

# MAINE STATE LEGISLATURE

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## LAWS



OF THE

Commonwealth of Massachusetts.

PASSED AT

SEVERAL SESSIONS

OF THE

GENERAL COURT,

HOLDEN IN BOSTON.



PUBLISHED AGREEABLY TO A RESOLVE PASSED IN JANUARY,

1808.



BOSTON :

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PRINTERS TO THE STATE.

1808,

# LAWS

PASSED AT THE SESSION COMMENCED ON THE  
TWENTY-SEVENTH DAY OF MAY, 1807.

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SPRUCE-CREEK BRIDGE COR. *June 15, An. 1807.*

## CHAP. CXVIII.

An act to incorporate certain persons for the purpose of building a Bridge over a branch of Piscataqua River, in the town of Kittery, called Spruce-Creek, and for supporting the same.

**W**HEREAS, a new high-way, lately laid out Preamble. from Portsmouth ferry to York Court-House, in the shortest practicable direction, passes over a branch of Piscataqua River in the town of Kittery, called Spruce-Creek, which will require a bridge of about forty rods in length.—And whereas, David Sewall, Daniel Sewall, and Isaac Lyman, for themselves and their associates, have petitioned this court for liberty to build the same, and to be incorporated for that purpose :—

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That David Sewall, Daniel Sewall, Isaac Lyman, Abigail Emerfon, Jonathan S. Barrell, William Lyman, Samuel Lunt, jun. George G. Barrell, Moses Lyman, Joseph Sewall, Nathaniel Sewall, John Donnell, Bulkeley Emerson, Thomas Savage, Timothy Grow, Reuben Derby, John Lowe, Thomas Mugridge, William Mugridge, Theodore Parker, Daniel Parker, Peletiah Jones, Nathaniel Wilfon, William Weeks, Diamond Lewis, William Parker, Nicholas Weeks, John Weeks, Daniel Parker, jun. John Lewis, Robert Haley, Simon Lewis, Charles Lewis, Benjamin Parker, Samuel Wilfon, Simeon Haley, and Jeremiah Clarke, with such others as have already associated, or may hereafter associate with them for that purpose, be, and hereby are made and constituted a corporation and body politic, by the name of the Proprietors of Spruce Creek Bridge, and by that name* Proprietors incorporated.  
may

may sue and be sued to final judgment and execution, and do and suffer all matters and things, and be entitled to such privileges as bodies politic may or ought to do and suffer, and are entitled unto; and the said corporation shall and may have and use a common seal, and the same may break and alter at pleasure.

Meeting called.

SECT. 2. *And be it further enacted*, That any three of the persons before named may call a meeting of the proprietors aforesaid, to be holden at any convenient time and place, by posting up notifications thereof, fourteen days prior to the time assigned, in some place in the towns of Kittery and York: And the said proprietors, by a vote of those present or represented at said meeting, allowing one vote to and for each single share, in all cases, *provided* no one proprietor shall have more than ten votes, shall choose a clerk, who shall be sworn to the faithful discharge of the duties thereof; and shall also agree on a method of calling future meetings; and at the same, or some subsequent meeting or meetings, may choose such officers, and make and establish such rules and by-laws as to them shall seem necessary and convenient for the regulation and government of the said corporation, and for carrying into effect the purposes aforesaid; and may annex penalties to the breach of any by-law not exceeding *ten dollars*. And all representations at said meeting shall be in writing and filed with the clerk of said corporation. And this act, and all rules, regulations and proceedings of said corporation, shall be fairly and truly recorded by said clerk in a book to be provided and kept for that purpose.

Proprietors empowered.

SECT. 3. *And be it further enacted*, That the proprietors aforesaid, be, and hereby are authorized and empowered to erect a bridge over Spruce-Creek aforesaid, at a place where the said common high-way is or may be established. And said bridge shall be well built, twenty-four feet at least in width, and six feet in the lowest part above the water, in common tides at high water, and substantially covered with plank or other materials, suitable for such bridges, with suitable rails on each side, with a convenient draw or passage way, at least twenty-five feet wide, in the channel, for the passage of vessels.

Shares transferable.

SECT. 3. *And be it further enacted*, That the shares in said bridge, shall be deemed and taken as personal estate, and shall and may be transferable by deed, acknowledged before a Justice of the Peace, and recorded by the clerk of said corporation in a book to be kept for that purpose.

And

And when any share shall be attached on mesne process, or taken in execution, a certified copy of the process, at the time of attachment, or taking on execution, shall be left with the clerk of said corporation; otherwise such attachment or taking shall be invalid. And such share or shares may be sold on execution in the same way and manner as is or may be provided by law for making sale of personal property on execution. And the officer making the sale, the judgment creditor, or the vendee, leaving a copy of the execution and the officer's return thereon with the clerk of said corporation, within fourteen days after such sale, and paying for recording the same, shall be deemed and taken as a complete transfer of such share or shares in said bridge.

SECT. 5. *And be it further enacted*, That when any proprietor shall neglect to pay any tax or assessment duly voted and agreed upon by the corporation, to the treasurer, within forty days from the time appointed for payment thereof, the treasurer of the corporation is hereby authorized to sell at public vendue, one or more share or shares of such delinquent proprietor, as shall be sufficient to pay the said taxes, and necessary incidental charges, after posting up notice thereof in two several public places in the several towns of Kittery and York, fourteen days prior to the sale, or causing the same to be published in one of the weekly newspapers, printed at Portsmouth, New-Hampshire, for the like space of time. Delinquents;

SECT. 6. *And be it further enacted*, That for the purpose of reimbursing the proprietors the money by them expended in building and supporting said bridge, a toll be, and hereby is granted, to be collected and paid to such person as they shall authorize and appoint to receive the same, for their use, viz :—For each foot passenger, *one cent*; for each man and horse, *four cents*; for each horse and chaise, fulkey, or riding chair, *eight cents*; for each sled, sleigh, waggon or cart, drawn by one beast, *six cents*, and if drawn by two beasts, *ten cents*, and if drawn by more than two beasts, *two cents* for each additional one; for neat cattle or horses, *two cents* each; for sheep or swine, *four cents* per dozen, and in that proportion for a less or greater number. And to each team one person, and no more, to be allowed as a driver, to pass free from toll; for each coach, chariot, phaeton, or other four wheel carriage, drawn by two horses (with the passengers therein) *sixteen cents*, and if drawn by more than two horses, *twenty cents*. And the said toll may commence Toll.  
Rates of

in one month after the said bridge and the road leading thereto, shall be finished and made passable; and notice thereof communicated to the Court of Common Pleas for the county of York. And at the place where the toll shall be received, there shall be constantly exposed to open view, a board expressing the tollable articles, and the rates of toll aforesaid, fairly and legibly written or printed thereon: *Provided always*, that no toll shall be taken for the passage of vessels through the same, nor from persons who may be passing, with a horse or carriage; or on foot, to or from public worship on the Lord's day, or to or from any grist mill, or from any person or persons passing on military duty, or going or returning from schools, or town or parish meetings.—And the toll may be commuted with any corporation, person, or persons, by taking of him or them a certain sum quarterly or annually, as may be mutually agreed on, in lieu of the toll; and at all times when the toll receiver shall not attend his duty, the gate or gates shall be left open. And in case said proprietors shall neglect to keep said bridge in good and safe repair, on the same being made to appear to the Court of Common Pleas for the county of York, it shall be in the power of the said court to prohibit the proprietors from taking toll from any person passing the same, until it be put into such repair as shall by said court be considered sufficient. And the proprietors shall be liable to pay all damages which may happen to any person from whom the toll may be demandable, from the insufficiency or want of repair of said bridge; and be also subject to the presentment of the grand jury for neglects and deficiencies, in suffering said bridge to be dangerous or unsafe for passengers.

SECT. 7. *And be it further enacted*, That said proprietors shall, within six months after the said bridge shall be completed, file in the office of the Secretary of this Commonwealth, an account of the expenses that have arisen in building said bridge. And also annually exhibit to the Governor and Council a true account of the income and dividends arising from said toll, with their necessary annual disbursements on the same bridge. And the books of the said corporation shall at all times be subject to the inspection of a committee, to be appointed by the General Court, or to the inspection of the Governor and Council when called for.

SECT. 8. *And be it further enacted*, That the General Court may dissolve the said corporation, whenever it shall appear

Proviso.

Prohibition in case of neglect.

Liable in case of.

Expense and income to be exhibited.

appear to their satisfaction that the income arising from the toll shall have fully compensated the proprietors for all the monies expended in building and keeping the said bridge in repair, together with *twelve per cent.* by the year interest thereon. And thereupon the property of said bridge shall be vested in this Commonwealth: *Provided always*, that if the said corporation shall neglect to build and complete the said bridge for the space of four years from the passing of this act, the same shall become void and of no effect.

To become the property of the Commonwealth. *Proviso.*

[This act passed June 15, 1807.]

### CHAP. CXIX.

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

**BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the District of Plainfield, in the county of Hampshire, with the inhabitants thereon, be, and they are hereby incorporated into a town by the name of Plainfield, and the said town is hereby vested with all the powers, privileges, and immunities, which other towns do, or may enjoy, by the Constitution and Laws of this Commonwealth.

[This act passed June 15, 1807.]

### CHAP. CXX.

An act in addition to an act, entitled "An act to establish an Academy in the town of Hebron, by the name of the Hebron Academy, and to create a corporation of trustees for the same.

**WHEREAS**, the trustees of said Academy have in their petition represented that they held a meeting on the sixth day of June, A. D. 1804, called pursuant to their act of incorporation, and adjourned the same to a then future day, at which last time three only of the trustees attended; (five being necessary to constitute a quorum) and at such adjourned meeting further adjourned the same, till a quorum met, when they proceeded to transact their necessary business: And whereas, the legality of their proceedings

Preamble.

ings and doings, under such circumstances, may be hereafter questioned :

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That any one of the trustees named in said act, be, and he is hereby authorized as soon as may be, to call a meeting of the trustees of said academy, to be held at such time and place as he shall see fit to appoint ; and shall give personal and written notice thereof to each one of the trustees thirty days prior to the time appointed for holding the same, and all votes and proceedings had and passed at any former meeting or meetings of said trustees, held by an adjournment made at any meeting held by three only of the trustees, said votes and proceedings being laid before the meeting to be called as herein required, and by them approved and sanctioned, shall be, and are hereby made as firm and valid as if they had been had and passed at a meeting held by said trustees pursuant to their act of incorporation.

Trustees to call  
a meeting.

SECT. 2. *And be it further enacted,* That in future, any three of said trustees shall and may constitute a quorum for the purpose of adjourning any future meetings, but not for transacting business ; any thing in the act to which this is an addition to the contrary notwithstanding.

[This act passed June 19, 1807.]

## CHAP. CXXI.

An act to authorize Joseph Russell to build a Bridge from Belle Isle, formerly called Hog Island, within the Harbour of Boston, over a salt Creek, or water passage, between said Island and the town of Chelsea.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Joseph Russell be, and he is hereby authorized to build a Bridge from Belle Isle, otherwise called Hog Island, in the harbour of Boston, to the town of Chelsea ; *Provided however,* that the said bridge shall always be free, and that no toll shall ever be demanded of any person for passing the same.

Joseph Russell  
authorized.

Provido.

SECT. 2. *And be it further enacted, by the authority aforesaid,* That the legislature shall, at any future period, have the right to alter or amend this act, by rendering the wa-  
ters



ters passable for such vessels as may navigate there, whenever the General Court may think such alteration necessary or convenient for the public.

[This act passed June 19, 1807.]

### CHAP. CXXII.

An act, in addition to an act, entitled "An act to incorporate Royal Makepeace, and others, into a society for the purpose of building a Meeting House, and supporting public worship therein, in the easterly part of Cambridge.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That* Royal Makepeace, Jonathan L. Austin, and Rufus Davenport, or any two of them, be, and they hereby are authorized to call a meeting of said society for the purpose of choosing such officers as they are by law entitled to elect, by giving notice of the time and place of holding said meeting in two newspapers, printed in Boston, four days at least before the time assigned for holding such meeting.

Persons authorized to call a meeting.

SECT. 2. *And be it further enacted, That* at the said meeting, or at any other meeting legally notified and holden for such purpose, the said society may appoint a committee to sell and convey by deed, any, or all the pews now belonging to the corporation, in such manner and on such terms as they may direct, and also to pass all such by-laws for the regulation of their affairs, as may not be repugnant to the constitution and laws of this commonwealth.

—To dispose of pews.

[This act passed June 19, 1807.]

### CHAP. CXXIII.

An act, in addition to an act, entitled "An act, in addition to an act, entitled an act to establish a corporation by the name of the Belchertown and Greenwich Turnpike Corporation."

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That* a further time, until the first day of November next, be allowed to said corporation for completing their

their said turnpike road ; continuing to the same corporation all the rights, powers and privileges ; and enjoining on them all the duties contained in the act to which this is an addition.

[This act passed June 19, 1807.]

#### CHAP. CXXIV.

An act, in addition to an act, entitled “ An act to establish the Petersham and Monson Turnpike Corporation,” passed February 29, A. D. 1804.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a further time of one year from and after the passing of this act, be allowed to said turnpike corporation for completing said road ; and for this purpose, the said corporation shall have all the powers, rights and privileges, and be subject to all the duties, requirements, and penalties, contained in the act aforesaid.*

[This act passed June 19, 1807.]

#### CHAP. CXXV.

An act, in addition to an act, entitled “ An act to establish the Bluehill Turnpike Corporation.”

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That said corporation be, and hereby are authorized in lieu of the whole toll gate now erected on said turnpike road, to erect two half toll gates on said road, and to demand and receive at each of them, half the rates of toll that they are now authorized to receive at the one whole toll gate, already erected on said road, one of said half toll gates to be erected on said road between Elbowhill (so called) and the old road leading by the house of Nathaniel Tucker, in Milton, the other half toll gate to be erected on said road, between the house of Elijah Vose, in Milton, and the old road leading from Noah Reed's, to Quincy ; Provided nevertheless, that if said corporation shall at any time make an agreement with such person or persons as usually travel over only the north end of said road, respecting*

Half toll gates  
to be erected.

Provido.

respecting their toll, then said corporation may unite said two half toll gates into one whole toll gate, to be erected on said road, between said Elbowhill, (so called) and the house of Nathaniel Tucker aforesaid, and to demand and receive the same rates of toll, that they now receive at the gate already on said road: *Provided also*, that neither of said gates, shall at any time be erected on any part of said road that is built on an old road.

[This act passed June 19, 1807.]

## CHAP. CXXVI.

An act to establish the Bethlehem and Tyringham Turnpike Corporation.

**BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Benjamin Baldwin, Elijah Benton, Adonijah Bidwell, Josiah Brewer, Josiah Brewer, jun. John Brewer, Joseph Brewer, jun. Jones Brewer, John Garfield, Giles Jackson, Adonijah Jones, Orange Judd, Robert Kilburn, Jabez Kingsberry, Abner Morley, Eleazer Rockwell, Stephen Sibley, John Sweet, Reuben Webb and Josiah Webb, together with such others as have associated or may hereafter associate with them and their successors and assigns, be, and they are hereby made a corporation by the name of the Bethlehem and Tyringham Turnpike Corporation, for the purpose of laying out and making a turnpike road from the Tenth Massachusetts Turnpike in Bethlehem, near the bridge north of the dwelling house of Samuel Byington, and thence westerly in the most direct and practicable line, to near the dwelling house of Elijah Benton, thence in the best direction to the dwelling house of Jonah Webb, thence in the best direction to the south side of the dwelling house of John Sweet, thence to and in front of the dwelling houses of Josiah Brewer and Giles Jackson, in Tyringham, thence in the most direct and practicable line to the south side of the dwelling house of John Garfield, and between the dwelling house and store of David Wilmot, thence near the dwelling house of Jacob Mills, thence to and between the dwelling house and barn of Seth Morse, in Great Barrington, thence to the store occupied by Bacon and Rogers, to the county road leading from Stockbridge to said Great Barrington; and for this purpose shall have all

Persons incorporated.

Their powers & privileges.

all the powers and privileges, and shall also be subject to all the duties, requirements, and penalties, prescribed and contained in an act, entitled "An act defining the general powers and duties of turnpike corporations," passed the sixteenth day of March, in the year of our Lord one thousand eight hundred and five.

[This act passed June 19, 1807.]

## CHAP. CXXVII.

An act to establish a corporation, by the name of the Westford and Lexington Turnpike Corporation.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Jonathan Heald, William Meriam, John Meriam, Abel Abbot, Isaiah Green, Nathan Heyward, Timothy Jones, and Oliver Read, jun. together with such others as have associated or may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Westford and Lexington Turnpike Corporation, for the purpose of laying out and making a turnpike road from a stone bridge, near the house of John Raymond, in the southerly part of the town of Westford, to the meeting house in Lexington; and for this purpose shall have all the powers and privileges, and be subject to all the duties, requirements and penalties contained in an act, entitled "An act defining the general powers and duties of turnpike corporations," passed the sixteenth day of March, in the year of our Lord one thousand eight hundred and five.

Corporation empowered.

SECT. 2. *Be it further enacted,* That the said corporation shall be authorized to erect on said road, one gate, and at the same shall be entitled to demand and receive like rates of toll, as are established in the aforefaid act; any law to the contrary notwithstanding.

[This act passed June 19, 1807.]

## CHAP. XI.

An act in addition to an act, entitled “An act establishing Courts of General Sessions of the Peace,” passed the third day of July, in the year of our Lord seventeen hundred and eighty-two.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the first day of September next, the Courts of General Sessions of the Peace in the several counties in this commonwealth, shall be holden by one chief, or first justice, and by so many associate justices as shall be hereinafter mentioned, and no more, for the several counties in said commonwealth, to be designated and appointed by the Governor, with the advice of Council, who shall issue commissions to them for that purpose, accordingly, instead of the same being holden by the justices of the peace of each county, and it shall be the duty of the justices appointed as aforesaid, to meet in their several counties, at the several times and places that now are or hereafter may be established by law for the holding of the several Courts of the General Sessions of the Peace.

Justices to be appointed.

SECT. 2. *Be it further enacted,* That the number of associate justices to be appointed and designated as aforesaid, for the several counties, shall be as follows, to wit: For the county of Suffolk, four; for the county of Essex, six; for the county of Middlesex, six; for the county of Worcester, six; for the county of Hampshire, six; for the county of Berkshire, four; for the county of Norfolk, four; for the county of Plymouth, four; for the county of Bristol, four; for the county of Barnstable, two; for the county of Dukes County, two; for the county of Nantucket, two; for the county of York, four; for the county of Cumberland, four; for the county of Oxford, four; for the county of Lincoln, four; for the county of Kennebeck, six; for the county of Hancock, six; and for the county of Washington, two.

Number of justices in each county.

SECT. 3. *Be it further enacted,* That the justices appointed as aforesaid, shall have all the powers and privileges, and do and perform all the duties that the Courts of General Sessions of the Peace now have and perform, in and by the act to which this is an addition. *Provided always,* that the justices to be appointed and designated as aforesaid, shall not be appointed or serve upon any committee for the

Powers and privileges.

Provided.

the laying out, altering or discontinuing any road or highway.

Compensation.

SECT. 4. *Be it further enacted*, That the justices appointed as aforesaid, and for the purpose aforesaid, shall receive for their service in said court, three dollars by the day, each, during their actual attendance on said courts, and for their travel to the said courts, the sum of two dollars for every ten miles travel, and in that proportion for a longer or shorter distance, to be paid out of the county treasury.

Further powers.

SECT. 5. *Be it further enacted*, That the said justices to be appointed as aforesaid, shall also have power to receive, examine, allow, and order to be paid out of the county treasury, any account, or so much thereof, as may to them appear reasonable, for services done in any prosecution, for any criminal offence, committed or prosecuted in any of said counties, where provision is not already made by law, for the payment of any such services.

SECT. 6. *And be it further enacted*, That whenever it shall happen that there is not a majority of said justices assembled at the time for holding the said court, any one or more of said justices shall have power to adjourn said court, until a quorum shall be assembled.

[This act passed June 19, 1807.]

## CHAP. XII.

An act to establish the Mashapog Turnpike Corporation.

Proprietors incorporated.

**BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Daniel Parker, George Gilbert, Thomas Danforth, Daniel Smith, Mason Cobb, John Morse, Lewis Morse, and Benjamin Richards, jun. together with such others as already have associated, or may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the Mashapog Turnpike Corporation, for the purpose of locating, making and keeping in good repair, a turnpike road, from Norton meeting house, in the county of Bristol, to the third school-house, (so called) in the town of Canton, in the county of Norfolk, on the most direct and convenient route; and for this purpose, shall have all the powers and privileges, and shall be subject to all the duties, requirements, and penalties.

ties, prescribed and contained in an act, entitled "An act defining the general powers and duties of Turnpike Corporations," passed the sixteenth day of March, in the year of our Lord one thousand eight hundred and five.

[This act passed June 19, 1807.]

### CHAP. XIII.

An act to incorporate Joseph Newell, Ebenezer Niles, Abner Gardner and others, for the purpose of building a Bridge across Mill Creek.

WHEREAS application hath been made to this court, for permission to build a bridge over Mill Creek (a branch of Neponset River) in the town of Dorchester, in the county of Norfolk, and it appearing that a bridge over said Mill Creek will be of public utility :

Preamble.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Joseph Newell, Ebenezer Niles, and Abner Gardner, together with their associates, successors, and assigns, be, and they hereby are made and constituted a corporation and body politic, by the name of the Proprietors of Commercial Point Bridge Corporation; and they hereby are made capable of suing, and being sued, and are and shall be entitled to all the privileges, and subjected to all the penalties of bodies corporate, for the purposes of building a bridge over said Mill Creek, from Leed's Neck, so called, to Barque Warwick Street, so called.

Persons incor-  
porated.

SECT. 2. *Be it further enacted,* That said bridge shall be constructed with a draw, eighteen feet in width, so that vessels of the largest size the water will admit, can conveniently pass through the same.

Draw.

SECT. 3. *Be it further enacted,* That the said Joseph Newell, Ebenezer Niles, Abner Gardner, and their associates, successors and assigns, are hereby authorized and empowered to make by-laws, for regulating, managing and governing the concerns of said corporation, and to make and use a common seal, and the same to alter and renew at their pleasure.

Corporation em-  
powered.

SECT. 4. *Be it further enacted,* That within three years from the passing of this act, said bridge shall be built, made convenient

convenient and safe, and at all times free of toll, and passable, for the accommodation of travellers.

SECT. 5. *Be it further enacted*, That the legislature of this commonwealth shall, at all times hereafter, have the right to repeal any part of this act, or to alter and amend it, so as to facilitate the passing up and down the said Mill Creek.

[This act passed June 19, 1807.]

#### CHAP. XIV.

An act to incorporate a number of the inhabitants of the town of Dorchester, in the County of Norfolk, into a religious society, by the name of the Second Parish in Dorchester.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That James Baker, Samuel Withington, Joseph Clap, Ebenezer Withington, Samuel Temple, Stephen Badlam, Edmund Baker, Samuel Richards, John Preston, Isaac Howe, jun. Joseph Clap, jun. Ebenezer Davenport, Ather-ton Tucker, John Hawes, Stephen Pierce, John Capen, jun. Nathaniel Swift, Joseph Tolman, Isaac Withington, Joseph Arnold, Robert P. Tolman, Edward Withington, Harry Smith, Samuel Capen, jun. Abel Wheelock, John Capen, 3d, Thomas Crehore, James Robinson, Stephen Robinson, William Walker, Spencer Walker, William Walker, jun. Joshua Glover, Charles P. L. Peircivall, Richard Trow, Edward Haynes, William Cox, Isaac Crane, Benjamin Simmons, Lemuel Shepard, Benjamin Burrill, Henry K. Bailey, Ezra Badlam, John Bussey, Mary Davenport, Samuel Leeds, jun. Mary Ingerfol, Samuel K. Spurr, Abigail Leeds, John Nightingale, Ezekiel Holden, Enclid Tileston, Patience Badlam, Benjamin D. Tolman, Joseph Thompson, Samuel Williams, Cyrus Brewer, Silas Eaton, William N. Baker, John Barton, Thomas Briggs, Jonathan Pierce, Alexander Pierce, Samuel Bridge, Luther Smith, Anna Blake, Benjamin Pierce, William Turner, Joseph Spear, Marvel Thayer, Thomas Tolman, Lemuel Pratt, Daniel Tower, Absalom Herring, Samuel Franklin, James Kilton, Nathaniel Newman, Reuben Blake, Griffin Child, William Fox, John Capen, 7th, Daniel Leeds, William Humphrey, Joshua Pierce, Thomas Bussey, Barnabas Lothrop, Daniel Wheelock, David



David Johnson, Eleazer Bispham, Phinehas H. Mosley, Thomas Danforth, jun. Edward Capen, Edward Sharp, Jeduthun Onthank, Thaddeus Stetson, William Dorri, Grizel Dolbeare, Relief Vincent, Elizabeth Tolman, Oliver Jordan, David Spear, Elizabeth Robinson, Samuel Withington, jun. Ellis Thayer, George Baker, Thomas Jones, Henry Cox, Ezekiel Tileston, James Tolman, Luke Trott, Edmund Tileston, Mark Hollingsworth, Deborah Trescott, William Trescott, John Capen, Joshua Jones, Simeon Howe, Josiah Randall, Spencer Goding, Edward Simmons, Bethuel Allen, Sarah Henly, William Henly, Jonas Johnson, Ebenezer Capen, Lewis Leafh, Isaac N. Field, James McIntosh, Samuel B. Pierce, John Mellish, Ebenezer V. Lyon, Lemuel Withington, Abraham Pierce, Zenas Eaton, Samuel B. Lyon, John Baker, Mary Jones, John Capen, 4th, Thomas Lyon, Jane Baker, William Tolman, Elizabeth Williams, Mary Robinson, Jane Withington, Daniel Withington, Ebenezer D. Tileston, Abraham Wheeler, Jonathan Pierce, jun. Ebenezer Clap, Samuel Leeds, 3d, Joseph Foster, Samuel Leeds, Samuel Topliff, jun. Thomas Tileston, Sarah Soren, John Johnston, William Bridges, Abigail M. Daniels, Abigail Baker, Elizabeth Janes, Benjamin Hichborn, John White, jun. Clarissa Kent, Mary Fowler, Elizabeth Tileston, the petitioners, with such other inhabitants of said town of Dorchester, as shall desire to unite with them, and signify the same to the Clerk of said town, at any time previous to the first day of May next, be, and hereby are incorporated into a religious society, by the name of the Second Parish in Dorchester; with all the privileges, powers, and immunities, to which other religious societies in this Commonwealth are entitled by law.

SECT. 2. *Be it further enacted*, That the polls and estates Taxable, of all such persons who become members of said second parish, and what they shall respectively hold, or occupy, on the first day of May annually, in said town, shall be taxable in said second parish, and in that only, for parochial purposes.

SECT. 3. *Be it further enacted*, That any of the members belonging to the first parish, in said Dorchester, or that may hereafter belong to said second parish, desiring to change their relation from one parish to the other, shall have full right and liberty so to do, with their polls and estates, at any time within one year from the passing of this act of incorporation of said second parish: *Provided*, they shall signify the same in writing, to the Clerk of said town of Members at liberty to change parishes. Provido, Dorchester,

Dorchester, and Clerk of said second parish; and they shall be recorded by said Clerks accordingly.

Description of  
persons who  
may join.

SECT. 4. *Be it further enacted*, That all young persons in said town, when they attain to the age of twenty-one years, and all persons who may hereafter settle within the limits of the same, and shall desire to join the second parish afore-said, shall have full liberty so to do, at any time within twelve months from the time they attain to such age, or from the time of such settlement, with their polls and estates, by signifying their desire in writing, to the Clerk of said town, and Clerk of said second parish.

Income and  
property to be  
divided.

SECT. 5. *Be it further enacted*, That the income of the ministerial land, so called, which was given and set off, for the use and maintenance of the ministry, and the income of all other ministerial land and property, which shall be used for the support and payment of the minister or ministers of the gospel, in the town, shall be annually divided between the first parish, and said second parish, in proportion as the members of each parish, collectively, bear to each other, in the State tax, which shall be assessed from time to time, to be annually compared and ascertained by the assessors of both parishes, and to be drawn from the town treasury accordingly.

Non-resident  
estates.

SECT. 6. *Be it further enacted*, That all ministerial taxes assessed and raised within the town, on estates belonging to non-residents, shall be divided between the first parish and the said second parish, in the ratio established for the division of the income of the ministerial lands and funds.

Parish to draw  
from the Treas-  
ury for a time.

SECT. 7. *Be it further enacted*, That the members of said second parish shall draw from the town treasury for the use of their society, their proportion of the amount of the ministerial income and taxes, according to their assessments, when compared with the other part of the town, reckoning from the first day of May last, until they shall be enabled to assess themselves, under the act of incorporation.

And whereas, it is represented to this Court, that the South Meeting-House in said Dorchester, was erected to accommodate the members of said second parish, for a place of public worship:—

Proprietors au-  
thorized to con-  
vey.

SECT. 8. *Be it therefore enacted*, That the proprietors of said house, and land thereto belonging, be authorized and empowered, by a committee chosen at a legal meeting, called for that purpose, to convey the same to the said second parish, under such regulations and conditions as they may agree

agree upon, reserving to individuals the pews owned and held by them respectively.

SECT. 9. *Be it further enacted*, That the said second parish be authorized and empowered, with the consent and agreement of the proprietors of said Meeting-House, or pews in the same, first being obtained at a legal meeting, to raise by assessments, on said pews, from time to time, such sums of money as may be necessary for the support or payment of the salary of the minister, or ministers of the gospel, and other parochial expenses; or such part thereof, as may be agreed upon by the proprietors as aforesaid, to be proportioned according to the original valuation of said pews, made previous to the sale thereof by a committee. And if any proprietor or proprietors of a pew, shall neglect to pay any assessments, which shall be made as aforesaid, for sixty days after the time appointed for the payment thereof, the treasurer of said second parish shall be authorized to sell all the estate and interest of any such delinquent proprietor in said Meeting-House, at public auction, first giving notice of the time and place of sale, fourteen days at least, before the time of sale, by posting up a notification at the east door, and one at the west door, of said Meeting-House. And upon such sale, to execute a good and sufficient deed, or deeds, to the purchaser, or purchasers; and after deducting the amount of said assessments, together with all the incidental charges, the said treasurer shall pay the surplus, if any there be, to such delinquent proprietor; or the said treasurer may lease the same, if found more expedient, under the same regulations and restrictions, for such time as shall produce the amount of such assessments, and charges, and execute a lease accordingly.

Parochial expenses to be raised by assessments.

Delinquents.

SECT. 10. *And be it further enacted*, That a meeting of the said second parish, shall be holden at said South Meeting-House, on the first Monday of July next, at two of the clock, in the afternoon, for the purpose of choosing a Clerk and other Officers, and exercising such other powers as are provided by an act for regulating parishes and precincts, and the officers thereof, passed June the twenty-eighth, one thousand seven hundred and eighty-six, and to agree upon a method of calling meetings of the parish in future.

Time of holding first meeting.

[This act passed June 19, 1807.]

## CHAP. XV.

An act, annexing a part of Plantation Number One, in the county of Oxford, commonly known by the name of Thomfontown, to the town of Hartford, in said county.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That a part of said Plantation number One, together with the inhabitants thereon, as described within the following bounds, be, and hereby are annexed to, and made a part of said town of Hartford, viz:—Beginning at the north-east corner of said Hartford; thence south, eighty-one degrees east, one hundred and seventy-six rods, to a tree, marked on the line of the town of Livermore; thence north, four hundred and thirty-seven rods, on said line of Livermore, to the town of Jay; thence south, seventy degrees west, two miles, one hundred and eighty rods, to the northerly line of Hartford; thence westerly, on said northerly line of Hartford, about seventy rods, to the line of said number One; thence north, nineteen degrees west, three miles, to the corner of Fox's Grant, so called; thence south, forty-five degrees west, one mile and eighty rods, to a hemlock tree, marked; thence north, forty-five degrees west, one hundred and forty rods, to a beech tree, marked; thence south, forty-five degrees west, two miles and one hundred and eighty-five rods, to said northerly line of Hartford; thence south, sixty-five degrees east, one hundred rods, on said Hartford line; thence south, eighty-one degrees east, on said Hartford line, five miles, two hundred and eighty rods, to the bounds first mentioned; and the said inhabitants, hereby annexed to the town of Hartford, shall be entitled to all the privileges, and subject to the same duties and requisitions as the other inhabitants of the said town, according to the constitution and laws of this Commonwealth, and in as ample a manner as if they had been originally a part of the said town of Hartford.

[This act passed June 20, 1807.]

## CHAP. XVI.

An act for fixing the time and place of holding the Courts of Common Pleas, in the county of Dukes County.

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

*same*, That from and after the passing of this act, the Court of Common Pleas, within and for the county of Dukes County, shall be holden at Edgartown, on the third Tuesday of May, and on the first Tuesday of November, annually; and that all actions, appeals, recognizances, or other process, that now are, or that may hereafter be commenced, or sued out, and returnable to the term of said Court, which, before the passing of this act, was to be holden at Tisbury, within and for the county of Dukes County, on the last Tuesday of October next, shall be returnable to, entered, prosecuted, tried, determined, and adjudged, at the term of said Court to be holden by virtue of this act, at Edgartown, on the first Tuesday of November next.

SECT. 2. *Be it further enacted*, That all laws heretofore made, establishing or altering the times and places of holding the Courts of Common Pleas, within and for the county of Dukes County, be, and the same are hereby repealed. [This act passed June 20, 1807.]

Laws repealed.

## CHAP. XVII.

An act to alter the names of certain persons therein named.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, John Hayward, of Boston, in the county of Suffolk, student at law, shall be allowed to take the name of John White Hayward; that Jonathan Sprague, of Boston, aforesaid, physician, shall be allowed to take the name of John Sprague; that John Wheelwright, of Boston, aforesaid, merchant, be allowed to take the name of John Hall Wheelwright; that M'Gregory Bumside, of Andover, in the county of Essex, shall be allowed to take the name of Samuel M. Bumside; that Habijah Weld Fuller, of Augusta, in the county of Kennebeck, attorney at law, be allowed to take the name of Henry Weld Fuller; that Charles Vose, of Gardner, in said county of Kennebeck, merchant, be allowed to take the name of Robert Charles Vose; that Benjamin Tucker, of Dartmouth, in the county of Bristol, merchant, be allowed to take the name of Benjamin Ricketson Tucker. And said persons shall in future be respectively known and called by the names which they are respectively allowed to take

Names altered.

as aforesaid, and the same shall hereafter be considered as their only proper names, to all intents and purposes.

[This act passed June 20, 1807.]

## CHAP. XVIII.

An act respecting the offices and duties of the Attorney-General, Solicitor-General, and County Attornies.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of September next, the Attornies for the Commonwealth, in the several counties, shall be appointed, commissioned and sworn, in the same manner as the Attorney-General and Solicitor-General are; and it shall be the duty of the said County Attornies, within their proper counties, to appear and act in behalf of the Commonwealth, and of their said counties respectively, in all cases in which the Commonwealth or a County may be a party, in the Courts of Common Pleas, the Municipal Court, and the Supreme Judicial Court, in the absence of the Attorney-General and Solicitor-General, and in such other prosecutions in behalf of the Commonwealth, as may be pointed out to them by instructions from the Attorney-General, or Solicitor-General; Provided, that the Attorney-General, when present, and, in his absence, the Solicitor-General, if present, shall, in any court, have the direction and controul of prosecutions and suits in behalf of the Commonwealth; and, provided also, that nothing herein contained, shall be construed to excuse the Attorney and Solicitor-General from attending to their official duties, as heretofore, in the Supreme Judicial Court.*

SECT. 2. *Be it further enacted, That no Attorney-General, Solicitor-General, or County-Attorney, shall receive any fee or reward, from or in behalf of any prosecutor, for services in any prosecution to which it shall be his official duty to attend, or, during the pendency of such prosecution, be concerned, as counsel or attorney for either party, in any civil action depending on the same facts.*

[This act passed June 20, 1807.]

County Attornies to be appointed by the Legislature.

Provido.

—To receive no private reward for public service.

## CHAP. XIX.

An act authorizing the sale of the School Lands in the town of Buckstown, to raise a fund for the support of Schools in said town, and for appointing trustees for these purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Caleb B. Hall, Ephraim Goodale, Abner Curtis, Stephen Peabody, Mood Pilbury, Jonathan Buck, and Daniel Buck, be, and hereby are appointed trustees, to sell at auction, the School Lands in the said town of Buckstown, and put out at interest the monies arising from such sale, in manner hereinafter mentioned: And for that purpose,

Trustees appointed.

SECT. 2. *Be it further enacted,* That the said trustees be, and they hereby are incorporated into a body politic, by the name of The Trustees of the Buckstown Schools, in the county of Hancock: And they and their successors shall be, and continue a body politic and corporate by that name forever; and they shall have a Common Seal, subject to alteration at their pleasure, and they may sue and be sued in all actions, real, personal, or mixed, and prosecute and defend the same to final judgment and execution by the name aforesaid.

—Incorporated.

SECT. 3. *Be it further enacted,* That the said trustees and their successors shall annually elect a president, and clerk to record the doings and transactions of the trustees at their meeting, and a treasurer, to receive and apply the monies hereinafter mentioned, as hereinafter directed, and any other needful officers for the better managing their business.

—To elect president and clerk.

SECT. 4. *Be it further enacted,* That the number of trustees shall not, at any one time, be more than seven, nor less than five; any five of their number to constitute a quorum for transacting business; and they shall, and may, from time to time, fill up vacancies in their number, which may happen by death, resignation, or otherwise, from the inhabitants of said town; and shall have power to remove any of their number who may become unfit and incapable from age, infirmity, misconduct, or any other cause of discharging their duty, and supply vacancies so made by a new choice from the town aforesaid; and the said trustees shall annually hold a meeting in March or April, and as much oftener as shall be found necessary to transact their necessary

—Number limited.

—Empowered to fill vacancies.

fary

fary business, which meetings after the first, shall be called in such a way and manner as the trustees shall hereafter direct.

SECT. 5. *Be it further enacted*, That Caleb B. Hall, Esq, be, and he hereby is authorized to fix the time and place for holding the first meeting of the trustees, and to notify each trustee thereof.

SECT. 6. *Be it further enacted*, That the said trustees be, and they hereby are authorized to sell and convey, in fee simple, all the School Lands belonging to said town, and to make, execute, and acknowledge, a good and sufficient deed or deeds thereof, which deed or deeds, subscribed by the name of their treasurer, by direction of said trustees, with their seal thereto affixed, shall be good, and effectual in law to pass and convey the fee simple from said town to the purchaser, to all intents and purposes whatsoever.

—Authorized  
to convey lands.

SECT. 7. *Be it further enacted*, That the monies arising from the sale of said lands, and for the use of schools in said town, shall be put to use as soon as may be, and secured by mortgage of real estate, to the full value of the estate sold, or money loaned, or by two or more sufficient sureties with the principal, unless the trustees shall think it best to invest the same in public funded securities, or Bank stock, which they may do.

Appropriation  
of monies.

SECT. 8. *Be it further enacted*, That the interest arising from said funds shall be annually appropriated for the use of public schools in said town; and it shall never be in the power of said town to alter or alienate the appropriation of the fund aforesaid.

—Of the in-  
terest.

SECT. 9. *Be it further enacted*, That the treasurer of the trustees shall give bonds faithfully to perform his duty, and to be at all times responsible for the faithful applications and appropriation of the monies that may come into his hands, conformable to the true intent and meaning of this act, and for all negligence, or misconduct of any kind in his office.

Treasurer to  
give bonds.

SECT. 10. *Be it further enacted*, That the trustees, or their officers, for the service they may perform, shall be entitled to no compensation out of any monies arising from the fund aforesaid; but a reasonable compensation shall be paid them by the town aforesaid.

Trustees com-  
pensated.

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

—To exhibit  
annual state-  
ments.

SECT.



SECT. 12. *Be it further enacted*, That the said trustees, and each of them, shall be responsible to the town for their personal negligence or misconduct, whether they be officers or not, and liable to a suit for any loss or damage arising thereby; the debt or damage recovered in such suit, to be for the use aforesaid. —To be responsible.

[This act passed June 20, 1807.]

## CHAP. XX.

An act for establishing a corporation, by the name of the Newburyport Academy.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Joshua Carter, Daniel Dana, James Morfe, Richard Pike, Edward Rand, Thomas M. Clark, Samuel A. Otis, Jonathan Gage, William Woart, Edward St. Loe Livermore, together with such persons as are, or hereafter may be associated with them, and their successors, shall be a corporation by the name of the Newburyport Academy, and by that name may sue and be sued, plead and be impleaded, and may have a common seal, and may purchase and hold real estate, provided the same shall not exceed thirty thousand dollars in value, exclusive of any buildings for the immediate use of said Academy, and may establish a fund for the use of said Academy, provided the annual income shall not exceed ten thousand dollars, and may, at any legal meeting, make and establish rules, orders, and by-laws, for the well ordering and governing the affairs of said corporation, *Provided* the same are not repugnant to the laws of this Commonwealth; and may annex penalties for the breach of any such rules, orders, and by-laws, provided the same shall not exceed five dollars; and said corporation are hereby vested with all the powers necessary for carrying into effect the purposes of this act. Persons incorporated.

SECT. 2. *Be it further enacted*, That the property of the said corporation shall be divided into fifty shares, and the proprietors of such shares, at any legal meeting, may by vote determine the disposition or appropriation of the property of said corporation, and may make assessments upon the shares for the use of said corporation, and the same collect in such way and manner as may at such meeting be agreed upon, and all votes shall be determined by a majority Property divided in shares.

Delinquents.

Appropriation.

ity of the voters present, counting one vote for each share ; provided no one member shall have more than five votes ; and the share or shares of any proprietor, who shall be delinquent in paying any assessment, may be sold at auction for the payment thereof, by the person appointed to collect the same, giving fifteen days notice in some public newspaper printed in Newburyport, of the time and place of sale, and after paying the assessment and all the necessary incidental charges, the overplus money, if any arising from the sale, shall be paid to the delinquent proprietor, and the shares in said corporation shall be deemed personal estate, and not real ; and shall be so distributed, in case of the death of any proprietor, and shall be liable to attachment, and payment of debts, in the same way and manner which is provided for by the " Act directing the mode of attaching on mesne process, and selling by execution shares of debtors in incorporated companies," and the proprietors may establish the manner of transferring the shares in said corporation.

SECT. 3. *Be it further enacted*, That said corporation may choose and appoint all such necessary officers as by their by-laws they may establish for such term of time.

First meeting to be called.

SECT. 4. *Be it further enacted*, That Joshua Carter, Esq. be empowered to call the first meeting of said proprietors, by giving at least fifteen days notice by advertising in the Newburyport Herald, and no vote of the proprietors, at any meeting shall be deemed valid, except the subject matter thereof be inserted in the notification for calling the meeting.

[This act passed June 20, 1807.]

## CHAP. XXI.

An act to establish the times and places for holding the Courts of General Sessions of the Peace, within and for the several Counties in this Commonwealth, and for repealing all laws heretofore passed for that purpose.

Laws repealed.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all laws heretofore made and passed, for fixing the times and places for holding the Courts of General Sessions of the Peace, within and for the several counties in this commonwealth, shall be, and the same are hereby

hereby repealed, from and after the first day of September next, at which time this act is to operate and be in force.

SECT. 2. *And be it further enacted*, That the Courts of General Sessions of the Peace, to be holden within and for the several counties in this commonwealth, shall be holden at the several times and places hereafter mentioned, that is to say : Suffolk—within and for the county of Suffolk, at Boston, on the first Tuesday of January, the third Tuesday of April, the first Tuesday of July, and on the first Tuesday in October. Essex—for the county of Essex, at Ipswich, on the second Tuesday of April, and on the second Tuesday of October. Middlesex—for the county of Middlesex, at Cambridge, on the first Tuesday of January, and at Concord, on the third Tuesday of September. Worcester—for the county of Worcester, at Worcester, on the second Tuesday of March, and on the second Monday of September. Hampshire—for the county of Hampshire, at Northampton, on the third Monday of January, and on the Monday next after the fourth Monday in August. Berkshire—for the county of Berkshire, at Lenox, on the fourth Monday of August, and the last Monday in December. Norfolk—for the county of Norfolk, at Dedham, on the fourth Monday of April, and on the third Monday in September. Plymouth—for the county of Plymouth, at Plymouth, on the third Tuesday of March, and the first Tuesday in August. Bristol—for the county of Bristol, at Taunton, on the fourth Wednesday of March, and the fourth Wednesday of September. Barnstable—for the county of Barnstable, at Barnstable, on the last Tuesday of March, and on the third Tuesday in September. Dukes County—for the county of Dukes County, at Edgartown, on the third Tuesday of May, and on the first Tuesday of November. Nantucket—for the county of Nantucket, at Nantucket, on the Tuesday next preceding the last Tuesday of March, and on the first Tuesday of October. York—for the county of York, at York, on the Thursday next preceding the third Monday in April ; at Alfred, on the Thursday next preceding the second Monday in September. Cumberland—for the county of Cumberland, at Portland, on the fourth Tuesday of March, and the first Tuesday in September. Lincoln—for the county of Lincoln, at Warren, on the Monday next following the second Monday of January ; at Wiscasset, on the Monday next following the second Monday of May ; at Topsham, on the Monday next following the

Time & places  
of holding  
courts.

Proviso.

the fourth Monday in August. Kennebeck—for the county of Kennebeck, at Augusta, on the last Tuesday of April, and the first Tuesday in December. Oxford—for the county of Oxford, at Paris, on the third Tuesday of March, and on the first Tuesday of September. Hancock—for the county of Hancock, at Castine, on the second Tuesday of May, and the third Tuesday in November. Washington—for the county of Washington, at Machias, on the third Tuesday in August. *Provided nevertheless*, that the day of the week on which any of the said courts are respectively to be holden as aforesaid, may, in all judicial proceedings, from time to time, be designated and expressed, by such day of the week in the month, as will be the day on which any court is to be holden, pursuant to the foregoing arrangements.

Parties to appear.

SECT. 3. *Be it further enacted*, That all complaints, warrants, venires, summonses, capias attachment, of what name or nature soever, and all matters and things, after this act shall be in force, be returned to, entered at the several Courts of General Sessions of the Peace, at the times and places heretofore by law appointed; and all parties and persons that may be required or directed to appear and attend, after that time, at the aforesaid times and places; and all processes, matters, suits, or complaints, that may be pending in any of said courts, at the time when this act shall take place and be in force, shall be returned to, entered, appear and attend, have day, be tried and determined, in the said Courts of General Sessions of the Peace, at the respective times and places fixed and established for holding the said courts, according to the true intent and meaning thereof.

Limitation.

SECT. 4. *Be it further enacted*, That this act shall be in force from and after the first day of September next.

[This act passed June 20, 1807.]

## CHAP. XXII.

An act in addition to an act, entitled “An act to incorporate the Trustees of Phillips Academy, in Andover.”

Preamble.

WHEREAS, the trustees of Phillips Academy have petitioned this court for liberty to receive and hold donations of charitably disposed persons, for the purpose of a theological institution, and in furtherance of the designs of

of the pious founders and benefactors of said academy. And whereas it is reasonable that the prayer should be granted :

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said trustees of Phillips Academy, be, and they are hereby empowered, to receive, purchase and hold, for the purposes aforesaid, real and personal estate, the annual income whereof shall not exceed five thousand dollars, in addition to what they are now allowed by law to hold, *provided*, the income of the said real and personal estate, be always applied to said objects, agreeably to the will of the donors, if consistent with the original design of the founders of the said academy.

Property vested.

[This act passed June 20, 1807.]

### CHAP. XXIII.

An act to regulate the Alewife fishery in the town of Bristol, in the county of Lincoln.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That it shall and may be lawful for the town of Bristol, in the county of Lincoln, annually, at any legal meeting of the inhabitants of said town, to sell or otherwise dispose of the privilege of taking the fish called Alewives, in any river or place within the limits of said town, not exceeding three days in each week, under such regulations as the said town shall direct ; and the emolument arising from said privilege shall be appropriated by said town to such purposes and use as the inhabitants thereof shall in town meeting from time to time determine.

Privilege granted.

SECT. 2. *And be it further enacted,* That if the purchaser or purchasers, manager or managers of the said privilege, or those employed by them, shall presume to take any of the said fish at any other time or place in said town, than shall be determined by said town ; and if any other person whatever shall presume to take or catch any of said fish in any river or stream within the boundaries of said town, without permission from the inhabitants thereof in legal town meeting ; he or they so offending, shall for each offence, forfeit and pay a sum not exceeding thirteen dollars,

Penalty.

lars, nor less than one dollar, at the discretion of the justice before whom the offence shall be tried.

SECT. 3. *And be it further enacted*, That the said town of Bristol shall, at their annual meeting in March or April, choose a committee, not exceeding seven, nor less than three freeholders of said town, who shall be sworn or affirm to the faithful discharge of the duties enjoined upon them by this act; and it shall be the duty of the said committee to cause the natural course of the rivers or streams, through which the said fish shall pass, to be kept open and without obstruction during the whole time the said fish pass up and down said rivers or streams in each year, and remove any such obstruction as shall be found therein; and the said committee, or a majority of them, in the discharge of their duty, shall be permitted at all times, to go upon and pass over the lands of any person through or by which said rivers or streams run, without being considered as trespassers, and any person who shall hinder or molest the said committee in the business of his or their office, or shall obstruct any passage way in any of the said rivers or streams otherwise than may be permitted by said committee, or a majority of them, he or they so offending, shall forfeit and pay for every such offence, a sum not exceeding thirteen dollars, nor less than one dollar, at the discretion of the justice before whom the same shall be tried: *Provided nevertheless*, that nothing in this act shall be considered as authorizing the said committee to injure the proprietor of any lands, mills, or water works, further than is necessary to give the said fish a good and sufficient passage up and down the rivers and streams aforesaid.

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

SECT. 5. *And be it further enacted*, That all the penalties incurred by any breach of this act shall be recovered by an action on the case, or by an action of debt, before any justice of the peace within and for the county of Lincoln, allowing an appeal to the next Court of Common Pleas to be

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

[This act passed June 20, 1807.]

## CHAP. XXIV.

An act to establish the Sturbridge and Western Turnpike Corporation.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Abijah Brown, Samuel Blair, Joseph Field, Daniel Hodges, Jedediah Marcy, Edward Morris, Daniel Morfe, Timothy Newell, Oliver Plimpton, Gershom Plimpton, jun. Harvey Sessions, Alpheus Wright, David Wright, jun. and Thomas Upham, together with such others as already have, or may hereafter associate with them, their successors, or assigns, be, and they are hereby made a corporation, by the name of the Sturbridge and Western Turnpike Corporation, for the purpose of laying out, making, and keeping in good repair a turnpike road, from the line of the State of Connecticut, in the best direction through a corner of Dudley to Sturbridge, by the meeting house of the Poll Parish, standing near the dwelling house of the late Colonel Benjamin Freeman, thence to, or near the Baptist meeting house in Sturbridge, thence to the centre meeting house in Sturbridge, and from thence, so as to meet, and connect with the turnpike road in Western.

Persons incorporated.

SECT. 2. *And be it further enacted,* That Salem Towne, Abner Brown, and Benjamin Drury, Esquires, be, and they are hereby appointed a committee to locate the said road, and to fix and mark the same, in the course before described, at their discretion. And in case there should be any obstructions from buildings or other causes, which may prevent a straight line, the said committee shall in such case, have power so to vary the line as to avoid such obstructions, provided that the said road shall not be less than three rods wide in any part thereof. And the said committee are hereby empowered to assess such damages, as any individual may sustain, by reason of laying out and making said road,

Committee appointed.

—Empowered.

road, when the corporation and such individual cannot agree, reserving to either party the right of trial by jury, according to the law, which provides for the recovery of damages, accruing by laying out of public highways; and when the said committee have completed their business, they shall make return to the next Courts of General Sessions of the Peace, to be holden in the counties of Worcester and Hampshire, of the courses and distances, and the damages assessed in each county; which shall have the same effect, as though the same had been done by the committee appointed by said courts, for the same purposes; and that the expence of the said committee shall be paid by the said corporation.

—To make return.

[This act passed June 20, 1807.]

## CHAP. XXV.

An act to set off Jonas Bartlett and Jonas Bartlett, jun. from the town of Marlboro', and to annex them to the town of Northboro'.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Jonas Bartlett, and Jonas Bartlett, jun. with their families and estates, be, and they are hereby set off from the town of Marlboro', in the county of Middlesex, and annexed to the town of Northboro', in the county of Worcester, by the following described lines, viz. Beginning at a stake on the line between the said towns of Marlboro' and Northboro', at the northwest corner of the meadows belonging to Colonel Luke Drury, thence east forty-one degrees north, forty-two and an half rods to the northeast corner of said meadow, thence north six degrees east, one hundred and eleven rods, to a stake and stones on the southerly side of a town way, thence west, five degrees north, nine rods, thence west, thirty-four degrees north, thirty rods, thence west, twenty-six degrees north, sixty-three rods, thence west, thirty-five degrees north, twenty-eight rods, thence west, forty-three degrees north, ninety rods, to a heap of stones, thence west, thirty degrees north, twenty-seven rods, to a stake and stones, on the east line of the town of Northboro'. And the said families and estates, hereby annexed to the said town of Northboro', shall hereafter be considered inhabitants of the said town, and

Persons set off.



and shall there exercise and enjoy all their civil rights and privileges, and shall also be subject to all their civil duties and requisitions, in like manner with the other inhabitants of the said town. *Provided however*, that the said Jonas Bartlett and Jonas Bartlett, jun. shall be holden to pay their due proportion of all money granted, or which may be granted by the said town of Marlboro', prior to the passing of this act.

*Provided also*, that any person having heretofore gained a habitancy on the said land, and who may hereafter become a town charge, shall receive their support in and from the said town of Northboro'. *And it is further provided*, that the said inhabitants with their lands hereby annexed to the said town of Northboro', shall hereafter be considered as belonging to the county of Worcester, and the line hereinbefore described shall be, so far as relates to this act, the boundary line between the counties of Middlesex and Worcester.

SECT. 2. *And be it further enacted*, That there shall be taken two cents from the town of Marlboro', in the State valuation, and added to the town of Northboro', which shall be the rule for assessing the said towns for state and county taxes, until there shall be a new state valuation taken.

*Proviso.*  
*Future rule of assessment.*

[This act passed June 20, 1807.]

## CHAP. XXVI.

An act in addition to an act, entitled "An act incorporating certain persons in the towns of Lenox, Lee, Stockbridge and Pittsfield, in the county of Berkshire, by the name of the Protestant Episcopal Society of Lenox," and to annex certain other persons thereto.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Joseph Abby, John Atkins, Ichabod Benton, Jeremiah Buck, Samuel Cooper, John Dove, Benjamin Hamilton, Hezekiah Hays, Joseph Holland, John Lumley, Amos Mansfield, Joseph Randall, David Savage, Allen Smith, Pryphena Stone, and William Wells, all of Stockbridge; Salmon Andrews, Abel Avery, Daniel Butler, Jethro Butler, jun. Daniel Collins, Stephen Cruttenden, Samuel Palley, jun. Samuel Gray, Edward Hatch, David Hubby,

*Persons set off.*

by, Moses Merwin, Calvin Perry, Daniel Polley, Joseph Presby, Calvin Sears, Asahel Sprague, Oliver Stedman, Henry Taylor, Joseph Tucker, Ira Warrener, Warren Warrener, John Whitlock and Daniel Williams, jun. all of Lenox; and Hannah Hubby, of Pittsfield, together with their families and estates, be, and they are hereby annexed to the Protestant Episcopal Society of Lenox, for parochial purposes only. And the several persons before named, shall hereafter be exempted from taxes for the support of the minister, in the several towns where they now dwell, so long as they continue members of the said Episcopal society. And the said several persons hereby annexed to the said society shall, with the other members, be equally entitled to all the privileges, and shall also be subject to all the duties and burthens of the said society, and shall in all respects be considered as members of said Episcopal society, in as full and ample a manner, as if they had been originally incorporated therewith.

**SECT. 2.** *Be it further enacted,* That any person, in either of the towns aforesaid, who may desire to join said Episcopal society, and shall declare such intention in writing, to be delivered to the clerk of the town, where he or she may reside, and also a copy of the same, to the clerk of the society, with which such person has been connected, before the first day of March, and shall produce a certificate, signed by the minister or wardens of said Episcopal society, that such person has united with said society, such person shall, from and after the date of such certificate, be considered with his or her polls and estate, a member of said Episcopal society.

**SECT. 3.** *And be it further enacted,* That when any member of the said Episcopal society shall see cause to leave the same, and to unite with any other religious society in the town where he or she may dwell, shall give notice of such intention in writing to the clerk of the town, and copies of the same to the clerk of the said Episcopal society, and to the clerk of the society with which such person desires to join, and shall produce a certificate, signed by the minister or clerk of such society, that such person has united with the said society, such person shall, from the date of such certificate, be considered, with his or her polls and estate, a member of said society: *provided however,* that in all such cases as may happen under the provisions of the second and third sections of this act, any and every person leaving a society, and uniting with another, such person shall always be holden

Conditions of  
joining the so-  
ciety.

In case of leav-  
ing and joining  
another.

Provid.

holden to pay his or her proportion of all parish or society expenses in the society, with which such person had been formerly connected, assessed and not paid, previous to leaving one society and joining to another as aforesaid.

[This act passed June 20, 1807.]

## CHAP. XXVII.

An act to incorporate the township number Five, in the third range of townships north of the Waldo Patent, in the county of Kennebeck, into a town by the name of Palmyra.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the township numbered Five, in the third range of townships lying north of the Waldo Patent, and between the east and west branches of Sabestekook river, as described within the following boundaries, be, and hereby is incorporated into a town by the name of Palmyra, viz:—Bounded easterly by township number Four in the same range, northerly by township number Five in the fourth range, north of the Waldo Patent, in part, and partly by township number Three in the first range of townships north of the Plymouth claim, westerly by the township last mentioned in part, and partly by the Plymouth claim, and southerly by the Plymouth claim in part, and partly by township number Five in the second range north of the Waldo Patent. And the said town of Palmyra is hereby vested with all the powers and privileges, and subjected to the like duties and requisitions of the other towns, according to the constitution and laws of this Commonwealth.

Town incorporated.

SECT. 2. *And be it further enacted,* That either of the Justices of the Peace, for the county of Kennebeck, is hereby authorized to issue his warrant, directed to an inhabitant of the said town of Palmyra, requiring him to notify and warn the inhabitants thereof to meet at such convenient time and place as shall be appointed in said warrant, for the choice of such officers as towns are by law required to choose, at their annual town meetings.

Justice to issue warrant.

[This act passed June 20, 1807.]

## CHAP. XXVIII.

An act to annex an unincorporated tract of land, called the "Mile and a half Strip," to the town of Cornville, in the county of Kennebeck.

Tract of land  
annexed to  
Cornville.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a certain tract of land lying between the towns of Cornville and Canaan, called the Mile and a half Strip, and bounded as follows, to wit:—Beginning at a stake, on the present south west corner of said Cornville, and on the northerly line of the Plymouth patent; thence southerly on the easterly line of Madison, to the north line of Canaan; thence easterly on the said north line of Canaan, six miles, to a stake and stones; thence northerly to the present southeast corner of said Cornville; and thence westerly to the first mentioned bounds, with the inhabitants thereon, be, and hereby are annexed to, and made a part of the town of Cornville aforesaid.*

[This act passed June 20, 1807.]

## CHAP. XXIX.

An act to allow a further time to the proprietors of the Sheffield and Tyingham Turnpike Corporation to complete their road.

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

[This act passed June 20, 1807.]

## CHAP. XXX.

An act to set off Benjamin Killoran, from the town of Warren, and to annex him to the town of Cushing.

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

*the same*, That Benjamin Killeran, of Warren, in the county of Lincoln, with his family and estate, be, and he is hereby set off from the said town of Warren, and annexed to, and shall in future be considered an inhabitant of the town of Cushing, in the same county of Lincoln.

*Provided nevertheless*, That the said Benjamin Killeran Provided shall be holden to pay all taxes already assessed upon him and his said estate in the town of Warren aforesaid.

[This act passed *June 20, 1807.*]

### CHAP. XXXI.

An act to incorporate fundry persons into a company, by the name of the Proprietors of the Exchange Coffee-House.

WHEREAS, fundry persons, proprietors of an Preamble estate situate in Boston, (bounded northerly partly on a court, and partly on land of Andrew Dexter, jun. there measuring ninety-six feet, easterly on Congress-street, there measuring eighty-seven feet; southerly, partly on land of the heirs of Richard Salter, and partly on the estate of Driscoll and Wall, there measuring one hundred and thirty-four feet; and westerly on other estate of said Dexter, there measuring one hundred and eleven feet,) have associated, for the purpose of erecting on said estate, a building on an extensive plan, containing an Exchange, a Coffee-House, and different apartments for other uses, which will be conducive to public accommodation :—

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Samuel Brown, Crowell Hatch and Andrew Dexter, jun. Esquires, with such others as are or may become proprietors of the said estate, their associates, successors and assigns, being citizens of the United States, shall be, and hereby are constituted a body politic and corporate, by the name of The Proprietors of the Exchange Coffee-House, for the purposes aforesaid, and the said corporation, by the said name, are hereby declared and made capable, in law to sue and be sued, plead and be impleaded, to have a common seal, and alter and renew the same at pleasure, to make rules and by-laws for the regulation and management of said estate, consistent with the laws of the Commonwealth, and generally to do and execute whatever by law shall appertain to bodies politic. Persons incorporated.

—legally authorized.

—may hold and  
dispose of the  
property.

SECT. 2. *And be it further enacted by the authority afore-*  
*said,* That the said corporation shall be, and hereby is de-  
clared capable to purchase, have, hold, and possess the estate  
aforesaid, and shall have power to erect a building thereon  
for the purposes aforesaid, and the said corporate property  
or any part thereof, to grant, sell and alien in fee simple,  
or otherwise, and to lease, exchange, manage and improve  
the same, according to the will and pleasure of the said as-  
sociates, or a major part of them, expressed by their votes,  
at any legal meeting.

Property to be  
divided into  
shares.

Assessment.

Proviso.

SECT. 3. *Be it further enacted,* That the said associates  
may at any legal meeting agree upon the number of shares,  
into which the said estate shall be divided, not exceeding  
five hundred, and upon the form of certificates to be given  
to individuals, of the number of shares by them respective-  
ly held; they shall also have power to assess upon each share  
such sums of money as may be deemed necessary, for the  
purposes aforesaid, and generally for the improvement and  
good management of said estate, agreeable to the true in-  
tent of this act, and to sell and dispose of the said shares  
for the payment of assessments, in such way and manner as  
said corporation may determine; *Provided however,* that  
the value of the land and building to be erected thereon  
shall not exceed two hundred thousand dollars.

Shares may be  
alienated.

SECT. 4. *Be it further enacted,* That any share may be  
alienated, by the proprietor thereof, by a deed under his  
hand and seal, and acknowledged before some Justice of the  
Peace, and recorded by the clerk in a book to be kept for  
that purpose, and not in any other manner, and any pur-  
chaser shewing to the treasurer such deed so recorded, and  
delivering up to him the former certificate, shall be entitled  
to a new certificate, executed in form as aforesaid, certify-  
ing the property in such share to be in such purchaser.

Private proper-  
ty liable to at-  
tachment.

SECT. 5. *Be it further enacted,* That the property of  
every individual member of said corporation, vested in said  
corporate fund or estate, shall be liable to attachments and  
to the payment of his just debts, in manner prescribed by  
an act, entitled, "An act directing the mode of attaching  
on mesne process, and selling by execution shares of debtors  
in incorporated companies;" passed March 8th, Anno  
Domini 1805.

Real estate lia-  
ble.

SECT. 6. *Be it further enacted,* That the real estate of  
said corporation shall be liable for the debts of the corpora-  
tion, and shall be liable to attachment and execution, on  
any judgment against the corporation, in the same manner

as other real estate, and the corporation shall have the right and equity of redeeming the same. —subject to redemption.

SECT. 7. *Be it further enacted*, That in any action to be brought, or in any judgment to be rendered, against said corporation, the plaintiff not being able to find sufficient property of the corporation, to attach on mesne process, or whereon to levy his execution, shall have the right of attaching or levying his execution, on any of the property of the individual members of the corporation, in the same manner as if the action had been brought, and the judgment rendered against them, in their individual capacity. Execution levied, in case.

SECT. 8. *Be it further enacted*, That any two of the associates may call a meeting, by advertising the same, in any two of the public newspapers printed in Boston, at least, three days before the time of meeting, and at that or any other meeting, may elect such President, Trustees, Directors, Secretary, Clerk or other Officers, and for such term of time, not exceeding one year, as they may judge fit, and the same at pleasure change or remove, and in the choice of officers, or on any other occasion, when it shall be required by a major part of the members present, at any meeting the votes may be given by shares, and absent members may vote by proxy; *Provided only*, that no one member shall have more than ten votes. Manner of calling a meeting. *Provido.*

SECT. 9. *And be it further enacted*, That nothing herein contained, shall be deemed or construed to give said proprietors any right or authority to take or appropriate to their use, the land, right or privilege of any person or persons, without his or their consent, and by a legal conveyance thereof from such person or persons to the said corporation. No privilege taken without consent of owners.

[This act passed June 20, 1807.]

## CHAP. XXXII.

An act for incorporating Robert H. Gardiner and others, by the name and style of the Cobbolee-Contee Canal Association.

WHEREAS, Robert H. Gardiner and others, have petitioned to be incorporated for the purpose of opening and maintaining a canal, with locks or inclined planes, from Androscoggin Pond to Wilton's Pond; thence by or on Wilton's Stream to South Pond; thence by Arnold's Mills Preamble.

Mills to Winthrop or Cobboffee-Contee great Pond; and thence through Litchfield to the navigable waters of Cobboffee-Contee river; and thence on or by said river to Kennebeck river, in the most convenient and practicable routes.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said Robert H. Gardiner, Joseph Bradstreet, Simon Bradstreet, Nathan Bridge, Ebenezer Byram, Seth Gay, Rufus Gay, Stephen Jewett, Samuel Jewett, Peter Grant, James Parker, John Stone, Melatiah Lawrance, Joshua Lord, Ichabod Wentworth, William G. Warren, James Bridge, Jacob Smith, David Foster, Hushai Thomas, Joseph Samson, Job Fuller, Moses Wing, John Bowles, Thomas Stenchfield, Rogers Stenchfield, Samuel Livermore, Benjamin Alden, Daniel Lathrop, jun. Joseph Chandler, Simon Dearborn, jun. Abraham Morrell, Joseph P. Chandler, Matthew Hayward and William Richards, with their associates and successors, are hereby incorporated, and shall be a corporation forever, under the name of the Cobboffee-Contee Canal Association, and by that name may sue and prosecute, and be sued and prosecuted, to final judgment and execution; and shall be, and are hereby vested with all the powers and privileges, which are by law incident to corporations of a similar nature.

SECT. 2. *Be it further enacted by the authority aforesaid,* That the said associates or proprietors, or any three of them, may make their application to any Justice of the Peace for the county of Kennebeck, requesting him to call a meeting of the said associates or proprietors, to be holden at some convenient place within the town of Gardiner, in the same county; whereupon such Justice is hereby empowered to issue his warrant to one of said proprietors, directing him to warn and notify said proprietors to meet at such time and place in said town of Gardiner, as he shall therein direct, to agree on such method as may be thought proper for calling meetings of said proprietors for the future; and to do and transact such matters and things relating to said proprietary, as shall be expressed in the warrant. And the proprietor to whom such warrant shall be directed, shall give notice to said associates or proprietors, by causing the same, or the substance thereof, to be published in one of the newspapers printed in Portland, fourteen days, at least, before the holding of said meeting, and make return thereof under his hand to the same meeting, to be lodged with the clerk, who shall be then and there chosen. And the said

Persons incor-  
porated,

Manner of call-  
ing first meet-  
ing.



said proprietors or associates may at the same or any other legal meeting, choose a clerk, treasurer, and other officer or officers of the corporation, that they may deem necessary, and also may choose such committees as may be requisite for ordering and regulating the business and affairs of the said corporation; and every proprietor shall have a right to vote in the proprietary meetings, according to his share and interest, in person or by representation; provided no one proprietor shall be allowed more than ten votes, and all representations shall be proved in writing signed by the person making the same by special appointment, which shall be filed with and recorded by the clerk; and this act, and all rules, regulations and votes of the said corporation shall be fairly and truly recorded by the said clerk, in a book or books for that purpose to be provided and kept: *Provided*, that whereas it may be necessary in the prosecution of the foregoing business, that the property of private persons may, as in the case of highways, be appropriated for the public use. And in order that no person may be damaged by the digging and cutting canals through his land, by removing mills or mill dams, diverting watercourses or flowing his land by the proprietors aforesaid, without receiving full and adequate compensation therefor;

Authorized to choose officers.

—qualifications of voters.

Proviso.

SECT. 3. *Be it further enacted, by the authority aforesaid,* That in all cases where any person shall be damaged in his property by the said proprietors for the purposes aforesaid, in manner as is above expressed, or in any other way, and the proprietors aforesaid do not within twenty days after being requested thereto, make or tender reasonable satisfaction to the acceptance of the person damaged by them as aforesaid, the person so damaged may apply to the Court of the General Sessions of the Peace, for the county in which the damage shall have been sustained, to have a committee appointed by said court, to estimate the damage so done; and the said court are hereby authorized and empowered, by warrant under the seal thereof, upon such application made, if within one year from the time of the damage done as aforesaid, to appoint a committee of five disinterested freeholders in the same county, to estimate the damages; which committee shall give seasonable notice to the persons interested, and to the clerk of the proprietors aforesaid, of the time and place of their meeting, and they shall be under oath to perform said service impartially, according to their best skill and judgment, which having

Measures to be pursued in case of damage sustained.

done,

done, they, or the major part of them, shall make return thereof under their hands and seals, to the next Court of General Sessions of the Peace, to be holden in said county, after the same service is performed, to the end that the same may be accepted, allowed and recorded; and the committee so empowered are required to estimate the said damage, and make return thereof as aforesaid; and if the estimate of the committee be accepted by the court, the clerk of the court is hereby authorized and directed, on application therefor, to issue an execution against the property only of the corporation, or in want thereof on the property of any individual belonging thereto, for the sum so adjudged in damages: *Provided* the same is not paid within twenty days after the acceptance of said report, and likewise for the costs of the said committee and fees of the court; both to be allowed by the court, provided the sum in damages estimated by the committee, exceed the sum of damages so tendered; but in case the proprietors actually tendered to the person complaining before the complaint was exhibited, a sum as great as that allowed by the court in damages, then nothing to be included in the execution for costs of committee or court; the execution to be issued by the clerk of the court, to be in the same terms, mutatis mutandis, and returnable in the same time as though judgment had been rendered against said corporation for a like sum in damages, on process in the Courts of Common Pleas; and if any person find himself aggrieved by the doings of the said committee in estimating damages, he may apply to said Court of General Sessions of the Peace; provided such application be made to the same court at the next session thereof, in the same county, after the acceptance of such return, and said court is empowered to hear and finally determine the same, by a jury under oath, to be summoned by the sheriff or his deputy for that purpose, if the person complaining, and the proprietors can agree thereon. And if the jury or committee agreed on as aforesaid, (who are to be under oath) shall not increase the sum of damages, the person complaining shall be at the cost arising on such complaint, to be taxed against him by the said court; otherwise such cost and increase of damages shall be paid by the proprietors, and execution to issue therefor as aforesaid; and it shall be the duty of such committee or jury, on application of either of the parties, and reasonable notice given to all persons interested, to determine where and how many bridges shall be made, and maintained by said proprietors

*Provided.*

proprietors, over the canal aforesaid, and how the same shall be constructed, and what damages shall be paid by the proprietors for neglecting to make and maintain such bridges ; and the report of such committee, or verdict of such jury, being returned in to the same court, and being allowed and recorded, shall be a sufficient bar against any action brought for damages aforesaid ; saving only, that where the sum of damages is not estimated at a sum in gross, for the full satisfaction thereof, but a yearly sum is assessed ; in such case the complainant shall be entitled to an action of debt for the recovery of the same, so often as the same becomes due, during the continuance of the damage done or suffered, as aforesaid ; and also for the recovery of the damages for neglecting to make and maintain the bridges as often as the same are demandable ; *Provided also*, that said corporation shall not take any water from Wilson's Pond, to the injury of the owner or owners of mills, situated on Wilson's stream, so called, nor erect any mills on said stream, nor on the land between Wilson's Pond and South Pond, which is owned by any person or persons, who shall have mills erected on said Wilson's stream ; and that said corporation shall not erect mills on any stream now the property of individuals, or shall make sluice-ways round any dam now erected, without the consent of said owner or owners first had and obtained, any thing in this act to the contrary notwithstanding. *And, provided likewise*, that the owner of the lower mills on Cobboffee-Contee river may have the right to regulate the water passing in and out of that branch of the said canal, which shall be made between Cobboffee-Contee great pond and Cobboffee-Contee river ; in case said regulation shall be made without injury to the said canal, or the rights or privileges of any individuals.

SECT. 4. *Be it further enacted*, That if any person or persons shall wilfully, maliciously, and contrary to law, take up, remove, beat down, dig under, or do any other injury to the said canal, its banks, locks, dams, or any part or appurtenances thereof, designed for the purposes aforesaid, or shall damage, carry away, or set afloat to be carried away, any boards, plank, joist, or other timber or lumber, or materials used or to be used, in or about said works, or shall be aiding or assisting in any of the trespasses aforesaid, he shall for every such offence, forfeit and pay to the proprietors aforesaid, treble such damages, as the said proprietors shall, to the Justice, or Court and Jury, before whom the trial shall be, make appear that they have sustained, by means

Penalty in case of trespasses.

means of the same trespasses, to be sued for and recovered in any Court proper to try the same.

**Toll established** SECT. 5. *Be it further enacted*, That for the purpose of reimbursing the proprietors the money by them expended, or to be expended, in building and supporting the canal, locks, and dams, and clearing the passages necessary for the purposes aforesaid, a toll be and hereby is granted and established, for the sole benefit of the said proprietors, according to the rates following, viz. For every ton weight that shall be transported in boats or other vessels, through the said canal, the sum of six cents for each mile; for all masts, timber, and lumber, floated on a raft or otherwise through the said canal, the sum of six cents a ton for each mile.

**Rates of**

**Toll gatherers.** SECT. 6. *Be it further enacted*, That there shall be toll gatherers and other necessary assistants, to attend at each lock on the said canal, in the day time, and on the same canal at suitable places, who shall give constant attendance at their respective stations, during the whole of the season, for boats and rafts to pass; and on the toll being paid shall immediately permit passengers with their property, to pass the said locks and canal. And the said toll shall commence on said canal, as soon as the same, or any part thereof shall be completed: *Provided however*, that when forty years from the first opening thereof are expired, the Legislature shall from thence-forward regulate the toll, and the same shall be collected in such manner, as shall be prescribed to the said corporation.

**Provido.**

**Proprietors empowered to hold real estate.** SECT. 7. *Be it further enacted*, That the proprietors aforesaid be, and they are hereby authorized and empowered to purchase and hold to them and their successors forever, so much land and real estate as may be necessary for the purposes aforesaid, not exceeding the value of fifty thousand dollars. And if the said proprietors shall refuse or neglect, for the term of ten years, from the passing of this act, to build and complete such canal so as to be passable in manner aforesaid, then this act shall be void and of no effect.

**Delinquents.** SECT. 8. *And be it further enacted*, That the said corporation shall have full power and authority to sell and dispose of the share or shares of any proprietor who shall, according to the rules and regulations to be made by said corporation, be delinquent in the payment of any assessment that may be made on said share or shares, according to such rules and regulations as shall be established by said corporation.

tion for the sale of shares of delinquents; and also, that the shares and property of each proprietor in said corporation shall be liable to attachment for the payment of his just debts; and execution may be extended thereon, and the share of the debtor be sold in the same manner as goods and merchandize are sold for the payment of debts.

[This act passed *June 20, 1807.*]

### CHAP. XXXIII.

An act to incorporate Peter Snow and others, by the name of the Fitchburg Cotton Manufactory Corporation.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said Peter Snow, and Jonas Marshall, John Muzzy, Edward Durant, William Brown, Joseph Farwell, and Robert Allen, their associates, successors, and assigns, shall be, and they hereby are created a corporation and body politic by the name and style of "The Fitchburg Cotton Manufactory Corporation," and by that name may sue or be sued, plead and be impleaded, answer and be answered unto, defend and be defended, to final judgment and execution, and also may make, have and use a common seal, and the same at pleasure may break, alter and renew.

Persons incorporated.

SECT. 2. *And be it further enacted,* That the said corporation shall have power, and is hereby authorized, to carry on the manufacture of Cotton at Fitchburg, and the business necessarily connected therewith, and may erect any dam, mill or mills, works or buildings necessary for carrying on, this or any other useful manufacture, and the business connected therewith.

Authorized to manufacture Cotton.

SECT. 3. *Be it further enacted,* That the said corporation may be lawfully seized and possessed of such real and personal estate as may be necessary and convenient for establishing and carrying on said manufactory, and any other useful manufacture, and the business therewith connected, and the same may sell, bargain, and dispose of at pleasure; *Provided,* that such real estate shall not exceed in value the sum of fifty thousand dollars, and such personal estate shall not exceed in value the sum of one hundred thousand dollars.

Allowed to possess real and personal estate.

Proviso.

SECT. 4. *And be it further enacted,* That the persons above named, or any three of them, may by an advertisement

Empowered to call a meeting.

ment in any public newspaper printed in the county of Worcester, call a meeting of said corporation, to be holden in Fitchburg, at any suitable time and place, after twenty days from the publication of said advertisement; and the members of said corporation, by the vote of the majority of those present, or represented at the said meeting (in all cases accounting and allowing a vote to each single share) shall choose a clerk, who shall be sworn by a Justice of the Peace for the county of Worcester, to the faithful performance of his duty; a treasurer and such other officers as may appear necessary for the management of the business and concerns of said corporation, and shall agree on the manner of calling future meetings, and at the same or at any subsequent meeting, may make and establish any rules and regulations for regulating the said corporation, and the same rules and regulations may cause to be kept and executed, or for the breach thereof, may order and enjoin fines and penalties not exceeding *thirteen dollars and thirty-three cents*, for any breach thereof, *provided*, such rules and regulations are not repugnant to the laws and constitution of this Commonwealth, and all agents of proxies at any meeting, shall be authorized in writing, signed by the persons by whom they are appointed, which shall be filed and recorded by the clerk; provided that no member of said corporation shall be allowed more than eight votes.

To choose officers.

Proviso.

Property to be divided into shares.

SECT. 5. *And be it further enacted*, That the property of said corporation shall be, and hereby is divided into one hundred shares, and shall be numbered in progressive order, beginning at number one; and every original member thereof, shall have a certificate under the seal of said corporation, and signed by the treasurer, certifying his property in such share, as shall be expressed in said certificate.

Shares may be alienated.

SECT. 6. *And be it further enacted*, That any share may be alienated by the proprietor thereof, his executors and administrators, by a deed under the hand and seal of him or them, acknowledged before some Justice of the Peace, and recorded by the clerk, in a book to be kept for that purpose, and any purchaser named in such deed so recorded, shall on producing the same to the treasurer, and delivering up to him the former certificate, be entitled to a new certificate, executed in form aforesaid, certifying the property in such share to be in such purchaser.

Delinquents.

SECT. 7. *And be it further enacted*, That whenever any member of said corporation shall neglect or refuse to pay any tax or assessment, duly voted and agreed upon by the said

faid corporation, to the treasurer, within thirty days after the time set for the payment thereof, the treasurer of faid corporation is hereby authorized to sell at public vendue, the share or shares of such delinquent member, one or more as shall be necessary and sufficient to pay such taxes and necessary incidental charges, after duly notifying in one or more public newspapers, printed in the county of Worcester, and in such other way as the corporation may direct, the sum due on such share, and the time and place of sale, at least, thirty days previous to the time of sale; and such sale shall be a sufficient transfer of such share or shares so sold to the person purchasing the same; and on producing a certificate of such sale from the treasurer to the clerk of faid corporation, the name of such purchaser, with the number of shares sold, shall be by the clerk entered on the books of faid corporation, and such person shall be considered to all intents and purposes the proprietor thereof, and the overplus, if any there be, shall be paid on demand, by the treasurer to the person whose share or shares were sold.

SECT. 8. *And be it further enacted,* That when execution shall issue on any judgment recovered against faid corporation, and the same shall be returned "not satisfied," the original plaintiff in the action wherein the faid execution was awarded and issued, may sue out a writ of *scire facias*, from the court wherein the judgment was rendered, on which the same execution was awarded and issued against such person or persons, as are or were proprietors and members of faid corporation, at the time such judgment was rendered, and may have execution against their goods and estates, or against the goods and estates of any such deceased member of faid corporation, in the hands of his or their executors or administrators, with additional costs and damages.

Writ of *scire facias* sued by case.

SECT. 9. *And be it further enacted,* That this act shall be deemed and taken to be a public act, and as such may be declared upon and given in evidence in any Court of Law, without specially pleading the same; *Provided always,* that the Legislature may from time to time hereafter upon due notice to faid corporation, make such further provisions and regulations, for the management of the business of faid corporation and the government thereof, or wholly to repeal this act, as shall be deemed expedient.

Act given in evidence.

Proviso.

[This act passed *June 20, 1807.*]

## CHAP. XXXIV.

An act to regulate the fishery in Damariscotta river, in the County of Lincoln.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That it shall and may be lawful, for the towns of Newcastle and Nobleborough, in the county of Lincoln, at their annual town meetings, in the month of April, to choose and appoint a committee of three persons in each town, whose duty it shall be as a joint committee, to open, and cause to be kept open, a sluice or passage-way, for the alewives and other fish, to pass up Damariscotta river, on what is now called new river stream, to the great pond at the head thereof, called Damariscotta pond. And the said sluice-way shall be under such regulations as the aforesaid joint committee shall judge most conducive to the benefit of the towns aforesaid.

Committee appointed.

Benefits and expenses to be divided.

SECT. 2. *Be it further enacted,* That the emolument arising from the privilege of catching fish in the aforesaid new river stream and said fish-way, shall be equally divided between the towns aforesaid, and be appropriated to the benefit of the said towns, as they may respectively judge most proper; and all expenses arising from the regulation of said fish-way, and keeping the same in repair, shall be sustained and paid in equal proportions by the towns aforesaid.

Time for catching fish.

SECT. 3. *Be it further enacted,* That it shall be the duty of the joint committee aforesaid, to open said sluice or passage-way, by the 5th day of May annually, and keep the same open and clear from all obstructions, until the fifth day of July next following; and the said joint committee is hereby empowered to determine the number of days, and the particular days, not exceeding three in each week, for taking or catching fish in said stream and fish-way; *provided* their determination does not infringe on any existing laws of the State; and the said joint committee is further empowered to sell and dispose of the privilege of catching fish in said stream and fish-way, as they may judge most beneficial to the interests of their respective towns. And the price of the fish caught in the said stream or fish-way, shall be established by the joint committee aforesaid, annually. *Provided however,* that the price of the said fish shall not be raised after the tenth day of May in each year.

Proviso.

SECT.



SECT. 4. *Be it further enacted*, That the committee of the town of Newcastle for the first year, and the committee of the town of Nobleborough for the second year (and so on in rotation forever) shall notify the town clerk of the other towns, of the time and place at which the said joint committee shall meet, and said notice shall be served, at least ten days prior to the time of said meeting, at which, and at all subsequent meetings, the majority present shall have the authority of the joint committee; and if either of the towns shall neglect to choose their committee-men, or such committee-men when chosen shall neglect the duty required of them by this act, such town shall forfeit all right to the privilege of said stream and fish-way for the current year.

Committee appointed to notify the town clerk.

SECT. 5. *Be it further enacted*, That if the purchaser or purchasers, the manager or managers of the said privilege, or any person employed by them, or by any of the joint committee, shall presume to take any of the said fish out of said stream or fish-way, or by any means obstruct said passage-way, at any other time, than that allowed by said joint committee, or if any person whatsoever shall presume to take or catch any fish out of said stream or fishway, without the permission of the said committee, he or they so offending, shall for each offence, forfeit and pay a sum not exceeding thirteen dollars, nor less than one dollar, at the discretion of the justice before whom the offence shall be tried, to be recovered by the joint committee in behalf of the said towns.

Penalty.

SECT. 6. *And be it further enacted*, That if any person or persons shall prevent, molest, or retard the said committee from opening and keeping open a sluice-way, as directed in this act, by dams, logs, or any other obstructions, or shall prevent the aforesaid joint committee, or either of them, from doing any thing they may be required to do by this act, such person shall forfeit and pay for each offence, a sum not exceeding thirteen dollars, nor less than one dollar, to be recovered by the said committee, in any court proper to try the same.

SECT. 7. *Be it further enacted*, That the aforesaid joint committee shall dispose of such proportion of the fish caught in said stream, as shall be designated by the selectmen of the said towns annually, to the poor of the said towns gratis, and this reservation and privilege of the said poor, shall be inviolably preserved to them, when the said selectmen annually lease the fishery for the season, and shall always be a condition of the said lease.

Poor to be benefited.

SECT.

Committee privileged.

SECT. 8. *Be it further enacted,* That the committee aforesaid, or either of them, or any other person employed by, for, or under them, shall have authority to go on, over, or through any land, or through any mill, or wheresoever it shall be necessary, for the purposes of this act, without being considered as trespassers.

[This act passed June 20, 1807.]

## CHAP. XXXV.

An act to incorporate certain persons for building a Bridge over Kennebeck river, above Taconet falls, between the towns of Winflow and Waterville.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That James Wall, Nathaniel B. Dingley, Peter T. Vose, Henry Johnson, and Lemuel Paine, together with those who have associated, or may hereafter associate with them for the same purpose, and shall become proprietors, be, and they are hereby authorized to build a bridge over Kennebeck river, about three quarters of a mile above Taconet falls, between the towns of Winflow and Waterville, and for the purpose aforesaid, shall be a body politic, by the name of the Proprietors of Taconet Bridge, and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution, to keep and use a common seal, and the same to change and renew at their pleasure, and do and suffer all such other acts and things, as like corporate bodies may and ought to do and suffer.

SECT. 2. *Be it further enacted,* That the said bridge shall be erected, placed and extended as follows, to wit : To begin on land now occupied and improved by James Wall, about three quarters of a mile above Taconet falls, on the easterly bank of Kennebeck river, in the town of Winflow, and extend across the same, at right angles with said river.

Toll established.

SECT. 3. *Be it further enacted,* That for reimbursing to the proprietors of the said Taconet bridge, the money expended, and to be expended in building, supporting, and keeping the said bridge in repair, a toll be, and hereby is granted and established for the sole benefit of the said corporation, according to the rates following, viz. For each foot passenger, two cents ; for each horse with one rider, ten cents ; for each single horse cart, sled, or sleigh, twelve cents

Rates of toll.

cents and a half ; for each wheelbarrow, hand cart, and every other vehicle capable of carrying a like weight, four cents ; for each team, including cart, sled, or sleigh, drawn by more than one beast, and not exceeding four beasts, twenty-five cents, and for every additional beast above four, four cents each ; for each single horse and chaise, chair or sulky, twenty cents ; for each coach, chariot, phaeton, curricule, or other four wheeled carriage, thirty-five cents ; neat cattle exclusive of those rode on, or in carriages or teams, four cents each ; and for sheep and swine, one cent for each. And in all cases, the same toll shall be paid, for all carriages passing said bridge, whether the same be loaded or not ; and to each team, one man and no more shall be allowed as a driver, to pass free from payment of toll ; excepting however, all persons, who shall actually be on military duty, shall be permitted, with their baggage, to pass said bridge free of toll : And at all times, when the toll-gatherer shall not attend his duty at the said bridge, the gate or gates shall be left open ; and the said toll shall commence on the day of the first opening the said bridge for passengers, and shall continue for and during the term of seventy years from the said day, and be collected as shall be prescribed by the said corporation. And at each end of the said bridge, there shall be erected, and constantly exposed to public view, a sign or board, upon which shall be written the rates of toll, of all the tollable articles, in large or capital letters : *Provided* the said proprietors shall, at all times, keep the said bridge in good and passable repair, and at the end of said term of seventy years, the said bridge shall be delivered over in good repair, to and for the use of this commonwealth.

Continuance.

Sign.

Provide.

SECT. 4. *Be it further enacted*, That any two of the said proprietors may, by advertisement in the Kennebeck Gazette, warn and call a meeting of the aforesaid proprietors, to be holden in Winslow aforesaid, at any suitable time and place, after fourteen days notice from the date of such advertisement ; and the said proprietors, by a vote of a majority of those present, accounting and allowing one vote to each share, (provided no person shall be entitled to more than ten votes,) shall choose a clerk, who shall be sworn to the faithful discharge of his office ; also may at the same, or at any subsequent meeting, choose such other officers as may be found necessary for managing the business of the said corporation, and shall agree on a method of calling future meetings ; and at the same, or at any subsequent meeting,

Manner of calling meetings.

ing.

Proviso.

ing, may make and establish such rules and regulations, as shall be deemed convenient or necessary, for effecting, and completing the said bridge, and for regulating the affairs of the said corporation, and for collecting the toll herein granted; and the same rules and regulations may be caused to be observed and executed, and for the breach of any of them, may order and enjoin fines and penalties not exceeding thirteen dollars, *provided* that said rules and regulations be not repugnant to the constitution and laws of this commonwealth.

Time limited.

SECT. 5. *Be it further enacted*, That if the said corporation shall neglect or refuse, for the space of seven years from the passing of this act, to build and complete said bridge, then this act shall be void and of no effect.

[This act passed June 20, 1807.]

## CHAP. XXXVI.

An act to incorporate certain proprietors of meadow lands, called Wigwam Pond Meadows, in Dedham, in the County of Norfolk.

Proprietors incorporated.

Boundaries.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, the proprietors of certain meadow lands, called Wigwam Pond Meadows, in Dedham, be, and they are hereby incorporated by the name of the Proprietors of the Wigwam Pond Meadows, and by that name may sue and be sued, and do and suffer all such acts and things, as like corporate bodies may and ought to do and suffer. Bounded northwardly on a causeway, leading from the court house in Dedham, to Dwight's bridge, so called; and eastwardly by the upland, as far south as to the land of Joshua Fales, then on the line of said Fales and Ebenezer Farington, until it comes to the upland on the westerly side, thence by a circuitous line, ranging by the upland, till it comes to the pond—thence on the westerly side of the brook running into Charles river, until it comes to the line between the lands of Jonathan Starr and Henry Jones, thence on said line, until it comes to the upland, thence westwardly by the upland, until it comes to the causeway first mentioned, exempting the lands of Deacon Isaac Bullard, included within said bounds.

SECT.

SECT. 2. *Be it further enacted*, That the said proprietors, when legally assembled, shall have power from time to time to appoint a clerk, treasurer, assessors and collectors of taxes, committees, or other necessary officers, who shall severally be sworn to the faithful discharge of their trust ; which officers shall have the same power to carry into effect any vote or order of said corporation, as town officers of like description, have by law, to do and perform in their respective offices ; and the said corporation shall, at their first meeting, determine on the manner of calling future meetings, and the said corporation, at any legal meeting for that purpose, shall have power to raise monies, for the purpose of clearing out and removing the obstructions, which may at any time be found in the ancient channel of the brook running into Charles river, or for any other purpose which they shall judge necessary and conducive to the draining and improving the said meadow lands ; and the said proprietors shall have a right to pass up and down the banks of the said brook, from the causeway to said Wigwam pond, for the purpose of clearing said brook.

Proprietors empowered.

SECT. 3. *And be it further enacted*, That upon the application of any three or more of the said proprietors, to any justice of the peace in the county of Norfolk, the said justice is hereby authorized to issue his warrant, directed to one of the said proprietors, requiring him to notify a meeting at such time and place, and for such purposes as shall be expressed in said warrant ; which warrant and notification thereon, shall be posted up at the door of the meeting house of the first parish in Dedham, fourteen days before the time expressed in the warrant for holding such meeting.

Justice to issue his warrant.

[This act passed June 20, 1807.]

## CHAP. XXXVII.

An act in addition to an act, entitled " An act to incorporate a number of the inhabitants of the town of Hebron, in the county of Cumberland, into a religious society, by the name and style of the Congregational Society in Hebron."

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Stephen Atwood, Edmund Bayley, David Persons annexed.

D d

Bayley,

Bayley, Wm. B. Bray, Thomas Bray, Thomas Brown, John Bridgham, jun. John Bridgham, 3d, Daniel Bucknam, Shepard Bucknam, Willard Bridgham, Samuel Bridgham, Edmund Chafe, William Chipman, Isaac Currier, Joshua Crooker, Isaac Crooker, Charles Crooker, Zadock Dean, David Dinsmore, jun. Jonathan Dwinel, Jacob Dwinel, Ebenezer Harlow, George Harlow, James Hill, jun. Robert Hilburn, Samuel Hilburn, Michael Little, James Murdock, Moses Pottle and William Pottle, inhabitants of the town of Minot, in the county of Cumberland, together with their families and estates, and such as shall hereafter associate with them, be; and they are hereby annexed to the Congregational society in Hebron, for parochial privileges only, and to be subject to all the duties, and to receive all the privileges that the members of any parishes are entitled to by the constitution and laws of this commonwealth.

[This act passed June 20, 1807.]

#### CHAP. XXXVIII.

An act to establish the Alford and West Stockbridge Turnpike Corporation.

**BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Barzillai Brown, John Brown, Samuel Clark, Simeon Deming, James Drexler, William Dryer, Amos Hamlen, Eli Hatch, Peter Johns, Stephen Johns, Nathan Johnson, Abner Kellog, Peter Perry, Thomas Reed, Abraham Rice, Ephraim Slater, Jonathan Squire, Elisha Stevens, and Nathaniel Young, together with such others as already have, or may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the Alford and West Stockbridge Turnpike Corporation, for the purpose of laying out, making, and keeping in good repair, a turnpike road in the county of Berkshire, as follows, viz.—Beginning at the line between the state of Massachusetts and New York, near the dwelling house of Truman Tuttle, in Hillsdale, on said line; thence proceeding on the most favorable route to the house of Peter Johns, in West Stockbridge, thence to or near the house of John Brown, in said W. Stockbridge, thence to or near Clark's mills, so called, in Stockbridge, thence so as to intersect the Housatonic turnpike, at or near

Persons incorporated,

Boundaries.

near the burying ground on Stockbridge plain. And for the purpose aforesaid, the proprietors aforesaid, shall have all the powers and privileges, and shall also be subject to all the duties, requirements and penalties prescribed and contained in an act, entitled "An act defining the general powers and duties of turnpike corporations," passed the sixteenth day of March, one thousand eight hundred and five.

[This act passed June 20, 1807.]

### CHAP. XXXIX.

An act to establish a Corporation by the name of the Dalton and Middlefield Turnpike Corporation.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Christopher Cary, Samuel Church, Thomas Matthews, Elijah Loveland, Levi Loveland, the second, Levi Loveland, Nathan Warner, Thomas Wing, Samuel Wing, David Kidder, Jacob Bow, Gideon Allen, Benjamin Peck, William Sebley, Isaac Minor, Jesse Church, Joseph Wither, jun. Noah Mosely, Mark Adams, Phillip Loveland, Alfred Loveland, Daniel Button, Elias Babcock, Asa Brown, John Morse, jun. Elijah Wing, Samuel Foot, together with such others as may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the Dalton Turnpike Corporation, for the purpose of laying out and making a turnpike road, on the nearest and most convenient route from the turnpike road, leading from Pittsfield to Washington, in the county of Berkshire, near the east line of said Pittsfield, through parts of the towns of Dalton, Hinsdale and Washington, in said county of Berkshire, and so far into the town of Middlefield, in the county of Hampshire, as to intersect the turnpike road leading from Chester to said Hinsdale, at the most convenient point north of the meeting house in said Middlefield, and for this purpose shall have all the powers and privileges, and be subject to all the duties, requirements and penalties, contained in an act, entitled "An act defining the general powers and duties of turnpike corporations," passed the sixteenth day of March, in the year of our Lord one thousand eight hundred and five.

Persons incorporated.

Route and direction.

Toll Gates.

SECT. 2. *Be it further enacted*, That when the said turnpike road shall be approved by the committee to be appointed by the Courts of Common Pleas, in the respective counties through which said road shall pass, then said corporation shall be authorized to erect one full toll gate, in such place on said turnpike road as the aforesaid committees shall jointly direct.

[This act passed June 20, 1807.]

## CHAP. XL.

An act to incorporate a number of the inhabitants of the towns of Royalston and Warwick, into a religious society by the name of the Baptist Society in Royalston.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Lemuel Atherton, Shubael Blanding, Nathan Blifs, Silvanus Blifs, Nathan Bullock, Moulton Bullock, Jacob Briggs, John Chamberlain, Asahel Davis, Benjamin Davis, Joseph Davis, Jonathan Davis, Squier Davis, David Gale, Ezra Goff, Lewis Horton, Abel Jacobs, Isaac Jacobs, John Jacobs, Thomas Jacobs, Simeon Jacobs, jun. Enoch Kelton, Nathan Kelton, Rufus Kelton, James Kelton, James Kelton, jun. Samuel Lefure, Jonathan Matthews, Enos Metcalf, Michael Metcalf, Joseph Metcalf, Peletiah Metcalf, Jabez Pratt, Solomon Peck, 2d, John Stockwell, Elihu Town, Ephraim Town, Rufus Tyler, Jacob White, Elisha White, jun. Buel White, and Jonathan Wilton, with their families and estates, together with such others as have associated, or may hereafter associate with them, and their successors, for the same purpose, and in the manner hereafter provided, be, and they are hereby incorporated into a religious society, by the name of the Baptist Society in Royalston, with all the privileges, rights and immunities to which other parishes are entitled by the Constitution and Laws of this Commonwealth, for religious purposes only.

SECT. 2. *Be it further enacted*, That any person, in either of the said towns of Royalston and Warwick, aforesaid, who may at any time hereafter desire to join with, and actually become a member of, and unite in religious worship with the society aforesaid, and give in his or her name to the clerk of the town and to the clerk of the parish to which he or she may belong, and produce a certificate, signed

Persons incorporated.

Conditions of belonging to the society.



signed by the minister or clerk of the said Baptist Society, that such person has actually become a member of and united in religious worship with the said Baptist Society in Royalton, fifteen days previous to the annual town meeting, such person shall, from and after the date of such certificate, with his or her polls and estate, be considered as belonging to the said Baptist Society: *Provided, however*, that such person shall be held to pay his or her proportion of all money assessed in the Society to which such person formerly belonged.

SECT. 3. *Be it further enacted*, That whenever any member of the said Baptist Society shall see cause to leave the same, and to unite with another religious society, in the town in which he or she may reside, and shall declare such intention in writing, and deliver the same to the minister or clerk of said Baptist Society, and also leave a copy of the same with the clerk of the town in which he or she may reside, and also with the clerk of the parish in said town to which he or she may intend to be united, fifteen days previous to the annual town meeting, and shall pay his or her proportion of all money assessed in said society, previous thereto, such person, with his or her polls and estate, shall from and after the date of such declaration be considered as belonging to the parish to which such person may intend to be united as aforesaid. —of leaving the society.

SECT. 4. *And be it further enacted*, That either of the Justices of the Peace for the county of Worcester, be, and is hereby authorized upon application therefor, to issue a warrant, directed to some member of the said Baptist Society, requiring him to notify and warn the members thereof, to meet at such convenient time and place as he shall appoint in the said warrant, to choose such officers as parishes in this Commonwealth are by law empowered to choose at their annual parish meetings. Justice to issue warrant.

[This act passed June 20, 1807.]

## CHAP. XLI.

An act in addition to an act, entitled, “An act to incorporate a number of persons in the towns of Edgartown, Chilmark and Tisbury, into a religious society in Tisbury.”

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

onditions of  
belonging to  
the society.

*same*, That any person belonging to either of the said towns of Edgartown, Chilmark or Tibury, who may at any time hereafter desire to join with the said Baptist Society in Tibury, and shall declare such their intention in writing, and deliver the same to the clerk of the town, and a copy of the same to the minister or clerk of the parish in which he or she may reside, on or before the first day of March, in the year when such application shall be made, and at the same time produce a certificate of their being united and having become a member of said society, signed by the minister or clerk, and two of the committee of the said Baptist Society, such person shall, from and after the date of such declaration, with his or her polls and estate be considered a member of said society: *Provided however*, that such person shall be held to pay his or her proportion of all money legally assessed in said parish, to which such person formerly belonged.

*Provido.*

—of leaving  
the society.

SECT. 2, *Be it further enacted*, That whenever any member of the said Baptist Society shall see cause to leave the same, and to unite in religious worship with any other religious society in the town in which he or she may reside, and shall declare such their intention in writing, and deliver the same to the minister, or clerk and committee of the said Baptist Society, and shall deliver a copy of the same to the clerk of the town, on or before the first day of March, in the year when such person shall apply to be dismissed or discharged from the said Baptist Society, and at the same time shall produce a certificate in writing, signed by the minister or clerk, and two of the committee, certifying that he or she hath actually become a member of said religious society, or hath united in religious worship with said society, in the town where he or she may dwell, such person shall, from and after the date of such declaration, with his or her polls and estate, be considered a member of said society, to which he or she has so united: *Provided however*, that such person shall be held to pay his or her proportion of all money legally assessed by said Baptist Society, while he or she was a member thereof.

[This act passed June 20, 1807.]

CHAP. XLII.

An act to incorporate the Congregational Society in the town of Newfield, in the county of York.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Thomas Adams, James Ayer, 2d, Ezekiel Bartlett, Ebenezer Boothby, Silas Burbanks, Joseph Dunnels, Zachariah Dunnels, Richard Dunnels, Henry Dunnels, Stephen Dunnels, John Gilpatrick, Josiah Hobbs, Joseph More, Ephraim Moulton, Levi Moulton, Stephen Moulton, Simeon Moulton, Eben. Symmes, Wm. Symmes, David Staple, Benj. Thompson, John Thompson, Geo. Thompson and Joseph Whitehouse, with their families and estates, together with such others as may hereafter associate with them and their successors, be, and they are hereby incorporated into a religious society, by the name of The Congregational Society in Newfield, in the county of York, with all the powers and privileges to which parishes are entitled by the constitution and laws of this Commonwealth.

Proprietors incorporated.

SECT. 2. *Be it further enacted,* That any person in the said town of Newfield, who may desire to join the said Congregational Society, and declare such intention in writing given to the clerk of the said society, and also a copy of the same being delivered to the clerk of the town, on or before the first day of March, of the year in which such application shall be made, and shall receive a certificate, signed by the minister or clerk of the said society, that he or she has actually become a member of, and united in religious worship with the said society in Newfield, such person shall, from the date of such certificate, be considered with his or her polls and estates, as members of said society.

Conditions of joining the society.

SECT. 3. *Be it further enacted,* That when any member of the said Congregational society in Newfield shall see cause to leave the same, and to unite in religious worship with any other religious society in the said town, and shall give notice of such intention in writing, delivered to the clerk of the said society, and shall also deliver a copy of the same to the clerk of the town, and produce a certificate signed by the minister or clerk of such other society, that he or she has actually become a member of, and united in religious worship with such other society, such person, from the date of such certificate, with his or her polls and estate, shall be considered

—of leaving the society.

considered as members of said society: *Provided however*, that in every such case, every such person shall always be held to pay his or her proportion of all parish or society charges, assessed and not paid previous to leaving the said society, and being received into another.

Justice to issue  
warrant.

SECT. 4. *Be it further enacted*, That any Justice of the Peace for the county of York, upon application therefor, is hereby authorized to issue a warrant, directed to some member of the said Congregational Society in Newfield, requiring him to notify and warn the members thereof, to meet at such convenient time and place as shall be appointed in said warrant, for the choice of such officers, as parishes are by law required to choose at their annual parish meetings.

[This act passed June 20, 1807.]

### CHAP. XLIII.

An act to incorporate Aaron Newhall and others, by the name of The Lynn Long Wharf Company.

Preamble.

WHEREAS, Aaron Newhall, and others his associates, are owners of a wharf in Lynn, in the county of Essex, and a road leading thereto, at a place called Black Marsh; and said proprietors being desirous of extending their said wharf beyond the present limits thereof, for the purpose of coming into deeper water, and of better accommodating themselves with room to land lumber and other articles:—

Persons incor-  
porated.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Aaron Newhall, Henry Oliver Amos Rhodes, Samuel Chase, Aaron Breed, Theophilus Breed, jun. and James Gardiner, Esq. of Lynn, and Jonathan Buffum, of Salem, and all other persons who may hereafter become partners in said company, be, and they hereby are made and constituted a body politic and corporate by the name of “The Lynn Long Wharf Company,” and by that name may sue and be sued, in all actions real, personal or mixed, to final judgment and execution, and may do and suffer all acts, matters and things, which bodies politic may or ought to do and suffer, and may have and use a common seal, and the same may break and alter at pleasure: *Provided however*, that any proprietor, alienating

Proviso.

his share or shares in said company, shall thereupon in respect thereto, cease to be a member of said corporation; and the assignee thereof, and his heirs and assigns shall be in respect thereto, thenceforward a member of said corporation, vested with all the rights, and subject to all the duties, penalties and payments which the assignor thereof was, or might have been vested with or liable to.

SECT. 2. *Be it further enacted*, That the said corporation shall have power and is hereby authorized to extend their said wharf to low water mark, whenever they shall deem it necessary for the purposes aforesaid, *provided* said corporation are or may be the owners of land or flats upon which said wharf may be built, the expense thereof to be defrayed by augmenting the present number of shares, or by a tax on the proprietors, as they shall judge best, to be determined by vote of the proprietors, as hereafter provided in this act.

Proprietors empowered.

SECT. 3. *Be it further enacted*, That the property of said corporation shall be, and hereby is divided, into fifty-six shares, and that said corporation shall have power, and is hereby authorized to augment said number of shares to one hundred shares, and to sell said additional number of shares at public auction, to the highest bidder, and that the money arising from the sales of said additional shares, shall be appropriated solely to the making such additions to said wharf as the proprietors shall judge most convenient, and that said shares shall be numbered in progressive order, beginning at number one, and every original member thereof shall have a certificate under the seal of said corporation, and signed by the treasurer, certifying his property in said wharf, as shall be expressed in said certificate.

Property divided into shares.

SECT. 4. *Be it further enacted*, That after such additional shares shall be made, that said corporation shall have power, and they are hereby authorized to make such repairs, alterations and further additions to said wharf, as they from time to time shall deem necessary, and that the expense thereof be defrayed by a tax on the shares in said corporation; *provided* that no grant shall be made exceeding ten dollars on one single share, for additions to said wharf in any one year.

Corporation further empowered.

SECT. 5. *Be it further enacted*, That said corporation shall have power, from time to time, at any legal meeting, to choose a clerk, who shall be sworn, or affirmed by a justice of the peace of said county, to the faithful performance of his duty; they shall also choose a treasurer, wharfinger,

—to choose officers.

and such other officers as to said corporation shall appear necessary for the management and government thereof; and each member of said corporation, shall have one vote for each share not exceeding ten, and no member shall be allowed more than ten votes, and any member may appear,   
 ---to call meetings at any meeting, or vote by proxy; and the said corporation, at any legal meeting, may establish a mode for calling meetings, also the rates of wharfage and dockage, and may make reasonable rules and by-laws, for the governing the affairs of said corporation, and the same may repeal at pleasure: *Provided* that the same rules and by-laws shall not be repugnant to the constitution and laws of this commonwealth, and provided that the proprietors of forty shares of the present number fifty-six, or of seventy shares, when said number shall be augmented to one hundred shares, shall assent thereto. But it shall be lawful to choose a clerk and other officers when necessary, by the majority present at any legal meeting for that purpose, any thing herein to the contrary notwithstanding.

Proviso.

Shares may be alienated.

SECT. 6. *Be it further enacted*, That any share may be alienated by the proprietor thereof, by a deed under his hand and seal, and acknowledged before some justice of the peace, and recorded by the clerk of said corporation, in a book to be kept for that purpose, and any purchaser, shewing to the treasurer such deed so recorded, and delivering up to him the former certificate, shall be entitled to a new certificate, executed in the form aforesaid, certifying the property in such share to be in such purchaser.

Delinquents.

SECT. 7. *Be it further enacted*, That whenever any proprietor shall neglect or refuse to pay any tax, duly voted and agreed upon by the corporation, to their treasurer, within forty days after the time set for the payment thereof, the treasurer of said corporation is hereby authorized to sell at public vendue, the share or shares of such delinquent proprietor, one or more, as shall be sufficient to defray said taxes and necessary incidental charges, after duly notifying in some newspaper printed in Boston or Salem, the sum due on any such shares, and the time and place of sale, at least fourteen days previous to the time of sale, and such sale shall be a sufficient transfer of the share or shares so sold to the person purchasing, and on producing a certificate of such sale, from the treasurer, to the clerk of said corporation, the name of such purchaser, with the number of shares so sold, shall be by the clerk entered on the books of the said corporation, and such person shall be considered to all in-  
 tents

tents and purposes the proprietor thereof; and the overplus, if any there be, shall be paid on demand by the treasurer to the person whose shares were thus sold.

SECT. 8. *And be it further enacted,* That the first meeting of said corporation shall be called by a warrant issued by a justice of the peace, and that any justice of the peace in said county, to whom application shall be made by any three of the present proprietors for the purpose, shall be authorized to issue his warrant, directed to some one of the said proprietors, to call their said first meeting. Justice to issue a warrant.

SECT. 9. *And be it further enacted,* That the Legislature of this commonwealth may, at any time after the expiration of ten years from the passing of this act, alter, amend or repeal the same, as they shall judge to be necessary. Subject to alteration.

[This act passed June 20, 1807.]

#### CHAP. XLIV.

An act for erecting a Bridge across the stream, called Kenduskeag, in the town of Bangor.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Moses Patten, Amos Patten, Nathaniel Harlow, Samuel E. Dutton, Joseph Treat, John Perkins, jun. Robert Parker, John Balch, William Hammond, jun. Jacob McGaw, Horatio G. Balch, Ebenezer Weston, jun. and Joseph Whipple, together with such others as already have or may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation and body politic, by the name of the Bangor Bridge Company, and by that name may sue and prosecute, and be sued and prosecuted, to final judgment and execution, and do and suffer all other acts and things which bodies politic may or ought to do and suffer; and that said corporation shall and may have full power and authority to make, have and use a common seal, and the same to alter and renew, at pleasure; and shall also have power to choose seven directors, a president, clerk, treasurer, and such other officers as may be necessary, at such time and place, and in such manner as said corporation, at any legal meeting thereof, may think proper to direct; and said corporation shall also have power to make all necessary and proper rules, regulations and by-laws, not repugnant to the constitution and laws of this Persons incorporated.  
Authorized to choose officers.

Act void in  
case of.

this commonwealth, and especially for the transferring of shares, and for the sale of the shares of delinquent proprietors. And if the said corporation shall neglect or refuse to complete the said bridge for the space of two years from the passing of this act, then this act shall be void and of no effect.

Proprietors au-  
thorized to build  
a bridge.

SECT. 2. *Be it further enacted*, That the said proprietors shall be, and they are hereby authorized to erect a bridge over the stream called Kenduskeag, in the town of Bangor, from the county road, on the northerly side of said stream, to the landing on the southerly side thereof, near the house of William Hammond; and the said bridge shall be well built of good and durable materials, at least thirty-two feet in width, with a side walk for foot passengers, of the width of four feet on each side, and the said bridge shall be well planked and safely railed; and the said corporation shall be liable to pay all damages which may happen, to any person from whom the toll is demandable, for any damage which shall come from any defect or want of repair in the said bridge, upon a presentment of the grand jury of the county. And the proprietors of the said bridge shall be and continue to be a corporation for and during the term of twenty years, from the day of completing the said bridge and opening the same for passengers; and at the expiration of the said term of twenty years, the toll shall cease, and the said bridge shall revert to the town of Bangor, and shall be surrendered to the said town in good repair, to be supported by the said town, in the same manner as other bridges on county roads are supported; and the said town shall be subject to the same penalties in case of neglect.

Time limited.

Toll established.

Rates of toll.

SECT. 3. *Be it further enacted*, That for reimbursing to the said proprietors their expenses in building the said bridge, a toll be, and hereby is granted and established for the sole benefit of said proprietors, according to the rates following, viz.—For every foot passenger, one cent; for every man and horse, four cents; for every two wheeled carriage, for pleasure, ten cents; for every four wheeled carriage, for pleasure, twenty-five cents; for every market cart, drawn by one beast, six cents; for every cart or waggon, drawn by two oxen or horses, ten cents; for every cart or waggon, drawn by more than two oxen or horses, and not exceeding six, twelve and a half cents; and for all cattle or horses, in teams, over six in number, one cent each; for every sled or sleigh, drawn by one beast, four cents;



and if drawn by more than one beast, eight cents ; for all cattle, horses or mules, led or driven, besides those in teams or carriages, or for the use of riders, one cent each ; for all sheep or swine, at the rate of three cents by the dozen ; and to each team, one person and no more, shall be allowed as a driver to pass free from toll. And at all times when the toll gatherer shall not be attending his duty, the gate shall be left open, and the passenger or carriage may pass free of toll ; and the said toll may be commuted with any person or persons, or with any corporation, by taking of him or them, a certain sum annually, as may be mutually agreed on, in lieu of the toll aforesaid : *Provided however,* that toll shall not be demanded or received of any person going to or returning from public worship, or school, or military duty, or from any person or persons, resident in said town, passing to or from any part of his farm. And the said proprietors shall erect and keep exposed to public view, a sign or board, with the rates of toll of all the tollable articles, legibly written or printed thereon, in large or capital letters. Sign.

SECT. 4. *Be it further enacted,* That all legal meetings of the members of the said corporation, held in pursuance of this act, the concerns of the said corporation shall be decided by a majority of the votes, and each member present shall have one vote for each share he may hold, and one vote for every five shares above ten, and absent members may vote by proxy, being duly authorized in writing. And whenever any five members shall in writing, request the president to call a meeting of the members of said corporation, the president may cause a meeting to be notified, in the manner which may have been agreed on, for calling meetings of the said corporation. Majority of votes to decide.

SECT. 5. *And be it further enacted,* That any three of the proprietors before named, may call the first meeting of the said proprietors, by an advertisement in the newspaper printed in Buckstown, in three successive papers, the last publication to be ten days, at least, before the time appointed in said advertisement, for said first meeting ; and the said proprietors may then and there agree upon the time and manner of calling future meetings ; and all representations made at said meetings shall be done in writing, and filed with the clerk ; and this act, with all the votes and proceedings of the said corporation, shall be fairly and truly recorded by said clerk, in a book or books, for that purpose to be provided and kept. Manner of calling meetings.

Whereas

Preamble.

Whereas an act was passed on the twenty-seventh day of February, in the year of our Lord one thousand eight hundred and seven, entitled "An act for erecting a bridge across the Kenduskeag stream, in the town of Bangor," which authorized the town of Bangor to build a bridge in the same place intended by this act; and whereas the inhabitants of said town have at a legal meeting authorized their selectmen to petition this court, that all the powers and authorities vested in said town, by the act aforesaid, should be transferred to the above named Moses Patten and others, and their associates, and the selectmen having petitioned this court agreeably to the vote of said town, authorizing them as aforesaid :

Act repealed.

SECT. 6. *Therefore be it further enacted*, That the aforesaid act, entitled "An act for erecting a bridge across the Kenduskeag stream, in the town of Bangor," passed the twenty-seventh day of February, in the year of our Lord one thousand eight hundred and seven, be, and the same is hereby repealed.

[This act passed June 20, 1807.]

## CHAP. XLV.

An act to incorporate certain persons by the name of the Trustees of the Ministerial Funds of the Congregational Society in the town of Malden, in the County of Middlesex.

Preamble.

WHEREAS, sundry grants and donations in real and personal estate have been made to the town of Malden, the rents and profits thereof to be solely and forever applied to the support of the ministry of the Congregational Society in said town; and whereas many and great inconveniencies have arisen in the present mode of executing these generous and pious designs :

Persons incorporated.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Bernard Green, Esq. Stephen Paine, jun. Nathan Nichols, William Emerson, and Henry Gardner, be, and they hereby are constituted a body politic and corporate, by the name of the Trustees of Malden Ministerial Funds, and they and their successors shall continue a body politic and corporate by that name forever; and by the same name may sue and be sued in all actions, and pursue and defend the same, to final judgment and execution.

SECT.

SECT. 2. *And be it further enacted*, That the aforefaid trustees be, and hereby are veſted with full power to receive into their hands all monies, grants, donations, and ſecurities for eſtates real or perſonal, already raiſed, and all monies, ſubſcriptions, donations, and ſecurities for real or perſonal eſtates that may hereafter be given, raiſed, or ſubſcribed for the purpoſe aforeſaid, to any amount not exceeding fifteen thouſand dollars, and may ſell and convey by good and well authenticated deeds, any lands and tenements, whereof the fee may veſt in them, by virtue of mortgage or execution. —Empowered.

SECT. 3. *And be it further enacted*, That the ſaid trustees may aſſemble and meet together, as often as they may think neceſſary, for the promoting of their truſt, any three of whom ſhall conſtitute a board for doing buſineſs, but the concurrence of three at leaſt ſhall be requiſite to every act and proceeding whatever, they may determine the manner of calling meetings, they may appoint a preſident, clerk and treaſurer, an agent or agents, and other needful officers and committees, they may make reaſonable rules, regulations and by-laws, and annex penalties for the breach thereof, not repugnant to the laws of this Commonwealth, they may have a common ſeal, and change the ſame at pleaſure. Authorized to chooſe officers, call meetings, &c.

SECT. 4. *And be it further enacted*, That the clerk of ſaid corporation, who ſhall be a member thereof, and ſhall be ſworn to the faithful diſcharge of his office, ſhall have the care and cuſtody of all records and documents belonging to ſaid trustees, and ſhall carefully and fairly record all their votes and proceedings; alſo, a ſtatement of their funds and eſtate in their hands, wherein ſhall be particularly deſignated the nature and amounts of each original grant or donation, the period when made, the donor's or grantor's name, and place of abode at large, with ſuch other circumſtances as may be thought uſeful or proper, to diſtinguiſh the ſame, and perpetuate the remembrance thereof in a book kept for ſuch purpoſe, and ſhall certify the ſame when thereunto required, and do whatever elſe may be incumbent to ſaid office, and if he ſhall neglect ſo to do, or to deliver up to his ſucceſſor in office as ſoon as required, all the records and documents in his hands, in good order and condition, he ſhall forfeit and pay a fine of *fifty dollars*, and *thirty dollars* for every month's detention afterwards. Duty of the clerk.

SECT. 5. *And be it further enacted*, That the treaſurer of ſaid trustees, who ſhall be a member thereof, and ſhall be ſworn Treasu- duty.

sworn to the faithful discharge of the duties of said office, shall be the receiver of all money and effects due, owing and coming to them, and may demand, sue for and recover the same in their name, unless prohibited by them, and he shall have the care and custody of money and effects, obligations and securities for the payment of money and other things, and all evidences of property belonging to said trustees, and be accountable to them therefor, and shall dispose of the same as they shall order and direct, and shall render an account of his doings, and exhibit a fair and regular statement of the property and evidences of property in his hands, when they shall require the same to be done, and he shall deliver up to his successor in office, all the books and papers, property and evidences of property in his hands, in good order and condition, and if he shall fail so to do, for the space of thirty days after his successor shall have been duly appointed and qualified, he shall forfeit and pay a fine of *fifty dollars*, and the further sum of *thirty dollars* per month, for such failure or neglect afterwards.

SECT. 6. *And be it further enacted*, That it shall be the duty of said trustees, to use and improve such funds or estate as shall be vested in them by virtue of this act, with care and vigilance, either by loaning the sum upon interest, or vesting it in public securities or bank stock, so as best to promote the design thereof, and they shall be amenable to said town for negligence or misconduct in the management thereof, whereby the same shall be impaired, or suffer loss, waste or diminution, and the inhabitants of said town, may have and maintain a special action of the case against the proper persons of said trustees, and their goods and estate, jointly and severally, for such negligence or misconduct, and recover adequate damage therefor, and any sum so recovered shall be deemed to the benefit of said funds, and shall be paid to said trustees, who may have an action of debt therefor accordingly.

SECT. 7. *And be it further enacted*, That when said trustees shall loan any money belonging to said funds on private obligation, it shall be in sums of not less than two hundred dollars each, and for the term of one year, upon the bond or note of the borrower, with security to the satisfaction of said trustees, for the repayment of the principal sum, with interest annually till paid; and if any debtor to said corporation shall fail to pay the interest due on his bond or note, for the space of thirty days after the same shall become due, it shall be the duty of said trustees, to

cause

Trustees to improve funds,  
&c.

—Liable in case of.

—Limited in loaning money.

cause such bond or note to be put in suit, and prosecuted until it shall be obtained.

SECT. 8. *And be it further enacted*, That if said trustees shall fail to pay the annual income of said funds to the settled minister of the congregational society in said town, towards his salary, or to defray the expense of public worship, when they shall be destitute of a settled minister, within thirty days after the same shall become payable as aforesaid, or neglect to make report annually in the month of May, previous to a choice of trustees to said town, or to a committee chosen for that purpose, of what funds and estate they actually hold, and by what tenure; what money and effects are due to them, and how the same are secured, and what receipts have been obtained, disbursements made by them the preceding year; they shall severally forfeit for each offence, the sum of *twenty dollars*, and the further sum of *thirty dollars* per month afterwards, until they shall make payment of said income as aforesaid, saving always that said trustees shall not be liable to the forfeiture aforesaid, for non-payment of said income, if they shall prosecute as before in this act provided, within thirty days after the same shall become due for the recovery thereof.

Penalty in case of neglect.

SECT. 9. *And be it further enacted*, That it shall be lawful for the said town of Malden annually, in the month of May, to choose by ballot, such persons as they shall think proper, to the number of five, to office of trustees, providing no person shall be eligible to said office, or have a right to vote in the choice thereof, who shall not be a member of the Congregational Society in said town.

Trustees elected annually.

SECT. 10. *And be it further enacted*, That the said trustees shall have custody of the meeting-house, belonging to the Congregational Society in said town, and the parsonage buildings, and make all necessary repairs thereon, provided the amount of such repairs do not exceed the sum of fifty dollars, at any one time, and state to the assessors of said town, the amount of such repairs and other contingent expenses of said society; and the sum necessary in addition to the proceeds of their funds, to make up the minister's salary, which sums said assessors shall assess upon the polls and estates of those, who are members of said Congregational Society, and commit the same unto the collector or collectors of said town, to be by him or them collected and paid to the treasurer of said trustees, who is vested with the same power in case of neglect or delinquency of such collector or collectors, as town treasurers have in like cases,

General care and concern of the trustees.

said sums to be by him paid out, to defray those expenses, for neglect of which he is subject to the same penalties as he is under in the fifth section of this act.

Compensated  
for services:

SECT. 11. *And be it further enacted*, That the said trustees shall be entitled to receive a reasonable compensation for their services, in managing and taking care of said funds and estate, but no part of such funds or estate, or the income thereof, shall ever be appropriated to that purpose.

B. Green, Esq.  
to appoint first  
meeting.

SECT. 12. *And be it further enacted*, That Bernard Green, Esq. is hereby authorized and directed to appoint the time and place for holding the first meeting of said trustees, and to warn such meeting accordingly.

[This act passed June 20, 1807.]

## CHAP. XLVI.

An act to incorporate Ezra Smith, Cornelius Thompson, and their associates, for the purpose of making a sluice-way in Topsham, from the upper part of Brunswick falls, to the tide waters below.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Ezra Smith, Cornelius Thompson, and all other persons, who now are, or hereafter may be associated with them, for the purpose aforesaid, be, and they are hereby made and constituted, a corporation and body politic, by the name of The proprietors of Topsham Sluice-Way; and by that name may sue and prosecute, and be sued and prosecuted, to final judgment and execution; and to do and suffer all other acts and things which bodies politic may do and suffer; and that the said corporation shall have full power to make, have and use a common seal, and the same to renew and alter at pleasure; and at any legal meeting thereof, to choose a moderator, a clerk, who shall be sworn to the faithful discharge of the duties of his office, a treasurer, directors, and such other officers as may be necessary for the government of their concerns; and the said corporation shall also have power to make all necessary and proper rules, regulations and by-laws, not repugnant to the laws and constitution of this Commonwealth; and especially for the transferring of shares, and for the sale of shares of delinquent proprietors; and may enjoin and recover fines and penalties for any breaches of such

Proprietors in-  
corporated.

Proprietors em-  
powered.

such by-laws, not exceeding *fifteen dollars*, for any one breach thereof.

SECT. 2. *Be it further enacted*, That the proprietors aforesaid be, and they are hereby authorized to make, maintain and use a sluice-way in Topsham, from the upper part of Brunswick falls to the tide waters below, in the most convenient direction and suitable places for making the same, and for the loading, unloading and transporting of lumber and other commodities therein; and to purchase and hold, to them and their successors, real estate necessary and convenient for these purposes. And if it shall be necessary for the said proprietors to run said sluice-way over the lands of any person or persons who may not be willing or able to dispose of his or her right therein, they are hereby authorized to take and hold so much of said lands as may be necessary for the making of said sluice-way, and convenient landings for lumber and other commodities that may be conveyed through the same, by paying all damages that may arise to any person or persons by taking such lands for these uses; and such damages shall be estimated and recovered in the same way and manner as is provided in the third section of the act incorporating the proprietors of the Middlesex Canal, wherein provision is made for the recovery and estimation of damages in similar cases.

Authorized to make a sluice-way.

All damages to be estimated and paid.

SECT. 3. *Be it further enacted*, That if any person or persons shall wilfully and maliciously, in any way, destroy or injure said sluice-way, or any works or part thereof, or divert or obstruct the waters, to the damage of the said proprietors, he, she, or they, shall pay to the said corporation, treble the damage so done, to be recovered by an action on the case, with costs of suit.

Penalty.

SECT. 4. *Be it further enacted*, That for the purpose of reimbursing the said proprietors, the money to be expended in making said sluice-way, and keeping the same in repair, a toll be, and is hereby granted and established for the benefit of the said proprietors, their successors and assigns, according to the rates following to wit: For every thousand feet of boards, of plank in board measure, of joist, of oars and oar-rafters, forty cents; for every thousand of clap-boards, forty cents; for every thousand of shingles, eight cents; for every thousand of staves, fifty cents; for every ton of timber, twenty cents; for every hundred feet of ranging timber, fifteen cents; for every mast, sixty cents; for all spars, five mills per inch; and in the same proportion for a greater or less quantity of any of said articles: *Provided*

Toll established

—Rates of

Provido.

*vided however*, that the General Court shall have the right to regulate said toll at all times, from and after the expiration of seven years from the time said corporation shall commence receiving their toll.

Interest to be divided into shares.

SECT. 5. *Be it further enacted*, That the interest in the said sluice-way shall be divided into one hundred shares, and shall be deemed and considered in law to be personal estate; and that at all legal meetings of the proprietors aforesaid, their concerns shall be regulated and decided by the majority of votes; and each proprietor present, shall have one vote for every share he may hold, provided no one proprietor shall have more than ten votes in any case; and absent proprietors may vote by proxy, under such regulations as the said corporation shall prescribe.

Manner of calling first meeting.

SECT. 6. *Be it further enacted*, That the manner of calling a meeting of the said proprietors, until they at a legal meeting shall adopt any other manner for that purpose, which they are hereby authorized to do, shall be by an application to any Justice of the Peace for the county of Lincoln, from any two or more of said proprietors, under their hands in writing, expressing therein the time and place, and purposes of the meeting; and such Justice is hereby empowered to grant a warrant for such meeting, to be directed to one of the proprietors applying for the same, requiring him to notify the said proprietors of the meeting, and of the time and place, and purposes of the same; and a copy of said warrant, with the notification thereon, shall be posted up in some public place in each of the towns of Topsham and Brunswick, ten days, at least, before the time appointed for holding the meeting.

Act void in case.

SECT. 7. *Be it further enacted*, That if the said proprietors shall neglect, for the term of ten years from the passing of this act, to make said sluice-way fit for use, then this act shall be void and of no effect.

[This act passed June 20, 1807.]

[END OF MAY SESSION, 1807.]

ERRATA.—The Chapters at the beginning of this Session, should have been numbered from I to X, instead of their present numbers—when the progression is correct.