

MAINE STATE LEGISLATURE

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LAWS



OF THE

Commonwealth of Massachusetts.

PASSED AT

SEVERAL SESSIONS

OF THE

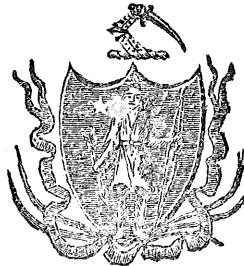
GENERAL COURT,

HOLDEN IN BOSTON.



PUBLISHED AGREEABLY TO A RESOLVE PASSED IN JANUARY,

1808.



BOSTON :

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1808,

JAN 3 1892

LAWS

PASSED AT THE SESSION COMMENCED ON

THE TWENTY-FIFTH MAY, 1808.

POND-STREET.—MID. CAN. *June 10, An. 1808.*

CHAPTER I.

An Act in addition to an act entitled “ An act to establish the Pond Street Corporation.”

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said Corporation be, and hereby is authorized to contract said street to the width of forty-five feet instead of sixty : *Provided,* the interest of any abutter on said Street shall not be impaired thereby.

Width of the street.

Proviso.

[This Act passed *June 10, 1808.*]

CHAP. II.

An Act in addition to an act entitled “ An Act in further addition to an act entitled An Act for incorporating James Sullivan, esq. and others, by the name and style of The Proprietors of the Middlesex Canal.”

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said Proprietors shall be allowed the term of three years from the twenty-second day of June, one thousand eight hundred and eight, to complete the same Canal to Charles River ; and to effectuate the means of a communication between the said Canal and the town of Boston, across said Charles River, by boats.

[This Act passed *June 10, 1808.*]

B b b

CHAP.

CHAP. III.

An Act in addition to an act entitled “An act to incorporate the Boston Marine Insurance Company.”

Shares.

Limits of Insurance.

Estate of Stockholders to be held accountable in case

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 capital stock of the said Boston Marine Insurance Company, shall be divided into shares of sixty dollars each, and the whole number of shares shall be five thousand, and the whole capital stock and property which the said Company shall be authorized to hold, shall never exceed the sum of three hundred thousand dollars, exclusive of the premium notes, and profits arising from their business. And the President and Directors shall not be allowed to insure any sum by which they shall hazard on any one risk a greater sum than thirty thousand dollars; any thing in any former act to the contrary notwithstanding.

SECT. 2. *Be it further enacted,* That nothing in this Act contained shall prejudice or affect any Policy of Insurance heretofore made by said Company, but in case of any loss or losses arising or happening on any such policy heretofore made, the party insured thereby shall have the same remedy, and the estate of each proprietor or stockholder shall be held accountable therefor, in the same manner, and to the same amount, as if this act had not been made.

[This Act passed *June 10, 1808.*]

CHAP. IV.

An Act in addition to an act entitled “An Act to establish the Nashua Turnpike Corporation.”

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Nashua Turnpike Corporation be, and they hereby are authorized and empowered, to extend the said Nashua Turnpike through the northerly part of Shirley, northerly part of Lunenburg, northerly part of Fitchburg, southerly part of Ashby, and northerly part of Ashburnham, to the line of New-Hampshire, near Watatie hill; under the same restrictions, and with the same powers and privileges which are prescribed in the Act to which this is in addition.

[This Act passed *June 10, 1808.*]

CHAP.

CHAP. V.

An act in addition to an Act entitled “ An Act authorizing a Lottery for the purpose of completing Hatfield Bridge.”

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, Further time granted. from and after the passing of this Act, be allowed the Managers of Hatfield Bridge Lottery, to raise the sum in and by the Act to which this is an addition, allowed to be raised, any thing therein contained to the contrary notwithstanding. *Provided, however,* That nothing herein contained, shall authorize them the said Managers to raise a Provisos. larger sum than in and by the same act allowed to be raised; and *provided also,* that the said Managers be and continue subject to the same requirements, duties and obligations as they now are by the act aforesaid.

And provided also, That said Managers, previously to their issuing another class, exhibit to the Governour and Council an account of their sales of tickets and expenses of said Lottery, hitherto incurred, and if the said expenses shall appear to them reasonable, and that the sum of ten thousand dollars have not as yet been raised, as in the aforesaid Act provided.

[This Act passed June 10, 1808.]

CHAP. VI.

An Act to incorporate a Baptist Society in the town of Egremont.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Josiah Curtis, Joshua Millard, Persons incorporated. Joshua Millard, Jun, Peter L. Bogerdus, Peter Millard, Isaac Olds, Seth Olds, Joseph Jid, Abner Skiff, Ebenezer Hatch, Walter Millard, Alborn Millard, Herman Millard, Josiah Millard, David Loomis, Ephraim Winchell, Joseph Loomis, Isaac Rare, Andrew Winchell, Absalom Winchell, Isaac Hotet, Reuben Wilson, James Baldwin, Amos Winchell, and Lyman Olds, 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 Baptist Society in Egremont, in the County of Berkshire, with

with all the powers and privileges to which parishes are entitled by the Constitution and laws of this Commonwealth.

Qualifications
necessary to be-
come a member.

SEC. 2. *Be it further enacted*, That any person in the said town of Egremont, who may desire to join the said Baptist Society, and declares such intention, in writing, given to the Clerk of said Society, and also a copy of the same given to the Clerk of the town of Egremont, on or before the first day of March, in 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, such person shall, from the date of such certificate, be considered, with his or her polls and estates, as members of said Society.

In case of leav-
ing the Society.

SEC. 3. *Be it further enacted*, That when any member of the said Baptist Society shall see cause to leave the same, and 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 said Baptist 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 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 authoriz-
ed to issue war-
rants.

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

[This Act passed June 10, 1808.]

CHAP. VII.

An Act to establish the Douglas, Sutton and Oxford 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 Paul Dudley, Jonathan Holman, Timothy Craggin, Benjamin Wallis, Jun. Samuel Wallis, Peter Wallis, David Wallis, William Wallis, Jonah Titus, Greenleaf Briggs, Josiah Thayer, Isaac Titus, Lemuel Dudley, Amos Rich, John Rich, Daniel Hovey, Samuel Waters, Reuben M'Knight, Jason Waters, Abraham Howard, Reuben Waters, Amos Waters Judah Waters, Bricket Chase, Francis Putnam, Joshua Waters, together with such others as may hereafter associate with them, their successors or assigns, be, and they are hereby made a Corporation by the name of the Douglas, Sutton and Oxford Turnpike Corporation, for the purpose of making a turnpike road from the congregational meeting-house, in Douglas, to Benjamin Dudley's ; from thence to Abraham Brigg's in said Douglas ; thence to Samuel Rich's, in Sutton ; thence in the best direction to the county road, a little east of Jonathan Davis, Esq's. in Oxford.

Persons Incorporated.

SEC. 2. *Be it further enacted*, That Salem Town, John Spurr, and John Farnum, Esqrs. be, and they hereby are 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 cause, which may prevent a straight line, the said Committee shall, in such case, have power to vary the line so as to avoid such obstruction. And the said Committee are hereby empowered to assess such damages as any individual may sustain, by reason of laying out said road, when the Corporation and such individual cannot agree. And when the said Committee shall have completed this business, they shall make return to the next Court of General Sessions of the Peace, to be holden in the County of Worcester, of the courses and distances of said Turnpike road, and of the damages assessed, the expense for all which services of the said Committee, shall be paid by the said Corporation.

Committee appointed.

Empowered.

To make return,

SEC. 3. *Be it further enacted*, That the said Corporation shall, in other respects, have all the powers and privileges, and shall 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

Powers of the Corporation.

pike Corporations"—passed the sixteenth day of March, in the year of our Lord one thousand eight hundred and five, and any Act in addition thereto which has already been passed.

[This Act passed June 10, 1808.]

CHAP. VIII.

An Act in addition to an Act entitled "an Act to incorporate the Proprietors of Mills on Charles River.

WHEREAS it is provided by the Act entitled "an Act to incorporate the Proprietors of Mills on Charles River," that the notification of Proprietors' Meetings shall be published in the *Massachusetts Mercury*, fourteen days before said Meeting, and whereas there is now no paper printed in Boston, under that denomination :—Therefore,

Proprietors
meetings—how
notified.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That in addition to the other provisions necessary for the calling legal meetings of said Proprietors, the notification of such meeting shall in future be published in the Newspaper printed in Boston, by the Printers to the General Court, for the time being, instead of the *Massachusetts Mercury*, aforesaid, fourteen days at least before the time for holding said meetings, and at such meetings it shall be lawful for said Proprietors to choose, in addition to the officers which by the Act aforesaid they have now the right to choose Assessors, Collector or Collectors of Taxes, and Treasurer, who shall be sworn to the faithful discharge of the trust reposed in them, and shall continue to serve until others are chosen and sworn in their room, which may be as often as said Corporation shall judge necessary ; which officers chosen and sworn as aforesaid, shall have the same power to perform, execute and carry into effect, any vote or order of the said Corporation, as town officers of like description have by law to do and perform in their respective offices. And said Corporation shall, at any legal meeting called for that purpose, have power to vote and raise monies for the purpose of removing and clearing out the obstructions in Charles River, at and above the upper falls, and for giving a free and natural course to the waters of said river, and all monies which may be voted to be raised as aforesaid, shall be assessed upon

Powers.

upon each Proprietor of the mills aforesaid, in proportion to the value of his property in said mills, and the benefits likely to be received, and if any Proprietor shall refuse or neglect to pay the sum or sums assessed upon him or her as aforesaid, after sixty days notice, so much of said Proprietor's mill or mills, mill rights or privileges shall be sold as will be sufficient to pay the same, together with legal cost, in the same way and manner as non-resident Proprietors' lands in this Commonwealth are sold to pay town taxes.

SECT. 2. *And be it further enacted,* That the removing and clearing out the obstructions aforesaid, shall be done and performed under the immediate direction of such Commissioners as shall be appointed by the Supreme Judicial Court, in the same way and manner as Commissioners of sewers may be appointed, agreeably to an Act of the Legislature of this Commonwealth, passed in the year of our Lord one thousand seven hundred an ninety-six. And the Supreme Judicial Court are hereby authorized and empowered, upon application from said Corporation, or from their Committee which may be appointed for that purpose, to appoint not less than three, nor more than five suitable persons to be Commissioners for the purpose aforesaid; who shall be sworn to the faithful discharge of the trust reposed in them, and said Commissioners, when appointed and sworn as aforesaid, shall carefully attend to, and inspect all the digging and removing the obstructions in said Charles River, and particularly to see that the waters shall be disposed of in such way and manner as shall least injure the Proprietors of the mills on said Charles River, and those on Mill Creek stream, leading into Neponset river; and also shall consider and determine upon the just and equal proportion of water, which shall run out of said Charles River down said Mill Creek stream, for the accommodation of the mills on that stream, which proportion shall be determined upon according to the quantity of water the said Charles River shall afford, and the privileges the Proprietors of mills have heretofore enjoyed, as well on said Charles River as on Mill Creek; and the said Commissioners shall fix and establish such permanent boundaries in said Mill Creek, as will secure the proportion of water which they may determine shall run that way.

Removal of obstructions.

Commissioners for that purpose.

Their duty.

SECT. 3. *Be it further enacted,* That after the said Commissioners shall have determined and fixed the permanent boundaries in said Mill Creek, any person or persons who shall remove or cause to be removed, or alter the said permanent boundaries, or shall be aiding and abetting therein,

Penalty for removing boundaries.

therein, except by the orders of said Commissioners, shall forfeit and pay to the said Corporation, a sum not exceeding five hundred dollars, to be recovered by said Corporation in an action of debt brought before any Court within this Commonwealth competent to try the same.

Proviso.

SECT. 4. *Provided always, and be it further enacted,* That whenever application shall be made to the Supreme Judicial Court for the appointment of Commissioners, in virtue of the second section of this Act, in such case it shall be the duty of said Court to appoint the same persons who have been appointed Commissioners on the application of the Proprietors of Charles River meadows, if any such commissioners shall at the time of such application be in office.

[This Act passed June 10, 1808.]

CHAP. IX.

An Act to incorporate a number of the inhabitants of the town of Freeport, and other places adjoining, in the County of Cumberland, into a Religious Society, by the name of the Calvinistick Baptist Society, in Freeport.

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 Nathan Wesson, Edmund Pratt, Stephen Wesson, Sylvanus Soule, Peleg West, George Dennison, David Dennison, William Merrill, Ezekiel Merrill, Abner Harvey, Robert Mitchell, Timothy Pratt, John Wentworth, Micah Stockbridge, William True, William Mitchell, Daniel Beal, Jacob Soule, Levi Harvey, William Curtiss, James Coffin, Isaac Griffin, Reuben Harvey, Daniel Warren, Daniel Dunham, William Blackstone, Cornelius Soule, Jun. Samuel Mitchell, Jun. Jacob Seales, Rufus Soule, Daniel Cummings, Jonathan Griffin, Jun. Joseph Griffin, Micah Stockbridge, Jun. Samuel Fogg, John Todd, Silas Osgood, Barnabas Soule, James Rogers, Samuel Hyde, Henry Griffin, Moses Griffin, Jeremiah Nason, Bayley Curtis, Elizabeth Coffin, and Eliab Gurney with their families and estates, together with such others as already have, or may hereafter associate with them, and their successors, be, and hereby are made a Corporation, by the name of The Calvinistick Baptist Society in Freeport; and by that name shall have perpetual succession, with all the powers and privileges exercised and enjoyed

joyed by other Religious Societies, according to the Constitution and laws of this Commonwealth.

SECT. 2. *Be it further enacted*, That any person belonging to the said town of Freeport, or in the adjacent towns, who may be desirous to join the said Calvinistick Baptist Society, and shall declare such intention in writing, to the Elder or Clerk of said Society, fifteen days at least previous to the annual Society meeting, and shall receive a certificate signed by the said Elder and Clerk, that he or she has actually become a member of, and united in religious worship with the said Society in Freeport, such person shall, from the date of such certificate, be considered, with his or her polls and estate, a member of said Society.

How to join this Society.

SECT. 3. *Be it further enacted*, That when any member of the said Calvinistick Baptist Society, in Freeport, shall see cause to leave the same, and to unite in religious worship with any other Society, and shall give notice of such intentions to the Elder or Clerk of the said Baptist Society, and shall also give in his or her name to the Minister or Clerk of such other Society, fifteen days at least previous to the annual Society meeting, and shall have received a certificate of membership, signed by the Minister and Clerk of such Society, such person shall, from the date of such certificate, with his or her polls and estates, be considered a member of said Society.

How to leave this Society.

Provided however, That every such person shall always be held to pay his or her proportion of all parish charges in the Society to which such persons belong, assessed and not paid previous to leaving said Society.

Proviso.

SECT. 4. *Be it further enacted*, That either of the Justices of the Peace for the County of Cumberland, is hereby authorized to issue a warrant directed to some member of the said Calvinistick Baptist Society, requiring him to notify and warn the members thereof, to meet at such convenient time and place as shall be expressed in the said warrant, for the choice of such Officers as parishes or religious Societies are by law empowered to choose at their annual Parish meetings.

Justice authorized to issue warrants.

[This Act passed June 10, 1808.]

CHAP. X.

An Act to incorporate Ephraim Perkins and others into a religious society, by the name of the Proprietors of the Meeting house in the first Congregational Society in Becket.

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 Ephraim Perkins and others, that are now proprietors in the first Congregational Society in Becket, in the county of Berkshire, and all others who may hereafter be proprietors of said Meeting House, be, and they are hereby incorporated and made a body politick, by the name of the Proprietors of the Meeting House in the First Congregational Society in Becket, and by that name may sue and be sued, and shall be vested with all the powers, privileges and immunities to which similar Corporations in this Commonwealth are entitled by law ; and said Corporation shall be, and hereby are deemed in law to be seized of the same Meeting house, with all the privileges and appurtenances thereto belonging, so long as they shall keep the same in repair and hold it ready for the use of the aforesaid First Congregational Society in Becket, for a place of publick worship.

Empowered.

SECT. 2. *Be it further enacted,* That the Proprietors of said house be, and they hereby are authorized and empowered, to raise by assessment on the pews and seats in said house, (or such parts of the pews and seats as the proprietors shall agree upon,) such sum or sums of money for keeping said house in repair and managing the affairs and concerns thereof, as they shall agree on at any legal meeting called for that purpose ; and the same may assess or cause to be assessed, upon such pews and seats as the proprietors at such meeting may deem proper, according to the respective valuation made thereof, and recorded in the proprietors' book ; and the sums so assessed shall be paid by the proprietors of such pew and seat. And if any proprietor shall neglect to pay such assessment, which shall have been legally made, for the space of one year, the treasurer of said Corporation shall be authorized and empowered to sell all the estate and interest of such delinquent proprietor in said Corporation, at publick auction, first giving notice thereof fourteen days at least previous to the sale, by posting up notifications at the front door of said house, and by publishing the same in one newspaper printed in said county of Berkshire, fourteen days previous to the sale, and to execute good and sufficient deed or deeds thereof ;

thereof ; and after deducting said delinquent's assessment, with legal interest thereon from the time of the assessment, with incidental charges, the Treasurer shall pay the surplus (if any there be) to such delinquent proprietor.

SECT. 3. *Be it further enacted*, That any justice of the peace, in said county of Berkshire, be, and he is hereby empowered to issue his warrant to some principal member of the said Corporation, requiring him to warn the members thereof, to meet at such time and place as shall be therein set forth, to choose a moderator, and a clerk, who shall be duly sworn ; a treasurer, and such other officers as the proprietors shall judge necessary ; and the moderator of that and all future meetings, shall have power to administer the oath of office to the clerk, and all the officers there to be chosen shall continue till others are chosen in their stead : And all future meetings shall be warned in the manner the proprietors shall agree on at their first meeting by a major vote, each proprietor having one vote, and no more, in all meetings of said Corporation.

Justice authorized to issue warrants.

[This Act passed June 10, 1808.]

CHAP. XI.

An act establishing a Corporation, by the name of the Salem Union-Street Corporation.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Samuel Archer, Robert Stone, Jun. Joseph White, Jun. and all such persons as may hereafter associate with them, their successors and assigns, being citizens of the United States, shall be, and hereby are constituted a body politick and corporate, by the name of the Salem Union Street Corporation ; and by that name may sue and be sued, plead and be impleaded, defend and be defended in any courts of records or in any other place whatsoever ; and shall and may do and suffer all matters, acts and things which bodies politick ought to do and suffer ; and shall have power to make, have and use a common seal, and the same again at pleasure to break, alter and renew ; and also to ordain, establish and put in execution such bye-laws, ordinances and regulations as to them shall appear necessary and convenient for the government of said Corporation, and for the prudent management of their property and affairs ; and for the breach of such bye-laws, ordinances and regulations may order fines and penalties not exceeding

Persons Incorporated.

exceeding ten dollars for every breach. *Provided*, that such bye-laws, ordinances and regulations shall not be repugnant to the laws of this Commonwealth.

Empowered.

SECT. 2. *Be it further enacted*, That the said Corporation shall be, and hereby is declared capable to have, hold and possess any lands, tenements or hereditaments, not exceeding forty thousand dollars in value, lying in the town of Salem, in the county of Essex, on or near Union-street, so called, and between Essex-street and Derby-street ; and shall have power to erect any brick buildings on any real estate owned by them ; and shall have power to grant, sell and alien in fee simple or otherwise, the said corporate property or any part thereof, and to lease, exchange, manage and improve the same according to the will and pleasure of the proprietors, or the major part of them present, at any legal meeting to be expressed by their votes ; and the rents, profits and receipts which may accrue from the improvements, leasing or other management of the corporate property aforesaid, may and shall, once at least in every year, be divided among the proprietors according to their respective shares.

Shares.

SECT. 3. *Be it further enacted*, That said proprietors may, at any legal meeting, agree upon the number of shares into which said estate shall be divided, not exceeding one hundred ; and upon the form of certificates to be given to individuals of the number of shares by them respectively held ; and upon the mode and conditions of transferring the same ; which shares shall be held and considered as personal estate to all intents and purposes whatsoever ; the said proprietors shall also have power to assess upon each share such sums of money as may be deemed necessary for repairing and erecting walls and brick buildings on any part of their real estate, and generally for the improvement and good management of their said estate, agreeably to the true intent of this act ; and to sell and dispose of the same, or of shares of any delinquent proprietor for the payment of assessments, in such way and manner as said corporation may, by their rules and regulations, determine and agree upon. *Provided, however*, That the value of buildings which may be owned by the said corporation at any one time, shall not exceed forty thousand dollars in value, exclusive of such as may be taken as security for debts.

Proviso.

Property of individuals of the Corporation liable.

SECT. 4. *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 attachment, and to the payment of his just debts in manner prescribed by an act entitled " an Act directing the mode of attachment

on

on mesne process, and selling by execution shares of debtors in incorporated companies," passed the eighth day of March, in the year of our Lord one thousand eight hundred and five.

SECT. 5. *Be it further enacted*, That Samuel Archer, Robert Stone, Jun. and Joseph White, Jun. or any two of them, may call the first meeting, by advertising the same in any one of the publick newspapers printed in Salem, at least three days before the time of meeting, and at that or any other meeting may elect a Moderator, President, Treasurer, Clerk, Secretary, 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 majority in value of the members present, the votes shall be given by shares, allowing one vote to each share. *Provided only*, That no member shall have more than ten votes.

Persons authorized to call meetings.

SECT. 6. *Be it further enacted*, That nothing herein contained shall be deemed or construed to give to 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.

Restrictions.

SECT. 7. *Be it further enacted*. That after the expiration of ten years the Legislature shall have power to alter, amend or repeal this act. *Provided, however*, That upon such repeal all real estate then belonging to said corporation, shall be vested in such persons as may then be members thereof, and their respective heirs and assigns as tenants in common, in proportion and according to the number of shares which they may then hold. *And provided further*, That the said proprietors, notwithstanding such repeal by the Legislature, shall have power, in their corporate name and capacity aforesaid, to sue for, recover and divide all sums of money and debts which may then be thereto due and unpaid.

Provisions for altering, amending or repealing the act.

[This Act passed June 10, 1808.]

CHAP. XII.

An Act in addition to an act entitled “an Act to incorporate certain persons to lay out and build a Turnpike Road and Bridges, from the Post Office near the Great Ponds, in the town of Middleborough, to the Braintree and Weymouth Turnpike, leading from Weymouth Landing to Queen Ann’s corner, in Hingham.”

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 proprietors of the New-Bedford and Bridgewater Turnpike Corporation, may erect one half toll gate in addition to the gates already allowed them, and may also, if they see fit, divide one or both of the gates heretofore allowed them by law, into half toll gates.

Fine for evading
toll.

SECT. 2. *Be it further enacted,* That if any person with a team, cattle, horse or horses, turn out of said road to pass any of the turnpike gates aforesaid, with an intent to avoid any toll established as aforesaid, such person shall forfeit and pay a fine not exceeding three dollars, nor less than one dollar, to be recovered by the Treasurer of said Corporation to their use, in an action on the case. *Provided,* that the Legislature may at any time hereafter repeal or alter this act, as it may see cause.

[This Act passed June 10, 1808.]

CHAP. XIII.

An Act to set off Samuel Spofford, with his dwelling-house and adjoining land, from the town of Rowley, and annex the same to the town of Boxford.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Samuel Spofford, with that part of his dwelling house situate in Rowley, and also all the land lying on the southwardly and westwardly side of the following lines, viz. beginning at a stake and stones in the line between the towns of Rowley and Boxford ; from thence running south thirty-four degrees east, eighteen rods and fifteen links ; thence running south nineteen degrees east, nineteen rods and nine links ; from thence running south five degrees west, two rods and twelve links, to Salem road ; from thence running south-eastwardly, and on the north-eastwardly side of Salem road, about thirty-seven

seven rods, to the line between Rowley and Boxford, be, and hereby are annexed to the town of Boxford, in the county of Essex. *Provided*, That the said Samuel Spoford be held to pay all the taxes that have been assessed on him in the town of Rowley, together with his proportion of all sums that have been voted to be raised, and are now unassessed in Rowley.

[This Act passed *June 10, 1808.*]

CHAP. XIV.

An Act to set off Thomas Woodberry, Jun. and others, from the first Parish in Beverly, and to annex them to the third Congregational Society in said Beverly.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Thomas Woodberry, Jun. Benjamin G. Bridges, George Ogilvie, Samuel Haskell, Ingalls Kitteridge, Israel Green, William Claxton, Robert Haskell, Jun. John Cavendish, Judith Blyth, Leman Herrick, Nabby Larcom, Joseph Whittridge, and Luke Elliott, of Beverly, in the county of Essex, with their polls, families and estates, be, and hereby are set off from the first Parish and annexed to the third Congregational Society in said Beverly. *Provided nevertheless*, That each person shall be held to pay all taxes legally assessed on them by the said first Parish prior to this date.

[This Act passed *June 10, 1808.*]

CHAP. XV.

An Act in addition to an act entitled "an Act to incorporate Aaron Davis and others, by the name of the Worcester Turnpike Corporation," passed the seventh day March, in the year of our Lord one thousand eight hundred and six.

WHEREAS doubts have arisen whether the Committee named and appointed in and by an Act entitled "an Act to incorporate Aaron Davis and others, by the name of the Worcester Turnpike Corporation," are therein authorized and empowered to do and perform the several duties therein contemplated, and to make a return of their doings to the several Courts of Common Pleas in the Counties through which said road is located; and whether

Preamble.

whether said several Courts of Common Pleas are, in and by said Act to which this is in addition, authorized, empowered and directed to receive, accept, allow and record the reports and returns of the doings of said Committee, so as to be binding on all parties, and effectual in law to enable said Corporation to accomplish the objects of their institution :—For the removal whereof,

Powers of the
Committee.

Doings confirm-
ed.

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 Committee named and appointed in and by said Act to which this is in addition, be, and they hereby are authorized and invested with full power to do and perform all and singular the several duties assigned to them, and contemplated to be done in and by said Act to which this is in addition, so as to enable said Corporation to effect the object of its institution, and all the acts and doings of said Committee heretofore done, or which may hereafter be done in pursuance, and by virtue of said Act to which this is in addition, shall be as valid and as effectual in law, and as binding on all persons and parties, to all intents and purposes, as the doings of any Committee legally appointed by any Court of Sessions or General Sessions of the Peace, within the several counties through which said road is located, for any of the same purposes, or for the purposes of laying out publick highways might or could have been, any law or custom to the contrary notwithstanding.

Committee to
make return.

Persons aggrieved.

SECT. 2. *Be it further enacted,* That whenever said Committee, named and appointed in and by said Act to which this is in addition, shall have finished any of the duties assigned them in any county, through which said road is located, they shall make a return thereof to the next Court of Common Pleas to be holden in such County; and the several Courts of Common Pleas in the several Counties through which said road passes, are hereby authorized, empowered and directed to receive, accept, allow and record the several returns and reports of the doings of the said Committee to them made, and to make up judgment and issue execution accordingly, granting however, and saving to all persons and parties, who think themselves aggrieved by the doings of said Committee, the right of claiming and prosecuting appeals from the doings of said Committee, to be heard and tried by a jury of said several Courts of Common Pleas, in the same manner as is provided and allowed by law for claiming and prosecuting appeals from the reports,

ports, awards and doings of Committees appointed by the Courts of Sessions or General Sessions of the Peace, for laying out publick highways; and provided that said Committee make report of the location of said road, and of the damages assessed within six months.

SEC. 3. *And be it further enacted*, That all the doings of said Corporation and their agents, heretofore done, or which may hereafter be done, in pursuance and by virtue of said Act to which this is in addition, or in pursuance and by virtue of the doings of said Committee therein appointed, shall be, and hereby are declared and made valid and effectual in law to all intents and purposes, as if this Act and the powers herein specified, declared and given, had been contained, given and confirmed in said original Act to which this is in addition, any law, usage or custom to the contrary notwithstanding.

Former doings confirmed.

[This Act passed June 10, 1808.]



CHAP. XVI.

An Act in addition to an Act entitled “an Act for incorporating certain persons for the purpose of building a Bridge over Connecticut River, between the towns of Springfield and West-Springfield, and for supporting the same.

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, so much of the fourth section of an Act entitled “an Act for incorporating certain persons for the purpose of building a Bridge over Connecticut River, between the towns of Springfield and West Springfield, and for supporting the same,” as relates to the rate of toll thereby granted and established, be, and hereby is repealed, and that there be granted and established the following rates of toll for the sole use of the Proprietors of said Bridge, to wit: for each foot passenger three cents; for each horse and rider seven cents; for each horse and chaise, chair or sulkey sixteen cents; for each coach, chariot, phaeton or other four wheel carriage for passengers, if drawn by two horses, thirty-three cents; for each additional horse six cents; for each curricule, or other two wheel carriage for passengers, drawn by more than one horse twenty-five cents; for each sleigh drawn by one horse ten cents; if by two horses, twelve cents and five mills; and for each additional horse three

Rate of toll altered.

Rate of toll established.

D d d

cents;

Proviso.

cents ; for each cart, sled or other carriage of burthen drawn by one beast ten cents ; if drawn by two beasts sixteen cents ; and if by more and not exceeding four beasts twenty cents ; and for each additional beast four cents ; for each horse, ass or mule without a rider, and for neat cattle, each four cents ; for sheep and swine one cent each ; and one person and no more shall be allowed to each team to pass free of toll. *Provided nevertheless*, That the toll to be received for teams drawn by not more than four beasts with carriages of burthen, carrying loads not exceeding thirty hundred weight, belonging to the inhabitants of either of the towns of Springfield or West Springfield, passing said bridge for transporting the produce of the lands of such inhabitants from their lands to their dwelling place, or passing to cultivate said lands, shall be only twelve cents and five mills.

SECT. 2. *Be it further enacted*, That no team shall pass said Bridge with loads exceeding forty-five hundred weight.

Corporation may
commute the
toll.

SECT. 3. *Be it further enacted*, That said Corporation may, if they see cause, commute the rates of toll with any person or persons, by taking of him or them a certain less sum in lieu of the toll aforesaid.

[This Act passed June 10, 1808.]

CHAP. XVII.

An Act in addition to an Act entitled "an Act to incorporate Joseph Newell, Ebenezer Niles, Abner Gardner and others, for the purpose of building a Bridge across Mill-Creek."

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 Proprietors of Commercial Point Bridge Corporation, be, and they are hereby authorized to build a Mill dam instead of a Bridge, over Mill Creek, so called, in Dorchester, and to open and make a road from the road leading from Neponset Bridge, on the westerly side of Blackbird swamp, so called, over said Mill-dam, to Preston's gate, so called ; and also a Bridge and road from the last mentioned road, over Back Warwick Creek, so called, to the road leading over the present Mill-dam, which road shall not be less than forty feet in width ; and may purchase real estate, not exceeding thirty thousand dollars in value ; and may erect mills and other buildings

ings thereon ; and may hold, sell, exchange and dispose of their real estate at pleasure ; and for such purposes may make such contracts as they may think expedient.

SEC. 2. *Be it further enacted*, That said Corporation shall erect, and forever keep in repair, one or more grist-mills on said dam, or its waters ; and that nothing in this Act shall be so construed as to prevent any person or Corporation who shall be injured in his or their other property by the erecting of said dam, from maintaining an action against said Corporation, for recovering damages sustained by means of said dam.

This Corpora-
tion to erect
mills.

Liable for dam-
ages.

SECT. 3. *Be it further enacted*, That said Corporation shall be holden to make a lock, sluice or gates, twenty-seven feet in width, in the clear, over the channel, in said dam, so that vessels of one hundred tons burthen may pass and repass ; and whenever they are requested by any person or persons who wish to pass with his or their vessel or vessels, shall open said passage when the waters will permit the same to pass ; and for this purpose, shall appoint an Agent, and in case said agent refuse or unreasonably neglect to open said passage as aforesaid, then the Corporation shall forfeit and pay to the person or persons requesting the same to be opened, double the amount of the damage which such person or persons shall sustain by means of said agents neglecting or refusing to open the passage as aforesaid.

Are holden to
provide a pass-
age for vessels.

Penalty for neg-
lect.

SECT. 4. *Be it further enacted*, That said Corporation may purchase and hold any land over which they may make said road, and shall be holden to pay all damages which shall arise to any person by taking his land for their use, or for any road ; and when they cannot be settled by mutual agreement, shall be estimated by a committee to be appointed by the Court of General Sessions of the Peace, reserving to either party the right of trial by jury, according to the law which makes provision for the recovery of damages sustained by laying out highways.

Conditions on
which lands may
be purchased.

SECT. 5. *Be it further enacted*, That when said dam, bridge and roads are completed as aforesaid, the Corporation shall receive three hundred dollars, as voted by the town of Dorchester, provided the same be completed within five years from the passing of this Act, and the town of Dorchester shall be at no further expense on account of said roads, until they are accepted by the town.

SECT. 6. *Be it further enacted*, That the stock, property and estate of said Corporation be divided into shares, which shall be personal estate ; and said shares shall be transferable by deed acknowledged before a Justice of the Peace,

Shares.

Peace, and recorded by the Clerk of said Corporation; and said Proprietors may make assessments on said shares, and after fourteen days notice to the Stockholder, may sell at auction, his or her share or shares to pay the assessment or assessments due thereon, and necessary charges.

Estate of Cor-
poration liable.

SECT. 7. *Be it further enacted*, That the real estate of said Corporation, shall be liable for the debts of said Corporation, and shall be liable to attachment and execution in the same manner as other real estate, and the Corporation shall have the right of redeeming the same. And when any share or shares of any individual member of said Corporation shall be attached on mesne process, or taken on 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 estate on execution. And the officer making 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 therein.

Denomination.

SECT. 8. *Be it further enacted*, That henceforth said Corporation be denominated and called Dorchester Mill Corporation; and that Joseph Newell, Ebenezer Niles and Abner Gardner, or any two of them, are hereby authorized to call the first meeting of said Proprietors, in such manner and at such time and place as they shall think expedient. And said Proprietors, by a vote of those present, or represented by written proxies, provided no Proprietor have more than ten votes, shall choose a Clerk, who shall be sworn to the faithful discharge of his duty, and may choose such other officers as they shall think necessary for the due regulation and government of said Corporation, and may agree upon the method of calling future meetings.

Clerk.

[This Act passed June 10, 1808.]

CHAP. XVIII.

An Act to incorporate a number of the inhabitants of the towns of Gray and Windham, in the county of Cumberland, into a distinct and separate religious Society by the name of the Methodist Society in Gray and Windham.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Gideon Ramsdell, William Burnett, Gideon Ramsdell, Jun. Phineas Burnett, Jun. David Bennet, Reuben Hill, Stephen Pennell, Joseph Pennell, Jun. Israel Jordan, Jeremiah Pennell, Joseph Huston, Judah Dyer, Ephraim Staple, Levi Morse, Richard Colly, Zacharias Fletcher, Isaac Fogg, Silas Fogg, Jonah Austin, Joseph Allen, Jedediah Eliot, John Manchester, Stephen Austin, David Small, James Frank, Charles Elder, Benjamin Libby, Samuel Waterhouse, Levi Knight, Gershom Manchester, John Knight, Thomas Hatch, Edvardus King, Eliab King, Moses Hunt, James Barnes, Edward Harman, Samuel Skillin, Joseph Skillin, Elias Harman, Abraham Perley, Isaac Perley, Ebenezer Stowell, Isaac Stowell, Almery Hamblin, Moses Libby, Andrew Libby, jun. Nathaniel Hucks, Edmund Pray, Daniel Dunn, Seth Ramsdell, Pelatiah Berry, Josiah Clark, Joseph Weeks, Benjamin Cummings, James Colley, Jonathan Libby, Israel Hunt, Nathan Hunt, Thomas Dutton, Simon Libby, Thomas Mayo, Samuel A. Nash, John Morse, Joseph Morse, Joel Whitney, John Morse, Jun. David Morse, William Morse, Alexander Ross, Amos Cummings, William Dolbey, John Starbird, Robert Starbird, James Humphreys, Jun. Joseph Foster, Isaac Small, Micah Whitney and James Franks, Jun. members of said religious Society, with their families and estates, be, and hereby are incorporated into a religious Society by the name of the *Methodist Society in Gray and Windham*, with all the powers, privileges and immunities to which other parishes within this Commonwealth are by law entitled: *Provided, however*, that the persons set off as aforesaid, shall be held to pay their proportion of all monies assessed in each of said towns for parochial purposes, previous to the passing of this act.

Persons Incorporated.

Provide.

SECT. 2. *And be it further enacted*, That any Justice of the Peace in the county of Cumberland be, and he hereby is authorized and empowered to issue his warrant, directed to some suitable member of said Society, to meet at such time and place as shall be appointed in said warrant, to choose all such officers as parishes in this Commonwealth are by law entitled to choose, in the months of March or April, annually. [This Act passed June 10, 1808.]

Justice authorized to issue warrants.

CHAP. XIX.

An Act regulating the commencement of certain actions, in which the Inhabitants of the Town of Boston, in the County of Suffolk, shall be a party.

What actions.

To be brought in the County of Norfolk.

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 actions to be commenced hereafter, wherein the inhabitants of the town of Boston, in the county of Suffolk, in their corporate capacity, shall sue or be sued, and which cannot now by law be brought in any other county than the county of Suffolk, may and shall be brought in the county of Norfolk, any law to the contrary notwithstanding.

SECT. 2. *Be it further enacted,* That the Sheriff of the county of Suffolk, or his deputy, be, and hereby he is authorized to serve and execute within the said county of Suffolk, all writs and precepts to the said Sheriff, or his deputy, legally directed, wherein the said inhabitants of the town of Boston may be a party, notwithstanding the said Sheriff or his deputy may be an inhabitant of said town.

[This Act passed June 10, 1808.]

CHAP. XX.

An act in addition to an act entitled "An act to authorize the several Banks incorporated within this Commonwealth, to issue bills of the denomination of One, Two and Three Dollars.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the President, Directors and Company of the Maine Bank, be, and they hereby are authorized and empowered to make a new impression of Bills of the denomination of One, Two and Three Dollars, subject however, to all the restrictions, rules and regulations prescribed in and by an act entitled "An act to authorize the several Banks incorporated within this Commonwealth, to issue Bills of the denomination of One, Two and Three Dollars. *Provided always,* That nothing herein contained shall be construed to authorize the said Bank to have and keep in circulation Bills of the denomination aforesaid, to an amount exceeding five per cent of their capital stock, actually paid in.

Not to exceed five per cent of their capital.

[This Act passed June 10, 1808.]

CHAP.

CHAP. XXI.

An Act for altering the terms of the Municipal Court of the Town of Boston.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Municipal Court, of the town of Boston, shall in future be holden on the first Monday of every month, annually, with power of adjourning as heretofore by law enacted, excepting the two months of April and October ; and that the terms now by law established for holden the said Court in those two months annually, be, and hereby are abolished.

[This Act passed June 10, 1808.]

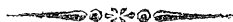
CHAP. XXII.

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, Samuel Knapp, of Haverhill, in the County of Essex, Gentleman, be allowed to take the name of Samuel Lorenzo Knapp ; and that Samuel Fales, of Boston, in the County of Suffolk, Trader, son of Nehemiah Fales, late of Dedham, in the County of Norfolk, Yeoman, deceased, be allowed to take the name of Samuel Whiting Fales ; John Blake, of Boston, in the County of Suffolk, Merchant, be allowed to take the name of John H. Blake ; that Samuel Burling, of Boston, aforesaid, Merchant, be allowed to take the name of Samuel Curson : and said persons shall, in future, be respectively known and called by the names which they are respectively allowed to take as aforesaid, and the same shall be considered as their only proper names to all intents and purposes.

[This Act passed June 10, 1808.]

I N D E X.



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