shall be attested by the Selectmen or Assessors, and the Clerk of the town, district, or plantation respectively, and shall be, by the said Selectmen or Assessors, transmitted and delivered to the said Convention, or to the President thereof, for the time being, or to any committee appointed to receive the same, on or before the first day of January next; on which day, or within ten days thereafter, the said Convention shall be in session, and shall receive and count all the votes returned, and declare and publish the result; and if a majority of the votes so returned shall be in favor of the Constitution proposed, as aforesaid, the said Constitution shall go into operation, according to its own provisions; otherwise the Constitution of Massachusetts, with the addition of the terms and conditions herein provided, shall be, and be considered as the Constitution of the said proposed State, in manner as here-

Constitution to
be approved
by the people.

Return of
votes to the
convention.

General reservations.

after provided. And to the end, that no period of anarchy may happen to the people of said proposed State, in case a new Constitution shall not be so adopted and ratified by the people of said District of Maine, the present Constitution of the Commonwealth of Massachusetts, shall, with the terms and conditions aforesaid, and with the exception hereinafter made, be provisionally, the Constitution or frame of government, for said District; except only such parts of said Constitution of Massachusetts, as relate to the style or title of said State, or may be otherwise inconsistent with, or repugnant to the situation and condition of said new State; and except, that the people of said District shall choose in their Senatorial districts, as now established, three times the number of Senators now allowed them, and that the Legislature shall choose such a number of Counsellors, not exceeding nine, as they shall determine to be proper. And the said Convention shall designate the place for the first meeting of the Legislature of said new State, and for the organization of its government, and shall appoint a Secretary, pro tempore, for said new State; and the said Convention shall regulate the pay of its members; and the person, authorized by said Convention, may draw upon the Treasury of the Commonwealth for the amount of the pay roll, not, however, to exceed the amount of the money paid into the Treasury by the several Banks within said District, for the tax upon the same, due and payable on the first Monday of October next; and the sum or sums so drawn for, and paid out of the Treasury, shall be a charge upon the new State in the division of the property, provided for in the fourth article of the terms and conditions stated in the first section of this Act.

Preliminary powers.

SEC. 5. *Be it further enacted*, That until a Governor of the proposed State shall be chosen and qualified according to the Constitution which may be in operation in said State, the person last chosen President of the said Convention, shall, from and after the fifteenth day of March next, have all the power of the Governor and Council under the Constitution of Massachusetts, until a new Governor shall be chosen and qualified in the said proposed State; excepting only, that the said President shall not have the power to remove from

office any officer who may be duly qualified, and executing the duties of his office according to the intent and meaning of this Act.

And in order that there may be no failure of justice, and that no danger may arise to the people of the said District of Maine, after the fifteenth day of March next, and before the government of the said State shall be fully organized; therefore,

SEC. 6. *Be it further enacted,* That all the laws which shall be in force within said District of Maine, upon the said fifteenth day of March next, shall still remain, and be in force, within the said proposed State, until altered or repealed by the government thereof, such parts only excepted as may be inconsistent with the situation and condition of said new State, or repugnant to the Constitution thereof. And all officers, who shall, on the said fifteenth day of March next, hold commissions, or exercise any authority within the said District of Maine, under the Commonwealth of Massachusetts, or by virtue of the laws thereof, excepting only, the Governor, Lieutenant Governor and Council, the members of the Legislature, and the Justices of the Supreme Judicial Court of the said Commonwealth of Massachusetts, shall continue to have, hold, use, exercise and enjoy, all the powers and authority to them respectively granted or committed, until other persons shall be appointed in their stead, or until their respective offices shall be annulled by the government of said proposed State. And all Courts of law, whatsoever, within the said proposed State, excepting only the Supreme Judicial Court, shall proceed to hear and determine all causes, matters and things, which are or may be commenced or depending before them, respectively, upon the said fifteenth day of March next, or at any time afterwards, and before the government of the said proposed State shall establish new Courts within the same; and shall continue from and after the said fifteenth day of March next, to exercise the like power and authority, and in like manner as they now by law may do, until such new Courts shall be so established, in their stead.

Perpetuity of laws.

Duration of office, civil and judicial.

SEC. 7. *Be it further enacted,* That all actions, suits, and causes, civil and criminal, and all matters and things what-

Continuance
of actions.

soever, that shall, on the said fifteenth day of March next, be in any manner depending in the Supreme Judicial Court of the said Commonwealth of Massachusetts, then last holden within any county in the District of Maine, and all writs, recognisances, and other processes whatsoever, that may be then returnable to the said Supreme Judicial Court, shall be respectively transferred, and returned to, have day in, and be heard, tried, and determined in the highest Court of law that shall be established in the said new State, by the government thereof; and at the first term of such Court, that shall be held within the county in which such action, writ, process, or other matter or thing, may be so pending or returnable. And in all cases of appeals from any Circuit Court of Common Pleas, or Probate, or other Court, which shall be made after the said fifteenth day of March next, in any action, cause, or suit whatsoever, and which would by law be made to the said Supreme Judicial Court thereof, it shall be sufficient for the appellant to claim an appeal, without naming or designating the Court appealed to; and such appeal shall be entered at the Supreme or Superior Judicial Court, or highest Court of Law, to be established by the government of the said new State, which shall first thereafter be held within or for the county in which such action, cause, or suit may be pending, and shall there be heard, tried, and determined, according to law.

Probate and
other appeals.

General pro-
visions.

Provided, however, That nothing contained in this section shall be understood or construed to control, in any degree, the right of the people of the said new State, or the government thereof, to establish Judicial Courts, in such manner, and with such authority as they shall see fit; nor to prevent the said people or their government from making any other provisions, pursuant to their Constitution, and not repugnant to the terms and conditions above set forth, respecting all the said actions, suits, processes, matters and things, herein above mentioned, as they shall think most proper, to prevent the discontinuance thereof, and to avoid any delay or failure of justice.

[Approved by the Governor, June 19, 1819.]

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

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

Bank incorporated.

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

Amount of capital stock.

Time of paying instalments.

Corporation
may hold real
estate.

Proviso.

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

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

First. That the total amount of the debts which the said corporation shall at any time owe, whether by bond, bill, note or other contract, shall not exceed twice the amount of their capital stock actually paid in, exclusive of the sums due on account of deposits; nor shall there be due to the

said corporation at any one time more than double the amount of the capital stock actually paid in as aforesaid. In case of excess, the directors under whose administration it shall happen, shall be liable for the same in their natural and private capacities; and an action of debt may in such case be brought against them, or any of them, their, or any of their heirs, executors or administrators, in any Court proper to try the same, by any creditor or creditors of said corporation; and may be prosecuted to judgment and execution, any condition, covenant, or agreement to the contrary notwithstanding. But this shall not be construed to exempt said corporation, or the lands, tenements, goods, or chattels of the same, from being also liable for, and chargeable with said excess. Such of said directors who may have been absent when said excess was contracted, or created, or who may have dissented from the resolution or act whereby the same was contracted, or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact, and of their absence, or dissent, to the Governor and Council, and to the stockholders at a general meeting, which they shall have power to call for that purpose.

Rules, limitations and provisions.

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

Monies not to be used in trade.

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

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

Persons eligible as president.

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

Annual meeting of stockholders to be held.

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

President may be paid.

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

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

Bills not to be issued less than five dollars.

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

Dividends.

Tenth. The directors shall make half yearly dividends of all the profits, rents, premiums, and interest of the Bank aforesaid.

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

Twelfth. In case the officers of said corporation in the usual banking hours at said Bank, shall refuse or delay payment in gold or silver of any note or bill of said corporation there presented for payment, the said corporation shall be liable to pay as additional damages at the rate of twenty four per cent. per annum, for the time during which such payment shall be refused or delayed.

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

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

Individual
property liable
for the bank's
debts.

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

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

Obligation to
loan to the
Common-
wealth.

SEC. 6. *And be it further enacted,* That any committee specially appointed by the Legislature for the purposes shall have a right to examine into the doings of said corporation; and shall have free access to all their books and vaults; and if upon such an examination it shall be found, and after a

Special com-
mittee empow-
ered.

full hearing of said corporation thereon, be determined by the Legislature that said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions, and conditions, in this Act provided, their incorporation shall thereupon be declared forfeited and void.

Manner of calling a meeting of stockholders.

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

Directors required to transmit to authority.

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

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

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

SEC. 11. *And be it further enacted,* That the said corporation, from and after the first Monday of October, in the year of our Lord one thousand eight hundred and twelve, shall pay, by way of tax, to the Treasurer of this Commonwealth, for the use of the same, within ten days after each semi-annual dividend, the half of one per cent. on the amount of the original stock, which shall at the time of said dividend have been actually paid in: *Provided however,* Tax. Proviso. That the same tax, payable in manner aforesaid, shall be required by the Legislature of all Banks that shall be hereafter incorporated within this Commonwealth, from and after the said first Monday of October: *And provided further,* That nothing herein contained shall be construed to impair the right of the Legislature to lay a tax or excise upon any Bank already incorporated, under the authority of this Commonwealth, whenever they may think proper so to do.

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

SEC. 13. *And be it further enacted,* That the Treasurer of the Commonwealth for the time being, shall, ex officio be a director of said Bank, in addition to the directors by law to be chosen by the stockholders. And that the Legislature shall have a right from time to time to appoint a number of directors of the said Bank in proportion as the sums paid State treasurer to be director ex-officio.

from the Treasury of the Commonwealth, shall bear to the whole amount of the stock actually paid into the said Bank, if at any time hereafter they shall judge fit to exercise that right.

[This Act passed June 27, 1811.]

—oo—

EXTRACT OF

An Act for erecting and establishing two new Counties in the easterly part of the County of York.

WHEREAS the great extent of the county of York makes it convenient that two new counties should be erected and established in the easterly part thereof,

County of
York, how
bounded.

SEC. 1. **BE** it enacted by the Lieutenant Governor, Council and House of Representatives, That the county of York aforesaid shall be, and it hereby is declared to be bounded on the east by a line to run from the sea northwesterly upon the easterly line of the township of Biddeford as far as Narragansett number one, from thence northeasterly on said Narragansett to the easternmost corner thereof, from thence northwesterly on said Narragansett to the northernmost corner thereof, from thence southwesterly upon said Narragansett to Saco river, from thence up said Saco river as far as Pearson town extends thereon, and from thence to run north two degrees west on a true course as far as the utmost northern limits of this province, all the other boundary lines of said county to remain the same as heretofore.

New county of
Cumberland,
how bounded.

SEC. 2. *And be it further enacted,* That the westernmost of the two new counties aforesaid shall be, and it is hereby declared to be bounded on the west by the easterly line of the county of York above described, on the north by the utmost northern limits of this province, on the southeast by the sea or western ocean and by Casco bay, from the easterly point of which bay, viz. from Smallpoint the line shall run northwesterly upon said Casco bay to Newmeadows creek or river, and up said creek or river as far as Stevens' carrying place at the head of said creek or river, thence across said carrying place to Merrymeeting Bay and Androscoggin river, from thence it shall run up said Androscoggin river thirty miles, and from thence north two degrees west on a true course to the utmost northern limits of

this province, including all the islands in Casco bay aforesaid, and on the sea coast of the said new county; and all the towns, districts and lands within the said bounds, together with the islands aforesaid, shall, from and after the first day of November one thousand seven hundred and sixty, be and remain one entire and distinct county by the name of *Cumberland* of which Falmouth shall be the shire or county town; and the inhabitants of said county of *Cumberland* shall have, use, exercise and enjoy all such powers, privileges and immunities as by law the inhabitants of any other county within this province have, use, exercise and enjoy.

SEC. 6. *And be it further enacted*, That the most eastern county shall be bounded in the following manner, that is to say, on the west by the county of *Cumberland* aforesaid, on the east by the province of *Nova Scotia*, on the south and southeast by the sea or western ocean, and on the north by the utmost northern limits of this province, including all the islands to the eastward of the county of *Cumberland* aforesaid; and all the towns, districts and lands within said bounds, together with the islands aforesaid, shall, from and after the first day of November one thousand seven hundred and sixty, be and remain one entire and distinct county by the name of *Lincoln*, of which *Pownalborough* shall be the shire or county town; and the inhabitants of the said county of *Lincoln* shall have, use, exercise and enjoy all such powers, privileges and immunities as by law the inhabitants of any other county within this province have, use, exercise and enjoy.

New county of
Lincoln.

[Passed A. D. 1760.]

—oo—

EXTRACT OF

An Act for erecting and establishing two new counties in the county of *Lincoln*, and declaring the boundaries of the county of *Lincoln* in future.

Addit. Acts,
March 3, 1791,
June 17. 1791.

WHEREAS the great extent of the county of *Lincoln* makes it convenient that two new counties should be erected and established in the easterly part thereof:

Preamble.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the county of *Lincoln* aforesaid, be and here-

Lincoln county,
how bound-
ed.

by is declared to be bounded easterly by a line beginning at Penobscot Bay, in the boundary line between the town of Thomastown and the town of Camden; thence running northwesterly by the east line of Thomastown, Warren and Union, to the northeast corner of Union; thence north, twenty two degrees and one half of a degree east, until it intersects the north line of the Waldo Patent; thence north, to the high lands; all the other boundary lines of said county to remain the same as heretofore: *Provided*, That no island lying to the eastward of a line to be drawn due south from the most easterly part of the county of Lincoln, as declared to be bounded by this Act, shall be considered as belonging to the said county of Lincoln.

Proviso.

Hancock county how bounded.

SEC. 2. *And be it further enacted*, That the westernmost of the two new counties aforesaid, shall be and it is hereby declared to be bounded westerly by the easterly line of the county of Lincoln above described, easterly by a line beginning at the bounds making the northeast corner of Goldsborough and southeast corner of township Number Seven; thence running northerly by the east line of Number Seven, and by the east line of Number Ten, to the southeast corner of township Number Sixteen; from thence due north to the high lands, including all the islands on the sea coast of the said new county, lying between lines drawn due south from the easterly part of the county of Lincoln, as before prescribed, and the northeasterly corner of Goldsborough aforesaid; and all the towns, districts and lands within said bounds shall, from and after the first day of May, one thousand seven hundred and ninety, be and remain one entire and distinct county, by the name of *Hancock*, of which *Penobscot* shall be the shire or county town; and the inhabitants of said county of Hancock shall have, use, exercise and enjoy all such powers, privileges and immunities as by law the inhabitants of any other county, within this Commonwealth, have, use, exercise and enjoy.

Washington county, how bounded.

SEC. 3. *And be it further enacted*, That the easternmost of the two new counties aforesaid, shall be bounded in the following manner, *viz.* westerly by the easterly line of the county of Hancock aforescribed, on the south and southeast by the sea or western ocean, on the north by the ut-

most northern limits of this Commonwealth, and easterly by the river Saint Croix, comprehending all the lands within this Commonwealth to the eastward of the line of the county of Hancock aforesaid, including all the islands on the sea coast of the said eastermost county; and all the towns districts and lands within said bounds, together with the islands aforesaid, shall, from and after the first day of May, in the year of our Lord one thousand seven hundred and ninety, be and remain one entire and distinct county, by the name of *Washington*, of which *Machias* shall be the shire or county town. And the inhabitants of the said county of Washington shall have, use, exercise and enjoy, all such powers, privileges and immunities, as by law the inhabitants of any other county within this Commonwealth, have, use, exercise and enjoy.

[This Act passed June 25, 1789.]

—oo—

An Act setting off part of the County of *Hancock*, and annexing it to 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 all the lands contained within the following bounds, namely, beginning at Little-Duck-Trap, so called, thence running northwesterly on the northeasterly line of the town of Camden, to the northerly corner of said Camden; thence continuing on the same course, with the northeasterly line of said Camden, until it intersects the dividing line between the counties of Lincoln and Hancock; thence running southerly to Union; thence southeasterly on the east line of Union, Warren and Thomastown, to Penobscot bay; thence northerly by said bay to Little-Duck-Trap, the first mentioned bound, with all the inhabitants thereon, shall be and hereby are set off from the county of Hancock, and annexed to the county of Lincoln.

Boundaries.

Part of Hancock annexed to Lincoln.

Provided nevertheless, That there shall be the same proceedings and doings with respect to all actions and suits commenced, or which may be commenced, and all crimes committed, or which may be committed, and all assessments

Proviso.

made, before the first day of May next, which would have been had if this Act had not passed.

SEC. 2. *And it is further enacted,* That the foregoing Act shall be in force from and after the first day of May next.

[This Act passed March 3, 1791.]

—oo—

An Act to divide the County of Lincoln, and to constitute the northerly part thereof a separate County, by the name of the County of Kennebec.

Line of division.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the county of Lincoln shall be divided by a line beginning on the westerly line of the county of Hancock, at a place from which a line running west northwest shall strike the northeasterly corner of the town of Harlem; from thence running southeasterly by the easterly line of said town to the southeasterly corner thereof; thence southwesterly on a straight line to the northeasterly corner of Pittston; thence by the easterly line of said Pittston to the southeasterly corner thereof; thence westerly by the southerly line of said Pittston to the southwesterly corner of said town last mentioned; thence northwesterly by the westerly line of said Pittston to the mouth of Purgatory-Stream (so called) which empties itself into Cobbesecontee-Stream (so called) thence west northwest to the east line of the town of Monmouth; thence southerly by the east line of said Monmouth to the southeasterly corner thereof; thence westerly by the southerly line of said Monmouth to the westerly corner of said town; thence west to the easterly line of the town of Greene; thence southerly by the easterly line of said Greene to the southeasterly corner thereof; and thence westerly by the southerly line of said Greene to Androscoggin river, or the dividing line between the counties of Cumberland and Lincoln; and that the county of Lincoln aforesaid, be and the same is hereby declared to be bounded northerly and westerly by the line aforesaid.

Constituting clause.

SEC. 2. *And be it further enacted by the authority aforesaid,* That all and every part and parcel of the late county of Lincoln, situated on the northerly and westerly side of the aforesaid dividing line, and extending northerly and wester-

ly, so as to comprehend all the territory lying between the counties of Cumberland and Hancock, and on the northerly and westerly side of the dividing line aforesaid, shall be and the same hereby is formed and erected into an entire and distinct county by the name of Kennebec, of which Augusta shall be the shire or county town: And the inhabitants of the said county of Kennebec shall have and possess, use, exercise and enjoy all the powers, rights and immunities which by the Constitution and laws of this Commonwealth, the inhabitants of any county within the same have, possess, use, exercise, enjoy, and are entitled to.

Augusta the
shire town.

[This Act passed February 21, 1799.]

—OO—

An Act to alter the line between the Counties of Lincoln and Kennebec.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the limits of the said counties of Lincoln and Kennebec be, and they hereby are so far changed and altered, as to include all the town of Litchfield, with the inhabitants, in the county of Lincoln, and that the land and inhabitants in the town of Litchfield, which are now included in the county of Kennebec, shall hereafter be subject to all duties and taxes, and possess all the privileges and rights which the other land and inhabitants in said county of Lincoln possess.

[This Act passed Feb. 25, 1811.]

—OO—

An Act altering the line between the counties of Kennebec and Lincoln.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, the county line between the counties of Kennebec and Lincoln be, and it is hereby altered, so as to include the town of Malta wholly within the said county of Kennebec, and the town of Whitefield wholly within the said county of Lincoln.

County line
altered.

[This Act passed February 29, 1812.]

June 14, 1805, An Act to incorporate a part of the Counties of *York* and *Cumberland* into a separate County by the name of *Oxford*.
Feb. 27, 1807.

Boundaries.

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 counties of *York* and *Cumberland* shall be divided by a line, beginning at a place called the Crooked Ripples, on *Androscoggin* River, at the south east corner of the town of *Turner*, from thence to run westerly on the dividing line between the towns of *Turner* and *Minot*, to the most northeasterly corner of said town of *Minot*, from thence southwesterly on the line between the towns of *Minot* and *Hebron*, to the southwesterly corner of said *Hebron*, thence northwesterly on the line between the towns of *Hebron* and *Otisfield*, to the town of *Norway*, thence westerly and northerly on the lines between the towns of *Otisfield* and *Norway*, to the southeasterly corner of the town of *Waterford*, thence westerly on the line between said *Waterford* and *Otisfield*, to the northeasterly corner of the town of *Bridgetown*, thence westerly on the northerly line of said *Bridgetown* to the north west corner thereof, thence southerly on the westerly side line of said *Bridgetown*, to the southwest corner thereof, thence westerly on the north line of the town of *Baldwin*, and *Prescott's* Grant, to *Saco* River, thence down the middle of said *Saco* River, to the mouth of the river called the *Great Ossapee*, thence westerly by a line drawn on the middle of the river last mentioned, to the line of the State of *New-Hampshire*; and the counties of *York* and *Cumberland*, aforesaid, be, and the same are hereby declared to be bounded northerly by the line aforesaid.

SEC. 2. *And be it further enacted*, That all and every part and parcel of the late counties of *York* and *Cumberland*, situated on the northerly side of the line before described, and extending northerly and westerly, so as to comprehend all the territory lying between the State of *New-Hampshire* and the county of *Kennebec*, and on the northerly side of the dividing line aforesaid, excepting the towns of *Wilton*, *Temple*, *Avon*, and township Number Three, on *Sandy* River, northerly of *Avon*, which towns shall be considered as be-

longing to the county of Kennebec, shall be, and the same is hereby formed and erected into an entire and distinct county, by the name of *Oxford*, of which *Paris* shall be the shire or county town; and the inhabitants of the said county of *Oxford* shall hold, possess, use, exercise and enjoy all the powers, rights, and immunities, which by the Constitution and laws of this Commonwealth, the inhabitants of any county within the same do hold, possess, use, exercise, enjoy, and are entitled to.

Paris the shire town.

[This Act passed March 4, 1805.]

—oo—

An Act in addition to an Act, entitled, "an Act to incorporate a part of the counties of *York* and *Cumberland* into a separate county by the name of *Oxford*." March 4, 1805.
Feb. 27, 1807.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That all official Acts done before the first day of May, in the year of our Lord one thousand eight hundred and five, by civil and all other officers of the counties of *York* and *Cumberland*, then living in those parts of said counties which are now incorporated into a separate county by the name of *Oxford*, be, and are hereby confirmed and made valid to all intents and purposes, as though the said county of *Oxford* had not been incorporated.

Certain official acts made valid.

[This Act passed June 14, 1805.]

—oo—

An Act to divide the county of *Kennebec*, and to constitute the northerly part thereof into a county by the name of the county of *Somerset*.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the county of *Kennebec* shall be divided by a line, beginning on the westerly line of the county of *Hancock*, at the north easterly corner of township Number Four, north of the *Waldo* Patent; thence running westerly on the northerly line of said township and the town of *Unity*, to the northwest corner of the town of *Unity* aforesaid; thence due west, to the easterly line of the town of *Clinton*; thence northerly by said *Clinton*, to the northeast corner thereof

Boundaries.

thence westerly by the northerly line of Clinton, to Kennebec river; thence down the middle of said river, to the line between the towns of Waterville and Fairfield; thence westerly between the towns last mentioned, to the southwesterly corner of said Fairfield; thence westerly on a straight line, to the southeasterly corner of the town of Mercer; thence westerly, on the southerly line of said town of Mercer, to the easterly line of the town of New Sharon; thence northwesterly, on the northeasterly line of the town of New Sharon aforesaid, to the easterly line of the town of Farmington; thence northerly and westerly, on the easterly and northerly line of said town of Farmington, to the easterly line of the town of Temple; thence northerly and westerly on the easterly and northerly line of the town of Temple, to the easterly line of the county of Oxford: and the bounds of the county by this Act created, on the east, shall be the line heretofore established between the counties of Hancock and Kennebec; and on the west, by the line between the counties of Kennebec and Oxford; and on the north, by the line on the high land; being the boundary between the District of Maine and the Province of Lower Canada.

SEC. 2. *Be it further enacted*, That all and every part and parcel of the late county of Kennebec, included within the lines before described, shall be, and the same is hereby formed and erected into an entire and distinct county, by the name of *Somerset*; of which Norridgewock shall be the shire, or county town. And the inhabitants of the said county of Somerset shall hold, possess, use, exercise and enjoy, all the powers, rights and immunities, which by the Constitution and laws of this Commonwealth, the inhabitants of any county within the same do hold, possess, use, exercise, enjoy, and are entitled to.

[This Act passed March 1, 1809.]

—oo—

An Act to alter and establish a part of the line between the counties of Kennebec and Somerset.

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, a

Line altered.

part of the line between the counties of Kennebec and Somerset shall be as follows, viz. beginning at the northwest corner of township Number Four, (now Kingville) and running due west until it strikes the line of the town of Clinton, at a monument of stones there to be erected.

[Approved by the Governor, February 26, 1813.]

—oo—

An Act to ascertain and establish a part of the west line of the county of Somerset, and for other purposes.

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 west line of the tract of land, called Bingham's Tract or Patent, or otherwise called the Million Acres, lying on both sides of Kennebec River, until it intersects the north line of said Bingham's Tract, including the whole of said Million Acres, shall be, and hereby is established, and declared to be the west line of said county of Somerset.

[Passed February 2, 1819.]

—oo—

An Act in further addition to an Act, entitled, "An Act to divide the county of Kennebec, and to constitute the northerly part thereof into a county, by the name of the county of Somerset." March 1, 1809.
June 20, 1809.

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 doings of the person appointed by the Judge of Probate for the county of Somerset, to discharge the duties of Register of Probate for said county, until a Register was appointed by the Governor and Council and qualified, shall be held as good and valid to all intents and purposes whatever, as if the same had been appointed by the Governor and Council. Doings of the
Register pro
tem. valid.

SEC. 2. *Be it further enacted,* That the person appointed by the Justices of the Court of Common Pleas of said county, on the twenty ninth day of June last, to be Clerk of said Court, shall, to all intents and purposes, from that time be considered as the legal Clerk of said Court, and all his Doings of the
clerk valid.

acts and doings from that time shall be considered as good and valid in law, as if he had been appointed by said Court at any time thereof, or by the Supreme Judicial Court.

[Passed June 14, 1810.]

—oo—

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

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

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

—oo—

An Act to establish a College in the town of Brunswick, in the District of Maine, within this Commonwealth.

College estab-
lished.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That there be erected and established in the town of Brunswick, in the District of Maine, a College for the purpose of educating youth, to be called and known by the name of Bowdoin College, to be under the government and regulation of two certain bodies politic and corporate, as hereafter in this Act is provided.

SEC. 2. *And be it further enacted by the authority aforesaid,* Persons incorporated as trustees.
That the Rev. Thomas Brown, Rev. Samuel Dean, D.D. John Frothingham, Esq. Rev. Daniel Little, Rev. Thomas Lancaster, Hon. Josiah Thatcher, and David Mitchell, Esquires, Rev. Tristram Gilman, Rev. Alden Bradford, Thomas Rice, Esq. and Mr. William Martin, together with the President and Treasurer of the said College, for the time being, to be chosen as in this Act is hereafter directed, be and hereby are created a body politic and corporate, by the name of *The President and Trustees of Bowdoin College*, and that they and their successors, and such others as shall be duly elected members of the said corporation, shall be and remain a body politic and corporate, by that name forever.

SEC. 3. *And be it further enacted by the authority aforesaid,* Their powers.
That for the more orderly conducting the business of the said corporation, the President and Trustees shall have full power and authority, from time to time, to elect a Vice-President and Secretary of the said corporation, and to declare the tenures and duties of their respective offices; and also to remove any Trustee from the same corporation, when, in their judgment, he shall be rendered incapable by age, or otherwise, of discharging the duties of his office, or shall neglect or refuse to perform the same; and to fill up all vacancies in the said corporation, by electing such persons for Trustees as they shall judge best: *Provided nevertheless,* Proviso.
That the number of the said Trustees, including the President and Treasurer of the said College, for the time being, shall never be greater than thirteen, nor less than seven.

SEC. 4. *And be it further enacted,* All transactions in their name to be legal.
That the said corporation may have one common seal, which they may change, break, or renew, at their pleasure; and that all deeds signed and delivered by the Treasurer, and sealed with their seal, by order of the President and Trustees, shall, when made in their corporate name, be considered in law as the deeds of the said corporation; and that the said corporation may sue and be sued in all actions, real, personal or mixed; and may prosecute and defend the same to final judgment and execution, by the name of *The President and Trustees of Bowdoin College*; and that the said corporation shall be capable of holding, having and taking in fee

simple, or any less estate, by gift, grant, devise, or otherwise any lands, tenements, or other estate, real or personal: *Provided nevertheless*, That the annual clear income of the same shall not exceed the sum of *ten thousand pounds*.

Proviso.

Authorized
to appoint
meetings,
officers, &c.

SEC. 5. *And be it further enacted, by the authority aforesaid*, That the said corporation shall have full power and authority to determine at what times and places their meetings shall be holden, and on the manner of notifying the trustees to convene at such meetings, and also from time to time, to elect a President and Treasurer of the said College, and such Professors, Tutors, Instructors, and other officers of the said College as they shall judge most for the interest thereof, and to determine the duties, salaries, emoluments and tenures of their several offices aforesaid: (The said President for the time being, when elected and inducted into his office, to be, *ex officio*, President of the said corporation) and also to purchase, or erect and keep in repair such houses and other buildings as they shall judge necessary for the said College; and also to make and ordain, as occasion may require, reasonable rules, orders, and bye-laws, not repugnant to the laws of this Commonwealth, with reasonable penalties, for the good government of said College; and also to determine and prescribe the mode of ascertaining the qualifications of the students requisite to their admission; and also to confer such degrees as are usually conferred by Universities established for the education of youth; and a majority of the members of said corporation, present at any legal meeting, shall decide all questions which may properly come before the said Trustees: *Provided nevertheless*, That no corporate business shall be transacted at any meeting, unless seven, at least, of the Trustees are present: *And provided further*, That the said corporation shall confer no degrees other than those of Bachelor of Arts and Master of Arts, until after the first day of January, which will be in the year of our Lord one thousand eight hundred and ten.

Proviso.

Appropriation.

SEC. 6. *And be it further enacted by the authority aforesaid*, That the clear rents, issues and profits of all the estate, real and personal, of which the said corporation shall be seized or possess, shall be appropriated to the endowment of the

said College, in such manner as shall most effectually promote virtue and piety, and the knowledge of such of the languages and of the useful and liberal arts and sciences, as shall hereafter be directed, from time to time, by the said corporation. And more effectually to provide for the wise and regular government of said College, and for the prudent administration of the funds belonging to it, by establishing a supervising body with proper powers ;

SEC. 7. *Be it further enacted by the authority aforesaid,* That no election made by the said corporation, either of Trustees to fill up vacancies, or of President or Treasurer of the said College, nor any vote or order of the said corporation to remove any Trustee or any officer of the said College, or to purchase or erect any house or other building for the said College or to determine what officers shall be established for the said College, or the duties, salaries, emoluments or tenures of such officers, or for the appropriation of any of their funds or monies, or for the acceptance of any estate, when the donation thereof was made upon condition, or for determining the qualifications for the students requisite to their admission, or for the conferring of any degrees, or for the making, altering, amending or repealing any rules, orders or bye-laws for the government of the said College, shall have any force, effect or validity, until the same shall have been agreed to by the Overseers of the said Bowdoin College hereafter in this Act created.

No transaction of the corporation to have any effect, unless agreed to by the overseers.

SEC. 8. *And be it further enacted by the authority aforesaid,* That the HON. JOSIAH THACHER, Esq. be and he is hereby authorized and empowered to fix the time and place for holding the first meeting of the said Trustees, and to notify each of said Trustees thereof, in writing.

Josiah Thacher, Esq. authorized.

And for the establishing of the supervising body with proper powers above mentioned ;

SEC. 9. *Be it further enacted by the authority aforesaid,* That Edward Cutts, Thomas Cutts, Symon Frye, David Sewall and Nathaniel Wells, Esquires, Rev. Moses Hemenway, D. D. Rev. Silas Moody, Rev. John Thompson, Rev. Nathaniel Webster, Rev. Paul Coffin, Rev. Benjamin Chadwick, Rev. Samuel Eaton, Rev. Samuel Foxcroft, Rev. Caleb Jewett, Rev. Alfred Johnson, Rev. Elijah Kellog,

Overseers incorporated.

Rev. Ebenezer Williams, Rev. Charles Turner, Daniel Davis, Samuel Freeman, Joshua Fabyan, William Gorham, Stephen Longfellow, Joseph Noyes, Isaac Parsons, Robert Southgate, John Wait, Peleg Wadsworth, and William Wedgery, Esquires, Rev. Ezekiel Emerson, Jonathan Ellis, Jonathan Bowman, Edmund Bridge, Daniel Cony, Henry Dearborn, Dummer Sewall, Samuel Thompson, John Dunlap, Francis Winter, Nathaniel Thwing, Alexander Campbell, and Paul Dudley Sargeant, Esquires, together with the President of the College, and the Secretary of the Corporation, first created in this Act, for the time being, be and they are hereby created a body politic and corporate by the name of *The Overseers of Bowdoin College*, and that they, their successors, and such others as shall be duly elected into the said corporation of Overseers, shall be and remain a body politic and corporate, by that name forever.

_____ may
have a seal,
and prosecute
and defend.

SEC. 10. *And be it further enacted by the authority aforesaid,* That the members of said corporation of Overseers may have one common seal, which they may change, break and renew at their pleasure, and that they may sue or be sued, prosecute and defend unto final judgment and execution, by the name of *The Overseers of Bowdoin College*.

Corporation
empowered
for the orderly
conducting
the business.

SEC. 11. *And be it further enacted by the authority aforesaid,* That for the orderly conducting the business of the said last mentioned corporation, the members thereof shall have full power from time to time, as they shall determine, to elect a President, Vice-President and Secretary, and to fix the tenures and duties of their respective offices; and also, to determine at what times and places their meetings shall be holden, and upon the manner of notifying the Overseers to convene at such meetings; and also to remove any Overseer from the said corporation when in their judgment, he shall be rendered incapable, by age or otherwise, or shall neglect or refuse to discharge the duties of his office, and also to fill up all vacancies in the said corporation of Overseers, by electing such persons for Overseers as they shall judge best qualified therefor; and a majority of the members present, at any legal meeting, shall decide all questions which may properly come before the said Overseers: *Provided nevertheless,* That the number of the said Overseers in-

Proviso.

cluding the President of the College, and the Secretary of the corporation last above created, shall never be greater than forty five, nor less than twenty five.

SEC. 12. *And be it further enacted by the authority aforesaid,* That the Overseers of said Bowdoin College shall have power to agree or disagree to any election, vote, order or act of the President and Trustees of said College, where the agreement of said Overseers is made necessary by this Act to give force, effect and validity to such election, vote, order or act; and they are hereby directed to notify the said President and Trustees of such agreement or disagreement, in convenient time thereafter; and the said Overseers are also empowered to call upon any Treasurer of the said College, his executors and administrators, to render to them a just and true account of all the doings of such Treasurer, in his said office, as often as the said Overseers shall direct: *Provided nevertheless,* That no corporate business shall be transacted at any meeting of the Overseers aforesaid, unless fifteen of them, at least, are present.

Overseers shall have power to agree or not, respecting any transactions of the president and trustees.

Provis.

SEC. 13. *And be it further enacted by the authority aforesaid,* That the Treasurer of the said College shall, before he enter upon the execution of the duties of his office, give bond to the said Overseers, in such penalty, and with such sureties, as they shall approve of, conditioned for the faithful discharge of the duties of the said office, and for rendering a just and true account of his doings therein, when required, and that all the monies, securities, and other property of the President and Trustees of Bowdoin College, together with all the books in which his accounts and proceedings, as Treasurer, were entered and kept, that appertain to his office of Treasurer as aforesaid, shall, upon demand made upon him, his executors or administrators, be paid and delivered over to his successor in that office; and all monies to be recovered by virtue of any suits at law, upon such bond, shall be paid over to the President and Trustees aforesaid, and subjected to the appropriations above directed in this Act.

Treasurer to give bond.

SEC. 14. *And be it further enacted by the authority aforesaid,* That no Trustee of the said College, excepting the President and Secretary, first above mentioned, shall be an Overseer

Places of trustee and overseer cannot be held together.

of the said College; and if any Trustee (excepting as aforesaid) shall be chosen an Overseer, he shall cease to be a Trustee immediately, upon his accepting the place of an Overseer; and if any Overseer of the said College (excepting as aforesaid) shall hereafter be elected a Trustee, he shall cease to be an Overseer, upon his accepting the place of a Trustee.

David Sewall, Esq. authorized to call first meeting.

SEC. 15. *And be it further enacted by the authority aforesaid,* That the Hon. DAVID SEWALL, Esq. be, and he hereby is authorized and empowered to fix the time and place of the first meeting of the Overseers of said Bowdoin College, and to notify the said Overseers thereof by publishing the same three weeks successively in each of the Portland newspapers; the last publication to be made three weeks, at least, before the time fixed for the said meeting.

Legislature to alter or restrain powers of the corporation.

SEC. 16. *And be it further enacted by the authority aforesaid,* That the Legislature of this Commonwealth may grant any further powers to, or alter, limit, annul or restrain any of the powers by this Act vested in the said corporation, as shall be judged necessary to promote the best interest of the said College.

Lands granted to the trustees to be at their disposal.

SEC. 17. *And be it further enacted by the authority aforesaid,* That there be and hereby is granted five townships of land, of the contents of six miles square each, to be laid out and assigned from any of the unappropriated lands belonging to this Commonwealth, in the District of Maine, the same to be vested in the Trustees of Bowdoin College, and their successors forever, for the use, benefit and purpose of supporting the said College, to be by them holden in their corporate capacity, with full power and authority to settle, divide and manage the same townships, or any part thereof, or to sell, convey and dispose of the same in such way and manner as shall best promote the welfare of said College, the same to be laid out under the direction of the committee for the sale of eastern lands, and a plan or plans thereof returned into the Secretary's office: *Provided,* The Trustees aforesaid, or their assigns, shall cause to be settled fifteen families in each of said townships within twelve years from the passing this Act: *And provided also,* There shall be reserved in each township three lots of three hundred and twenty acres

Proviso.

each, for the following uses, *viz.* one lot for the first settled Minister—one lot for the use of the Ministry—and one lot for the use of schools in each of said townships.

[This Act passed June 24, 1794.]

—oo—

An Act to modify and limit the terms and conditions of the Act for separation, relative to Bowdoin College, and encourage Literature, and the Arts and Sciences.

BE it enacted by the Senate and House of Representatives, in Legislature assembled, That provided the Legislature of the Commonwealth of Massachusetts shall agree thereto, the President and Trustees and the Overseers of Bowdoin College, having already assented thereto, the terms and conditions mentioned in the Act of the Commonwealth of Massachusetts, passed on the nineteenth day of June, in the year of our Lord one thousand eight hundred and nineteen, entitled “An Act relating to the separation of the District of Maine from Massachusetts Proper, and forming the same into a separate and independent State,” be and they hereby are so far modified, limited or annulled, as that the said President and Trustees, and the Overseers of Bowdoin College shall have, hold and enjoy their powers and privileges in all respects, subject however, to be altered, limited, restrained or extended by the Legislature of the State of Maine, as shall by the said Legislature be judged necessary to promote the best interests of said Institution.

[This Act passed June 16, 1820.]

—oo—

An Act to alter the law establishing Bowdoin College.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That the number of Trustees provided for in an Act to establish a College in the town of Brunswick, including the President of said College, shall never be less than twenty nor more than twenty five, and no corporate business shall be transacted at any meeting, unless thirteen at least of the Trustees are present; and the number of Overseers provided for in said Act, including

Board of trustees to consist of not more than 25 nor less than 20.

Thirteen to constitute a quorum.

Board of overseers not more than sixty nor less than forty five.

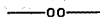
Vacancies to be filled according to the charter at annual meeting in September.

Governor and Council in six months to appoint twelve trustees and fifteen overseers, and to fill vacancies in overseers' board occasioned by choosing an overseer as trustee.

the President of said College, shall never be less than forty five, nor more than sixty: and the Secretary of the corporation of Trustees shall not be an Overseer, and the Treasurer of said College shall not be a Trustee nor an Overseer.

SEC. 2. *Be it further enacted,* That all vacancies which shall hereafter exist in the corporation of Trustees, or in the corporation of Overseers, shall be filled in manner prescribed by an Act to establish a College in the town of Brunswick, at the annual meetings of said corporations respectively in the month of September, and at no other time: *Provided,* That the Governor and Council, be, and they hereby are authorized, and empowered within six moths after the passing of this Act, to appoint twelve persons to be Trustees, and fifteen persons to be Overseers of said College, and to fill such vacancies in the corporation of Overseers as shall be created by any Overseer or Overseers being appointed by the Governor and Council, a Trustee or Trustees.

[This Act passed March 19, 1821.]



An Act to encourage Literature and the useful Arts and Sciences.

Grant to Bowdoin College,

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That there be and hereby is granted to the President and Trustees and Overseers of Bowdoin College, the sum of three thousand dollars annually from and after the fourteenth day of February which shall be in the year of our Lord eighteen hundred and twenty four, until the term of seven years therefrom, shall be complete and ended, to be paid in semi-annual payments out of the Treasury of this State from monies arising from the tax on certain Banks not otherwise appropriated.

and to Maine Literary and Theological Institution

SEC. 2. *Be it further enacted,* That the sum of one thousand dollars annually, be, and hereby is granted to the Maine Literary and Theological Institution from and after the fourteenth day of February which shall be in the year of our Lord one thousand eight hundred and twenty one, for the term of seven years, to be paid out of the Treasury of this State in the manner provided in the first section of this Act.

SEC. 3. *Be it further enacted*, That at least one fourth part of the sums to be received by said College and said Literary and Theological Institution, shall be appropriated for and towards the partial or total reduction of the tuition fees of such students not exceeding one half the number of any class who may apply therefor, according to the judgment of the said corporations respectively.

One fourth to be appropriated to indigent students.

SEC. 4. *Be it further enacted*, That the President, Directors and Company of the Cumberland Bank, and the President, Directors and Company of the Bank of Portland, shall pay the sums reserved to be paid as a tax on said Banks, to the State of Maine, into the Treasury of this State to create a fund for the purposes aforesaid, for the term of seven years from the twenty fourth day of February, Anno Domini eighteen hundred and twenty four, and so long as the present charters, of said Banks, and the tax thereon may by law continue.

Tax on Cumberland bank and bank of Portland appropriated,

SEC. 5. *And be it further enacted*, That the President, Directors and Company of the Waterville Bank, shall pay the sums reserved to be paid as a tax on said Bank to the State of Maine, into the Treasury of this State to create a fund for the purposes aforesaid from and after the passing of this Act, until the fourteenth day of February which shall be in the year of our Lord eighteen hundred and thirty one, and so long as the present charter of said Bank and the tax thereon may by law continue: *Provided however*, That if the said sums shall be so paid by said Banks, the sums hereby granted shall be paid by the Treasurer of the State to said College and said Literary and Theological Institution respectively as above granted, in satisfaction of the grants aforesaid: *Provided also*, That this grant shall be null and void whenever the sum of four thousand dollars, shall not be annually received from the Banks aforesaid into the Treasury thereof from the tax upon them aforesaid.

and on Waterville bank.

Provisp.

Proviso.

[This Act passed June 28, 1820.]

An Act to establish a Medical School in this State.

School under direction of President, &c. of Bowdoin College.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in Legislature assembled, That there be and hereby is established, under the control, superintendance and direction of the President and Trustees and Overseers of Bowdoin College, a Medical School for the instruction of students in Medicine, Anatomy, Surgery, Chemistry, Mineralogy and Botany.

Professors to be appointed, &c.

SEC. 2. *Be it further enacted,* That the said President and Trustees and Overseers of Bowdoin College, be and they hereby are authorized to appoint, and it shall be their duty to appoint, as soon as may be, learned Professors of Medicine, Anatomy, Surgery, Chemistry, Mineralogy and Botany, who shall deliver regular lectures in their respective branches at such times as the corporation shall prescribe.

Amount of grants.

SEC. 3. *Be it further enacted,* That there be and hereby is granted to the President and Trustees and Overseers of Bowdoin College for the benefit of the said Medical School and for procuring the necessary books, plates, preparations and apparatus, the sum of fifteen hundred dollars, to be paid out of the Treasury of this State, out of any monies not otherwise appropriated by law; and the further sum of one thousand dollars annually until the Legislature shall otherwise order and direct.

[This Act passed June 27, 1820.]

—oo—

An act to establish a Literary Institution in the District of Maine, within this Commonwealth.

Institution established.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That there be erected and established in the District of Maine, in the township hereafter mentioned, a Literary Institution, for the purpose of educating youth, to be called and known by the name of *The Maine Literary and Theological Institution*, to be under the government and regulation of a body politic, as in this Act is hereafter described.

SEC. 2. *Be it further enacted,* That Daniel Merrill, Caleb Blood, Sylvanus Boardman, Thomas Green, Robert Low, Benjamin Titcomb, Thomas Francis, Ranson Norton, Daniel Mc. Masters, Hon. James Campbell, Samuel Stinson, John Hovey, David Nelson, Alford Richardson, John Haynes, Samuel Baker, Joseph Bailey, Phineas Pilsbury, Hezekiah Prince, Moses Dennitt and John Neal, together with the President and Treasurer of the said Institution for the time being, to be chosen as in this Act is hereafter directed, be, and hereby are erected a body politic and corporate, by the name of *The President and Trustees of the Maine Literary and Theological Institution*; and that they and their successors, and such others as shall be duly elected members of the said corporation, shall be and remain a body politic and corporate, by that name forever.

Persons incorporated.

SEC. 3. *Be it further enacted,* That for the more orderly conducting the business of the said corporation the President and Trustees shall have full power and authority, from time to time, as they shall determine, to elect a Vice-President, Treasurer and Secretary of said corporation, and to declare the tenure and duties of their respective offices, and also to remove any Trustee from the said corporation, when in their judgment he shall be rendered incapable by age or otherways, of discharging the duties of his office, and to fill up all vacancies in the said corporation by electing such persons for Trustees as they shall judge best: *Provided* nevertheless, That the number of the said corporation including the President of the said Institution, and the Treasurer for the time being, shall never be greater than thirty one nor less than twenty one.

May choose officers.

Proviso.

SEC. 4. *Be it further enacted,* That the said corporation may have one common seal, which they may change, break or renew, at their pleasure; and that all deeds signed and delivered by the Treasurer, and sealed with their seal, by the order of the corporation, shall, when made in their corporate name, be considered in law, as the deed of the said corporation; and that the said corporation may sue and be sued, in all actions real, personal and mixed, and may prosecute and defend the same to final judgment and execution, by the name of *The President and Corporation of the Maine*.

Literary and Theological Institution; and that the said corporation shall be capable of holding and taking in fee simple, or any less estate, by gift, grant, devise or otherwise, any lands, tenements or other estates real or personal: *Provided nevertheless*, That the annual clear income of the same shall not exceed the sum of thirty thousand dollars.

Proviso.

May purchase buildings.

Estate, how appropriated.

First meeting.

SEC. 5. *Be it further enacted*, That the said corporation shall have full power and authority to determine at what times and places their meetings shall be holden, and on the manner of notifying the Trustees, to convene at such meetings, and also from time to time, to elect a President and Treasurer of said Institution, and such Professors, Tutors, Instructors, and other officers of the said Institution, as they shall judge most for the interest thereof; and to determine the duties, salaries, emoluments and tenures of their several officers aforesaid: The said President for the time being, when elected and inducted into his office, to be ex-officio, President of the said corporation; and the said corporation are further empowered to purchase or erect and keep in repair, such houses and other buildings, as they shall judge necessary for the said Institution, and also to make and ordain, as occasion may require, reasonable rules, orders and bye-laws, not repugnant to the laws of this Commonwealth, with reasonable penalties for the good government of said Institution, and also to determine and prescribe the mode of ascertaining the qualifications of the students requisite to their admission: *Provided nevertheless*, That no corporate business shall be transacted at any meeting, unless thirteen at least of the corporation are present.

SEC. 6. *Be it further enacted*, That the clear rents, issues and profits of all the estate, real and personal, of which the said corporation shall be seized or possessed, shall be appropriated to the endowment of the said Institution, in such manner as shall most effectually promote virtue and piety, and a knowledge of such of the languages, and of the liberal arts and sciences, as shall be hereafter directed from time to time by the said corporation.

SEC. 7. *Be it further enacted*, That the HON. JOHN WOODMAN, Esq. be, and he is hereby authorized and empowered to fix the time and place for holding the first meeting of the

said corporation; of which he shall give notice by an advertisement in a Portland and one other eastern newspaper, at least fourteen days previous to the time of said meeting.

SEC. 8. *Be it further enacted,* That the Treasurer of said corporation shall, before he enters upon the execution of the duties of his office, give bonds to the said corporation, in such sums and with such sureties as they shall approve of, conditioned for the faithful discharge of the said office, and for rendering a just and true account of his doings therein, when required; and that all the money, securities and other property of the said corporation, together with all the books in which his accounts and proceedings as Treasurer were entered and kept, that shall be in his hands at the expiration of his office, shall, upon demand made upon him, his executors or administrators, be paid and delivered over to his successor in that office, and all monies recovered by virtue of any suit at law, upon such bond, shall be paid over to the corporation aforesaid, and subjected to the appropriation above directed in this Act.

Treasurer to
give bonds.

SEC. 9. *Be it further enacted,* That the Legislature of this Commonwealth may grant any further powers to, or alter, limit, annul or restrain any of the powers by this Act vested in the said corporation, as shall be judged necessary to promote the best interests of the said Institution; and the said corporation shall be holden to render an account to the Legislature, whenever they shall see fit to require it, of all their proceedings, and the manner of disposing of the funds of said Institution.

SEC. 10. *Be it further enacted,* That there be, and hereby is granted a township of land six miles square, to be laid out and assigned from any of the unappropriated lands belonging to this Commonwealth, in the District of Maine, under the same restrictions, reservations and limitations, as other grants, for similar purposes, are now usually made; the same to be vested in the corporation of said Institution, and their successors forever, for the use, benefit and purpose of supporting said Institution, to be by them holden in their corporate capacity, with full power and authority to settle, divide and manage the same tract of land or township, or any part thereof, or to sell, convey or dispose of the same

Township
granted.

for settlement only, and to no one person a larger quantity than one thousand acres, in such way and manner, as shall best promote the welfare of said Institution; the same to be laid out under the direction of the committee for the sale of eastern lands, and a plan thereof returned to the Secretary's office, within three years after the expiration of the present war with Great Britain.

[Approved by the Governor, Feb. 27, 1813.]

—oo—

An Act in addition to an Act, entitled "An Act to establish a Literary Institution in the District of Maine, within this Commonwealth:

Particular location.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Maine Literary and Theological Institution be, and they are hereby authorized and empowered to locate and establish their buildings in any town within the counties of Kennebec or Somerset; any thing contained in the first section of the act, entitled "An Act to establish a Literary Institution in the District of Maine, within this Commonwealth," to the contrary notwithstanding.

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

—oo—

An Act to enlarge the powers of the Maine Literary and Theological Institution.

Authorized to confer degrees.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That the President and Trustees of the Maine Literary and Theological Institution are hereby authorized and empowered to confer such degrees as are usually conferred by Universities established for the education of youth: *Provided*, That the said corporation shall confer no degrees other than those of Bachelor of Arts and Master of Arts, until after the first day of January, which will be in the year of our Lord eighteen hundred and thirty. *And provided also*, That the said corporation shall not make or have any rule or bye-law requiring that any member of the Trustees shall be of any particular religious denomination. *Provided*, That no Student belonging, or who may hereafter belong to said Institution, sustaining

Proviso.

a fair moral character, shall be deprived of any privileges of said Institution, or be subjected to the forfeiture of any aid which has been granted by said Institution, for the purpose of enabling him to prosecute his studies, or be denied the usual testimonials on closing his studies, or be denied admission to said Institution on the ground that his interpretations of the scriptures differ from those which are contained in the articles of faith adopted, or to be adopted by said Institution.

SEC. 2. *Be it further enacted, by the authority aforesaid,* Legislature may alter the charter. That the Legislature of this State shall have the right to grant any further powers to, alter, limit or restrain any of the powers vested in said corporation, as shall be judged necessary to promote the best interests thereof.

[This Act passed June 19, 1820.]

—oo—

An Act to change the name of the Maine Literary and Theological Institution.

BE it enacted by the Senate and House of Representatives in Legislature assembled, That from and after the passing of this Act, the name of the said Maine Literary and Theological Institution shall cease, and the same shall henceforth be called and known by the name of *Waterville College*; any law to the contrary notwithstanding: And nothing in this act contained shall be construed to impair or annul any of the rights powers or privileges of the said corporation. Name to be Waterville College.

[This Act passed February 5, 1821.]

—oo—

EXTRACT OF

An Act to cede to the United States the Jurisdiction of certain Lands for the erection of Light Houses.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, [SEC. 2. *Be it further enacted,*] That the jurisdiction of a quantity of land not exceeding twelve acres, and the right of this Commonwealth therein, be, and hereby is

granted to the United States, to be located on an island called Franklin Island, near the mouth of George's river, in this Commonwealth, as shall be most suitable and convenient for the erection, and accommodation of a light house on said Franklin Island; which quantity of land shall be laid out, at the time of erecting said light house, and a description thereof, in writing, shall be recorded in the Registry of Deeds for the county of Lincoln. *Provided always*, That this Commonwealth shall and doth hereby reserve to itself a concurrent jurisdiction in and over the land hereby ceded, in the fullest manner, as is provided in the first section of this Act. *And provided also*, That if the said United States shall at any time hereafter make any compensation to any of the United States, of any cession, made for the like purposes of this grant, similar compensation shall be required of the United States, for the present grant, according to its value.

[This Act passed June 24, 1806.]

—oo—

An Act to cede to the United States the Jurisdiction of a tract of land on White Head Island, in Penobscot Bay, for 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 there be, and there hereby is ceded to the United States of America, the jurisdiction of ten acres of land, on such part of an island called White Head Island, at the entrance of Penobscot Bay, as may be most convenient and suitable, for the purpose of erecting a light house; and a description thereof in writing shall be entered in the Registry of Deeds in the county of Lincoln: *Provided however*, That if the said United States shall neglect, for the term of four years from the date of this cession, to erect a light house on some part of the said ten acres; and, after the same shall be erected, shall neglect to keep the same in good repair, and in a condition useful to navigation, then this cession shall be void: *Provided also*, That this Commonwealth shall retain, and doth hereby retain, a concurrent jurisdiction with the United States, in and over the same ten

Land ceded on condition.

Concurrent jurisdiction retained.

acres, so far as that all civil and criminal processes, issued under the authority of this Commonwealth, or of any officers thereof, may be executed on any part of the same ten acres ceded as aforesaid, or in any buildings that may be erected thereon, in the same way and manner as if the jurisdiction had not been ceded as aforesaid.

[This Act passed June 18, 1803.]

An Act providing for the cession of one hundred acres of land on Quaddy Head to the United States of America.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a lot of land containing one hundred acres, Land ceded. situate on West Quaddy Head, so called, and lying nearest to the light house, which is or may be erected on that place, be, and the same is hereby ceded and granted to the United States of America, to be used and improved by such person as may from time to time have the employment of keeper of such light house.

SEC. 2. *Be it further enacted,* That this cession and grant is on this express condition, Condition. that this Commonwealth shall have concurrent jurisdiction with the United States in and over the aforesaid tract of land, so far as that all civil processes, and criminal processes, issued under the authority of this Commonwealth, may be executed therein, as though this cession and grant had not been made.

[This Act passed February 25, 1807.]

An Act for granting to the United States of America the jurisdiction of part of the Island of Seguin.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That there be and hereby is granted to the United Land granted the United States. States of America, the jurisdiction of ten acres of land, and the property of this Commonwealth therein, most convenient for a light house, part of the island of Seguin, situated near the mouth of the river Kennebec, in this Common-

wealth, for the purpose of erecting a light house on the same ten acres; which quantity of land shall be laid out at the time of erecting said light house, and a description thereof, in writing, entered in the Registry of Deeds, in the county wherein the same shall be situated.

Proviso. SEC. 2. *Provided nevertheless: And be it further enacted by the authority aforesaid,* That if the said United States shall neglect, for the term of four years from the date of this grant, to erect a light house on some part of the same ten acres, and after the same shall be erected, shall neglect to keep the same in good repair, and a state useful to navigation, then this grant shall be void: *Provided also,* That this Commonwealth shall retain, and hereby does retain a concurrent jurisdiction with the said United States, in and over the same ten acres, so far as that all civil and criminal processes, issued under the authority of this Commonwealth, or any officers thereof, may be executed on any part of the same ten acres, granted as aforesaid, or in any buildings thereon to be erected, in the same way and manner as if the jurisdiction had not been granted as aforesaid: *And provided also further,* That if the said United States shall, at any time hereafter, make any compensation to any of the United States, for any cession made for the purposes of this grant, like compensation to be made to this Commonwealth by the United States, for the present grant, according to its value.

[This Act passed February 19, 1794.]

Feb. 19, 1794. An Act to cede to the United States the jurisdiction of the remaining part of the Island of Seguin.

Preamble. WHEREAS it has been found that the land heretofore ceded to the United States on the island of Seguin, for the accommodation of a Light House, and on which one has been erected, does not embrace all the objects to be desired, and which have been found necessary and convenient:

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the remaining part of the said island of Seguin, in the Commonwealth of Massachusetts, containing about ten acres, be ceded to the United States, and during the continuance of the use and appropriation aforesaid,

Remaining part of Seguin ceded.

the jurisdiction of the whole of said island: *Saving and provided always*, That all civil and criminal processes issued under the authority or by any officer of this Commonwealth, shall have full force and effect within the limits of said island, and any building which shall be there erected, this cession of jurisdiction notwithstanding.

[This Act passed March 8, 1797.]

—oo—

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

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That there be, and hereby is ceded to the United States of America, the jurisdiction of the south west end of House-Island, near the entrance of Portland harbour, the northeast boundary of which land, is a line commencing at a large brown rock, six rods from high water mark; thence south thirty-seven degrees east five rods across the narrow part of said Island; also, five acres of land situated on the extreme end of Spring-Point, opposite said House-Island, for the purpose of erecting of batteries, and other works for the defence of Portland harbour, which lands shall be laid out, at or before the time of erecting of such public works, and a description thereof in writing, entered in the Registry of Deeds in the county of Cumberland.

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

[This Act passed March, 12, 1808.]

An Act to cede to the United States the jurisdiction of Boon Island, near the harbour of York, in the District of Maine.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the jurisdiction of Boon Island, be and hereby is granted to the United States of America, for the purpose of erecting a Light House on the same: *Provided however*, That if the United States neglect, for the term of four years from the date of this grant, to erect a Light House, and keep the same in good repair, and in a state useful to navigation, then this grant shall be void: *Provided also*, That this Commonwealth shall retain, and does hereby retain a concurrent jurisdiction with the said United States in and over the said Island, so far as that all civil and criminal processes, issued under the authority of this Commonwealth, or any officers thereof, may be executed on any part of the said Island, or in any buildings which may be erected thereon, in the same way and manner as if the jurisdiction had not been granted as aforesaid: *And provided also*, That if the said United States shall at any time hereafter, make any compensation to any of the United States for any cession made for the like purposes of this grant, like compensation shall be required by this Commonwealth of the United States for the present grant, according to its value.

Proviso.

[This Act passed Feb. 26, 1811.]

—oo—

An Act to cede to the United States part of the Island of Petit Manan, near Naguags 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 land 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

Cession of
land to United
States.

Proviso.

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.

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

—oo—

An Act empowering the Supreme Judicial Court to take cognizance of matters heretofore cognizable by the late Superior Court.

WHEREAS by the laws heretofore made by the General Assembly of the late Province, Colony and State of Massachusetts Bay, a Superior Court of Judicature, Court of Assize and General Gaol Delivery was constituted, and sundry powers and authorities are given to the same court by particular laws. And whereas by the constitution and frame of government of the Commonwealth of Massachusetts, the style and title of the same court is now the Supreme Judicial Court of the Commonwealth of Massachusetts. And the constitution aforesaid having provided that the laws heretofore made and adopted, should continue and be in force until they shall be altered or repealed by the Legislature; whence some doubts may arise whether the Supreme Judicial Court shall have cognizance of those matters which by particular laws were expressly made cognizable by the Superior Court of Judicature, Court of Assize and General Gaol Delivery;

BE it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Court which hath been or shall be hereafter appointed and commissioned according to the Constitution as the Supreme Judicial Court of this Commonwealth, shall have cognizance of all such matters as have heretofore happened, or that shall hereafter happen, as by particular laws were made cognizable by the late Superior Court of Judicature, Court of Assize and General Gaol Delivery, unless where the Constitution and frame of government hath provided otherwise.

The Supreme Judicial Court to take cognizance of all matters cognizable by the late Superior Court of Judicature, &c. unless.

[This Act passed February 20, 1781.]

An Act to render valid the Votes and proceedings of certain Town Meetings which have been assembled by virtue of a warrant signed by a town clerk, by order of the Selectmen.

Warrants issued by town clerk, to be valid.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That all warrants heretofore signed by a town Clerk, by order of the Selectmen of any town, or a major part of them, and all proceedings of the legal voters of such towns which have been had in pursuance of such warrants, be and hereby are ratified and confirmed, in the same manner as if the said warrants had been signed by the Selectmen.

[Passed March 6, 1792.]

—oo—

An Act to render valid the doings of the Coroners of the counties of Hancock and Lincoln.

Preamble. WHEREAS the coroners of the counties of Hancock and Lincoln have neglected to give bonds as the law requires and yet have served divers writs and precepts, and performed other official duties :

Doings rendered good and valid.

BE it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all writs and processes which have issued from good and lawful authority, directed to the Coroners of said counties, and which have been served and executed by them ; and all inquests by them taken shall be as good and valid, as if the said Coroners had given bonds to the acceptance of the Court of Common Pleas, as required by law ; any law to the contrary notwithstanding : *Provided*, That nothing herein contained shall be construed to affect any action now pending for the neglect or omission of any such Coroner.

Proviso.

[This Act passed June 17, 1800.]

An Act to render valid the doings of the Deputy Sheriffs within and for the county of Hancock.

WHEREAS divers writs and precepts have been served and executed by some of the deputy Sheriffs, within and for the said county of Hancock, since the resignation of *Richard Hunnewell, Esq.* late Sheriff of said county, and before the appointment of his successor in office :

Preamble.

BE it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all writs and precepts served and executed by any deputy Sheriff under the said Hunnewell, within and for said county, from and after the resignation of the said Hunnewell, and before the first day of January Anno Domini one thousand and eight hundred, shall be considered as duly and legally served and executed ; and the same are hereby rendered legal and valid, in every respect, so far as relates to the service or execution of said writs or precepts. *Provided*, The same have been legally and duly executed in every other respect but what relates to the resignation of the said Hunnewell.

The doings of deputy sheriffs under Richard Hunnewell, Esq. rendered valid till before January 1, 1800.

Proviso.

[This Act passed March 4, 1800.]

—oo—

An act to confirm the doings of the Justices of the Peace whose commissions have expired, or may hereafter expire and be again renewed.

WHEREAS by the constitution of this Commonwealth, the commissions of Justices of the Peace expire at the end of seven years ; and whereas it has heretofore happened, and may hereafter so happen, that much business which has been or may be begun by them, in the execution of the duties of their office, and the business so begun by them has not been or may not be completed and carried into full execution before the expiration of the said term of their commissions ; and as doubts have arisen, whether such actions, doings and proceedings, can survive and remain valid after the expiration of the term of such former commissions, and be again re-assumed and proceeded upon, after such commissions have or shall be renewed :

Preamble.

BE it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That all such actions, doings and proceedings of Justices of the Peace within this Commonwealth, which have been re-assumed and carried into execution since the renewal of their said commissions, be and they hereby are confirmed and rendered valid, to all legal intents, as

Proceedings of Justices confirmed and rendered valid.

fully as if the commissions, under authority whereof they originated, had continued in force, until the final issue of such actions and proceedings aforesaid.

[This Act passed June 20, 1788.]

—oo—

An Act empowering the court of sessions for the county of Washington to erect a Gaol in the town of Eastport.

Court of ses-
sion may as-
sess polls and
estates

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 Justices of the Court of Sessions, for the county of Washington, shall from time to time assess the polls and estates within the said county, in such sums as may be necessary to erect and keep in repair a good and sufficient gaol in the town of Eastport in said county, and establish the place in said town, where said gaol shall stand, and to direct and order the building and repairing said gaol according to their discretion: *Provided*, Said Court of Sessions shall not assess any greater sum of money to defray the charges of erecting and keeping said gaol in repair, than they shall be authorized by the General Court to assess.

Proviso.

Sheriff may
remove prison-
ers.

SEC. 2. *Be it further enacted*, That said gaol, when so erected as aforesaid, shall be one of the common gaols for the said county of Washington, and the Sheriff of said county, by his deputy, or otherwise, may remove criminals for trials from one of the gaols in said county to the other at his discretion, with habeas corpus, or any order from any of the Courts held in that county: *Provided*, Said criminals are not also committed on mesne process or execution.

Proviso.

[This Act passed June 16, 1809.]

—oo—

An Act to authorize the laying out a Road, and building a Bridge, over Presumpscot River, at Staples' Point, in the town of Falmouth.

Highway.

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 Court of Sessions for the county of Cumberland be, and hereby are authorized and empowered to lay out a public highway across Presumpscot river, at Staples' Point, so called, in the town of Falmouth: *Provided*,

The said Court, after a full hearing, should be of the opinion that the public good requires it, in the same way and manner, as though said Presumpscot river were not navigable.

SEC. 2. *Be it further enacted*, That the Court of Sessions be, and they hereby are authorized and empowered to discontinue the support now afforded to the bridge across said Presumpscot river, and appropriate the same, or as much as they may deem necessary for the building and supporting a bridge across said river, at Staples' Point, so called, in the town of Falmouth: *Provided*, They may adjudge the same to be for the public good, any law to the contrary notwithstanding.

SEC. 3. *Be it further enacted*, That if the said Court shall lay out said road, and cause said bridge to be built, said bridge shall not be made of a less width than twenty five feet, with a suitable draw, for the passage of vessels through the same.

[Approved by the Governor, February 20, 1819.]

—oo—

An Act to confirm the proceedings of the Justices of the courts of sessions for the several counties of Lincoln, Washington, and Somerset.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the proceedings of the Justices of the Court of Sessions holden at Warren, within and for the county of Lincoln, on the third Monday of January last, be, and the same are hereby made valid in law in as full and complete a manner as though a term of said Court had been holden at Topsham, within and for said county, on the first Monday of September last, any thing in the law establishing said Court to the contrary notwithstanding.

Proceedings
of court of
sessions.

SEC. 2. *Be it further enacted*, That the proceedings of the Justices of the Court of Sessions holden at Machias, within and for the county of Washington, on the twenty fourth day of December last, so far as it relates to their passing upon the county Treasurer's accounts and making an estimate for a county tax for said county, be, and the same are hereby made valid, any law to the contrary notwithstanding.

SEC. 3. *Be it further enacted*, That the proceedings of the Justices of the Court of Sessions holden at Norridgewock, within and for the county of Somerset, in the month of September last, and at the adjournments of said Court, since that time, be, and the same are hereby made valid in law, any irregularity in the meeting or adjournment of said Court by the Sheriff notwithstanding.

[This Act passed February 29, 1812.]

—oo—

An Act to render valid the doings of the court of sessions, in the county of Hancock.

Proceedings
made valid.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same That the proceedings of the Justices of the Court of Sessions, for the county of Hancock, at the several Sessions of said Court, holden at Castine, in said county, subsequent to the first day of April, one thousand eight hundred and twelve, be, and the same hereby are made valid in law, in as full and ample a manner, as though the Sessions of said Court had been holden on the several days prescribed by an Act passed the twenty ninth day of February, one thousand eight hundred and twelve, entitled, "An Act to fix the times of holding the Court of Sessions, in the respective counties in this Commonwealth," any provision contained in said Act to the contrary, notwithstanding.

[Approved by the Governor, June 10, 1813.]

END OF THE APPENDIX.