

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 :

PRINTED BY ADAMS AND RHOADES,

PRINTERS TO THE STATE.

1808,

LAWS

PASSED AT THE SESSION COMMENCED ON
THE TWENTY-FIFTH OF JANUARY, 1809.

MAINE INSU. COM.

February 18, An. 1809.

CHAP. XXVII.

An act to render valid the doings of the Maine Fire and Marine Insurance Company.

WHEREAS, by the "Act to incorporate Hugh M'Lellan and others, into a company, by the name of The Maine Fire and Marine Insurance Company," which passed February the seventh, one thousand eight hundred; it is provided, that nine Directors of said company shall be elected on the first Tuesday of January in each and every year, at such times of the day, and at such place in the town of Portland, as a majority of the Directors for the time being shall appoint; of which election publick notice shall be given, in at least two of the newspapers, printed in the town of Portland, and continued for the space of twenty days, immediately preceding such election, and whereas the full notice required thereby, was through inadvertency not given prior to the election of the Directors, on the first Tuesday of January, A. D. one thousand eight hundred and nine: *Therefore,*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all the acts and doings of the Stockholders of the Maine Fire and Marine Insurance Company at their annual meeting holden at Portland on the first Tuesday of January, A. D. One thousand eight hundred and nine, in the choice of nine Directors of said Company, shall be considered legal and valid, and the same are hereby rendered legal and valid, notice of said meeting, agreeable to the said act, not having been given to the contrary notwithstanding.

Choice of Directors.

This act passed Feb. 18, 1809.

CHAP.

CHAP. XXVIII.

An act in addition to an act, entitled an "An act to prevent the destruction of Oysters, and other shell fish, in this Commonwealth."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all the provisions, restrictions, and penalties of, and proceedings directed in an act passed in the year of our Lord, one thousand seven hundred and ninety-six, entitled "An act to prevent the destruction of Oysters, and other shell fish, in this Commonwealth," be, and the same are hereby extended to the town of Berkley, in the county of Bristol.

[This act passed February 18, 1809.]

CHAP. XXIX.

An act in addition to the several acts concerning Franklin Academy, in the north parish of Andover, in the County of Essex.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this act the number of the Trustees of "Franklin Academy" in the north parish of Andover, shall be *thirteen*, and said Trustees at their next annual meeting shall have power to elect and appoint three Trustees in addition to the present number of *ten*, so that the whole number of the board of Trustees for the said Franklin Academy shall hereafter be Thirteen.

[This act passed Feb. 18, 1809.]

CHAP. XXX.

An act in further addition to an Act entitled "An Act to establish a corporation by the name of the Union 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 Union Turnpike Corporation,

tion, be and they are hereby authorized to alter the location of the Union Turnpike Road from where it begins, at the end of the Fifth Massachusetts Turnpike, to the House of Joel Crosby in Leominster in such manner as to lay it out on the present travelled County road, any thing in said act to the contrary notwithstanding.

[This act passed Feb. 18, 1809.]

CHAP. XXXI.

An act to render valid and effectual certain doings of the Court of Sessions in the County of Washington.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the order passed at a Court of Sessions, holden by adjournment at Machias, in and for the County of Washington, in the month of November last, dividing said County into Jury Districts, be and the same is hereby declared and rendered as valid and effectual as though the said order had been passed by said Court of Sessions, previous to the first day of June last past.

[This act passed Feb. 22, 1809.]

CHAP. XXXII.

An act to establish the line of jurisdiction between the towns of Blanford and Russell, in the County of Hampshire.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the line of Jurisdiction between the towns of Blanford and Russell in future be as follows, to wit: Beginning at a Birch tree, with stones about it, on Granville corner, and from thence running in a strait line North, sixteen degrees, fifty one minutes East, by the magnetick needle, nineteen hundred and forty rods to a Beech Tree, marked on the East and West side, with a great number of marks and letters, and from said tree North, twenty eight degrees, forty one minutes East, to Westfield river, the Corner of said town of Russell.

[This act passed Feb. 22, 1809.]

CHAP.

CHAP. XXXIII.

An act making a further alteration in the Toll of Essex Merrimack Bridge.

Preamble.

WHEREAS the proprietors of Essex Merrimack Bridge have represented to this Court that they have lately expended large sums of money, in repairing and rebuilding a part of said Bridge, and have prayed that further provision may be made to indemnify and compensate them ;

Rates of Toll.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of April next, the proprietors of Essex Merrimack Bridge, shall be authorized to demand and receive as Toll for passing said Bridge, for each Horse and rider, five cents, and for each additional rider, one cent, for each Coach, Chariot, Phaeton, or other four wheel carriage for the conveyance of passengers, drawn by two beasts, twenty seven cents, and for each additional beast three cents, and that from and after the said first day of April next, the rates of toll heretofore established by law, for each horse and rider, and the said carriages, in this act mentioned, shall be, and hereby are repealed.

[This act passed Feb. 22, 1809.]

CHAP. XXXIV.

An act to establish the line of jurisdiction between the towns of Blandford and Chester, in the County of Hampshire.

Boundaries.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the line of jurisdiction between the towns of Blandford and Chester, in future shall be as follows, viz. Beginning at a large heap of stones, with trees marked, facing towards them ; said heap of stones is East, seventeen degrees thirty six minutes south, forty two rods distant from a beech tree in the line between Blandford and Becket, marked with various ancient marks ; which heap of stones is the corner of the town of Chester, and on the line of Blandford ; thence from said heap of stones East, seven-
teen

teen degrees thirty six minutes South, two thousand and seventeen rods to the East side of Westfield river.

[This act passed *Feb. 22, 1809.*]

CHAP. XXXV.

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

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 District of Leyden, in the County of Hampshire, be, and hereby is made and constituted a town, by the name of Leyden; and the said town is hereby vested with all the powers and privileges, and shall also be subject to all the duties and requirements of other towns, according to the Constitution and Laws of this Commonwealth.

SECT. 2. *Be it further enacted,* That the said town of Leyden shall bear its proportion of the pay of Representatives, heretofore chosen, in the same manner as if this act had not passed.

[This act passed *Feb. 22, 1809.*]

CHAP. XXXVI.

An act in addition to an act, entitled “An act to incorporate sundry persons by the name of The President, Directors, and Company of the Portland Bank.”

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 President, Directors, and Company of the Portland Bank, shall be, and hereby are authorized and empowered to take and hold real estate, in mortgage or on execution, to any amount, as security for, or in payment of, any debts due to the said company; and the same to use, sell and dispose of, at their pleasure; *any thing in any law to the contrary notwithstanding:—Provided al-* President, Directors, &c. to hold real estate.

Proviso.

of give said company the power to take and hold real estate in fee simple, in any case to an amount exceeding one third of their capital stock.

Fff

SECT.

Real estate taken, to be sold.

SECT. 2. *Be it further enacted*, That all real estate, taken by said company, in satisfaction of debts due them, shall be sold and disposed of as soon as it can be done without sacrifice or injury to their interests, or sooner, if the demands against said company shall render it necessary.

SECT. 3. *Be it further enacted*, That all mortgages heretofore taken by said company, as aforesaid, are hereby confirmed and rendered valid.

[This act passed *Feb. 23, 1809.*]

CHAP. XXXVII.

An act in addition to an act entitled “ An act to incorporate William Starkey and others, by the name of The Marine Society.”

Powers.

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 Marine Society, incorporated by an act passed the twenty fifth day of January, One thousand seven hundred and fifty four, entitled, “ An act to incorporate William Starkey and others, by the name of the Marine Society,” shall hereafter be called and known by the name of The Boston Marine Society; and by that name shall institute and defend all suits that may be brought for or against them; and said society are hereby authorized to make purchases, and to receive donations of real and personal estate, for the purposes expressed in the act to which this is in addition; the clear income of which, shall not at any time, exceed the sum of ten thousand dollars per annum, and to manage and dispose of said estate, as the said society shall see fit.

Meetings.

SECT. 2. *Be it further enacted*, That so much of the said act as relates to the monthly meetings of said society, be, and hereby is repealed; and that said society shall be, and hereby are empowered to hold such meetings of said society as they, by their bye-laws, shall in future establish and appoint.

Officers to be chosen.

SECT. 3. *Be it further enacted*, That instead of Master, Deputy-Master, Treasurer and Clerk, the said society shall hereafter at their meetings, to be holden on the first Tuesday in November, annually, choose a President, Vice President, Treasurer, Secretary, and all other officers which they shall think proper, for the management and benefit of said

said society. And all instruments which said society shall make, pursuant to the votes thereof, at any regular meeting, shall be signed by the President, or, in his absence, by the Vice-President, countersigned by the Secretary or Treasurer, and sealed by their common seal; which, when delivered, shall be binding on said society, and be valid in law.

[This act passed Feb. 23, 1809.]

CHAP. XXXVIII.

An act to incorporate the plantation numbered One, in the second range of Townships on the east side of Kennebeck river, north of the Plymouth Claim, in the county of Kennebeck, into a town by the name of Solon.

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 one, in the second range of Townships on the east side of Kennebeck river, north of the Plymouth Claim, in the county of Kennebeck, as described within the following bounds, with the inhabitants thereon, be, and the same are hereby incorporated and established a town by the name of Solon, viz. Bounded *North* by Bingham's purchase; *East* by the town of Athens; *South* by the town of Madison; and *West* by a line drawn on the middle of Kennebeck river: and the said town of *Solon* is hereby vested with all the powers and privileges, and shall also be subject to all the duties and requisitions of other towns, according to the Constitution and Laws of this Commonwealth.

Incorporated.

SECT. 2. *Be it further enacted,* That any Justice of the Peace for the county of Kennebeck, be, and he is hereby authorized to issue his Warrant, directed to some suitable inhabitant of the said town of Solon, requiring him to notify and warn the inhabitants of the said town qualified by law to vote in town affairs, to meet at such convenient time and place as shall be appointed in said warrant, for the choice of all such officers as towns are by law required to choose, at their annual town meeting.

Justice to issue warrant.

[This act passed Feb. 23, 1809.]

CHAP.

CHAP. XXXIX.

An act to incorporate a Baptist Society in Boothbay.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Timothy Dunton, Benjamin Kelly, Eleazer Sherman, John Alley, Ephraim Alley, Stephen Lewis, William Lewis, Isaac Lewis, Timothy Dunton, Jun. Samuel Smith, Roger Sherman, Eleazer Sherman, Jun. Benjamin Kenney, Stephen Lewis, Jun. Joseph Lewis, John Matthews, Benjamin Lewis, John Brown, Jun. Israel Dunton, John Southward, Joseph Matthews, James Tibbets, Lemuel Lewis, Elisha Sherman, John Farnham, and Asa Hutchings, together with such others as may hereafter associate with them and their successors, with their families and estates, be and they hereby are incorporated into a religious society by the name of the Baptist Society in Boothbay, with all the powers and privileges to which other parishes or religious societies are entitled, by the Constitution and Laws of this Commonwealth.

Persons incor-
porated.

SECT. 2. *Be it further enacted*, That any person in the said town of Boothbay, being of the Baptist denomination, who may at any time hereafter actually become a member of, and unite in religious worship with the said society, and give in his or her name to the Clerk of said town; with a certificate signed by the Minister or Clerk of said Society, that he or she has actually become a member of, and united in religious worship with said Society, fourteen days previous to the annual town meeting of said town, shall from and after the giving such certificate, with his or her polls and estate, be considered as part of said Society.

How to join the
society.

SECT. 3. *Be it further enacted*, That if any member of said Baptist Society, shall at any time see cause to leave the same, and unite with any other religious society in said town, and shall give notice of such intention, together with a certificate of membership, signed by the Clerk or Minister of said Society with which he or she shall unite, to the Clerk of said Baptist Society, and also to the Clerk of the said town of Boothbay, fourteen days previous to the annual town-meeting of said town in the month of March or April, such person shall, from and after the giving such notice, with his or her polls and estates, be considered as a member of the society to which he or she has united. *Provided however*, That every such person shall always be held to pay his

How to leave
the society.

Proviso.

his or her proportion of all parish charges in the society to which such person belonged, assessed and not paid previous to the leaving such society.

SECT. 4. *Be it further enacted*, That either of the Justices of the Peace for the County of Lincoln, upon application therefor, is hereby authorized 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 shall be appointed in said warrant, for the choice of all such officers as other parishes or religious societies are by law required to choose at their annual meetings.

Justice to issue warrant.

[This act passed Feb. 23, 1809.]

CHAP. XL.

An act to incorporate Shubael Bell and others into a society by the name of the Charitable Irish Society.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Simon Elliot, Shubael Bell, Andrew Dunlap, John Magner, and John Gillis, and their associates, together with such others as may be admitted members of said association, be and they hereby are incorporated into a society by the name of The Charitable Irish Society, with power to have and use a common seal, to make contracts relative to the Charitable funds of said society, to sue and be sued, to establish bye-laws and orders for the regulation of said society, and the preservation and application of the funds thereof, *Provided* the same be not repugnant to the Constitution and Laws of this Commonwealth; and to take, hold and possess any estate, real or personal, by subscription, gift, grant, purchase, devise, or otherwise, and the same to improve, lease, exchange, or sell and convey for the sole benefit of said Institution. *Provided* the value of the real and personal estate of said society shall never in the whole exceed Twenty thousand Dollars.

Persons incorporated.

Proviso.

SECT. 2. *Be it further enacted*, That the said society shall meet annually on the seventeenth day of March, in Boston, (unless the same should fall upon a Sunday, in which case the annual meeting shall always be holden on the day succeeding) for the purpose of electing by ballot from their members, a President, Vice-President, Treasurer, and such other

Time of meeting.

other officers as may be necessary to manage their concerns, all which officers shall hold their said offices for one year, and until others shall be elected to succeed them. Upon any urgent occasion, the President, or Vice-President, or in their absence the Treasurer, may appoint a special meeting of said society, said meetings to be notified in two newspapers in said town, five days at least before holding the same. *Provided nevertheless*, That this act of incorporation, shall be determinable at the pleasure of the Legislature.

Provided.

[This act passed Feb. 23, 1809.]

CHAP. XLI.

An act in addition to an act, entitled, "An act to incorporate James Gray and others, for the purpose of maintaining a Boom across Saco river, between Biddeford and Saco, 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 any five of the persons named in the act to which this is in addition, may call a meeting of said proprietors, to be holden at any convenient time and place in the town of Saco, by posting up notifications thereof, ten days prior to the time of holding said meeting, in some publick place in the towns of Saco and Biddeford; and said proprietors at said meeting, shall have the same power and authority in calling future meetings, and be subject to the same rules that they are in the second section of the act to which this is in addition.

Meeting to be called.

SECT. 2. *Be it further enacted*, That said Proprietors be, and they are hereby authorized and empowered to build, and keep in repair, such side booms and piers above and below said main Boom, as may be necessary for securing and saving the timber and logs, coming down said river, and to facilitate the passing of rafts and logs through said main boom.

Proprietors empowered.

SECT. 3. *Be it further enacted*, That said Proprietors may, at any legal meeting called for that purpose, agree upon the number of shares into which such estate shall be divided, not exceeding one hundred; and upon the form of the certificate to be given to individuals, of the number of shares by them respectively held; and upon the mode and conditions

conditions of transferring the same; which shares shall be held and considered as personal estate, to all intents and purposes whatsoever. Said Proprietors shall also have power to assess upon each share, all such sums of money as may be necessary for building and repairing said boom, and the necessary side booms, and for the improvement and good management of said estate, and to sell and dispose of the share or shares of any delinquent proprietor, for the payment of his assessment, in such way and manner as said Corporation may by their rules and regulations determine and agree upon.

SECT. 4. *Be it further enacted*, That the several acts and doings of said Proprietors, at their former meetings, be and they are hereby confirmed and rendered valid and effectual in law, to all intents and purposes whatever.

[This act passed Feb. 23, 1809.]

CHAP. XLII.

An act in addition to an act, entitled, "An act to authorize John Wood, to build a mill-dam, with a passage way across Aponneganset River, in the town of Dartmouth," passed the sixth day of February, one thousand, eight hundred and seven.

SECT. 1. **B**E *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John Wood, be, and he is hereby authorized to enlarge his Mill-Pond, by extending his dam from the east side of said Wood's pass-way, in the old dam, down Aponneganset river, south by east, until the southerly point of the marsh owned by Mary Akin, on the north west side of Garrison Creek, so called, bears east north east, and from thence to run the said dam to the point of said Akin's marsh: *Provided however*, That the said John Wood shall not build the said dam in such direction, as to prevent or obstruct the free passage of any vessel or craft up or down the said Aponneganset river, or so as to cross over or interfere with the channel of the said Garrison Creek.

[This act passed Feb. 23, 1809.]

CHAP. XLIII.

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

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 Tyngsborough, in the county of Middlesex, be, and it is hereby made and constituted a town by the name of Tyngsborough; and the said town is hereby vested with all the powers and privileges, and shall also be subject to the duties and requirements to which other towns are entitled and subjected, according to the Constitution and Laws of this Commonwealth: and the said town of Tyngsborough shall bear its proportion of the pay of Representatives heretofore chosen in like manner as if this act had not passed.

[This act passed *February 23, 1809.*]

CHAP. XLIV.

An act to set off certain land, from the town of Charlton, and to annex it to the town of Oxford.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That a tract of land containing about twenty six acres, belonging to Amasa Kingsbury, shall be taken from the town of Charlton, in the county of Worcester, and the same is hereby annexed to the town of Oxford, in the same county, bounded as follows, viz. Beginning at the Northeast corner of land of Sarah M'Intire; thence running Westwardly, by the land of said M'Intire, thirty eight rods, to land of Elihu Moffit; thence Northwardly, by land of said Moffit, one hundred and twelve rods, to a heap of stones; thence Eastwardly, by land of said Moffit, to the old town line of Oxford; thence Southwardly, on the said old town line, one hundred and twelve rods, to the first mentioned bounds. *Provided nevertheless,* That the said Amasa Kingsbury shall be held to pay all taxes already legally assessed on him by the said town of Charlton.

[This act passed *Feb. 23, 1809.*]

CHAP.

CHAP. XLV.

An act to incorporate a Baptist Society in the towns of Barnstable and Yarmouth.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Gorham Lovel, Ichabod Lumbard, Daniel Baxter, Richard Lewis, Lemuel Lewis, Joshua Hawes, Timothy Baker, Anthony Chase, David Baxter, Jun. Prince Bearse, Jun. Robert Phinney, Solomon Crowel, Josiah Linnel, Zenas Gage, David Bearse, Jesse Bearse, William Scudder, Nathaniel Snow, Simeon Freeman, Eleazer Scudder, Polly Scudder, Joseph Gage, Gershom Bearse, Moses H. Bearse, Lemuel Lumbard, Solomon Lumbard, David Hamlin, James Lovel, Sally Baxter, Obed Baxter, Henry Hallet, Levi Linnel, Joshua Hallet, Jesse Lewis, Levi Bearse, David Hallet, Walter Baxter, Peter Norris, Jun. Timothy Hope, James Bearse, Jun. Daniel Bassett, Jonathan Snow, Ellis Norris, Samuel Snow, Isaac Baxter, Edward Bearse, Christopher Lovel, Daniel Lovel, Mary Ewer, Joseph Hallet, Jun. Solomon Stewart, Zachaeus Hamlin, George Lewis, Joseph Berry, Jabez Bacon, Silvanus Simons, John C. Keller, Joseph Kelly, Doane Snow, Thomas D. Scudder, Ansel Baxter, Hezekiah Lumbard, John Gallison, Richard Hallet, Joshua Hamlin, Jun. Nathaniel Bacon, Jun. John Robbins, Nathaniel Hallet, Jonathan Hallet, Thomas Cobb, Thomas Bearse. David Lathrop, John Crowel, Nathan Baker, Eleazer Baker, Baxter Bragg, Barnabas Baxter, Obed Bearse, Ezra Eldridge, Hiram Baker, Judah Bearse, Enoch Berry, Roland Hallet, Jun. Benjamin Hallet, James Lewis, Samuel Peak, Thaddeus Brown, Warren Hallet, Joseph Bearse, Ulysses Baker, Peter Norris, Timothy Hamlin, Peter Coleman, Owen Bacon, John Surgis, Jun. Alexander Baxter, Asa Bearse, Isaac Bearse, Jun. Joseph Bassett, Daniel Hallet, Edward Hallet, Samuel Holmes, Elisha Holmes, Peter Cammet, Lemuel Thomas, Jedediah Lumbard, Nathan Thomas, Samuel Hallet, Davis Chase, John Thompson, Samuel Bearse, Thomas Norris, Anthony Chase, Jun. Abner W. Lovel, 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 first Baptist Society in Barnstable and Yarmouth*, with all the powers and privileges to which parishes are entitled by the Constitution and Laws of this Commonwealth.

Persons
incorporated.

Empowered.

G g g

SECT.

How to join the
society.

SECT. 2. *Be it further enacted*, That when any person belonging to either of the towns of Barnstable or Yarmouth, who may desire to join with, and become a member of the said Baptist Society, shall declare such intention in writing to the Clerk of said Society, fifteen days at least, previous to the annual meeting of said Society, and shall receive a certificate signed by the Minister or Clerk of said Society, that he or she has actually united with and become a member of said Society, and shall also leave an attested copy of such certificate, under the hand of the said Clerk, with the Parish or Society Clerk, to which he or she did belong, on or before the first day of March then next ensuing, such person from the date of such certificate shall be considered a member of said Baptist Society, with his or her polls and estate, and shall be exempted from all future taxation for the support of publick worship, in the Parish or Society which such person has left as aforesaid: *Provided however*, That such person shall be held to pay his or her proportion of all money assessed in said society, to which such person formerly belonged.

Provide.

How to leave
the society.

SECT. 3. *Be it further enacted*, That when any member of said Baptist Society shall desire to leave the same and to join in religious worship with any other Society in the town in which such person may live, and shall give notice of such intention, to the Clerk of such other Society, fifteen days at least, previous to the annual meeting of such Society, and shall receive a certificate signed by the Clerk thereof, and shall also leave an attested copy of such certificate signed by said Clerk, with the Clerk of said Society, he or she did belong to, on or before the first day of March then next ensuing, such person shall be considered a member of such Society, he or she may so join, with his and her polls and estates, and shall be exempted from all future taxes for the support of publick worship in the society he or she has left as aforesaid.

Justice to issue
warrant.

SECT. 4. *Be it further enacted*, That any Justice of the Peace for the county of Barnstable, is hereby authorized upon application in writing of ten or more members of the said Baptist Society, to issue his warrant directed to some member of said 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 authorized by law to choose at their annual meetings, and for such other purposes as may be contained in said warrant.

[This act passed Feb. 23, 1809.] CHAP.

CHAP. XLVI.

An act in addition to an act, defining the general powers and duties, and regulating the office of Sheriff.

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 case of the death of the Sheriff of any county, any goaler, by him specially appointed, shall continue in the office of goaler, and retain and have the custody, rule, and charge of the goal of which he had the custody, rule and charge, under such Sheriff, and of all prisoners within such goal, or who may be afterwards committed to his custody, until a successor to such deceased Sheriff shall be appointed and qualified as the law directs; or until the Governour, by and with the advice of the Council, shall remove such goaler and appoint another person; which removal and appointment, the Governour, by and with the advice of the Council, is hereby authorized to make. And the goaler so appointed, shall give such bonds and in the same manner, as is required of a Sheriff, for the faithful performance of the duties of his office; and shall continue in office during the vacancy in the office of Sheriff.

Goaler to hold his office.

SECT. 2. *Be it further enacted,* That the defaults or misfeasances in office, of any goaler, or deputy-sheriff, after the death or resignation of any sheriff, by whom he was appointed, shall be adjudged a breach of the condition of the bond given by such sheriff: *Provided, however,* that this act shall not be construed to make any surety, in any such bond, which has heretofore been given by such sheriff, liable to any suit which could not heretofore be legally prosecuted against him.

In case of defaults.

Proviso.

And, whereas, doubts have arisen respecting the authority and duty of deputy-sheriffs, to execute such precepts as may be in their hands at the time of the accruing of a vacancy in the office of sheriff in certain cases:—*Therefore,*

SECT. 3. *Be it further enacted,* That in every case of a vacancy in the office of sheriff in any county, by death, resignation, removal, or otherwise, every deputy-sheriff, in office under such sheriff, having any writ or precept in his hands, at the time of such vacancy, shall have the same authority, and shall be under the same obligation to serve, execute, and return such writ or precept, as if such sheriff had continued in office.

[This act passed Feb. 24, 1809.]

CHAP. XLVII.

An act to incorporate certain persons as Trustees, to improve and manage a Fund towards the support of Schools, in the north-westerly parish in the town of Boxford.

Trustees ap-
pointed.

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 Wood, Ebenezer Peabody, John Kimball, Israel Foster, John Tyler, Isaac Barker, and Samuel Spofford, living in the second, or north-westerly parish in the town of Boxford, be, and they hereby are appointed Trustees, to receive, hold, manage and improve, all the lands, buildings and estate, devised by the last Will and Testament of Sarah Chadwick, late of Boxford, in the County of Essex, widow, deceased, to the use and support of Schools, within, and for the benefit of that part of the inhabitants of said Boxford, living within the said second, or north-westerly parish, including the fifth and sixth School Districts within said town of Boxford, according to the purposes of said devise ; and shall constitute a body politick and corporate, to have perpetual succession, for the due and faithful management of said trust, and shall be vested with all the powers incident to corporations, necessary and requisite for that purpose.

Annual meeting.

Treasurer to
give bonds.

Clerk's duty.

SECT. 2. *Be it further enacted, That* the trustees before mentioned, and their successors, shall for ever hereafter hold a meeting in said parish, in the month of April annually, the time and place of said meeting to be notified by the major part of the trustees, by posting an advertisement thereof in some publick place in said parish, seven days at least before the time of said meeting ; at such meeting, the major part of the trustees being present, shall annually choose a Treasurer, who shall be an inhabitant of said parish, with whom the money constituting the funds may be deposited, and who shall, under the control, and by the orders of the trustees, or the major part of them, receive in, deliver over, and pay out, such estate, property, and securities, as may be entrusted to his care. And the person, so chosen and accepting the trust, shall give bond, *if required*, for the faithful performance of his duty ; and the major part of the trustees, at such meetings, are also empowered to choose a Clerk annually, who shall be an inhabitant of said parish, and shall be duly sworn to record the doings and proceedings of the trustees ; and the said trustees are further empowered, at any of their meetings, called in

in manner aforesaid, to fill up all vacancies, occasioned by the death, resignation, or removal, of any of the trustees out of said parish, and no person shall be elected a trustee unless he be at the time an inhabitant of said parish.

SECT. 3. *Be it further enacted*, That the Trustees beforementioned, and their successors in office, be, and hereby are invested with sufficient power to receive, improve, and manage, all future subscriptions, grants, and donations, that may hereafter be made for the support of schools, to the benefit of that part of the inhabitants of said Boxford, within the districts and parish aforesaid; and to make such bye-laws and regulations respecting the schools supported by the said funds as may be necessary for the well ordering the affairs thereof, which shall be binding upon the inhabitants of said districts and parish, if not repugnant to the Constitution and laws of this Commonwealth; *Provided*, the subscriptions, grants, and donations, in addition to the estate devised by the aforesaid Sarah Chadwick, shall not in personal estate exceed the sum of eight thousand dollars, and real estate not exceeding the value of five thousand dollars; and may place the money under their care at interest on good security at their discretion; and may improve, manage, and lease the real estate, and apply the income and profits arising therefrom, or any part thereof, annually, towards the support of schools for the benefit of the inhabitants of said districts and parish within the town of Boxford, but shall not in any case lessen or expend any part of the principal, or capital stock of said funds.

Trustees empowered.

Proviso.

SECT. 4. *Be it further enacted*, That the Trustees or the major part of them, be, and hereby are empowered annually, and whenever they think proper, to call a meeting of the inhabitants of the aforesaid parish and districts, giving at least seven days publick notice of the time, place, and purposes, of such meeting, by posting a notification thereof in some publick place in said parish; and at the request of ten of the said inhabitants, shall in manner aforesaid, call a meeting of the said inhabitants duly qualified to vote in town affairs, for the purpose of giving directions relative to the appropriation of the income of said funds; the doings of the said inhabitants at such meetings to be recorded by the clerk appointed by the Trustees; and at such meetings the Trustees shall lay before the said inhabitants an account of their proceedings, and the state of the funds.

To call meetings.

[This act passed Feb. 27, 1809.]

CHAP.

CHAP. XLVIII.

An act to incorporate sundry persons into a company by the name of The Boylston Market Association.

Persons incor-
porated.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Quincy Adams, Arnold Welles, Josiah Knapp, David Townsend, Daniel Baxter, Thomas Williams, Stephen Thayer, Ralph Inman Reed, and Joseph C. Dyer, together with such other persons as have associated, or may hereafter associate with them for the purposes hereinafter mentioned, while they shall be proprietors therein, shall be a corporation and body politick under the name of The Boylston Market Association: and by that name shall be capable in Law to sue and be sued, plead and be impleaded, defend and be defended, in all courts of record, or other courts or places whatsoever; to have and to use a common seal, and the same to break, alter and renew at pleasure.

To hold real
estate.

Proviso.

SECT. 2. *Be it further enacted*, That the said Corporation shall have power to purchase, take and hold any real estate necessary or proper for the purpose of their institution: *Provided*, That such real estate shall not exceed at any one time One hundred thousand dollars in value. And all such real estate shall be deemed and considered to all intents and purposes as personal estate, and as such, with the other interest and estate in such propriety, shall be transferable by such mode of transfer as the directors of said Corporation shall agree on and determine: *Provided*, That the transfer shall be in writing, and recorded by the Clerk in the book or books of the Corporation.

General powers
and choice of
Directors.

SECT. 3. *Be it further enacted*, That the property, affairs, and concerns of the said corporation, shall be managed and conducted by five directors, one of whom shall be president thereof, who shall hold their offices during one year, and until others are chosen; and who shall at the times of their election be proprietors in said corporation, and shall be elected on the first Monday of February in each and every year, at such time and place, in the town of Boston, as the directors for the time being shall appoint, of which election publick notice shall be given in two of the newspapers printed in the town of Boston, within ten days immediately preceding such election; and the election shall be made by ballot by a majority of the votes of the stockholders present; and the number of votes to which each stockholder

stockholder shall be entitled, shall be according to the number of shares which he or she may hold, in the following proportions : That is to say, for one share one vote, and every two shares above one shall give a right to one vote more : *Provided*, no one member shall have more than ten votes ; and absent members may vote by proxy, being authorized in writing. Proviso. And if through any unavoidable accident, the said directors should not be chosen on the first Monday of February as aforesaid, it shall be lawful to choose them on any other day, in the manner herein prescribed.

SECT. 4. *Be it further enacted*, That the directors, or a major part of them, shall meet as soon as may be after every election, and shall choose out of their body one person to be president, who shall preside for one year ; and in case of the death, resignation, or inability to serve of the president, or so many of the directors as that the remaining number would be insufficient to constitute a board competent for the transaction of business, such vacancy or vacancies shall be filled for the residue of the year in which they may happen, by a special election for that purpose, to be held in the same manner as herein before directed. Vacancies filled.

SECT. 5. *Be it further enacted*, That the president and two of the directors, or three of the directors in the absence of the president, shall be a board competent for the transaction of business ; and all questions before them shall be decided by a majority of votes ; and they shall have power to ordain, establish, and put in execution, such bye-laws and regulations, as to them shall appear needful and proper, touching the management of the affairs of the said corporation, and to make and execute contracts and leases by instruments signed by the president or any other person specially appointed for that purpose, and shall also have power to appoint a treasurer and a clerk, and such other officer and officers as may be necessary for the objects of the institution. Directors empowered. And it shall be the duty of the clerk fairly and truly to enter and record, in a book or books to be provided and kept for that purpose, this act, and all rules, bye-laws, votes and proceedings of the said corporation, which book and books shall at all times be subject to the inspection of any person appointed for that purpose by the Legislature ; Clerk's duty. *Provided*, that such bye-laws and regulations shall not be repugnant to the Constitution or Laws of this Commonwealth. Proviso.

Fines.

SECT. 6. *Be it further enacted*, That to give effectual sanction to the said bye-laws, the said directors are hereby empowered to enjoin fines, for the non-fulfilment or breach of the same, not exceeding thirty dollars, for any one breach, and that for the recovery thereof, the said Corporation shall have a suitable remedy by action at law, in any court of law within this Commonwealth, proper to try the same.

Assessments.

Proviso.

SECT. 7. *Be it further enacted*, That the said directors are hereby authorized to levy such assessments on the proprietors of the shares in said Corporation, which may be necessary for purchasing the land, erecting the building, and defraying the charges incident thereto, for the purpose of a Market, with a Hall over the same, and such apartments as may be convenient or necessary : *Provided*, That not more than one hundred dollars shall be assessed on each share ; and that the said assessments shall be made payable conformably to the subscriptions of the said associates, to the terms proposed by the said Ralph Inman Reed, and Joseph C. Dyer ;—and on the neglect or refusal of any proprietor to pay such assessment, the said directors are further authorized to sell at publick vendue so many of his or their shares as will be sufficient to pay such assessments, with necessary intervening charges, first advertising the sale of such share or shares in two of the newspapers printed in Boston, at least ten days previous to such sale—and the overplus monies (if any there may be) arising from such sale, shall be paid to the owner or owners of the share or shares so sold.

SECT. 8. *Be it further enacted*, That the Legislature may at any time hereafter, upon due notice to said Corporation, make such further provisions and regulations for the management of the said Corporation and the government thereof, as shall be deemed expedient.

Meeting to be called.

SECT. 9. *Be it further enacted*, That the persons herein beforenamed or any three of them are hereby authorized to call a meeting of the proprietors of said Corporation, for the choice of the first board of directors, as soon as may be after the passing of this act, at such time and place as they may see fit, by advertising the same in two of the newspapers printed in Boston, within ten days immediately preceding such choice.

[This act passed Feb. 27, 1809.]

CHAP.

CHAP. XLIX.

An act confirming the laying out the road of the Housatonic Turnpike Corporation, at and near the line of the State of New-York.

WHEREAS by an act passed on the eighth day of March last past, the Housatonic Turnpike Corporation were authorized to make alterations in the laying out of their road, upon a certain condition expressed in these words, that is to say, “*Provided notwithstanding*, that nothing in this act, shall be construed to authorize the said corporation or Committee to alter the location of the said road at either extremity of the same.” Whereas the Committee upon viewing the said road did conceive it proper that the same should terminate at the extremity thereof where the same intersects the line of the State of New-York, a few rods south of the place whereupon the said line it had formerly terminated by a previous location thereof. And the said Committee did thereupon report to the Court of Sessions for the county of Berkshire the said alteration, and the said report was by the said Court accepted :

Preamble.

BE it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the alteration in the location of the Housatonic Turnpike Road, at and near the line of the State of New-York, and the acceptance thereof by the Court of Sessions for the county of Berkshire, be and the same hereby is confirmed and established, to all intents and purposes, as if the said recited condition had not been in the act aforesaid.

[This act passed Feb. 27, 1809.]

CHAP. L.

An act to incorporate Benjamin Dearborn and others into a Society by the name and style of *The Massachusetts Association* for the encouragement of useful inventions.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Benjamin Dearborn, Jacob Welsh, William Coolidge, George Odiorne, George G. Lee, Jacob Perkins, Simon Willard, John Eveleth, Joshua Witherlee, John Fairbanks, Josiah Loring, David Cobb,*

Persons incorporated.

H h h

and

For what purpose.

and their associates, with such other persons as may be elected members of said Association, be and they are hereby formed into a Body Politick and Corporate by the name of the *Massachusetts Association* for the encouragement of useful inventions, for the purpose of promoting and encouraging new and useful mechanical inventions, by premiums and medals, establishing a private cabinet for depositing the first outlines of new inventions, and a publick Cabinet of Models and descriptions, and that they and their successors, shall be, and continue a Body Politick and Corporate by the same name forever. *Provided nevertheless*, That the Legislature may dissolve said Corporation whenever its continuance shall be found prejudicial to this Commonwealth.

Powers of officers.

SECT. 2. *Be it further enacted*, That the said association shall meet on the first Thursday of June, annually, for the choice of officers, at which time they may elect a President, one or more Vice-Presidents, Secretaries, and such other officers as they shall judge necessary or expedient, and they shall have full power and authority from time to time to determine the names, number, and duties of their several officers, and the tenure or estate they shall respectively have in their offices, *Provided* the same be not repugnant to the Laws of this Commonwealth; and the said annual meeting shall be held in the town of Boston, unless sickness or some other cause renders it hazardous, and the time and place of said meeting shall be notified in some one or more of the Boston newspapers, at least seven days previous thereto. All the officers elected at said meeting, shall hold their offices for one year, and until others shall be elected to succeed them. *Provided notwithstanding*, That said association may remove any of their officers for mal-conduct.

Proviso.

Association may hold any estate.

SECT. 3. *Be it further enacted*, That the said association may have one common seal, to be used in such of their transactions, as they shall determine; and that they may sue and be sued, and may establish rules, orders, and bye-laws, for the government of said association, and for the security and application of the funds thereof, *Provided* the same be not repugnant to the Constitution and laws of this Commonwealth; and may take, hold and possess any estate real or personal, by subscription, gift, grant, purchase, devise, or otherwise, and the same may improve, lease, exchange, or sell and convey, for the sole benefit of said institution. *Provided* the value of the real estate of said association shall never at any one time exceed the sum of fifty thousand dollars.

SECT.

SECT. 4. *Be it further enacted*, That the said association shall have full power and authority to establish such pecuniary fines and penalties as they shall judge proper, not exceeding four dollars for any one offence. Fines.

[This act passed Feb. 27, 1809.]

CHAP. LI.

An act to incorporate Rufus Pierce and others, for certain 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 Rufus Peirce, and others, who now are, and who may hereafter become his associates, be, and hereby are authorized and empowered, to make a Causeway, not less than twelve feet wide, over certain marsh, from the road leading from Quincy to Squantum, (so called) to the upland belonging to Col. John Pope in Dorchester. Powers.

SECT. 2. *Be it further enacted*, That the said Rufus Pierce and others, be, and hereby are allowed and empowered to raise by assessment, or tax, to be levied on all the proprietors of said Causeway, in proportion to the quantity of their land to which the same leads, or which may be benefited thereby, such sum or sums for defraying the charges of making and maintaining said Causeway, as shall be agreed upon by the proprietors, their heirs, or assigns, or the major part of them, assembled at any legal meeting to be called for that purpose ; the meeting of the said proprietors to be called and conducted in the same manner as those of the proprietors of common lands, prescribed by an act passed the tenth day of March, one thousand seven hundred and eighty four, relating to lands, wharves and other real estate, undivided and lying in common. And the said proprietors are hereby authorized and empowered to choose all such officers as may be necessary for managing the business aforesaid, in the same manner as proprietors of common lands are by law empowered to choose officers, at their legal meetings. Assessments. Officers.

SECT. 3. *Be it further enacted*, that if any person interested in said causeway, shall, for the space of six months, neglect to pay the sum duly assessed for him to pay, and of which the delinquent shall have received six months notice from the Collector, Treasurer or Clerk of said proprietors,

Land of delin-
to be sold for
taxes.

tors, then the said proprietors, for the purpose of paying such delinquent's assessment, are hereby authorized and fully empowered, to direct their Collector, Clerk, or Treasurer from time to time, at publick vendue to sell and convey so much of such delinquent's land as near as may be to said causeway, as will be sufficient to defray the sum assessed on him, and all reasonable charges attending such sale; notice of such sale, and of the time and place being given, by publishing an advertisement thereof, in two of the newspapers printed in Boston, five weeks successively before the time of sale. And the proprietors may, by their Clerk, execute a deed of conveyance of the land thus sold, unto the purchaser; wherein shall be conveyed all the right and title which said delinquent proprietor formerly had in said land thus sold and conveyed. *Provided nevertheless*, that the person whose land shall be sold, shall have liberty to redeem the same, at any time within one year after such sale, by paying the sum his land was sold for, and charges, together with twelve per centum on the sum produced by such sale.

Proviso.

SECT. 4. *Be it further enacted*, that the proprietors of said causeway, and of the land thereto adjacent, are hereby empowered to order and manage all affairs relative to the making and maintaining the said causeway, in such way and manner, as shall be concluded and agreed on, by the major part of those who are therein interested, present at any legal meeting; the votes to be collected and accounted according to the number of acres owned by the proprietors of said causeway.

[This act passed *Feb. 27, 1809.*]

CHAP. LII.

An act providing for the appointment of Inspectors, and regulating the manufactory of Gun-Powder.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That his Excellency the Governour, by and with the advice of Council, be, and he is hereby authorized to appoint an Inspector of gun-powder for every publick powder magazine, and at every manufactory of gun-powder in this Commonwealth, and at such other places, as may by him be thought necessary; and his Excellency the Governour, by and with the advice of Council,

Governour to
appoint inspec-
tors.

is

is hereby further authorized and empowered to remove said Inspectors, or any of them at pleasure, and may by new appointments from time to time fill any vacancy, or vacancies which may happen.

SECT. 2. *Be it further enacted*, That from and after the first day of July next, all gun powder which shall be manufactured within this Commonwealth shall be composed of the following proportions, and quality of materials, that is, every one hundred parts of gun powder, shall be composed of fourteen parts of fresh burnt coal, made from wood which forms the least ashes, and which has been carefully and well prepared, and made into coal, after being stripped of its bark, ten parts of pure sulphur, and seventy six parts of purified nitre. Materials.

SECT. 3. *Be it further enacted*, That it shall be the duty of each of said Inspectors, to inspect, examine and prove all gun-powder, which after the first day of July next, shall be deposited at any publick powder magazine, or manufactured in this Commonwealth, before the same shall be removed from the manufactory, or received into such publick powder magazine, and if upon such inspection and examination it shall appear to the Inspector, that such gun-powder is well manufactured, and composed of pure materials, and of the proper proportions of materials, and such gun-powder shall be of the proof herein after mentioned the Inspector shall mark each cask, containing gun-powder by him inspected, examined and proved as aforesaid, with the words Massachusetts Inspected Proof; and with his christian and sur-name, and shall also mark in figures upon each cask the quantity of powder contained therein, and the year in which the inspection is made. Duty of inspectors.

SECT. 4. *Be it further enacted*, That no gun-powder within this Commonwealth, shall be considered to be of proof unless one ounce thereof placed in the chamber of a four and an half inch howitzer, with the howitzer elevated so as to form an angle of forty five degrees with the horizon, will, upon being fired, throw a twelve pound shot, seventy five yards at the least. Powder to be proved.

SECT. 5. *Be it further enacted*, That whenever any of said Inspectors, shall discover any gun-powder, deposited at any publick powder magazine, or any other place within this Commonwealth, which is not well manufactured, or which is composed of impure materials, or of an improper proportion of materials, and which shall not be of the proof herein before mentioned, the inspector in such case shall mark each cask containing such impure ill manufactured or deficient Casks of bad powder to be marked.

deficient gun-powder, with the word "Condemned" on both heads of the cask, and with the same words on the side thereof, with the christian and sur-name of the inspector on one head of the cask.

SECT. 6. *Be it further enacted*, That if any person shall knowingly sell any condemned gun powder as, and for, good gun-powder, or shall fraudulently alter, or deface any mark, or marks, placed by any Inspector upon any cask or casks containing gun-powder, or shall fraudulently put any gun-powder, which shall not have been inspected, or which has been condemned, into any cask or casks, which shall have been marked by any Inspector, agreeably to the provisions contained in the third section of this act, every such person so offending shall forfeit and pay not less than two hundred, nor more than five hundred dollars, for each and every offence, to be recovered in an action of debt in any Court of competent jurisdiction ; one half to the use of the Commonwealth, the other half to the use of him or them, who shall sue, and prosecute for the same.

Fines.

Inspector to be sworn.

SECT. 7. *Be it further enacted*, That each Inspector who may be appointed by virtue of this act, shall before he acts as Inspector, be sworn to the faithful and impartial discharge of the duties of his office, and each inspector shall be allowed one cent for each pound of gun-powder by him examined, inspected, and proved, whether the same be by him approved or condemned, to be paid by the owner or owners of the gun-powder.

SECT. 8. *Be it further enacted*, That if any manufacturer of gun-powder shall sell or dispose of, or shall cause or permit to be sold or disposed of, or shall export, or cause to be exported without the limits of this Commonwealth, any powder of his manufacture, before the same has been inspected, and marked agreeably to the provisions of this act, he shall forfeit and pay the sum of fifty cents for every pound of powder so sold, disposed of, or exported, to be recovered in the manner provided in the sixth section of this act.

Fines.

SECT. 9. *Be it further enacted*, That if any person within this Commonwealth, after the first day of July next shall knowingly sell, expose, or offer for sale within this Commonwealth any gun-powder which is not well manufactured, or which is composed of impure materials, and which shall not be of the proof herein before required, shall forfeit and pay not less than five dollars, nor more than fifty dollars ; for each and every offence, to be recovered in the manner provided in the sixth section of this act.

[This act passed March 1, 1809.] CHAP.

CHAP. LIII.

An act authorizing the several Courts of Common Pleas in this Commonwealth, to allow accounts, and order payment, for services and expenses incident to said Courts.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the several Courts of Common Pleas in this Commonwealth, be and they are hereby authorized and empowered to receive, examine, and allow the accounts, and order payment out of the Treasury of their respective Counties for services and expenses incident to said Courts, any law to the contrary notwithstanding.
[This act passed March 1, 1809.]

CHAP. LIV.

An act in addition to an act, entitled, "An act to establish the Hartford and Dedham Turnpike 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 the said Hartford and Dedham Turnpike Corporation be, and hereby are authorized and empowered in lieu of one of the Gates now established by law, to erect one gate on said Turnpike road in Medway, between the dwelling houses of Isaas Hixson and Adam Bullard, and one other gate on said road between the dwelling house of Henry Tisdale in Dover, and the old road near the dwelling house of Benjamin Fisher, in Dedham, and when the same are erected, said Corporation shall be entitled to demand and receive at each of the said two gates, one half of the rates of toll now established by law, and which said Corporation have a right to demand and receive at the other gate, on said Turnpike road, under the same restrictions and regulations as are established by law on said Turnpike road.

[This act passed March 1, 1809.]

CHAP.

CHAP. LV.

An act to incorporate a Religious Society in the second parish in Shapleigh.

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 Ichabod Lord, Ham Nason, William Ham, Samuel Ham, Jun. Dominicus Lord, James Patch, John Bartlett, John H. Bartlett, William Bartlett, Edward Stanley, Benjamin Weymouth, Benjamin Goodwin, John Welch 3d, Samuel Patch, John Ham, Abraham Lord, Whiting Stephens, Thomas W. Goodwin, George Ham, Arthur Bragdon, Joseph Pray, William Thompson, Jun. Noah Thompson, John Thompson, Jun. Benjamin Crockett, George Ham, Jun. William Ferguson, John Crockett, Jacob Welch, David Welch, Abraham Welch, William Linscott, Joseph Linscott, Parker Webber, Stephen Pilsbury, Jun. Samuel Davis, Bartholomew Davis, Joshua Ferguson, James Thompson, Daniel Ferguson, Stephen Pilsbury, Thomas Goodwin, Matthew Ham, Paul Garvin, Solomon Hodsdon, Josiah Trafton, Josiah Trafton, Jun, David Gowin, Benjamin Gowin, John Murray, James Gowin, Elisha Wentworth and Joshua Trafton, with their families and estates, together with such others as may hereafter associate with them, and their successors, be, and they hereby are incorporated into a Society, by the name of The First Congregational Society in the Second Parish in Shapleigh; with all the powers, privileges, rights and immunities to which other parishes or societies are entitled by the Constitution and laws of this Commonwealth.

How to join the
society.

SECT. 2. *Be it further enacted,* That any person in the said second parish in Shapleigh, who may be desirous of becoming a member of the said First Congregational Society, and shall declare such intention in writing, given in to the clerk of the said First Society, fifteen days previous to the annual parish meeting; and shall receive a certificate signed by the said clerk, or the minister of the said Society, that he or she has actually become a member of, and united in religious worship with the said First Society in the second parish in Shapleigh; such person shall, from the date of such certificate, be considered with his or her polls and estate, as a member of said Society.

SECT. 3. *Be it further enacted,* That when any member of the said First Society in the second parish in Shapleigh, shall see cause to leave the same, and unite in religious

ious worship with any other religious society in the said second parish, and shall give notice of such intention to the clerk of the said first Society, and shall also give in his or her name to the clerk of such other society fifteen days previous to the annual meeting of said Society, and shall have received a certificate of membership, signed by the minister or clerk of said Society, such person shall from the date of such certificate, with his or her polls and estate be considered as a member of said 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 person belonged, assessed and not paid, previous to the leaving said Society.

How to leave
the society.

Proviso.

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

Justice to issue
warrant.

[This act passed March 1, 1809.]

CHAP. LVI.

An act to incorporate a number of the inhabitants of the town of Parsonsfield, in the county of York, into a Religious Society, by the name of The First Baptist Society in Parsonsfield.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John Buzzell, Noah Weeks, Samuel Longee, Taylor Longee, Eliphalet Weeks, Samuel Perry, Samuel Eastman, Jacob Dearborn, John Longee, Benning Parker, Ebenezer Foss, Winthrop Foy, John Inworgy, John Grenlow, Daniel Thurston, Jonathan Fowl, Thomas Thompson, Jeremiah Binford, Caleb Paine, John Blazo, Joseph Mesgget, Samuel Weeks, Ebenezer Kezer, James Perry, Thomas Edgcom, Abner Kezer, Samuel Foss, Lot Bedgwood, Joseph Merllas, Joshua Rundlet, Samuel Allen, Jeremiah Trewworthy, Thomas Randal, John Young, John Maston, Henry Boothbay, Joseph Blazo, Ichabod Churchwell, Jonathan Blazo, John Drown, Wil-

Persons incor-
porated.

liam Blazo, Amos Blazo, Ebenezer Blazo, Thomas Thompson, Jun. James Bradbury, Moses Colby, Benjamin Dalton, Nathan Huntress, Samuel Dalton, Samuel Moulton, Cutting Moulton, William Moulton, Jun. Samuel Moulton, Jun. James Marston, 3d, Wadleigh Cram, John Stevens, William Moulton, John Chase, Frystom Miles, Joshua Fairbanks, Nicholas Morrells, John Gillpatrick, Enoch Parsons, Thomas Parsons, John Fenderson, Nathan Fenderson, Francis Hatch, Silas Burbank, Ebenezer More, Dennis More, Zebulon Libbey, Noah Wedgwood, Paul Burnham, Dennis Benson, John Longee, Jun. James Folsom, Elisha Piper, Levi Bickford, Stephen Bickford, George Bickford, Joseph Parks, John Jordan, Jesse Wedgwood, Moses Chase, Jun. James Benson, John Benson, Jun. John Quint, John Benson, John Page, Thomas How, Isaac Emery, Dudley Hilton, Nathan Wiggen, John Brackett, and James Wedgwood, all of Parsonsfield aforesaid, 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 First Baptist Society in Parsonsfield, with all the powers and privileges which are exercised and enjoyed by parishes according to the Constitution and laws of this Commonwealth.

How to join the
society.

SECT. 2. *Be it further enacted*, That any person within the said town of Parsonsfield, who may desire to become a member of said Baptist Society, and shall declare such intention in writing, delivered to the minister or clerk thereof, fifteen days at least previous to the annual meeting of said Society, and shall receive a certificate signed by the said minister or clerk, that he or she had actually become a member of, and united in religious worship with, the said Baptist Society, such person shall, from the date of such certificate, be considered with his or her polls and estates, a member of said Society.

How to leave
the society.

SECT. 3. *Be it further enacted*, That when 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 said town of Parsonsfield, and shall give notice of such intentions to the clerk or minister of said Baptist society, and shall also give in his or her name, to the clerk or minister of such other society, fifteen days at least, previous to their annual meeting, and shall have received a certificate of membership, signed by the minister or clerk of such other society, such person shall, from the date of such certificate, with his or her polls and estate, be considered

sidered a member of said society : *Provided however*, that Proviso.
every such person shall always be held to pay his or her
proportion of all parish charges in the society to which such
person belonged, assessed and not paid, previous to the
leaving said society.

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 mem- Justice to is-
ber of the said Baptist society, requiring him to notify and sue warrant.
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 empowered
to choose at their annual parish meetings.

[This act passed March 1, 1809.]

CHAP. LVII.

An act to regulate the Fishery in the towns of Ipswich,
Hamilton, and Wenham.

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 owner or owners, occu-
pier or occupiers of mill-dams, across the streams leading
from the head of the tide waters in that part of Ipswich
called Chebacco, to Chebacco pond, and the ponds adja-
cent thereto, or the owner, or owners, occupier or occupiers
of any mill-dam which may be hereafter erected on the
streams aforesaid, be, and they are hereby required hence-
forward at their own cost and charge, in proportion to their Passage to be
several interests, to make and keep open a sufficient pas- kept open.
sage of such depth and width as the committee shall direct
for the fish called shad and Alewives, through their respec-
tive dams, from the tenth day of April to the fifteenth day
of May annually, and the privilege and benefit of taking
fish in the said streams and ponds, shall be free to the in-
habitants of the said towns of Ipswich, Hamilton, and
Wenham, within the limits of their respective towns, on
the days, and within the limitations prescribed by this act.

SECT. 2. *Be it further enacted*, That the inhabitants of
the towns aforesaid at their annual town meetings for the
choice of town officers, be, and they are hereby authorized
and directed to appoint three or more discreet persons, in Committee.
each of said towns as a fish committee to oversee the
taking

taking the fish agreeably to this act, which committee shall be sworn to the faithful discharge of their trust.

SECT. 3. *Be it further enacted*, That if the owner or owners, occupier or occupiers of the dams aforesaid, shall refuse or neglect to open, and keep open, within the period beforementioned the passages as aforesaid, such owner or owners shall forfeit and pay the sum of one hundred dollars to the use of the towns as aforesaid, to be recovered by action of debt, in any court proper to try the same.

Days for taking
fish.

SECT. 4. *Be it further enacted*, That there shall be two days in each week, appropriated for taking of said fish, in the said streams and ponds, viz : on Monday and Friday, and no fish shall be taken on any other days, than the days prescribed by this act, on the penalty of not more than *ten dollars*, and not less than *two dollars*, and no person shall be allowed to take said fish, with seines or drag-nets on penalty of *thirteen dollars*.

Justices to de-
termine com-
plaints.

SECT. 5. *Be it further enacted*, That any Justice of the Peace, in either of the towns of Ipswich, Hamilton, or Wenham, shall have cognizance of any breach of this act, and hear, try, and determine any complaints to the amount of *thirteen dollars*, his being an inhabitant of either of the said towns notwithstanding—and in case any minor, or minors shall offend against any part of this act, and thereby incur any of the penalties aforesaid, in all such cases, the parent, master, or guardian, of such minor, or minors, shall be answerable therefor, and in case a prosecution shall ensue, the action shall be commenced against the parent, master, or guardian of such minor or minors respectively, and judgment rendered accordingly.

[This act passed *March 1*, 1809.]

CHAP. LVIII.

An act to incorporate Joshua Fisher and others to manage a fund for charitable purposes, by the name of the Beverly Charitable Society.

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 Fisher, Moses Brown, Israel Thorndike, Abiel Abbot, Joseph Emerson, Thomas Davis, Robert Rantoul, John Dyson, Josiah Gould, Thomas Stephens, Joseph Chipman, Moses Dow, John Dike, John B. Allen, James Worceley, Benjamin Bockford, John Batchelder,

Persons incor-
porated.

elder, Abraham Killham, John Francis, of Beverly, and Ebenezer Francis and Joseph Lee of Boston, together with such others as may hereafter be elected members of said society, be, and hereby are incorporated and made a body politick and corporate, forever, by the name of the Beverly Charitable Society ; for the purpose of raising a fund in order to relieve and assist any inhabitant thereof, who, by reason of sickness or misfortune, may stand in need of special assistance ; to aid the destitute widow ; to provide for the helpless orphan, and generally, to perform such acts of charity and benevolence, as the funds of the society may allow ; excluding therefrom the idle, the profuse, the intemperate, and such as ought to apply, for relief to the overseers of the poor.

For what purpose.

SECT. 2. *Be it further enacted*, That the said society shall have power to choose a President, Secretary, Treasurer, Trustees, and other necessary officers, and to make all proper and necessary rules and bye-laws, not repugnant to the Constitution or laws of this Commonwealth, for the regulation of its members and property, and the same to change as they may find expedient or necessary.

General powers and choice of officers.

SECT. 3. *Be it further enacted*, That the said society shall have and use a common seal, which they may alter at pleasure ; and that the said society by the name aforesaid, may sue and be sued, prosecute and defend suits, with the power of substitution.

To have a Seal.

SECT. 4. *Be it further enacted*, That the said society shall be capable of purchasing, receiving and holding any estate, real or personal, to be used and improved for the purposes aforesaid, or such other benevolent purposes as the Donor may particularly direct ; *Provided*, the whole estate of the society shall not exceed the value of forty thousand dollars.

To hold property.

SECT. 5. *Be it further enacted*, That the said society may make sale of any of their estate, real or personal, purchased or given, unless that which shall be given, be expressly otherwise appropriated by the Donor ; and all monies arising from such sale, and the subsequent income, shall be applied to the same use to which the property sold, and the income thereof, were before respectively applicable. And all deeds, conveyances, contracts, and other instruments, duly executed and signed by the President and attested by the Secretary, shall be valid and binding on the society.

SECT. 6. *Be it further enacted*, That Joshua Fisher, be, and he hereby is authorized to call the first meeting of the society, at such time and place as he shall think proper, and he

Meeting to be called.

he is further empowered to act as secretary, until another shall be chosen.

[This act passed March 1, 1807.]

CHAP. LIX.

An act to incorporate a Religious Society, by the name of
The Second Baptist Society in Berwick.

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 Joseph Hubbard, William Chadbourn, Charles Shorey, Samuel Heard, Ebenezer Heard, Jonathan Horson, Love Keys, Nathaniel Nason, John Shorey, jun. Peletiah Butler, Ephraim Tibbets, Ichabod Tibbets, Moses Foye, Peter Hanson, Samuel Goodwin, jun. Thomas Knox, James Goodwin, William Chadwick, Asa Shorey, Nathaniel Garland, Elisha Whitehouse, Joseph Prime Taylor, Moses Roberts, Ebenezer Whitehouse, Tilley Haggens, Robert M'Gooch, John Hooper, jun. Eleazer Clark, Edward Grant, Caleb Wentworth, Caleb Frost, Eliphalet Jones, Samuel Jones, Daniel Fall, Andrew Horne, jun. James Goodwin, jun. Jacob Fall, James Downs, Gershom Horne, Nathaniel Downs, Joseph Nook, Samuel Hurd, jun. James Foye, Nathan Wentworth, Tristram Hurd, John Tibbets, John Foye, George Appleby, Ebenezer Clements, James Gubtail, Hawley Appleby, Enoch Abbot, Moses Clements, Samuel Goodridge, David Goodridge, John Abbot, jun. Andrew Horne, Benjamin Lord, Nathan Butler, Ephraim Ricker, Jonathan Ricker, Ebenezer Fall, Stephen Clark, Stephen Wentworth, Samuel Roberts, and Paul Ellis, together with their polls and estates, be, and they hereby are incorporated by the name of the Second Baptist Society in Berwick, with all the privileges, powers and immunities, which parishes in this Commonwealth by law enjoy.

How to join
the society.

SECT. 2. *Be it further enacted,* That any person in said town of Berwick, who may at any time hereafter actually become a member of, and unite in religious worship with, said Baptist Society, and give in his or her name to the clerk of the parish, to which he or she did heretofore belong with a certificate signed by the minister or clerk of said society, that he or she hath actually become a member of, and united in religious worship with, said Baptist society fourteen days previous to the parish meeting therein to be held

held in the month of March or April annually shall from and after giving such certificate, with his or her polls, and estate, be considered as a member of said society, *provided* Proviso. *however*, that such person shall be held to pay his or her proportion of all monies assessed or voted in the parish to which he or she belonged previous to that time.

SECT. 3. *Be it further enacted*, That when any member of said society, shall see cause to leave the same, and unite in religious worship with any other religious society in the town or parish, in which he or she may live, and shall give in his or her name to the clerk of the baptist society aforesaid, signed by the minister or clerk of the parish, or other incorporate society with which he or she may unite, that he or she hath actually become a member of, and united in religious worship with, such other parish or other incorporated religious society, fourteen days previous to their annual meeting in March or April, and shall pay his or her proportion of all monies voted in said society to be raised previous thereto, shall from and after giving such certificate, with his or her polls and estate, be considered as a member of the society to which he or she may so unite. How to leave the society.

SECT. 4. *Be it further enacted*, That any Justice of the Peace, in the town of Berwick, be, and he is hereby 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 month of March or April annually. Justice to issue his warrant.

[This act passed March 1, 1809.]

CHAP. LX.

An act to incorporate a religious society in the town of Norway.

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 following persons, viz. Joseph Bradbury, Job Eastman, Joel Stevens, Cadwalader F. Jones, John Horr, Benjamin Fuller, James Flint, Joshua Crocket, Jonathan Pottle, Darius Wilkins, Eliphalet Watson, Silas Merrian, John Pike, Aaron Wilkins, Amos Town, Increase Robinson, Asa Noyes, Willis Sampson, William Lessley, Ward Noyes, Enoch Hall, John Needham, Stephen Pingree, jun. Micah Upton, Jonathan Gurney, Persons incorporated.

ney, Joseph Martin, Benjamin Flint, Robinson Hobbs, Enoch Merrill, Joel Frost, Thomas Wood, Jeremiah Hobbs, Jeremiah Hobbs, jun. Daniel Hobbs, Jeremiah Hobbs, 3d, Jonas Stevens, jun. John Case, Daniel Holt, Jacob Russell, Frye Lovejoy, Ephraim Twambly, Francis Butcher, Dustan Patch, Zephaniah Frost, Philip Abbot, John Ordway, Jacob Frost, Daniel Town, Amos Upton, Amos Upton, jun. Jonathan Shed, Jonathan Cummings, Luther Farrer, William Hobbs, Benjamin Peabody, Amasa Lessley, Joseph Stewart, jun. Moses Ayer, Elijah Flint, Amos Cummings, Jonas Stevens, Nathan Noble, Ebenezer Watson, Amos Hobbs, Steven Bartlett, Timothy Stone, Nathan Foster, Isaac Lovejoy, and Ebenezer Bancroft, together with their families and estates, and such others as may hereafter associate with them, be, and they are hereby incorporated into a society by the name of The Congregational Society in Norway, with all the powers, privileges and immunities to which other religious societies, are entitled by the Constitution and laws of this Commonwealth.

Justice to issue
his warrant.

SECT. 2. *Be it further enacted*, That any Justice of the Peace in the county of Oxford is hereby authorized, and empowered to issue his warrant, directed to some suitable inhabitant of said town of Norway, requiring him to notify and warn the members of said Congregational Society, to meet at such convenient time and place, as shall be expressed in said warrant for the purpose of choosing such officers as parishes are by law empowered to choose at their annual meetings in the month of March or April annually.

[This act passed *March 1, 1809.*]

CHAP. LXI.

An act to incorporate a number of the inhabitants of the towns of Harwich, Chatham and Orleans, as a religious society by the name of The First Methodist Society in Harwich.

Persons incor-
porated.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Anthony Baker, Richard Basset, Richard Basset, jun. Joel Basset, Nathaniel Basset, jun. Seth Burgess, Daniel Chase, Carlo Cohoon, Gamaliel Cohoon, Seth Cohoon, Simeon Cohoon, Levi Cohoon, Peter Cohoon, Jesse Cohoon, Jesse Cohoon, jun. John Cohoon, jun.

jun. Reuben Cohoon, jun. Jonathan Crowell, Solomon Crowell, Eli Eldridge, Elijah Eldridge, Bani Eldridge, Seth Eldridge, Isaac Eldridge, Isaac Eldridge, jun. Isaiah Eldridge, Nehemiah Eldridge, Nathan Eldridge, Elnathan Eldridge, Elnathan Eldridge, jun. Ensign Eldridge, Ebenezer Eldridge, Ebenezer Eldridge, jun. Samuel Eldridge, 3d. Lewis Eldridge, Oliver Eldridge, Thomas Eldridge, Thomas Eldridge, jun. Warren Eldridge, William Eldridge, Zenas Eldridge, Benjamin Hall, Henry Kenwick, Nathan Kenwick, James Kenwick, Jonathan Kenwick, Solomon Kenwick, Stephen Kenwick, Abijah Long, Elkanah Long, Levi Long, William Long, William Long, jun. Baty Nickerson, Benjamin Nickerson, Edward Nickerson, Elkanah Nickerson, Dean Nickerson, Eleazer Nickerson, Henry Nickerson, Levi Nickerson, Nathan Nickerson, Richard Nickerson, James Nickerson, Silas Nickerson, Silas Nickerson, jun. Seth Nickerson, Seth Nickerson the 4th, Tully Nickerson, Vinson Nickerson, Nathaniel Robbins, jun. Eli Small, Denne Small, John Small, James Small, Nathan Small, Thomas Small, William Small, William Small, jun. Zebedee Small, Stephen Torner, Solomon Wixom, James Wixom, Edmund Young, Lewis Young, John Young, John Young, jun. and William Young, jun. all of Harwich; Ebenezer Bears, Simeon Bears, Joshua Buck, Isaac Eldridge, John Eldridge, Zephaniah Eldridge, Melatiah Hamilton, and David Howes, all of Chatham; Obadiah Eldridge, Reuben Eldridge, Simeon Ellis, Uriah Linnel, Malachi Nickerson, Uriah Nickerson, and Zachariah Small, all of Orleans, members of the Methodist Society, with their polls and estates, together with such others as may hereafter associate and join with them, in conformity with the provisions of this act, be, and they are hereby incorporated as a religious society, by the name of The First Methodist Society in Harwich; with all the powers and privileges which are enjoyed and exercised by other religious societies, according to the Constitution and laws of this Commonwealth.

SECT. 2. *Be it further enacted,* That any person in either of the aforesaid towns of Harwich, Chatham and Orleans, who may at any time hereafter, be desirous to unite with, and shall actually become a member of the said Methodist society, shall declare such intention in writing, by giving in his or her name to the minister or clerk of the said Methodist society, and receive a certificate of membership, signed by the minister, elders, or clerk of the said

How to join
the society.

K k k

society,

society, that he or she has united in religious worship, and hath actually become a member of the said Methodist society in Harwich, and shall also leave an attested copy of such certificate, with the clerk of the parish or society to which he or she belonged, fourteen days previous to the annual parish meeting in March or April; shall, from and after the date of such certificate, with his or her polls and estates, be considered a member of the said society: *Provided however*, that such person shall be held to pay his or her proportion of all monies assessed and not paid to the society from which such person has seceded.

How to leave
the society.

SECT. 3. *Be it further enacted*, That when any member of the said Methodist society, shall see cause to leave the same, and to unite with any other religious society in the town or parish in which he or she may live, shall declare such intention in writing, to the minister or clerk of such other society, fourteen days before the annual meeting thereof; and if such person shall receive a certificate of membership, signed by the minister, elder, or clerk of such society, that he or she has united in religious worship, and hath actually become a member thereof; such person shall, from the date of such certificate, with his or her polls and estate, be considered as a member of such society: *Provided however*, that such person shall be held to pay his or her proportion of all monies assessed in the said society, and not paid, previous to leaving one society and joining to another.

Proviso.

Justice to issue
his warrant.

SECT. 4. *Be it further enacted*, That any Justice of the Peace for the county of Barnstable, be, and he is hereby authorized to issue his warrant, directed to some suitable member of the said Methodist society, requiring him to notify and warn the members thereof, qualified to vote in parish affairs, to assemble at such convenient time and place, as shall be appointed in said warrant, for the choice of such officers as parishes are by law empowered to choose at their annual parish meetings.

[This act passed March 1, 1809.]

CHAP.

CHAP. LXII.

An act to divide the County of Kennebeck, and to constitute the northerly part thereof into a County by the name of the County of *Somerset*.

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 county of Kennebeck shall Boundaries. be divided by a line, beginning on the westerly line of the county of Hancock, at the north easterly corner of Township, Number four, north of the Waldo Patent, thence running westerly on the northerly line of said Township and the town of Unity, to the northwest corner of the town of Unity aforesaid ; thence due west, to the easterly line of the town of Clinton ; thence northerly by said Clinton, to the northeast corner thereof ; thence westerly by the northerly line of Clinton, to Kennebeck river ; thence down the middle of said river, to the line between the towns of Waterville and Fairfield ; thence westerly between the towns last mentioned, to the southwesterly corner of said Fairfield, thence westerly on a straight line, to the south easterly corner of the town of Mercer ; thence westerly, on the southerly line of said town of Mercer, to the easterly line of the town of New-Sharon ; thence northwesterly, on the north easterly line of the town of New-Sharon aforesaid, to the easterly line of the town of Farmington ; thence northerly and westerly, on the easterly and northerly line of said town of Farmington, to the easterly line of the town of Temple ; thence northerly and westerly, on the easterly and northerly line of the town of Temple, to the easterly line of the county of Oxford, and the bounds of the county by this act created on the east, shall be the line heretofore established between the Counties of Hancock and Kennebeck ; and on the west by the line between the Counties of Kennebeck and Oxford ; and on the north, by the line on the high land ; being the boundary between the District of Maine, and the province of Lower-Canada.

SECT. 2. *Be it further enacted,* That all and every part Name. and parcel of the late county of Kennebeck, included within the lines before described, shall be and the same is hereby formed and erected into an entire and distinct county, by the name of *Somerset* ; of which Norridgewock shall be the shire, or county town. And the inhabitants of the said county

county of *Somerset*, shall hold, possess, use, exercise and enjoy, all the powers, rights and immunities, which, by the Constitution and laws of this Commonwealth, the inhabitants of any county within the same, do hold, possess, use, exercise, enjoy, and are entitled to.

Courts.

SECT. 3. *Be it further enacted*, That there shall be held and kept within the said county of *Somerset*, a court of sessions, to be held at Norridgewock aforesaid, on the second Tuesday of September, and on the second Tuesday of February yearly and every year ; and that there shall be held and kept, within the said county of *Somerset*, to set at Norridgewock aforesaid, a Court of Common Pleas, on the third Tuesdays of September and February, yearly and every year, until the General Court shall otherwise order, and the Justices of said court of sessions, and said court of Common Pleas, who shall be thereunto lawfully commissioned, shall have, hold, use, exercise and enjoy all and singular the powers which are by law given and granted to such Justices, within any other county of this Commonwealth, where a court of sessions and court of Common Pleas are already established ; and all appeals from any judgment or judgments, given at any court of Common Pleas, within the said county of *Somerset*, shall be heard and tried at the Supreme Judicial Court, to be held at Augusta, in the county of Kennebeck.

Choice of Of-
ficers.

SECT. 4. *Be it further enacted*, That the methods and proceedings directed by law for choosing a County Treasurer and Register of Deeds, and the modes and forms of proceeding, known and practised in bringing forward and trying actions, causes, pleas or suits, and of originating and conducting legal processes, of every kind, whether civil or criminal, in the Judicial Courts established in the several counties in this Commonwealth, and for choosing persons to serve as Jurors at the said courts, shall be observed and put in practice, used and exercised within the said county of *Somerset*, as is usual in other counties in this Commonwealth : *Provided, however*, that the County Treasurer, and Register of Deeds for the said county of *Somerset*, shall, for the first time originate in the same manner, as is prescribed by law, where vacancies happen by death or resignation.

Proviso.

SECT. 5. *Be it further enacted*, That deeds, conveyances and transfers of real estate of every kind, which may happen or take place, prior to the appointment of a person for Register of Deeds within and for said county of *Somerset*,

erset, and to his being qualified to discharge the duties of that office, may be recorded in the office of Register of Deeds in and for the county of Kennebeck, according to its late boundaries ; and such registering shall have the same effect and operation as though recorded in the Registry of Deeds, for the said county of *Somerset*.

SECT. 6. *Be it further enacted*, That the several towns, Districts and Plantations, within the said county of *Somerset*, shall pay to the Treasurer of the county of Kennebeck, in the same manner they have paid previous to the passing of this act, their due proportion of all county taxes, that shall have been granted prior to the seventeenth day of Feb. of the present year ; and the court of sessions in and for the county of Kennebeck, shall have the same power and authority to proceed with and assess upon all such towns, districts and plantations severally, their due proportion of all such taxes as have been granted as aforesaid ; and the assessors of all such towns, districts and plantations, and the inhabitants thereof severally, shall be governed by and subject to the same laws of this Commonwealth, and held, bound and obliged to perform the same duties, and be under the same penalties with respect to assessing and paying all such taxes ; and the Treasurer of said county of Kennebeck, shall be, and hereby is directed and empowered to proceed in the same manner for the collection of such taxes, and shall have the same power and authority to collect and levy the same, by warrants of distress, in due form of law, as if this act had never passed. And all lawful precepts issued by the said Treasurer, for said county of Kennebeck, for the collection or levying such taxes, directed to the proper officer, within and for the county of *Somerset*, shall be duly obeyed by such officer under the same penalty ; and such officer shall be liable to be proceeded with for any default therein, in the same manner as in like cases where a similar default happens in any county within this Commonwealth, within and to which both said Treasurer and Officer belong ; and the said county of *Somerset* shall be held to pay their due and just proportion of all debts that shall be due and owing from the said county of Kennebeck, on the seventeenth day of February of the present year ; excepting any debts which may be due from said county towards building a stone jail in said county, over the sum of eight thousand dollars, which has been granted and apportioned upon the several towns, and districts within said county for that purpose.

Taxes.

SECT.

SECT. 7. *Be it further enacted*, That the jurisdiction of the said County of Kennebeck, in all civil and criminal matters, and the power, authority and duty of its civil officers and magistrates, and the style and manner of their proceedings, shall continue and extend throughout the whole of the late county of Kennebeck, until the first day of June next, in the same manner as if this act had not passed; excepting however, that the said county of *Somerset* shall not be holden to pay any part or proportion of any tax which may be assessed upon, or debt contracted by said county of Kennebeck, after the seventeenth day of February before mentioned; and all actions and civil suits of every kind, which shall or may be pending in the Court of Sessions or Court of Common Pleas for the county of Kennebeck, in which real estate is sued for, that is situated in the county of Somerset, or the original plaintiff or plaintiffs, petitioner or petitioners, one or more of them reside in the county of Somerset, or in which the original plaintiff or plaintiffs, petitioner or petitioners, do not live within the present county of Kennebeck, and the adverse party do live or reside within the county of Somerset, together with all recognizances, scire facias, and suits wherein the Commonwealth are party, and the adverse party live or reside within the county of Somerset, prior to the first day of June next, shall be heard, tried, and finally determined in the county of Kennebeck, as if this act had not passed.

Suits, &c. pending to be determined in the county of Kennebeck.

SECT. 8. *Be it further enacted*, That the Towns and Plantations within the said county of Somerset, in the voting for state senator, and federal representative, shall be considered as forming a part of the district, heretofore known by the name of Kennebeck District, any thing in this act to the contrary notwithstanding; and that the inhabitants thereof shall have and enjoy the same rights and privileges with respect to the election of senator and federal representative, as aforesaid, as if this act had never passed; and all returns of votes for such senator and federal representative within the said county of Somerset, shall be made in the same manner and under the same penalties as is by law provided in other counties within this Commonwealth.

Towns and Plantations in Somerset to form a part of Kennebeck district.

SECT. 9. *Be it further enacted*, That all officers within the said county of Somerset, having authority to commit prisoners to Jail, shall be authorized, for the term of two years, to commit their prisoners to the Jail in the county of Kennebeck; and the keeper of the Jail in the said county of Kennebeck, is hereby authorized and required to receive
and

Prisoners to be committed to Kennebeck jail.

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

[This act passed March 1, 1809.]

CHAP. LXIII.

An act to repeal certain acts, concerning Meadows and
Beaches, in the north part of Harwich.

BE *it enacted by the Senate and House of
Representatives, in General Court assembled, and by the
authority of the same,* That an act made and passed in the
year of our Lord, one thousand seven hundred and sixty-
one, entitled "An act to prevent damage being done on
the meadows and beaches, lying in, and adjoining on the
north side of the town of Harwich, between Skaket harbour
on the east, and Quivet harbour on the west." Also, an
act made in the same year, entitled "An act, in addition
to an act made and passed this present year, entitled "An
act to prevent damage being done on the meadows and
beaches, lying in, and adjoining on the north side of the
town of Harwich, between Skaket harbour on the east, and
Quivet harbour on the west;" which acts, by an act passed
the seventh day of March, in the year of our Lord, one thou-
sand seven hundred and ninety-seven, were made perpetual,
be, and the same are hereby repealed.

[This act passed March 2, 1809.]

CHAP. LXIV.

An act to regulate the taking of Fish in the town of Ro-
chester.

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 person who shall take any
of the fish called alewives in the brook leading out of Mer-
ry's Pond so called in Rochester into Sippican River, or in
the said Sippican River, excepting as is in this act allowed,
shall forfeit, and pay the sum of ten dollars, to be recovered
in an action of debt, in any court proper to try the same, by
the Treasurer of said town, to the use of said town.

SECT.

Committee to
be chosen.

SEC. 2. *Be it further enacted*, That the inhabitants of the said town of Rochester, at their annual town meeting in the month of March or April annually, shall choose a committee of not more than six, nor less than three, inspectors of said brook and river, who shall be under oath as other town officers, to inspect the same, under the direction of the select men of said town for the time being, and whose duty it shall be, to give immediate notice to the Treasurer of said town, of all breaches of this act which has come to their knowledge.

SECT. 3. *Be it further enacted*, That the inhabitants of said town of Rochester at any town meeting, legally warned, (having an article in the warrant) for that purpose, may if they think proper, sell the exclusive right to the taking said fish in said brook, or in said river for a term, not more than one year to the highest bidder or bidders to be taken at such times and places, and by such means as shall be pointed out in the conditions of sale, and if any such purchaser shall take any of such fish in said river, or in said brook, contrary to the terms in the conditions of sale, every such person or persons shall forfeit and pay the sum of twenty five dollars to be recovered as aforesaid, for the use aforesaid.

Penalty.

SECT. 4. *Be it further enacted*, That if any person shall make, or erect any wear or other impediments in or across said brook or river, below where said brook empties itself into said river, by which the passage of said fish up said brook, or up said river shall be obstructed, each person so offending, shall for each and every offence, forfeit and pay the sum of fifty dollars, to be recovered as aforesaid for the use aforesaid. [This act passed March 2, 1809.]

CHAP. LXV.

An act defining the general powers and duties of Manufacturing Corporations.

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 Corporations which may hereafter be established within this Commonwealth, for the purpose of carrying on any kind of manufacture, or manufactures, shall have power from time to time, to choose a clerk, who shall be sworn by a justice of the peace to the faithful

faithful discharge of his duty, and who shall record all votes of the corporation in a book, to be by him kept for that purpose ; a Treasurer who shall give bonds in such manner, and in such sum as any such corporation shall direct, and such other directors, agents, and factors, as shall be thought necessary and convenient for their regular government, and to carry into effect the several objects for which any such corporation may be established, and to make and establish any rules and bye-laws for the regulation and government of said corporations with reasonable penalties for the breach thereof, not exceeding the sum of twenty dollars, and the same at their pleasure to repeal and annul, *Provided*, that such rules and bye-laws shall not be repugnant to the Constitution and laws of this Commonwealth.

Officers to be
chosen.

SECT. 2. *Be it further enacted*, That a majority of the persons named in any act of incorporation, may call the first meeting of the corporation, by giving notice of the time and place of meeting in some publick newspaper, printed in the county where the manufactory shall be established, at least fourteen days before the time of the meeting; and if no paper is printed within the county, then publick notice of the time and place of meeting shall be given as aforesaid in a newspaper printed in some adjoining county.

SECT. 3. *Be it further enacted*, That the property of all such corporations shall be divided into shares, and numbered in progressive order, beginning at number one, and every original member of such corporation shall have a certificate under the seal of the corporation and signed by the Treasurer, certifying his property in such share as shall be expressed in the certificate.

Of property.

SECT. 4. *Be it further enacted*, That any share may be alienated by the proprietor thereof by a deed under his hand and seal, acknowledged before some Justice of the Peace, and recorded by the clerk of the corporation in a book to be by him 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.

SECT. 5. *Be it further enacted*, That any such corporation may, from time to time, at any legal meeting called for that purpose, assess upon each share, such sum or sums of money, as shall be judged by such corporation necessary for raising a capital for the establishment and completion of the object of the incorporation, and for defraying the

Assessments.

charges, and expenses incident thereto, to be paid to their treasurer at such time or times, and by such instalments as shall be directed by the corporation; and if the proprietor of any share or shares, shall refuse or neglect to pay any tax or assessment, duly voted and agreed on by said corporation for the term of thirty days after the time set for the payment thereof, the treasurer of such corporation is hereby authorized to sell at publick vendue the share or shares of such delinquent proprietor, sufficient to pay all taxes or assessments which may be then due from said proprietor, with all necessary and incidental charges, after having given publick notice in some newspaper, printed in the county where the manufactory is established, if any is printed therein, otherwise in some adjoining county, of the time and place of sale, with the sum due on each share, at least three weeks successively before the sale, and such sale shall be a legal transfer of the shares so sold to the purchaser, and when the purchaser shall produce a certificate of such sale from the treasurer to the clerk of the corporation, with the name of the purchaser, and the number of the share or shares sold, the same shall be entered by the clerk on the books of the corporation, and such person shall be considered to all intents and purposes the proprietor thereof, and shall be entitled to a certificate in the form prescribed in the third section of this act.

Shares may be
sold for taxes.

SECT. 6. *Be it further enacted*, That whenever any action shall be commenced against any corporation that may hereafter be created, or whenever any execution may issue against such corporation, on any judgment rendered in any civil action, and the said corporation shall not within fourteen days after demand thereof made, upon the president, treasurer or clerk of such corporation, by the officer, to whom the writ or execution, against such corporation, has been committed to be served, shew to the same officer sufficient real or personal estate to satisfy any judgment, that may be rendered upon such writ, or to satisfy and pay the creditor the sums due upon such executions, then and upon such neglect and default, the officer to whom such writ and execution may have been committed for service, shall serve and levy the same writ or execution upon the body or bodies, and real and personal estate or estates of any member or members of such corporation.

Property of
members res-
ponsible.

SECT. 7. *Be it further enacted*, That all acts incorporating manufacturing companies, shall be deemed and taken to be publick acts, and as such may be declared upon,
and

and given in evidence in any Court of Law, without specially pleading the same: *Provided always*, That the Legislature may from time to time, upon due notice to any corporation, make further provisions, and regulations for the management of the business of the corporation, and for the government thereof, or wholly to repeal any act, or part thereof, establishing any corporation as shall be deemed expedient.

[This act passed *March 3, 1809.*]

CHAP. LXVI.

An act to rectify and establish the line between the towns of Monmouth and Leeds, in the County of Kennebeck.

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 line between the towns of Monmouth and Leeds, shall hereafter be as follows, viz. beginning at a stake and stones, about fifteen rods, west of the Bogstream, (so called) thence running south nine degrees west, to a beach tree on the south line of Monmouth.

[This act passed *March 3, 1809.*]

CHAP. LXVII.

An act further to continue in force an act, entitled “An act to establish a corporation by the name of the Essex 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 the act entitled “An act to establish a corporation by the name of the Essex Turnpike Corporation shall be, and hereby is continued in full force and effect for and during the full term of two years, from and after the twenty second day of June, which was in the year of our Lord, one thousand eight hundred and eight, any thing in said act to the contrary notwithstanding.

[This act passed *March 3, 1809.*]

CHAP. LXVIII.

An act establishing the Bangor Meeting House 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 Charles Hammond, William Boyd, Nathaniel Harlow, Samuel Call, Jacob McGaw, John Perkins, Robert Parker, Moses Patten, Amos Patten, Abner Taylor, Hosea Rich, Stephen Kimball, Samuel E. Dutton, Joseph Treat, Alexander Savage, Joseph C. Adams, David Fogg, James Tilton, Jeremiah Dudley, Isaac Watson, Jonathan Plummer, Asa Davis, Richard Dunning, John Barker, Samuel Greenleaf, Israel Snow, Horatio G. Balch, Thomas Bradbury, Jacob Holyoke, William Rice, Charles Rice, Thomas Norton, Joseph Carr, James Carr, Luke Wilder, Stephen Giddings, William Hammond, Edward Sargent, Daniel Webster, Ebenezer Weston, John Sargent, John Ham, David W. Haynes, Robert Treat, Francis Brown, Timothy Crosby, John Balch, William Seward, and their associates, and successors be, and they are hereby made a Corporation and body politic by the name of the "Bangor Meeting House Corporation;" and by that name may sue, and be sued, and shall have a common seal and may also ordain and establish, and put in execution such bye-laws and regulations as to them shall seem necessary and convenient for the government of said corporation, *Provided* such bye-laws and regulations shall be in no wise contrary to the laws and constitution of this Commonwealth, and may hold by purchase, gift, or devise, lands suitable and convenient whereon to erect said house and such other buildings as they may deem necessary and convenient for the accommodation of said house or a minister, and also for a suitable yard or common about the same, and any other real or personal estate, the income of which shall not exceed three thousand dollars annually for the purpose of building said meeting-house, and other buildings, and keeping the same in repair, and supporting publick worship therein; and shall have full power and authority to build said house, and a house for the accommodation of a minister, and such out buildings as they may deem necessary; to contract with and support a minister, and to lay all necessary assessments on the shares or pews of the proprietors, for carrying into effect any of the objects of this incorporation.

Persons incor-
porated.

Empowered.

Proviso.

SECT.

SECT. 2. *Be it further enacted,* That the shares in said corporation, and pews in said meeting-house, shall be considered as personal estate ; and the certificates and transfers of the same shall be recorded by the clerk of said corporation in separate books to be by him kept for that purpose, before the same shall be valid.

Pews to be
considered
personal estate.

SECT. 3. *Be it further enacted,* That each proprietor or his agent duly authorized in writing, shall have a right to vote in all meetings of said corporation, and shall be entitled to as many votes as he holds shares : *Provided however,* that no person shall in any case be entitled to more than ten votes.

SECT. 4. *Be it further enacted,* That any five of the proprietors, shall have power to call the first meeting of said corporation by posting up in said town of Bangor, at three several publick places, written notice of the time, place, and purpose of said meeting, at least fourteen days previous to the time of said meeting, and the corporation shall at this meeting determine the mode of calling all future meetings of the proprietors, divide the property of the corporation into shares, and determine the time for the annual meeting of the corporation for the choice of officers in future, and shall also at this meeting, and at the annual meeting ever afterwards choose a President, Treasurer, Clerk, and four other persons, who together shall be a committee to manage the concerns of the corporation for one year from the time of their election, and until others are chosen in their stead, and who shall exercise all powers legally delegated to them by the corporation : *Provided, however,* that if by accident or neglect the annual meeting shall not be properly notified, then the aforesaid officers may be chosen at any other meeting called for that purpose.

Officers to be
chosen.

SECT. 5. *Be it further enacted,* That the said clerk shall be sworn to the faithful discharge of his duty, and he shall record all votes and proceedings of said corporation, and said committee in separate books, to be by him kept for that purpose.

SECT. 6. *Be it further enacted,* That whenever any proprietor shall neglect or refuse to pay any assessment duly voted for the purposes of this corporation, to the Treasurer thereof for the space of thirty days after the same is made payable, the Treasurer is hereby authorized to sell at publick vendue the share or shares of such delinquent proprietor to pay said assessments and all necessary charges, after having given twenty days previous notice of the sum due

Shares sold for
taxes.

Proviso.

on such share or shares, and the time and place of sale, by written notifications signed by said Treasurer, and attested, and posted by the clerk at the door of said meeting-house, and at two other publick places within the town of Bangor : *Provided, however,* that until said house is erected, the other two notifications shall be deemed sufficient, and the overplus arising from such sales after paying said assessment, and all necessary charges shall be paid by the Treasurer to the proprietor of such share, or shares on demand, and a record made by the clerk of said advertisements, and that he has posted them up, agreeably to the provisions of this act, shall be deemed sufficient evidence of the fact in all cases.

SECT. 7. *Be it further enacted,* That the said corporation at any legal meeting may authorize their committee to lease or sell, and dispose of any or all of the real estate belonging to said corporation in such manner, and to such person or persons, or corporation, as said committee may think proper. And the deed of said committee authorized as aforesaid, duly executed, acknowledged, and recorded, shall be deemed sufficient for the conveyance of such property to the person or persons, or corporation, to whom the same is therein granted.

SECT. 8. *Be it further enacted,* That the substance of every subject to be acted upon at any meeting of the corporation, shall be expressed in the notifications for calling said meetings.

[This act passed March 3, 1809.]

CHAP. LXIX.

An act to establish a Corporation by the name of the Groton and Pepperrell 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 Oliver Prescott, James Brazer, Thomas Gardner, Joseph Moors, Aaron Brown, Luther Lawrence, William Merchant Richardson, esq. Benjamin Woods Parker, William Nutting, Jacob Lakin Parker, James Lewis, jun. and Joseph Fletcher Hall, all of Groton aforesaid, the Rev. John Bullard, Joseph Heald, esq. Simon Green, and Lemuel Parker, all of Pepperrell aforesaid, together with such other persons as may hereafter associate with

Persons incor-
porated.

with them, be, and they hereby are made a corporation and body politick, by the name and style of the Groton and Pepperrell Turnpike Corporation, for the purpose of laying out and making a turnpike road from the first parish meeting-house in Groton in the county of Middlesex, or from the burying ground to the west of the same, as the locating committee may judge will best promote the publick interest, to such point in the line of the state of Newhampshire, as will be, in the nearest convenient rout from the place of departure in Groton aforesaid, to the meeting-house in Milford in said state of New-Hampshire, 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, made and passed the sixteenth day of March in the year of our Lord, one thousand eight hundred and five, and any acts which have been made in addition thereto.

SECT. 2. *Be it further enacted*, That when the road aforesaid, shall be laid out, made, completed and shall be approved by the Court of Common Pleas for said county of Middlesex, the said corporation shall have power to erect one gate thereon, at such place as the said court may order, and shall be entitled to receive toll thereat, any thing in the act aforesaid notwithstanding.

[This act passed *March 3, 1809.*]

CHAP. LXX.

An act to incorporate the Trustees of the Methodist Religious Society in Boston.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Hall Jackson, John Clark, John Jones, Edward Haynes, Thomas Patten, James Howlett, James Hutchinson, Amos Binney, Abraham Ingersol, George Southerland, James T. Goodridge, Robert Restieaux, Ezra Curtin, and David Patten, be and hereby are incorporated into a body politick by the name of the Trustees of the Methodist Religious Society in Boston, and by that name, they and their successors in office shall be a corporation forever.

Persons incor-
porated.

SECT.

SECT. 2. *Be it further enacted*, That the number of said Trustees, shall at no time exceed fifteen, nine of whom shall constitute a quorum to do business; that they shall annually in the month of January elect from their own body a Treasurer, who shall have charge of the monies and securities for money, or other property belonging to the said Methodist Religious Society; also a Secretary, who shall keep a faithful record of all the votes and doings of the said Trustees. They shall have power to make such rules and bye-laws, as may be necessary for the management of their affairs, the regulation of their officers, the raising of money for the support of their publick teachers, and repairs of their Chapels, and for calling their meetings from time to time, as are not repugnant to the Constitution and laws of this Commonwealth.

SECT. 3. *Be it further enacted*, That whenever there shall occur any vacancy in the board of Trustees, by reason of death, resignation or removal from office, the Secretary for the time being, shall notify and call a meeting of the remaining Trustees, as soon as may be, and the minister having the pastoral charge of the said Methodist Religious Society, shall nominate suitable persons, being members of the said society, and from such nominations the Trustees shall proceed to elect, and by a majority of votes, appoint a person to fill such vacancy, in order that the number of trustees be fifteen forever.

SECT. 4. *Be it further enacted*, That the lands and other property, already purchased by, or given unto, the said trustees, for the use and benefit of the said Methodist Religious Society, either for the support of the publick worship of God, or for the support of the poor of the said society, shall be confirmed to the said trustees, and their successors in that trust, forever. And the said trustees and their successors, may have and hold in fee simple, by gift, grant, devise, bequest, or otherwise, any lands, tenements, hereditaments, or other estate, real or personal; *Provided*, the annual income thereof shall not exceed the sum of two thousand dollars; and may sell and dispose of the same, and apply the rents and proceeds thereof in such manner as will best promote the end and design of the said Methodist Religious Society.

SECT. 5. *Be it further enacted*, That the said trustees may have one common seal, which they may, at pleasure, alter and renew; and all deeds signed by the treasurer and secretary of said corporation, for the time being, and sealed with

their seal, duly acknowledged, shall be good and valid in law. And the said Trustees may sue and be sued in all actions real, personal or mixed, and prosecute and defend the same to final judgment and execution, by the name of the Trustees of the Methodist Religious Society in Boston.

SECT. 6. *Be it further enacted*, That Amos Binney, First meeting be, and hereby is authorized to fix the time and place of holding the first meeting of said Trustees, and to notify them thereof accordingly.

[This act passed March 3, 1809.]

CHAP. LXXI.

An act in addition to an act, entitled “ An act in addition to an act, entitled an act to incorporate Aaron Davis and others, by the name of the Worcester Turnpike Corporation.”

WHEREAS the said Worcester Turnpike Road, as the same is now located and made, makes such intersections of various old roads, over which the same crosses and passes, as to render it easy, at all times for persons to travel on the same a greater part of the way, and by turnings off on said old roads, near the several places assigned to receive toll, to avoid the payment of the same ; and whereas there are several portions of said Turnpike road, over which there would be a great travel, provided, the said corporation were authorized to erect gates, subdividing the toll, established in and by their act of incorporation, which would be a great saving and convenience to many people who wish to travel on certain portions of said turnpike, if it could be done without paying a full toll :

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 the Justices of the court of Common Pleas, in each county through which the said road does pass, are hereby authorized to proceed and examine said Turnpike Road, and the several old roads over which the same passes, and if in their opinion, the publick convenience, and the interest of said corporation shall require it, they are hereby fully authorized to impower said corporation, instead of erecting full toll gates on said Turnpike as pointed out in said original act, to erect gates, subdividing

Corporation authorized to erect gates.

M m m

the

Proviso.

the said toll, in such manner, and in such places as the publick good shall seem to them to require, *Provided*, no more toll be taken in the whole, on any one ten miles on said Turnpike, than is authorized in and by said original act.

Sign to be erected.

SECT. 2. *Be it further enacted*, That where the said Justice of the court of Common Pleas shall have viewed said Turnpike road, if they should make any such alterations in the toll gates thereof, after making the same and pointing out the several places, where said sub-toll-gates shall be erected, and establishing the portions of toll, to be received at each one of them, they shall record the same ; and the said corporation are hereby directed to erect at some conspicuous place, where the toll is collected, a sign board, with the rates of said subdivided toll thereon.

[This act passed March 3, 1809.]

CHAP. LXXII.

An act to incorporate Jeremiah Hill and others, for the purpose of building a Bridge, or Bridges, over Saco River.

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 Jeremiah Hill, Aaron Porter, Ichabod Fairfield, David Cleaves, Edmund Coffin, Nathaniel Goodwin, and Benjamin Gilpatrick, together with such persons as already have or may hereafter, associate with them, be, and they are hereby made and constituted a corporation and body politick, by the name of The Proprietors of the Saco free Bridges, and by that name may sue and be sued, to final judgment and execution, and do, and suffer all matters, acts, and things, which bodies politick may or ought to do or suffer, and the said corporation shall and may have and use a common seal, and the same may break, alter or change when they see cause.

Method of calling meetings-

SECT. 2. *Be it further enacted*, That any three of the persons beforenamed may warn and call a meeting of the proprietors aforesaid, to be holden at any convenient time and place, by posting up one advertisement in each of the towns of Biddeford and Saco, three days at least before said meeting. And the said proprietors, by a vote of the majority of those present, shall choose a clerk, and shall also agree on a method of calling future meetings ; and at the

the same or some subsequent meeting may elect such officer, and make and establish such rules and bye-laws as to them shall seem necessary and proper for the regulation of the said corporation, and for the carrying into effect the purposes aforesaid ; and this act and all rules, regulations and proceedings of the said corporation, shall be fairly and truly recorded by their clerk in a book or books for that purpose to be provided and kept.

SECT. 3. *Be it further enacted*, That the said proprietors, be, and they hereby are authorized and empowered to erect a Bridge over the eastern branch of Saco River, between Indian Island and the town of Saco, at any convenient place, below the eastern falls, as may suit the said proprietors. And the said Bridge, shall be well built, with good and durable materials, at least twenty two feet wide, and covered with planks and sufficient railing on each side for the safety of passengers. And whereas a bridge has been built by the said proprietors over the western branch of said Saco River, at the place where the old toll bridge formerly stood, and it is found necessary, that the doings of the said proprietors therein should be confirmed and made valid by an act of the legislature.

Proprietors authorized to erect a bridge.

SECT. 4. *Be it therefore further enacted*, That the doings of the said proprietors in building the said bridge over the said western branch of Saco River between the town of Biddeford and Indian-Island, in the spot where the old toll bridge formerly stood, be, and they are hereby confirmed and made valid, and their property therein in as full and ample a manner as though it had been done under a special act of incorporation therefor, and the same bridge shall be considered and be included within the provisions of this act.

Former doings of proprietors made valid.

[This act passed March 3, 1809.]

CHAP. LXXIII.

An act to set off a part of the town of Surry, and a part of the town of Trenton, and to annex them to the town of Ellsworth.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That that part of the town of Surry, in the county of Hancock, which lies northerly of a line, beginning at a stake on the western side of Union river, near

Part of Surry to be set off.

near its mouth, where the line between lot number twenty, now improved by John Jordon, and lot number twenty one, now improved by Benjamin Lord, touches said river; thence running on the line between said lots, north seventy two degrees west, one mile and twenty two rods to a marked tree; thence north fifty degrees west, to the westerly line of said Surry—and that part of Trenton, in said county, included as follows, viz: beginning at the southeast corner of the town of Ellsworth, in said county, thence running south twenty five degrees west, three miles one hundred and ten rods; thence south eighty one degrees west to Union river Bay; thence northerly by said Bay and Union river, to the southern boundary line of said Ellsworth, and thence east on said line, two miles to the place of beginning, be, and they are hereby set off from the said towns of Surry and Trenton, and annexed to the said town of Ellsworth. And the inhabitants of the parts thus annexed to said town of Ellsworth, shall hereafter be considered inhabitants of said town, and shall there exercise and enjoy all civil rights and privileges, and be subject to all civil duties and requisitions in like manner as the other inhabitants of said town: *Provided however*, That the said inhabitants of the parts thus annexed to the town of Ellsworth, shall be respectively holden to pay their due proportions of all monies granted, prior to the passing of this act, by either of the towns to which they heretofore respectively belonged; the same being legally assessed.

SECT. 2. *Be it further enacted*, That there shall be taken twelve cents from the town of Surry, and four cents from the town of Trenton, in the state valuation, and added to the town of Ellsworth, which shall be the rule for assessing the said towns, for state and county taxes, until there shall be a new valuation taken.

[This act passed March 3, 1809.]

CHAP. LXXIV.

An act incorporating Michael Collins and others, by the name of The Massachusetts Salt Work Company.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Michael Collins, Elkanah Cobb, Winslow Lewis, James A. Allen, Peter Dickerman, Benjamin

Part of Trenton
to be set off.

min Rich, Philip K. Ridgeway, Joseph Clark, Azariah Smith, Peter B. Hall, and Prince Snow, Jun. with such others as already have or may hereafter associate with them, their successors and assigns, be, and hereby are made a Corporation, by the name of "The Massachusetts Salt Work Company," for the purpose of manufacturing Salt in the county of Barnstable, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the present session of the General Court, entitled, "An act defining the general powers and duties of manufacturing corporations."

Persons incorporated.

SECT. 2. *Be it further enacted*, That said company may be lawfully seized and possessed of such real estate within either or both of the towns of Eastham and Wellfleet, not exceeding the value of Thirty thousand dollars, and such personal estate not exceeding the value of Forty thousand dollars, as may be necessary and convenient for establishing and carrying on the manufacture of Marine Salt within the county of Barnstable.

[This act passed *March 3, 1809.*]

CHAP. LXXV.

An act in addition to an act, entitled, "An act to incorporate the Proprietors of a New Meeting House in the fourth parish in Newbury, in the county of Essex."

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 Meeting House in the fourth Parish in Newbury, and the members of the said parish qualified by law to vote in town or parish meetings, are hereby authorized and empowered to exercise all the rights and privileges vested by law in said fourth parish.

Proprietors empowered.

SECT. 2. *Be it further enacted*, That the proprietors of said meeting house and the members of said fourth parish in Newbury, be, and they hereby are authorized and empowered, at any time hereafter, to exempt from taxation, for the support of publick worship in said parish the polls and estates of any of the inhabitants of said parish who will produce a certificate from any religious incorporated society, that they have entered their names and are admitted as members of such society, and are willing to be subjected

to

to taxation therein, and shall pay their proportion of the money raised in said parish previous to such certificate.

Persons to be
taxed.

SECT. 3. *Be it further enacted*, That the society to which such persons are admitted as members, be, and they hereby are authorized to tax their polls and estates, for the support of publick worship in the same proportion as they do their other members of said society, and until they shall return and become members again, their living within the limits of the fourth parish in Newbury, notwithstanding.

SECT. 4. *Be it further enacted*, That the society who worship in said meeting house, and the members of said fourth parish in said Newbury, be, and they are hereby authorized to tax all the polls and estates of such person or persons who shall regularly and statedly attend publick worship in said meeting house who are inhabitants of the town of Newburyport, and they shall be entitled to the privileges of said society notwithstanding their living within the bounds of said Newburyport: *Provided*, That such person or persons inhabitants of Newburyport aforesaid, who shall become a member or members of said fourth parish, shall first have entered his or their name or names with the clerk of the society in Newburyport to which they have belonged and may leave, in manner prescribed by law.

[This act passed *March 3, 1809.*]

CHAP. LXXVI.

An act to incorporate the plantation called New-Waterford, in the county of Kennebeck, into a town by the name of Malta.

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 plantation heretofore called New-Waterford, in the county of Kennebeck, contained within the following boundaries, with the inhabitants thereof, be, and hereby are incorporated into a town by the name of Malta. Beginning at the southeast corner of the town of Harlem, thence running westerly by said Harlem to the northeast corner of Augusta; thence southerly by said Augusta and Hallowell, six miles to the north line of Ballstown; thence east southeast about five miles and a quarter to the main branch of Sheepscut river; thence northerly up said river to the long pond; thence over said pond to the first

first mentioned bounds. And the said town is hereby vested with all the powers, privileges and immunities which other towns within this Commonwealth, do or may by law enjoy.

SECT. 2. *Be it further enacted*, That any Justice of the Peace within the county of Kennebeck, may, and he is hereby authorized and empowered to issue his warrant, directed to some suitable inhabitant of the said town of Malta, requiring him to notify and warn the inhabitants thereof qualified to vote in town affairs, to meet at such time and place as shall be expressed in said warrant, to choose all such officers as towns are by law required to choose in the month of March or April annually.

Justice to issue
his warrant.

[This act passed *March 3, 1809.*]

CHAP. LXXVII.

An act to incorporate a society by the name of the Maine Missionary Society.

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 Rev. Tristram Gilman, Ezekiel Emerson, Jonathan Scott, Jotham Sewall, Kiah Baily, Eliphalet Gillet, Jonathan Ward, William Jenks, Jonathan Fisher, Mighill Blood, David Thurston, Amasa Smith, and John Dutton; Deacon Asa Chase, General Henry Sewall, Hon. Mark L. Hill, Hon. Ammi R. Mitchell, William Webb, Samuel Wood, Jacob Mitchell, and Nathaniel Coffin, Esqs. with their associates, and such as may hereafter unite with them, for the purposes of extending the knowledge of God our Saviour, by sending the glorious gospel, to those who are destitute of the publick and stated means of religious instruction, be, and they are hereby incorporated, and made a body politick, and corporate, for the purposes aforesaid, by the name of The Maine Missionary Society, to continue and exist for the term of twenty years from the passing of this act, and that name may sue, and be sued, plead and be impleaded, appear, prosecute, and defend to final judgment and execution, and may have a common seal, which they may break, change, alter, or renew at pleasure.

Persons incor-
porated.

SECT. 2. *Be it further enacted*, That the said corporation, are hereby made capable of taking and holding real estate, of any kind in fee simple, or other estate, not exceeding
the

Proprietors to
hold estate.

Proviso.

Choice of offi-
cers.

Proviso.

Treasurer to
make report.

the annual income of fifteen thousand dollars, and of taking and holding personal estate by donation, bequest, or otherwise, not exceeding the annual income of ten thousand dollars, the annual income of all which real and personal estate be applied to the purpose of diffusing christian knowledge, in such manner as the corporation shall judge will be most conducive to the design of their institution. *Provided*, that all the missionary teachers, who may be employed by said Corporation, shall be of the protestant religion, and of reputed piety, prudence and learning.

SECT. 3. *Be it further enacted*, That the said corporation may annually choose by ballot a President, Secretary, Treasurer, and such number of Trustees as they may think proper, not less than nine, and such other officers as they shall judge necessary, all of which officers, when chosen may hold their offices until others are chosen in their stead; and in case of death, or resignation of either of said officers, said corporation shall have a right in like manner, at any meeting regularly called for the purpose, to choose others to fill any vacancies which may so happen : *Provided, however*, that the officers which have been already chosen by the persons aforesaid, and their associates, shall continue to hold the offices, to which they have been respectively elected, until said corporation shall choose others in their stead, agreeably to the directions in this act.

SECT. 4. *Be it further enacted*, That said corporation be, and hereby is authorized at their first meeting to be held under this act, by vote of the majority of the members present at said meeting, to make and establish such rules, regulations, and bye-laws, for their government, subject to such revision, alterations, or additions, to be made at any regular subsequent meeting, as said society shall judge necessary for the well ordering of the affairs of said corporation, and will best promote the design of their institution; and may annex reasonable penalties to the breach of such rules, regulations, and bye-laws, *Provided*, the same be not repugnant to the constitution and laws of this Commonwealth.

SECT. 5. *Be it further enacted*, That particular accounts of the funds, donations, and disposal thereof, shall be exhibited by the Treasurer, or in case of his absence by the Secretary, at the stated annual meeting of said society, a committee of said society having first examined and certified the same to be true and fair entries shall be made in books to be provided for that purpose, of all donations made

to the said society, and of all the real and personal estate belonging to the same, and the said books shall be brought to the general stated annual meetings, and be there open for the perusal and examination of the members.

SECT. 6. *Be it further enacted*, That the Rev. Eliphalet Gillet, be, and he is hereby authorized to call the first meeting of said corporation by publishing a notification of the time and place where the same shall be held, in the Portland Gazette, printed in Portland, fourteen days at least, previous to such meeting.

SECT. 7. *Be it further enacted*, That the legislature of this Commonwealth, shall at any time have the right, by a committee of their body to inspect the doings, funds, and proceedings of said corporation, and for that purpose shall have access to all books, and papers of said corporation, and shall also have power to dissolve said corporation at their will and pleasure.

(This act passed March 3, 1809.)

CHAP. LXXVIII.

An act in addition to an act passed in the year of our Lord one thousand eight hundred and two, entitled "An act for the preservation and regulating the taking the fish called Alewives in the brook running from West Quiticus pond, to the east Quiticus pond, near the line between the towns of Middleborough and Rochester, in the county of Plymouth."

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 this act, the agents appointed by the town of Middleborough and the town of Rochester in pursuance of the act to which this is in addition, are respectively authorized to sell the right of taking said fish in said brook on every day in the week, Sundays only excepted, and the purchaser or purchasers, shall have the same right to take said fish, on each and every day in the week, Sundays excepted, as purchasers had under said act, to take them on Tuesdays, Wednesdays, and Thursdays; and shall also be holden by all the restrictions and regulations provided in said act.

Agents authorized to sell the right of taking fish.

SECT. 2. *Be it further enacted*, That if any person living without the limits of the county of Plymouth shall of-

fend against the provisions of this act, or of the act to which this is in addition, any Justice of the peace in the county where such person lives or resides, is hereby authorized and empowered to take cognizance of, hear, and determine all such offences, in the same manner as if the offence had been committed within the county for which he is a Justice of the Peace.

SECT. 3. *Be it further enacted*, That all forfeitures incurred by the provisions of this act, shall be recovered in the manner and to the uses specified in the act, to which this is in addition.

[This act passed March 3, 1809.]

CHAP. LXXIX.

An act to incorporate the First Congregational Parish in the town of 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 Paul Little, Josiah Chute, Samuel Barker, Jonathan Andrew, Ephraim Winship, Joseph Chadburn, William Stevens, John Stevens, Asa Senter, John Chute, John Mugford, Joshua Wilson, Jonathan Wilson, Abraham Anderson, Elijah Hunnewell, Wm. Hunnewell, James Mayberry, jun. John Crague, Hezekiah Frost, Peter T. Smith, Hezekiah Smith, Thomas Chute, John Gallison, Paul Little, Jun. John Gallison, jun. Robinson Davis, Peter Brown, Thomas Barker, Silvanus Gallison, Charles Johnson, N. J. Senter, Eben. Proctor, jun. John Trickey, Rowland Rand, Josiah Webb, Robert Plumer, James Mayberry, Edward Anderson, William Hanson, Simeon Goold, Abraham Anderson, jun. Robert Lovet, Jonathan Lovet, jun. Joshua Emery, James Emery, Jonathan Leavit, William Lovit, William Elkins, and David Chute, together with their families and estates, and such others of the inhabitants of said town of Windham, as may hereafter associate with them, be, and they are hereby incorporated into a Religious Society by the name of The First Congregational Parish in Windham, with all the powers, privileges, and immunities to which other parishes and religious societies are entitled, by the Constitution and Laws of this Commonwealth.

Persons incor-
porated.

SECT.

SECT. 2. *Be it further enacted*, That nothing in this act shall be construed, to alter, or in anywise affect the rights, secured to them, by an act passed the second day of March in the year of our Lord one thousand eight hundred and four, entitled, "An act to establish a fund for the support of the Congregational Minister in the town of Windham, in the county of Cumberland, and appointing Trustees for the management thereof.

SECT. 3. *Be it further enacted*, That any Justice of the Peace in the county of Cumberland is hereby authorized and empowered to issue his warrant directed to some suitable inhabitant of said town of Windham, requiring him to notify and warn a meeting of the members of said Congregational Parish, at such time and place as shall be expressed in said warrant, for the purpose of choosing such officers as parishes are by law empowered to choose in the month of March or April annually.

Justice to issue
his warrant.

[This act passed *March 3*, 1809.]

CHAP. LXXX.

An act in addition to "An act directing the process in Habeas Corpus."

WHEREAS the Supreme Judicial Court in term time, and any one or more of the Judges thereof in the vacation time of said Court, are respectively authorized and required to award a writ of Habeas Corpus, but no authority is given to any one Judge of said Court, to award that writ in term time, from which defect great inconvenience may arise. *Therefore*

Preamble.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That any one Judge of the Supreme Judicial Court in term time, as well as in the vacation, shall be, and is hereby authorized and required to award the writ of Habeas Corpus in due form of law, directed to the officer, or person imprisoning or restraining the complainant, returnable forthwith to such Judge who ordered the same, or to any other Judge of said Court, in all cases, where by the Constitution and the law of the land, that writ ought to be awarded.

Judge authorized to award
the writ of Habeas Corpus.

[This act passed *March 4*, 1809.]

CHAP.

CHAP. LXXXI.

An act in addition to an act, entitled, “ An act to incorporate a number of the inhabitants of the town of Standish, in the county of Cumberland, into a distinct Religious Society by the name of the First Baptist Society in Standish.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That any person wishing to become a member of the aforesaid Baptist Society, who shall give in his or her name to the clerk of the town or parish to which he or she belongs, with a certificate signed by the minister or clerk of said society, that he or she has actually become a member of the same, fourteen days previous to the town or parish meeting therein to be held in the month of March or April annually, shall from and after giving such certificate with his or her polls and estates be considered as part of said society: *Provided however,* That such person shall be held to pay his or her proportion of all monies assessed in the town or parish to which he or she belonged previous to that time.

[This act passed *March 4, 1809.*]

CHAP. LXXXII.

An act to incorporate a town in the county of Washington, by the name of Jonesborough.

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 following described tract of land, viz: beginning at the mouth of India River, and running northerly by said river to the northeast corner of the town of Addison; thence due north on the easterly line of the town of Columbia, two miles and one hundred and fifteen rods, to the southern line of township number twenty three; thence easterly on said line six miles and one hundred and fifty rods to Machias west line; thence southerly and easterly on said Machias line to Little Kennebeck Bay; thence by said Bay and the sea shore to the first mentioned bounds, together with all the Islands lying south of the same, and within three leagues of the shore, and also the inhabitants

tants thereon, be, and they hereby are incorporated into a town by the name of Jonesborough, and the said town is hereby invested with all the powers, privileges and immunities which other towns in this Commonwealth, do or may enjoy by law.

SECT. 2. *Be it further enacted*, That Stephen Jones, esq. be, and he is hereby empowered and required to issue his warrant directed to some suitable inhabitant of the said Jonesborough, directing him to warn the inhabitants thereof to assemble at some proper time and place to be expressed in said warrant, for the purpose of choosing such town officers as towns are by law empowered to choose in March or April annually.

[This act passed *March 4, 1809.*]

CHAP. LXXXIII.

An act incorporating Simon Larned and others by the name of The Pittsfield Woollen and Cotton Factory.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Simon Larned, Elkanah Watson, Joshua Danforth, James D. Colt, Jun. Jared Ingersol, Oren Goodrich, with such others as already have, or hereafter may associate with them, their successors or assigns, be, and hereby are made a corporation by the name of The Pittsfield Woollen and Cotton Factory, for the purpose of manufacturing woollen and cotton in the town of Pittsfield, and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the present session of this General Court, entitled "An act defining the general powers and duties of manufacturing corporations.

Persons incorporated.

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of Thirty thousand dollars, and such personal estate, not exceeding the value of Forty five thousand dollars, as may be necessary and convenient for carrying on the manufactory of woollen and cotton in the said town of Pittsfield.

Corporation to hold property

[This act passed *March 4, 1809.*]

CHAP. LXXXIV.

An act in addition to an act, entitled “An act establishing a Corporation by the name of The Social Insurance Company.”

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 first meeting of the members of the Social Insurance Company aforesaid, may be called and held in the manner prescribed by the act for establishing said corporation, at any time within one year from and after the third Monday of April next, and the directors chosen at such first meeting shall continue in office until the third Monday of April next, following their election, and until others shall be chosen, and no longer; and thereafterwards the directors of said company shall be chosen annually in the manner prescribed by the said act for establishing the said corporation, any thing in the said act to the contrary notwithstanding.

[This act passed *March 4, 1809.*]

CHAP. LXXXV.

An act to incorporate Samuel Jenks and others by the name of The Adams Cotton and Woollen Manufactory.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Samuel Jenks, Thomas Jenks, Jesse Whipple, John Bucklin, Arthur F. Field, John Lap- ham, Seth Comstock, Josiah Quincy Robinson, Isaac Brown, Philip Mason, and Charles Walker, together with such other persons as already have, or may hereafter associate with them, their successors and assigns, be, and hereby are made a Corporation by the name of The Adams Cotton and Woollen Manufactory, for the purpose of manufacturing Cotton in the south part of Adams, in the county of Berkshire, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the present session of this General Court, entitled “An act defining the general powers and duties of Manufacturing Corporations.

Persons incor-
porated.

SECT.

SECT. 2. *Be it further enacted,* That said corporation may be lawfully seized and possessed of such real estate not exceeding the value of Forty thousand dollars, and such personal estate not exceeding the value of Sixty thousand dollars, as may be necessary and convenient for carrying on the manufactory of Cotton and Wool in the south part of Adams. Corporation to hold property.

[This act passed *March 4, 1809.*]

CHAP. LXXXVI.

An act in addition to an act, entitled “An act to incorporate certain proprietors of Meadow lands lying on Charles River, Stop River, and Bogestow Brook, within the towns of Medway, Medfield, and Sherburne, for the purpose of draining off the stagnant waters, and for better improving said lands.

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 certain meadow lands mentioned in an act, entitled “an act to incorporate certain proprietors of meadow lands, lying on Charles River, Stop River, and Bogestow Brook, within the towns of Medway, Medfield, and Sherburne, for the purpose of draining off the stagnant water, and for the better improving said lands,” passed on the first day of March 1805, shall be, and are hereby authorized and empowered to dig canals and dykes at such places on and near said meadow lands, and in such mode and extent as said proprietors shall deem fit and necessary to drain off said waters, and for the better improvement of said lands, and the said proprietors are hereby authorized to vote, and raise monies to defray the expense of said canals and dykes in the same manner, as in and by the act to which this is an addition, they have or can have to defray other expenses to effect the purposes enumerated in said act. Persons incorporated.

SECT. 2. *Be it further enacted,* That the said proprietors shall be held in their individual capacity to pay all damage which shall be sustained by any person or persons whose land shall be taken, broken, and appropriated, by said proprietors in digging and erecting said canals and dykes, which damage if no agreement can be made, shall be estimated and appraised by three disinterested and discreet freeholders Proprietors to pay damages.

Justice to ap-
point commit-
tee.

holders of the same county where the land lies, which Committee, the Justices of the Court of Common Pleas for the county of Norfolk, are hereby authorized to appoint application being to them made for the same, who shall be sworn faithfully and impartially to appraise the said land and damage, and who shall report their doings to the next Court of Common Pleas which shall be holden in said county after they shall have made their appraisement, a major part of whom, having signed said report, the said court may proceed to accept the same, which report when so accepted shall be final, unless either of said parties shall petition said court for a Jury.

[This act passed *March 4, 1809.*]

CHAP. LXXXVII.

An act to incorporate Samuel Kellogg and others by the name of the Hoosack Cotton, Woollen and Linen Manufactory.

Persons incor-
porated.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Samuel Kellogg, John Waterman, Marshall Jones, Elihu Wells, James Cummings, jun. Richard Knight, and Jeremiah Colegrove, together with such other persons as already have or may hereafter associate with them, their successors and assigns, be, and hereby are made a corporation by the name of the Hoosack Cotton, Woollen and Linen Manufactory, for the purpose of manufacturing Cotton, Woollen, and Linen, in the north part of the town of Adams, in the county of Berkshire, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the present session of this General Court, entitled, "an act defining the general powers and duties of manufacturing corporations.

Corporation to
hold property.

SECT. 2. *Be it further enacted,* That said corporation may be lawfully seized of such real estate not exceeding the value of fifty thousand dollars, and such personal estate not exceeding the value of seventy five thousand dollars as may be necessary and convenient for establishing and carrying on the manufactory of Cotton, Woollen, and Linen in the north part of Adams, aforesaid.

[This act passed *March 4, 1809.*]

CHAP.

CHAP. LXXXVIII.

An act to incorporate Abijah Richardson and others, by the name of The Medway Cotton Manufactory.

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 Richardson, Luther Metcalf, Nathaniel Miller, Comfort Walker, Philo Sanford, Lyman Tiffany, John Blackburn, and William Felt, together with such other persons as already have, or may hereafter associate with them, their successors, and assigns, be, and they hereby are made a corporation, by the name of The Medway Cotton Manufactory, for the purpose of manufacturing Cotton at Medway, in the county of Norfolk ; and for this purpose, shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the present session of the General Court, entitled "An act defining the general powers and duties of manufacturing corporations."

Persons incorporated.

SECT. 2. *Be it further enacted,* That said corporation may be lawfully seized of such real estate, not exceeding the value of Fifty thousand dollars, and such personal estate, not exceeding the value of One hundred thousand dollars, as may be necessary and convenient for establishing and carrying on the Manufacture of Cotton, at Medway aforesaid.

Corporation to hold property.

[This act passed *March 4, 1809.*]

CHAP. LXXXIX.

An act to incorporate William Walker and others, by the name of The Lenox Cotton, Woollen and Linen Manufactory.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That William Walker, Eldad Lewis, Levi Belden, Levi Hoyt, Joseph Tucker, Isaac Ellis, Charles Worthington, Tully Crosby, Ashbel Hills, David Osborn, Ezra Blossom, Origin Sabins, Elijah Thomas, Asahel Landers, Elijah Gates, Daniel Collins, Thomas S. Curtis, Paul Weller, Gamaliel B. Whiting, Oliver Beldin, jun. Asher Sedgwick, Eleazer Phelps, Josiah Curtis, Levi Curtis,

Persons incorporated.

Curtis, Joseph Abby, Samuel Wright, jun. John S. Smith, Chauncy Whittlesey, Enos Stone, jun. Stephen Wells, Josiah Newell, Allen Metcalf, Caleb Hyde, Enos Stone, Stephen Wells, jun. Levi Glezen, John G. Stanley, John Ben-net, John Willard, Daniel Folliott, Daniel Williams, jun. Abner Bangs, Gurdin Hollister, Henry Taylor, Samuel Foster, and William P. Walker, together with such other persons as already have, or may hereafter associate with them, their successors and assigns, be, and hereby are made a Corporation by the name of The Lenox Cotton, Woollen and Linen Manufactory, for the purpose of manufacturing Cotton, Woollen and Linen at Lenox, in the county of Berkshire; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the present session of this General Court, entitled "An act defining the general powers and duties of manufacturing corporations."

Corporation to
hold property.

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized of such real estate, not exceeding the value of Fifty thousand dollars, and such personal estate, not exceeding the value of One hundred thousand dollars, as may be necessary and convenient for establishing and carrying on the manufactory of Cotton, Woollen and Linen at Lenox aforesaid.

[This act passed *March 4, 1809.*]

CHAP. XC.

An act to incorporate Ezra Smith and others, by the name of The Brunswick Cotton Manufactory.

Persons incor-
porated.

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, Benjamin Jones Porter, John Perry, jun. together with such other persons as already have or may hereafter associate with them, their successors and assigns, be, and hereby are made a corporation by the name of The Brunswick Cotton Manufactory, for the purpose of manufacturing cotton at Brunswick, in the county of Cumberland; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the present session of this General Court, entitled "An act defining the general powers and duties of Manufacturing Corporations."

SECT.

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized of such real estate, not exceeding the value of Fifty thousand dollars, and such personal estate, not exceeding the value of One hundred thousand dollars, as may be necessary and convenient for establishing and carrying on the Manufactory of Cotton at Brunswick.

Corporation to hold property.

[This act passed March 4, 1809.]

CHAP. XCI.

An act in addition to an act, entitled “an act to remove and prevent obstructions to the passage of Shad, Alewives and other fish, in Parker River, and the Falls River, so called, in the county of Essex, and the Streams and Brooks running into the said Falls River.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That no person or persons whatever, be allowed from and after the passing of this act, to catch with dip nets through the ice any Bass, Shad, Alewives or other fish in Parker River, the Falls River, so called, in the county of Essex, and the streams and brooks running into the said Falls River and in Rowley River; and any person or persons, so offending shall forfeit and pay for each offence a fine not less than five dollars, nor more than twenty dollars, at the discretion of the court before whom trial shall be had, according to the aggravation of the offence.

Not to be taken through the ice.

SECT. 2. *Be it further enacted*, That from and after the passing of this act, no person or persons whatever be allowed to take by seines any Bass, Shad, Alewives or other fish in Parker River, Rowley River, the Falls River, and streams and brooks running into the said Falls river, excepting within that part of Parker river, lying more than seventy rods below the Falls, by John Lee’s manufactory, and any person or persons so offending shall forfeit and pay for each offence a fine not less than five dollars nor more than twenty dollars, at the discretion of the court before whom trial may be had, according to the aggravation of the offence.

Not to be taken with seines.

SECT. 3. *Be it further enacted*, That from and after the passing of this act, no person or persons whatever be allowed to catch any Bass, Shad, Alewives, or other fish,

oftener

When to be taken.

oftener or more than two days in a week, the days to be Monday and Tuesday, and from sun rise on Monday morning to sunrise on Wednesday morning. And if any person or persons shall catch any Bass, Shad, or Alewives in Parker River, the Falls River, and streams and brooks running into Falls river, and in Rowley river, or shall drag any seine or drag net, or set any net, or use any other machine, for the purpose of catching any of the said fish in the said rivers and streams, at any other time or place, than by this act is allowed, each and every person so offending shall forfeit and pay for each offence a fine not less than five dollars, nor more than twenty dollars, at the discretion of the court before whom trial may be had, according to the aggravation of the offence, and the seine net, pot, or other machine, shall be forfeited.

Not to be taken within six rods of a dam.

SECT. 4. *Be it further enacted*, That from and after the passing of this act, no person or persons whatever shall be allowed at any time to catch by seines, nets, pots, or any other way, any Bass, Shad, Alewives, or other fish, within six rods of any mill dam, or other dams, or of any sluice or passage way, through or by any mill dam or other dam that is or may be made across the said rivers and streams, or shall place any obstructions in the said sluice or passage ways in the said rivers and streams, and each and every person so offending shall for each offence forfeit and pay a fine not less than five dollars, nor more than twenty dollars, at the discretion of the court before whom trial may be had, according to the aggravation of the offence.

Committee to be chosen.

SECT. 5. *Be it further enacted*, That the several towns of Newbury, Rowley, and Boxford, shall at their annual meetings for the choice of officers, respectively choose by ballot, a committee of three persons in each town, whose duty it shall be jointly and severally to carry into effect the provisions of this act, and the act to which this is an addition; and the said committee before they enter on the execution of their office, shall be sworn to the faithful and impartial discharge of their duty, in the same manner as other town officers are sworn, and when so sworn they shall have power to pursue, and are hereby authorized to pursue and execute the duties of their said office on any part of the aforesaid rivers and streams within either of the aforesaid towns.

Fines.

SECT. 6. *Be it further enacted*, That all fines and forfeitures incurred by a breach of this act, may be sued for and recovered in any court proper to try the same, one moiety

moiety thereof to him or them, who may sue and prosecute for the same, the other moiety to the use of the towns of Newbury, Rowley and Boxford.

SECT. 7. *Be it further enacted*, That the said committee, chosen as aforesaid, shall meet at the lower Dam on the Falls river, in Newbury, near John Lee's manufactory, on the third Monday in May annually, at ten o'clock in the forenoon, and shall meet at such other times and places within each year as the committee may find necessary and at such meetings the majority of the committee present shall have the power of the whole committee. Committee to meet.

SECT. 8. *Be it further enacted*, That the said committee, at their meetings in manner aforesaid, are hereby authorized and empowered to order and direct from time to time, such alterations as may to them appear necessary in the several sluice or passage ways, provided by the act to which this is in addition, and any owner or occupant of any mill dam or or other dam across any of the said rivers and streams, who shall neglect to make the alterations in the said sluice or passage way, and cause the same to be kept open and daily supplied with water, as directed by the committee, from the fifteenth day of April to the first day of June, annually, after being duly notified by the committee, shall forfeit and pay for each offence the same fine and in the same manner as is provided for a similar offence by the act to which this is an addition. Empowered.

[This act passed March 4, 1809.]

CHAP. XCII.

An act in addition to an act, entitled "an act for the providing and regulating of Prisons."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all boundaries of the goal yards to the several goals, heretofore determined and assigned by the Court of General Sessions of the Peace, in the several counties in this Commonwealth, shall be, and hereby are rendered legal and valid to all intents and purposes, and no person, having given bond conditioned, that from the time of executing such bond, he will continue a true prisoner in the custody of the goaler, and within the limits of the said prison, until he shall be lawfully discharged, without committing Boundaries.—
what there be
included.

committing any manner of escape, shall be considered as having committed any manner of escape in consequence of having entered into or upon any private estate or property, or into any publick building, or upon any publick highway or town way lying within the limits of such goal yard, assigned by any of the Courts aforesaid : *Provided* that nothing herein shall be construed to affect the rights of any individuals owning real estate within such limits, nor to affect any suit wherein final judgment has been rendered by the Supreme Judicial Court.

[This act passed *March 4, 1809.*

CHAP. XCIII.

An act to incorporate a Society by the name of The Eastern Society for promoting the knowledge of the sacred Scriptures, and establishing Christian order, instruction and piety, in the District of Maine.

Persons incor-
porated.

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 Rev. Hezekiah Packard, Rev. Josiah Winship, and the Hon. Woodbury Storer, Esq. with their associates, for the purpose of diffusing the knowledge of the sacred scriptures, in the District of Maine, be, and they are hereby incorporated and made a body politick and corporate for the purpose aforesaid, and by the name of The Eastern Society for promoting the knowledge of the sacred scriptures and establishing Christian order, instruction and piety in the District of Maine, to continue and exist for and during the term of fifteen years from the passing of this act, may sue, and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution, and may have, and use a common seal, which they may break, change, alter, or renew at pleasure.

To hold prop-
erty.

SECT. 2. *Be it further enacted,* That the said corporation are hereby made capable of taking and holding real estate of any kind, in fee simple, or other less estate, not exceeding the annual income of fifteen thousand dollars, and of taking and holding personal estate, by donation, bequest, or otherwise not exceeding the annual income of ten thousand dollars, the annual income of all which real and personal estate, shall be applied to the purpose of diffusing Christian knowledge, in such manner as the corporation shall judge

judge will be most conducive to the design of their institution, *Provided*, that all the Missionary Teachers, who may be empowered by said corporation shall be of the Protestant Religion, and of reputed piety, prudence, and learning. Proviso.

SECT. 3. *Be it further enacted*, That the said corporation may annually choose by ballot a President, Secretary, Treasurer, and such number of Trustees, as they may think proper, not less than seven, and such other officers as they shall judge necessary, all of which officers when chosen, may hold their offices until others are chosen in their stead, and in case of death, or resignation of either of said officers, said corporation shall have a right in like manner, at any meeting regularly called for the purpose, to choose others to fill any vacancies which may so happen, *Provided, however*, that the officers which have been already chosen by the persons aforesaid, and their associates shall continue to hold the offices to which they have been respectively elected, until said corporation shall choose other in their stead, agreeably to the directions of this act. Choice of officers.
Proviso.

SECT. 4. *Be it further enacted*, That said corporation be, and hereby is authorized at their first meeting, to be held under this act, by vote of the majority of the members present at said meeting, to make and establish such rules, regulations and bye-laws, for their government, subject to such revisions, alterations, or additions, to be made at any regular subsequent meeting, as said society shall judge necessary for the well ordering of the affairs of said corporation, and will best promote the design of their institution, and may annex reasonable penalties to the breach of such rules, regulations, and bye-laws, *Provided*, the same be not repugnant to the constitution and laws of this Commonwealth. Rules, regulations, &c.
Proviso.

SECT. 5. *Be it further enacted*, That Charles Coffin, esq. be, and he hereby is authorized to call the first meeting of said corporation, by publishing a notification of the time and place, where the same shall be held in the Newspapers printed in Portland, fourteen days at least previous to such meeting. And to the end that the members of said society and all contributors to said design may know the state of the funds of said society, and of all donations made to the same, and of the disposal thereof, Notice of meeting.

SECT. 6. *Be it further enacted*, That particular accounts of such funds; and the disposal thereof, shall be exhibited by the Treasurer, or in case of his absence by the Secretary at the stated annual meeting of said society, a committee of Of accounts.

of said society having first examined and certified the same to be true, and fair entries shall be made in books, to be provided for that purpose, of all donations made to the society, and of all the real and personal estate belonging to the same, and the said books shall be brought to the general annual stated meetings, and be there open for the perusal and examination of the members.

SECT. 7. *Be it further enacted*, That the Legislature of this Commonwealth, shall at any time have the right by a committee of their body to inspect the doings, funds, and proceedings of the said corporation, and for that purpose shall have access to all books and papers of said corporation.

[This act passed *March 4*, 1809.]

CHAP. XCIV.

An act to alter the times allowed by law, for taking fish in the mouth of Concord River.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing this act, it shall and may be lawful, to take Salmon, Shad, and Alewives, in the mouth of Concord River, on Monday and Tuesday in each week, from sunrise on Monday morning to sunrise on Tuesday Morning, and at no other times : *Provided*, that such fish shall be taken within the limits prescribed in and by an act, passed on the fourth day of March, one thousand seven hundred and ninety, entitled "An act to regulate the catching of Salmon, Shad, and Alewives, and to prevent obstructions in Merrimack River, and the other rivers and streams running into the same, within this Commonwealth, and for repealing several acts, heretofore made for that purpose." And whoever shall take any of the said fish at any other time without the limits aforesaid shall be subject to the same forfeitures and penalties, to be recovered and appropriated in the same manner as in said act is provided for similar breaches thereof.

[This act passed *March 4*, 1809.]

Days for taking fish.

CHAP. XCV.

An act declaring and confirming the Incorporation of the Proprietors of the Meeting House in Hollis-street, in the town of Boston.

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 persons who now are, or may hereafter be, the proprietors of the pews in the congregational meeting house, situate in Hollis-street, in Boston, be, and they are hereby declared and confirmed to be, a body politick and corporate, by the name of The Proprietors of the Meeting House in Hollis-street. And the said corporation shall be, and are hereby deemed in law to be seized of the same Meeting House with the lands under, adjoining, and belonging to the same, with all the privileges and appurtenances belonging thereto, reserving however to the several proprietors of the pews in said Meeting House, their right to, and interest in the said pews respectively.

Proprietors incorporated.

SECT. 2. *Be it further enacted,* That the said proprietors shall meet annually at the said Meeting House, or at such other place as their committee may appoint, on the first Monday of September, and at such other times as they may be duly notified in manner hereafter provided—and at said annual meeting, after having chosen a moderator, shall choose a clerk, who shall be sworn to the faithful discharge of the duties of his office, and it shall be his duty to record all the votes and all the proceedings of the said proprietors; also shall choose a treasurer, and committee consisting of three persons, and also two other persons shall be chosen as assessors, to be occasionally joined with the said committee to form a board of five assessors, for the purpose of laying assessments as is hereinafter provided; who shall continue in office for one year, and until others are chosen in their room: *Provided however,* If from any cause, the said annual meeting should not be holden, then the said officers may be chosen at any other meeting, duly notified for that purpose—and the said committee shall notify any meeting of the proprietors by causing a printed notification stating the business of said meeting, to be delivered to each proprietor or left at his dwelling house three days at least before such meeting, or by leaving the notification in the pew of such proprietor, should a day of publick worship intervene.

Choice of officers.

Proviso.

Empowered.

SECT. 3. *Be it further enacted,* That the proprietors aforesaid shall be, and they hereby are authorized to repair their Meeting House, and to enlarge the same; or to take down their present Meeting House, and to erect a new one; and also to build a Parish House for their Minister on their parish land; or to sell a portion of their said land, or to purchase or build a Parish House on other ground, and to hold real and personal estate by donation or purchase, to the amount of Fifty thousand dollars, for the purpose of a Ministerial House, with suitable accommodations; and also for such purpose as any Donor or Testator may prescribe; which amount shall be over and above the value of their House for public worship. And said proprietors are also authorized, and hereby empowered from time to time, to make such repairs, and to raise such sums of money as they may find necessary for the maintenance and support of the publick worship of God, and for other parochial and incidental charges. And the said proprietors shall be entitled to all the rights they have heretofore enjoyed, and shall be bound by all the contracts they have heretofore entered into.

Of assessments.

SECT. 4. *Be it further enacted,* That all monies voted to be raised by said proprietors for the purposes aforesaid, shall be assessed by the said committee and assessors jointly, or by the major part of them, upon the several proprietors of the pews according to the relative value of said pews, regard being had to their situation and convenience according to the best judgment and discretion of said committee and assessors; and they shall make out a list of such assessments stating the number of the pew, the name of the proprietor, and the instalment or instalments by which the payment or payments shall be made, and deliver the same to the clerk, who shall charge each proprietor with such assessment; and the clerk shall make out a bill against each proprietor, and deliver the bill to the committee, whose duty it shall be to apply for, and collect such assessments; and the committee shall from time to time inform the clerk, the amount they collect from each proprietor, and the clerk shall credit such proprietor therewith; and all assessments and monies so collected shall be paid by the committee into the hands of their treasurer, subject to the order of the chairman of said committee for the discharge of the parish debts of said proprietors.

SECT. 5. *Be it further enacted,* That all the proprietors of pews in the meeting house aforesaid, shall hold their pews under their respective deeds, and the pews shall be considered

ered personal estate ; and whereas the deacons of the church usually assembling for publick worship in said meeting house for the time being, have heretofore been the committee to sign all the deeds of pews in said meeting house, so shall they continue to be the committee for that purpose ; and they shall convey by deed a pew to one (and no more than one) person to be the owner and proprietor thereof at the same time ; and if any proprietor shall neglect to pay his or her tax, or assessment on his or her pew, for the space of nine months or be in arrears, the committee shall be, and hereby are authorized to advertise the pew of such delinquent proprietor for sale, for the space of three weeks, in one of the publick newspapers printed in Boston ; and then, if all the arrears are not paid, to sell the same at publick auction to the highest bidder, and deduct all such arrears, with the cost of sale, and pay over the balance, if any there be, to the said proprietor ; and any proprietor, his or her heirs, on leaving the meeting house, shall first offer their pew to the deacons and committee aforesaid, that the committee may purchase the same ; and if the committee neglect to purchase such pew for the space of thirty days, then the proprietor is at liberty to sell said pew at his or her pleasure, to one person only : *Provided*, all arrears due thereon are first paid ; and all deeds and transfers of said pews shall be recorded by the clerk. Of pews.

SECT. 6. *Be it further enacted*, That William Brown, Benjamin Bussey and Benjamin Goddard, or any two of them, may cause the first meeting of the proprietors to be called for the purpose of choosing the officers of the said corporation, and for any other purpose specified in the notification : the meeting to be notified in such manner as is provided in and by the second section of this act ; and it shall be legal for their present officers and committee to continue in office until others are chosen by virtue of this act. Meeting.

[This act passed March 4, 1809.]

CHAP. XCVI.

An act to incorporate the Proprietors of Cambridge Port Manufactory.

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

Persons incor-
porated.

authority of the same, That Rufus Davenport, Henry Hill, Samuel May, Elijah Davenport, Pliny Cutler, and such other persons as may hereafter associate with them, their successors and assigns, be, and hereby are made a Corporation by the name and style of Cambridge Port Manufactory, for the purpose of manufacturing Cotton, and Sea Salt, in Cambridge Port, in the county of Middlesex, and for this purpose shall have all the powers and privileges, and be subject to all the duties and regulations contained in an act passed the present session of this General Court, entitled "An act defining the general powers and duties of Manufacturing Corporations."

Corporation to
hold property.

SECT. 2. *Be it further enacted*, That said Corporation may take and hold real estate, not exceeding the value of Fifty thousand dollars, and personal estate, not exceeding the value of Two hundred thousand dollars, for the purposes of establishing and carrying on the manufactory of Cotton and Salt, in Cambridge Port aforesaid.

[This act passed March 4, 1809.]

CHAP. XCVII.

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

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, Joseph Clark of Boston, in the county of Suffolk, shall be allowed to take the name of Joseph Dyar Clark, that Joseph Newell of Boston aforesaid, shall be allowed to take the name of Joseph Reynolds Newell; that Daniel Parker of Boston aforesaid, shall be allowed to take the name of Daniel Pinckney Parker, that William Hayes of Charlestown, in the county of Middlesex, shall be allowed to take the name of William Allen Hayes, that William Hales (otherwise Littlehale) of Gloucester in the county of Essex, shall be allowed to take the name of William Hales; that Micajah Marston of Salem, in the county of Essex, shall be allowed to take the name of Morrill Marston; that Charles Curtis of Roxbury in the county of Norfolk, shall be allowed to take the name of Charles Dormer Curtis; that Richard Williamson of Dedham in the county of Norfolk shall be allowed to take the name

name of Richard Leland ; that Bille Metcalf of Franklin in the county of Norfolk shall be allowed to take the name of William Haven Metcalf ; that Asa Bly, and Elizabeth Bly (otherwise both called Tripp) both of Westport, in the county of Bristol shall be allowed to take the names of Asa Bly, and Elizabeth Bly, that Josiah Linkhornew, Joshua Linkhornew, Dawson Linkhornew, Doane Linkhornew, Andrew Linkhornew, and Joseph Linkhornew, all of Eastham in the county of Barnstable, shall be severally allowed to take the names of Josiah Lincoln, Joshua Lincoln, Dawson Lincoln, Doane Lincoln, Andrew Lincoln, and Joseph Lincoln ; that Joseph Pierce the second, of Dorchester in the county of Norfolk, (son of Joseph Pierce of Boston in the county of Suffolk, Esq.) shall be allowed to take the name of Joseph H. Pierce ; that M'Gregore Burnside of Charlestown in the county of Middlesex, shall be allowed to take the name of Samuel M. Burnside ; that Susannah Alexander, of Charlestown in the county of Middlesex, single woman, shall be allowed to take the name of Susanna Fowle ; that George Smith the fifth of Salem, in the county of Essex, shall be allowed to take the name of George Campbell Smith ; and that Joseph Wingate of Bath, in the county of Lincoln, shall be allowed to take the name of Joseph Ferdinand Wingate. And each of the persons before named, shall be severally allowed to assume the said names respectively, and they shall in future be called and known by the said names, and the same names shall hereafter be considered as their only proper names to all intents and purposes.

[This act passed *March 4, 1809.*]

CHAP. XCVIII.

An act to authorize Judges of Probates to remove Executors, Administrators, and Guardians in certain cases.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That where there is more than one executor, or Administrator, and any or either of them shall become insane, or otherwise incapable of, or evidently unsuitable to discharge the trust reposed in him or them, the Judges of Probate, in their respective counties, within this Commonwealth, are authorized, and empowered to remove

move such Executor, or Executors, Administrator, or Administrators, and the other Executor, or Executors, Administrator, or Administrators, may proceed in discharging the trust reposed in him or them, in the same manner, as if said Executor, or Executors, Administrator, or Administrators, so removed were actually dead, and may bring actions of account against them, and recover by any proper legal process, such effects and assets as remain in their hands unadministered at the time of their removal.

SECT. 2. *Be it further enacted*, That when a Feme-sale, shall be appointed by any Judge of Probate, either by herself or jointly with any other person or persons, Guardian to any person, either minor, idiot, non-compos, distracted, or lunatick, and after such appointment, shall marry, such marriage shall not make the Baron Guardian in her right, but shall operate as an extinguishment, or determination of such woman's power and authority.

[This act passed March 4, 1809.]

CHAP. XCIX.

An act requiring the several incorporated Banks in this Commonwealth to adopt the Stereotype Steel Plate in certain cases, and for other purposes.

Preamble.

WHEREAS Jacob Perkins of Newburyport, in the county of Essex, hath invented and completed certain Stereotype Steel Plates for the printing of Bank-Bills, and hath obtained from the President of the United States, a patent for the exclusive use of the same; and whereas the said Jacob Perkins, hath given a bond with sureties in the penal sum of ten thousand dollars, to this Commonwealth, conditioned among other things, to print and impress with the said plates, Bank-Bills of the denominations of, One, Two, Three, Four, and Five Dollars, for the use of the several incorporated Banks in this Commonwealth, and to furnish Bank paper for the same, of the best quality, upon the terms which are specified and contained in the said bond, and whereas the publick good requires that the bills of the several denominations aforesaid, should be printed and impressed from the said plates, in order to produce a uniformity in, and to prevent the counterfeiting of, the same.

SECT.

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 July next, no bills of the denomination of One, Two, Three, Four, and Five Dollars, shall be issued or emitted by the President Directors, and Company of any Bank, incorporated under the authority of the Legislature of this Commonwealth, unless the said Bills shall be printed and impressed from Stereotype Steel Plates, from which plates original impressions of the Bills of the several denominations aforesaid are deposited in the office of the Secretary of this Commonwealth; nor unless the said Bills of the denomination of five dollars shall have on the back of the same, an impression from the check plates, one of the impressions, from which, is also deposited in the office of said Secretary of said Commonwealth.

Of Bills under
five dollars.

SECT. 2. *Be it further enacted,* That the several incorporated Banks within this Commonwealth, which have heretofore issued their Bills in the names of the President and Directors of said Banks, shall from and after the said first day of July next, issue all their bills of the several denominations aforesaid, in the names of the President, Directors, and Company of the same Banks, any thing in the respective acts of incorporation of said Banks to the contrary notwithstanding.

SECT. 3. *Be it further enacted,* That from and after the said first day of July next, and during the pleasure of the Legislature after that time, the President Directors and Company of all the Banks aforesaid, be, and the same hereby are authorized and empowered to issue and emit Bills of the denominations of One, Two, Three, and Four Dollars to the amount of fifteen per centum of their several capital stocks actually paid in; any thing in their respective acts of incorporation, or any thing in 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," made and passed on the fifteenth day of June in the year of our Lord, one thousand eight hundred and five, to the contrary notwithstanding.

Banks authorized to issue
Bills.

SECT. 4. *Be it further enacted,* That from and after the said first day of July next, no person shall pay in discharge of any contracts or bargain, or for any valuable consideration whatever, any Bill or Bills, issued by any bank, or Banking Company other than the Bank of the United States, or the several incorporated Banks in this Commonwealth

Bills not to be
passed.

Penalty.

wealth of any less denomination than five dollars, under a penalty of twenty dollars to be recovered of the person so paying the same by action of debt, with costs of suit, or by indictment by the Grand Jury in the Supreme Judicial Court, Court of Common Pleas or the Municipal Court in the town of Boston, to the use of the person or persons, who shall within one year thereafter, sue or prosecute for the same, in which suit or prosecution, the person who shall receive the same bill, or bills, may be admitted as a competent witness, and the bill, or bills, which shall be paid as aforesaid, shall be forfeited to the use of the person, or persons, who shall sue, or prosecute, as aforesaid.

SECT. 5. *Be it further enacted*, That an act,^e entitled "An act to prevent the circulation and currency of Bank-Bills of a denomination less than Five Dollars," made and passed on the eighth day of March, in the year of our Lord, one thousand eight hundred and two, be and the same is hereby repealed.

[This act passed *March 4*, 1809.]

CHAP. C.

An act in addition to an act, entitled "An act to incorporate the proprietors of Mills on Mill Creek, in Dedham, and Neponset River, in Dorchester and Milton.

Notice of meeting.

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 of a legal meeting of said proprietors, the notification for such meeting shall in future be published in the Newspapers printed in Boston by the printers to the General Court, for the time being instead of the Massachusetts Mercury, fourteen days at least before the time for holding such meeting, and at such meeting, 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

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 money for the purposes of removing and clearing out the obstructions in Mill-Creek, and for giving a free and natural course to the waters of said Creek, and all monies which may be voted to be raised as aforesaid, shall be assessed upon each proprietor of the Mills, and Mill privileges Assessments. situate on the streams aforesaid in proportion to the value of his or her property in said Mills and Mill privileges ; 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 costs, in the same way and manner as non-resident lands in this Commonwealth are sold to pay town taxes.

SECT. 2. *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 Removing obstructions. 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 and 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 Mill-Creek, and particularly to see that the waters shall be disposed of in such a way and manner, as shall least injure the proprietors of the Mills in said Mill-Creek, and those on Charles River stream, 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 said Creek, 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 Mill-Creek, as on Charles River ; and the said commissioners shall fix and establish such permanent boundaries in said Charles River, as will secure the proportion of water which they may determine shall run that way.

Boundaries.

SECT. 3. *Be it further enacted*, That after the said commissioners shall have determined and fixed the permanent boundaries in said Charles River, 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, 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.

Commissioners appointed.

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 *March 4*, 1809.]

CHAP. CI.

An act to incorporate a Congregational Parish in the town of Alfred.

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 Ebenezer Hall, Abiel Hall, John Holmes, Joseph Emerson, Samuel White, Aaron Littlefield, Joshua Emery, James Garey, Ebenezer Garey, Pomiret Howard, Jotham Allen, Jonathan Trafton, Joseph Garey, John Garey, Daniel Lewis, Morgan Lewis, Thomas Lord, Daniel Holmes, Thomas Brooks, John Griffin, Abel Sawyer, Andrew Conant, Tobias Lord, Joseph Parsons, Jonathan Farnham, Chase P. W. Griffin, James Emery, John Kilham, Daniel Kilham, Samuel Wormwood, Nathan Kindall, Ambrose Redley, John Conant, Bartholomew Jones,

Jones, Amos Wormwood, John Shackford, Daniel Wormwood, Joel Allen, jun. Ebenezer Sayward, Joshua Conant, Joseph Linscott, Matthew Whitten, Benjamin Trafton, Isaac C. Day, Porter Lambert, Jacob Wakefield, and James Cluff, together with all other inhabitants of the said town of Alfred, being of the denomination of christians called Congregationalists, (and such others as shall desire to unite with them,) be, and are hereby incorporated into a religious society by the name of The Congregational Parish in Alfred, with all the powers, privileges, and immunities, to which parishes in this Commonwealth are by law entitled.

SECT. 2. *Be it further enacted,* That any person being an inhabitant of said town of Alfred who may at any time hereafter desire to become a member of said parish, and unite in religious worship with said parish, and who shall at any time declare such intention in writing by him or her signed and delivered to the clerk of such parish, and shall leave with the clerk of the society to which he or she belongs a certificate signed by the minister or clerk of the said Congregational Society that he or she has actually become a member of and united in religious worship with said society, fourteen days before the annual meeting in March or April annually; such person shall from the time of leaving such certificate, be considered with his or her polls and estate, a member of said parish, on his or her paying all monies legally assessed on him or her, by any other religious society.

How to join
the society.

SECT. 3. *Be it further enacted,* That when any member of said parish, shall see cause to leave the same, and to unite with any other religious society in said town, and shall give notice of such intention to the minister or clerk of said parish, and shall also give in his or her name to the minister or clerk of such other society, fifteen days at least before the annual parish or society meeting, such person shall from the date of such certificate, with his or her polls and estates, be considered a member of such other society: *Provided,* such person shall be held to pay his or her proportion of all parochial expenses incurred previous to leaving such parish.

How to leave
the society.

Proviso.

SECT. 4. *Be it further enacted,* That all gifts and grants heretofore made to the Congregationalists, under the name of the parish in Alfred, or Congregational Society in Alfred, shall be as valid and effectual as if made subsequent to the passing of this act.

SECT.

Justice to issue
his warrant.

SECT. 5. *Be it further enacted*, That any Justice of the Peace in the County of York, be, and he is hereby authorized and empowered to issue his warrant directed to some suitable member of said parish, to meet at such time and place as shall be appointed in said warrant to choose such officers and transact such other business as parishes are by law entitled to choose and transact in the month of March or April annually.

[This act passed *March 4, 1809.*]

CHAP. CII.

An act to incorporate a Baptist Religious Society in the town of Alfred.

Persons incor-
porated.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Benjamin Stevens, Josiah Nason, Josiah Nason, jun. Daniel Knight, David York, John Haseltine, John Trafton, John Knight, John Plumer, John White, Henry Day, Jacob Linscott, Jacob Linscott, jun. Robert Linscott, John Linscott, Theodore Goodwin, Ebenezer Goodwin, John Friend, Benjamin Whitten, Thomas Keeler, Joseph Roberts, Edmund Roberts, Daniel Giles, John Giles, William C. Marshall, William C. Marshall, jun. James Roberts, Joshua Knight, Samuel Whitten, Joshua Goodridge, Nathan Goodridge, Abel Whitten, Eastman Hutchings, Archibald Smith, Paul Webber, Thomas Giles, Joseph Avery, John Sawyard, Samuel Roberts, Philip Yeaton, David Davis, William Leavit, Jotham Jewett, James Bean, David Bennet, Moses Roberts, Levi Hutchings, Nathaniel F. York, Almon Rounds, Joseph Knight, Ebenezer Roberts, Richard Haley, Daniel Davis, Sylvanus Roberts, Stephen Giles, William Linscott, Richard Haley, jun. Joshua Linscott, Jedediah Jellison, and Thomas Jellison, with their families and estates, together with such other inhabitants of said town of Alfred, being of the Baptist denomination, as have or may hereafter at any time associate themselves for that purpose, in the manner hereinafter described, be, and hereby are incorporated into a religious society by the name of The First Baptist Society in Alfred, with all the powers, privileges and immunities to which other parishes in this Commonwealth are by law entitled.

SECT.

SECT. 2. *Be it further enacted*, That any person or persons in the town aforesaid, being of the Baptist denomination, who may hereafter actually become a member of, and unite in religious worship with the society aforesaid, by giving in his or her name to the clerk of said town, fifteen days before the annual meeting in March or April annually, with a certificate signed by the minister or clerk of said society, that he or she has actually become a member of, and united in religious worship with the society aforesaid, shall from and after giving in such certificate with his or her polls and estates, be considered a part of said society : *Provided however*, that every such person shall always be holden to pay his or her proportion of all sums of money which were granted by the society to which such person belonged previous to his leaving his certificate aforesaid.

How to join
the society.

SECT. 3. *Be it further enacted*, That when any member of said society shall see cause to leave the same, and to unite with any religious society of a different denomination from said society, and shall give notice of such his intention to the minister or clerk of said society, and shall also give in his or her name to the minister or clerk of such other parish or society, fifteen days at least before the annual meeting of such parish or society, such person shall, from the time of leaving such certificate, with his or her polls and estates, be considered a member of such other society : *Provided*, such person shall be held to pay his or her proportion of all parochial expenses incurred previous to leaving such society.

How to leave
the society.

Provided.

SECT. 4. *Be it further enacted*, That any Justice of the Peace in the county of York, be, and he is hereby 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 such officers, and transact such business, as parishes are by law, entitled to choose and transact, in the month of March or April annually.

Justice to issue
his warrant.

[This act passed March 4, 1809.]