

MAINE STATE LEGISLATURE

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LAWS

OF THE

Commonwealth of Massachusetts,

PASSED AT

THE SEVERAL SESSIONS OF THE GENERAL COURT

HOLDEN IN BOSTON.

BEGINNING 31st MAY, 1809, AND ENDING ON THE 29th FEBRUARY, 1812.

Published agreeably to Resolves passed 20th January, 1808, and
16th January, 1812.



VOL. V.

BOSTON:
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1812.

L A W S

PASSED AT THE SESSION, COMMENCED ON THE
TWENTY-FOURTH OF JANUARY,

ONE THOUSAND EIGHT HUNDRED AND TEN.

CHAP. XXXVIII.

An Act to set off certain lands belonging to the town of Taunton, and to annex them to the town of Berkley.

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 the lands belonging to Simeon Burt, Abner Burt, Edmund Burt, and the heirs of Stephen Burt, deceased, which belong to the town of Taunton, but lie within the bounds of the town of Berkley, with all the buildings standing on the same, be, and they are hereby set off from the town of Taunton, and shall be annexed to, and made a part of the town of Berkly: *Provided however,* That the said Simeon Burt, Abner Burt, Edmund Burt, and the heirs of Stephen Burt, shall be holden to pay their respective proportions of all state, county, town, and parish taxes assessed upon them, and due to the said town of Taunton, prior to the date of this act.

Lands annexed
to Berkley.

SEC. 2. *Be it further enacted,* That there shall be taken from the town of Taunton, and be added to the town of Berkly, three cents in the state valuation, 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 Feb. 6, 1810.]

CHAP.

CHAP. XXXIX.

An Act repealing an act, entitled, An act for regulating Towns, setting forth their power, and for the choice of Town Officers, and for repealing all laws heretofore made for that purpose.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That an act, entitled “An act in addition to an act, entitled An act for regulating Towns, setting forth their power, and for the choice of town officers, and for repealing all laws heretofore made for that purpose,” passed on the nineteenth day of June, in the year of our Lord one thousand eight hundred and nine, be, and the same is hereby repealed.

[This act passed Feb. 6, 1810.]

CHAP. XL.

An Act in addition to an act, entitled, “An act for incorporating certain persons for the purpose of building a bridge over Charles River, between Cambridge and Brighton, in the county of Middlesex.”

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That a further time of one year from and after the second day of March next, be allowed to the proprietors of the Brighton and Cambridge Port Bridge, for building the bridge and road, which they are authorized to build by the act, entitled, “an act for incorporating certain persons for the purpose of building a bridge over Charles River, between Cambridge and Brighton in the county of Middlesex.”

[This act passed Feb. 13, 1810.]

CHAP.

CHAP. XLI.

An Act to incorporate Nathaniel Fairbanks and others, by the name of The Winthrop Cotton and Woollen Factory Company.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Nathaniel Fairbanks, Hushai Thomas, Peleg Benfon, Elijah Wood, Adin Stanley, Nathaniel Morton, Luke Perkins, Dean Howard, Peter Stanley, John May, Samuel Benjamin, jun. Joseph Tinkham, Samuel Clark, Samuel Reed and Edmund Frost, together with such others as may hereafter associate with them, their successors and assigns, be and they are hereby made a corporation, by the name of The Winthrop Cotton and Woollen Factory Company, for the purpose of manufacturing cotton and woollen in the town of Winthrop, in the county of Kennebeck; and for the purpose aforefaid, shall have all the powers and privileges, and shall also be subject to all the duties, requirements and disabilities prescribed and contained in an act, entitled, "an act defining the general powers and duties of manufacturing corporations," passed the third day of March, eighteen hundred and nine.

SEC. 2. *Be it further enacted,* That the said corporation, in their corporate capacity, shall and may lawfully hold and possess real estate not exceeding thirty thousand dollars, and personal estate not exceeding ninety thousand dollars, as may be necessary and convenient for carrying on the manufacture of woollen and cotton in the said town of Winthrop.

[This act passed Feb. 13, 1810.]

CHAP. XLII.

An Act to incorporate The Bible Society of Massachusetts.

Preamble.

WHEREAS the persons hereafter named in this act, together with many other citizens of this Commonwealth, have formed themselves into a Society for the purpose of raising a fund by voluntary contribution, to be appropriated in procuring bibles and testaments of the version in common use in the churches of New England, for distribution among all persons inhabiting within the state and elsewhere, who are destitute of the sacred scriptures, and who cannot be conveniently supplied without the aid of others. And whereas, in order that the pious and laudable objects of said society may be better carried into effect, and the charity of said society more extensively diffused, they have, by their committee, prayed for an act of incorporation.

Persons incorporated.

SEC. 1. *BE it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That William Phillips, Esq. the Rev. John Lathrop, D. D. Rev. Joseph Eckley, D. D. Rev. James Freeman, Rev. Eliphalet Porter, D. D. Rev. Abiel Holmes, D. D. Rev. Ths. Baldwin, D. D. the Hon. William Brown, Francis Wright, Esq. Hon. Isaac Parker, Hon. Peter C. Brooks, John Tucker, Esq. Joseph Hurd, Esq. Mr. Joseph Sewall, Redford Webster, Samuel Parkman, Joseph May, and Henry Hill, Esqrs. the Rev. John Pierce, the Rev. Joseph S. Buckminster, and Mr. Samuel H. Walley, together with those who have associated, and who may hereafter associate with them, for the purposes aforesaid, be and they hereby are incorporated into a society, by the name of The Bible Society of Massachusetts.

Powers and privileges.

SEC. 2. *Be it further enacted,* That the said William Phillips, and others above named, and their associates, shall be and remain a body corporate, by the said name and title, during the pleasure of the Legislature, and may have a seal which they may alter at pleasure; and the said society shall be capable of taking, and receiving from any persons disposed to aid the benevolent purposes of this institution, any grants or devises of lands and tenements

in

in fee simple or otherwise, and donations, bequests, and subscriptions of money or other property, to be used and improved for the purposes aforesaid.

SEC. 3. *Be it further enacted*, That the said corporation shall be, and hereby are empowered to purchase and hold any real estate other than that which may be given as aforesaid: *Provided*, The value of the whole estate, real or personal, of said society, shall not exceed the sum of one hundred thousand dollars.

SEC. 4. *Be it further enacted*, That the said society may sue and be sued in their corporate capacity, and may appoint an agent or agents to prosecute and defend suits with power of substitution. May sue and
be sued.

SEC. 5. *Be it further enacted*, That said society may choose a President, Vice-President, Treasurer, Secretaries, Trustees, and such other officers as they shall see fit; and may make and establish such rules and regulations as to them shall appear necessary: *Provided*, The same be not repugnant to the laws or constitution of this Commonwealth. Officers:

SEC. 6. *Be it further enacted*, That William Phillips, Esq. be and he hereby is authorized by notification in any two of the newspapers printed in Boston, to appoint the time and place of the first meeting of said society, at which meeting the said society may appoint the time and place of their annual and other meetings, and the manner of notifying the same; may choose the officers aforesaid, may prescribe their duty, and may vest in the trustees, the number of which may be determined by the said society, but shall not exceed thirty, such powers, conformable to the principles of this institution, as shall be deemed necessary.

[This act passed Feb. 15, 1810.]

CHAP. XLIII.

An Act for the better security of the town of Charlestown against Fire.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the first day of August

No wooden buildings to be erected within certain limits.

August next, no publick buildings of any kind whatsoever, shall be erected or built in the town of Charlestown within the neck, (so called) from the bridge over the canal, thence to Medford river, by the nearest course one way, and from the same bridge by the mill pond the the other way, unless all the external sides, and ends thereof, shall be built or composed of brick or stone, except so much as shall be necessary for doors and windows.

Other restrictions.

And that all other buildings, of any kind whatsoever, hereafter erected, more than twelve feet high from the ground to the highest point of the roof thereof, shall have one of the largest sides, or two ends thereof built of brick or stone, except so much as shall be necessary for doors and windows; when the house or other buildings shall stand with the end to the street, the backs shall be built of brick or stone to the plate; when the front stands to the street, the ends shall be of brick or stone, and shall rise in battlements at least three feet above the roof, and no brick or stone wall shall be deemed sufficient within the meaning of this act, unless the same shall be at least twelve inches thick in the lower story, and eight inches thick above the lower story. And all double houses, viz. where two houses join together, shall have a partition wall, which shall be built of brick or stone at least twelve inches thick, and shall rise in battlements at least three feet above the roof. And every house shall be provided with a scuttle through the roof, and a conveyance to and through the same and a safe railing on the roof of the house; and all additions which shall be made on the ground to buildings already erected, shall be considered within the restrictions and regulations of this act: *Provided nevertheless,* That upon any wharf, marsh or other place, where no sufficient foundation for walls of brick or stone, can be obtained without unreasonable expence, upon permission of the selectmen, wooden buildings may be erected: *Provided,* All the external sides thereof shall be covered with lime, mortar, or some incombustible composition.

Proviso.

Penalty for a breach of this act.

SEC. 2. *Be it further enacted,* That every person who shall erect, or add to, or cause to be erected, or added to any building in said town of Charlestown within the limits aforesaid, contrary to the true intent and meaning or against the provisions of this act, shall forfeit and pay a fine not less than fifty dollars, nor more than five hundred

dred dollars, according to the nature and aggravation of the offence, to be recovered by information in the Supreme Judicial Court in the county of Middlesex, which it shall be the duty of the Attorney General and Solicitor General to file, in all cases which may come to their knowledge respectively, or by indictment before said court.

SEC. 3. *Be it further enacted*, That in addition to the fine above mentioned, there shall be laid and assessed upon every house or other building which shall be erected contrary to the provisions of this act, the sum of fifty dollars annually, and it shall be the duty of the selectmen of said town of Charlestown, to return to the assessors of said town annually a list of all such houses or other buildings erected against the provisions of this act, with attested copies of the record of the conviction of the person or persons who erected the same, before the Supreme Judicial Court, and thereupon it shall be the duty of the said assessors to assess upon the owner or owners of such building or buildings for the time being, the sum of fifty dollars, in addition to his, her, or their taxes, which shall be recovered in the same way and manner as other taxes are or shall be collected, and the same remedy is hereby given to the collector or collectors of taxes for the recovery thereof: *Provided nevertheless*, That no such building or buildings shall be subject to such annual tax, until an attested copy of such conviction shall have been duly recorded in the office of the register of deeds for the county of Middlesex, whose duty it shall be to receive and record the same.

Assessments on buildings not conformable to this act.

Provido.

SEC. 4. *Be it further enacted*, That every kettle, boiler or copper for the use of any caulker, graver, ship-carpenter, tallow-chandler, soap-boiler, painter, chemist, druggist, or other like artificer, shall be so fixed in brick or stone laid in mortar, as to prevent all communication between the fire, and the substance or substances boiled: *Provided nevertheless*, That no person who may make soap for his or her family use only shall be considered a soap boiler within the intent and meaning of this act.

Kettles, &c. to be secured.

Provido.

SEC. 5. *Be it further enacted*, That every person who shall carry any fire through any street or lane, or over any wharf in said town, except in some covered incombustible vessel, or who shall enter any barn or stable, or any other place of danger with a lighted candle or lamp unless in a secure lantern, or shall enter such barn or stable or other place

No person to carry fire, candles or lamps in streets, &c.

place of danger with a lighted pipe or segar, shall forfeit and pay for each and every offence the sum of two dollars, to be recovered of the person so offending, or of his or her parent, guardian, master or mistress, before any justice of the peace for the county of Middlesex, upon complaint made upon oath.

Penalty.

Penalty for carrying fire into any rope-walk.

SEC. 6. *Be it further enacted*, That if any person shall have in his or her possession in any rope-walk within said town, any lighted pipe, or segar, candle or lamp, or any fire, except what may be necessary to boil the tar for the use of said rope-walk, the which fire shall be secured as herein before provided, he or they shall forfeit and pay for each offence a sum not exceeding fifty dollars nor less than five dollars, to be recovered in any court proper to try the same.

Selectmen to complain of offences against this act.

SEC. 7. *Be it further enacted*, That it shall be the duty of each and every selectman in the said town of Charlestown, and they and each of them are hereby required to enquire after and give information to the Attorney General or Solicitor General of all offences which may be committed against the true intent and meaning of this act, cognizable before the Supreme Judicial Court, and to some Justice of the Peace for all offences committed against this act, and cognizable by a Justice of the Peace.

Appropriation of fines and assessments.

SEC. 8. *Be it further enacted*, That all the fines, penalties and assessments which shall be recovered by force of this act, shall accrue and enure, one half to the complainant, and the other half to the poor of the town of Charlestown, to be paid to the overseers thereof.

[This act passed Feb. 15, 1810.]

CHAP. XLIV.

An Act in addition to an act, entitled, " an act to divide the county of Lincoln, and to constitute the Northerly part thereof a separate county, by the name of The County of Kennebeck."

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

July next, the courts of Common Pleas, which shall be held in and for the county of Kennebeck, shall commence on the Mondays next preceding the Tuesdays on which said courts are now respectively by law to be holden, any thing in the act, dividing the county of Lincoln, to the contrary notwithstanding.

Time of holding courts altered.

[This act passed Feb. 16, 1810.]

CHAP. XLV.

An Act to repeal a certain Act passed the tenth day of March, one thousand seven hundred and ninety seven, and a certain Resolve, passed the fifteenth day of March, one thousand eight hundred and five.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That an act passed the tenth day of March, in the year of our Lord one thousand seven hundred and ninety-seven, entitled, "an act for regulating the taking of shad and alewives, and other fish in Neponset river, and the several streams from the ponds called Punkapaug and Massapaug."—And also a certain resolve, passed the fifteenth day of March, one thousand eight hundred and five, appointing Nicholas Tillinghast and others, a committee, to repair to the several dams on Neponset river, and to order certain alterations to be made on the fish-ways, giving notice to all parties of their proceedings, be and they hereby are respectively repealed: *Provided*, that the said act and resolve aforesaid shall be, and remain in force for the cognizance and trial to final judgment and execution of all such penalties and offences, as have been incurred or committed under the same, before the passing of this act.

Act & Resolve repealed.

[This act passed Feb. 16, 1810.]

CHAP.

CHAP. XLVI.

An Act to set off a part of the town of Hubbardston, in the county of Worcester, and to annex the same to the town of Princeton.

Part of Hubbardston annexed to Princeton.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That a part of the town of Hubbardston, together with the inhabitants thereon, as described within the following bounds, be and are hereby annexed to, and made a part of the town of Princeton, viz. beginning at a pine stump, the southeasterly corner of said Hubbardston, thence north forty-one degrees west, two hundred seventy eight rods, to a stake and stones; thence south fifty seven degrees west two hundred and eighty rods, to a stake and stones; thence south forty one degrees east, two hundred and seventy eight rods, to a stake and stones on Princeton line; thence on said line two hundred and eighty rods to the bound first mentioned; and the said inhabitants, hereby annexed to the town of Princeton, shall be entitled to all the privileges, and subject to the same duties and requisitions, as the other inhabitants of said town, according to the constitution and laws of this commonwealth, and in as ample manner as if they had been originally a part of the town of Princeton.

SEC. 2. *And be it further enacted,* That the inhabitants of the said part of the town of Hubbardston, by this act annexed to the said town of Princeton, shall be holden to pay all taxes legally assessed upon them in said town of Hubbardston, and also their proportion of all debts due from the town of Hubbardston, previous to the passing of this act.

[This act passed Feb. 16, 1810.]

CHAP. XLVII.

An act to ascertain and establish the line between the towns of Chesterfield, Goshen, and Williamsburgh, 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 Chesterfield, Goshen, and Williamsburgh, shall hereafter be as follows, viz. Beginning at a beech tree, marked H. F. and G. F. standing about fifteen rods south of the house where Samuel Mott formerly lived, in said Goshen, running southerly in a line, called and known by the name of the Hubbard line, to a beech staddle, standing in the north line of Northampton, marked N. H. H. E. C. E. with a number of other letters.

[This act passed Feb. 16, 1810.]

CHAP. XLVIII.

An Act to authorize the sale of Parsonage Lands in the South Parish in the town of Andover, in the county of Essex, to raise a fund for the support of the Gospel Ministry, in said Parish, and to appoint Trustees for the management thereof.

WHEREAS the inhabitants of the fourth Preamble. parish in the town of Andover, have petitioned this court for liberty to sell their parsonage or ministerial lands, for the purpose of raising a fund for the support of the ministry :

SEC. I. *BE* it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Samuel Farrar, Joshua Chandler, Benjamin Jenkins, Daniel Cummings, Jacob Ofgood, David Abbot, and Simeon Furbush, be, and they hereby are appointed trustees to manage such funds as shall Trustees. be

Made a corporate body.

Powers and privileges.

Clerk and Treasurer.

Certain property vested in the Trustees.

Proviso.

be raised and appropriated to the use aforesaid, in and for the said parish; and for that purpose they are hereby constituted a body politick and corporate, by the name of **The Trustees of the Ministerial Fund in the South Parish in Andover**; and they and their successors, to be chosen and appointed in the manner hereinafter prescribed, shall be and continue a body politick and corporate, by that name forever; and shall have a common seal, and may alter the same at their pleasure; and by that name may sue and be sued in all actions real, personal, and mixed, and prosecute and defend the same to final judgment and execution. And the said trustees and their successors, may and shall, annually, elect a clerk, who shall be sworn to the faithful performance of the duties of his office; and a treasurer, who shall give bond in such sum as the said trustees shall deem adequate, with sufficient surety or sureties, faithfully to account for the monies, and all other property he may receive by virtue of this act.

SEC. 2. *Be it further enacted*, That the real estate belonging to said parish appropriated for the support of the ministry thereof, and the proceeds of the sale of any bark or timber, and money now in the hands of the treasurer of said parish, received as damages awarded by the Court of Sessions, on account of a publick road passing through said lands, be, and hereby are vested in said trustees and their successors; and the said trustees be, and hereby are authorized to sell and convey the whole or any part of said real estate, and to make, execute, and acknowledge a good and sufficient deed or deeds thereof; which deed or deeds, subscribed by their treasurer, by direction of said trustees, with their seal thereto affixed, and by him duly acknowledged, shall be good and effectual in law, to pass and convey all the right of said parish in and to said real estate, to the purchaser thereof, to all intents and purposes whatsoever: *Provided however*, That in any sale as aforesaid, the approbation of the said parish shall be first expressed at a legal meeting, duly convened for that purpose, or by a committee for that purpose, by the said parish appointed.

SEC. 3. *Be it further enacted*, That the number of trustees shall not at any time, be more than seven nor less than five, a major part of whom shall constitute a quorum

rum for transacting business ; and the inhabitants of said parish may, at any lawful meeting, duly warned and called for that purpose, remove any of said trustees from their said office ; and whenever any vacancy shall happen in said board of trustees, either by death, resignation or removal, the said parish, at any parish meeting legally warned for that purpose, shall fill said vacancy within one year after it shall happen ; and if the said parish neglect so to do, within that time, then the said trustees, by a major vote, shall have power to fill such vacancy ; and the said trustees shall annually hold a meeting in March or April, and as much oftener as necessary, to transact their business.

Trustees may be removed.

Manner of filling vacancies.

SEC. 4. *Be it further enacted*, That any gift, grant, bequest, or devise, hereafter made to the said trustees, shall be valid and effectual to all intents and purposes whatsoever, and they and their successors as aforesaid, are hereby empowered to take, have, hold, purchase, and exchange, use and improve any estate, real or personal, the annual income whereof shall not exceed the sum of two thousand dollars, in trust, for the support and maintenance of the gospel ministry in said parish ; and one sixth part of the net yearly income or interest of said fund and estate, shall by said trustees be annually added to the principal fund to increase the same forever : *Provided*, It shall not increase beyond the limits above prescribed ; and and the remaining five sixths of the said interest or annual income shall be annually paid to the regularly settled and ordained minister or ministers of said parish, in such manner as said parish may direct ; unless the said parish, at a legal meeting for that purpose, duly assembled, shall direct the whole of said income, or any part thereof, more than one sixth, to be put at interest for the increase of the fund ; and such proceeds of said fund, whenever the same shall be so paid to said minister or ministers, shall be deemed to be in satisfaction of his or their salary, for the time being, so far as the same will apply to the discharge thereof ; and during any vacancy in the said parish of a regularly ordained and settled minister, such part of the said income or interest, as would by the provisions of this act be applied to his use, shall be appropriated to the increase of the principal fund, any thing herein to the contrary notwithstanding.

Gifts, &c. made valid.

Provided.

Fund, how ap-
propriated.

SEC. 5. *Be it further enacted,* That the said fund shall always be holden and claimed to be unalienable, and shall never be used or applied to any other purpose than the support of a settled minister or ministers in said parish, and the principal thereof shall never in any part be expended, but always kept entire, and one sixth of the income shall be annually added to the principal in manner aforesaid; and the said trustees or their officers, agents, or attornies, for the services they may perform, shall be entitled to no compensation out of any monies arising from the funds aforesaid; but, if entitled to any, shall have and receive the same of said parish, as may be annually agreed upon.

SEC. 6. *Be it further enacted,* That the said trustees shall cause to be recorded and kept in their book of record, by their clerk or treasurer, a statement of the funds and estate in their hands, wherein shall be particularly designated the amount arising from the sales of the parsonage lands, the nature and amount of every grant or donation, the period when made, the design thereof, and the donor's or grantor's name and place of abode at large, with such other circumstances, as they may think useful, and proper to distinguish the same, and perpetuate the remembrance thereof; and they shall make report of such statements to the inhabitants of said parish at their meeting in the month of March or April annually, where the same shall be publicly read; or to a select committee, if said parish shall choose one for that purpose, together with a specific estimate of what estate they actually hold, and by what tenure; what money and effects are due to them, and how the same are secured; what receipts have been obtained, and what payments made by them the preceeding year.

And enlarged.

SEC. 7. *Be it further enacted,* That the said trustees shall always loan upon interest, all the money belonging to said fund, in sums of not less than two hundred dollars each, except from necessity when they have not so large a sum at their disposal, and for the term of one year, upon the bond or note of the borrower, with a mortgage of real estate, situated either in the county of Essex, Suffolk, or Middlesex, of three times the value of the sum loaned, as collateral security for the repayment of the principal sum, with interest annually till paid: *Provided how-*

Proviso.

ever,

ever, That where any of the aforefaid parsonage land shall be fold upon a credit, and with the expectation that improvements will be immediately made upon it, it shall be sufficient to have a mortgage of the estate fold, with an approved surety with the principal ; and if any debtor to said corporation shall fail to pay the interest due on his bond or note for the space of thirty days after the same shall become due, it shall be the duty of said treasurer to cause such bond or note and mortgage to be put in suit, and prosecuted until it shall be obtained.

SEC. 8. *Be it further enacted*, That it shall be the duty of said trustees to use and improve such fund or estate, as shall be vested in them by virtue of this act, with care and vigilance, so as best to promote the design thereof ; and they shall be amenable to the inhabitants of said parish for negligence or misconduct in the management or disposition thereof, whereby the same shall be impaired or suffer loss, waste, or diminution ; and the inhabitants of said parish may have and maintain a special action of the case against the proper persons of said trustees, and their goods and estate, for such negligence or misconduct, and recover adequate damages therefor ; and any sum, so recovered shall be for the benefit of said fund, and shall be paid accordingly.

SEC. 9. *Be it further enacted*, That Joshua Chandler, Esq. be and he is hereby authorized to appoint the time and place of the first meeting of said trustees, and to notify them accordingly ; and said meetings, after the first, shall be called in such a way and manner, as the said trustees shall direct.

[This act passed Feb. 16, 1810.]

CHAP.

CHAP. XLIX.

An Act to set off the Northerly part of the town of Leeds, and to annex it to the town of Wayne.

Part of Leeds
annexed to
Wayne.

Proviso.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That all that part of the town of Leeds, in the county of Kennebeck, lying northerly and easterly of a line, beginning on the southwesterly side of the county road, leading from the town of Livermore to the town of Wayne, at the place where the dividing line of Leeds and Livermore intersects said county road, thence south twenty-two degrees and an half east to Amarefcoggen pond, with the inhabitants thereon, be and the same are hereby set off from the said town of Leeds, and annexed to the said town of Wayne, in the same county, and shall hereafter be considered a part of the same: *Provided nevertheless*, That the said tract of land, with the inhabitants thereon, so set off as aforesaid, shall be holden to pay all such taxes as have been legally assessed on them by the town of Leeds, in the same manner as if this act had not been made: *And provided also*, That the said inhabitants, annexed as aforesaid, shall be holden to pay their proportion of certain expenses which have arisen, or may arise to the said town of Leeds in consequence of an indictment now pending against the said town of for deficiency of a road in the said town.

[This act passed Feb. 16, 1810.]

CHAP. L.

An Act to prevent the taking of Fish, in the mouth of Seven-Mile Brook, (so called) in the town of Vassalborough, in the County of Kennebeck.

Taking of fish
prohibited—

SEC. I. **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, no person or persons shall be allowed to draw any seine

seine or seines, or set any net, or erect any wear, within sixty rods of the mouth of Seven-Mile brook, so called, in the town of Vassalborough, or by any other means hinder or obstruct the free passage of fish up said stream, other than such as the fish committee of the said town may direct; and any and every person who will presume to take any fish in the said stream contrary to the intent of this act, shall incur and pay a penalty of ten dollars for each and every breach thereof; and the seine, net, wear, or other instrument employed, shall be forfeited to the said town of Vassalborough; as also all the fish so taken, to be at the disposal of the said fish committee.

Except.

Penalty.

SEC. 2. *Be it further enacted*, That all penalties incurred by any offence against this act, may be sued for and recovered by the treasurer of the said town of Vassalborough, for the time being, before any court in the county of Kennebeck, proper to try the same; and all sums of money so recovered, shall be appropriated to the use of the said town; and in case any minor or minors shall offend against this act, or any part thereof, and thereby incur the penalty aforesaid, the parent, master or guardian of such minor or minors, shall be answerable therefor, in which cases the action shall be commenced against such parent, master, or guardian, (as the case may be) of such minor or minors respectively, and judgment rendered accordingly in the same manner and degree as for his or their personal offence.

Penalties, how recovered.

SEC. 3. *Be it further enacted*, That all laws heretofore made to regulate the taking of fish near the mouth of Seven Mile brook, in the said town of Vassalborough, be and they are hereby repealed.

Former acts repealed.

[This act passed Feb. 16, 1810.]

CHAP.

CHAP. LI.

An Act to incorporate the Trustees of the Ministerial Fund, in the town of Jay in the county of Oxford.

Trustees.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Samuel W. Eustis, Oliver Fuller, Scarborough Parker, Moses Crafts, Nathan Crafts, Edward Richardson, and William Chenery, be, and they are hereby appointed trustees to sell the ministry lands in the town of Jay, and to put out at interest the monies arising from such sale, in manner herein after mentioned for that purpose.

Made a body
corporate.

SEC. 2. *Be it further enacted,* That the said trustees be, and they hereby are incorporated into a body politick by the name of The Trustees of the Ministerial Fund in the town of Jay in the county of Oxford, and they and their successors shall be and continue a body politick and corporate by that name forever, and they shall have a common seal, subject to alteration at their pleasure, and they may sue and be sued in all actions real, personal, or mixed, and prosecute and defend the same to final judgment and execution by the name aforesaid.

Officers.

SEC. 3. *Be it further enacted,* That said trustees and their successors shall annually elect a president; and also a clerk, whose duty it shall be to record the doings of said trustees at any of their meetings, in a book or books to be kept for that purpose, and he shall be sworn to the faithful discharge of his duty, and a record thereof shall be made in the books of said corporation, and the said trustees shall annually choose a treasurer, to receive and apply the monies as herein after directed.

Number of
Trustees limit-
ed.Vacancies to be
filled.

SEC. 4. *Be it further enacted,* That the number of trustees shall not any time be more than seven, nor less than five, two thirds of their number to constitute a quorum for transacting business; and they shall and may from time to time fill up vacancies which may happen by death, resignation or otherwise, from the inhabitants of said town, and shall have power to remove any of their number who
may

may become unfit, and incapable from age, infirmity, misconduct or any other cause, of discharging their duty, and supply vacancies so made by a new choice from the town aforesaid, and the said trustees shall annually hold a meeting in March or April, and as much oftener as shall be found necessary, to transact their necessary business, which meetings, after the first, shall be called in such way and manner as the trustees shall thereafter direct.

SEC. 5. *Be it further enacted,* That any justice of the peace in said county is authorized to fix the time and place of holding the first meeting of said trustees, and to notify each trustee thereof. First meeting.

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

SEC. 7. *Be it further enacted,* That the monies arising from the sale of said lands, shall, as soon as may be, be loaned on interest and secured by mortgage of real estate to the full value of the estate sold, or money loaned, or by two or more sufficient sureties with the principal, unless the trustees should think it best to invest the same in publick funded securities or bank stock, which they may do. Monies to be loaned on interest.

SEC. 8. *Be it further enacted,* That the interest arising from said funds shall be annually applied towards the support of publick worship in said town of Jay in such way and manner as said town may direct, and it shall never be in the power of said town to alter or alienate the appropriation of the fund aforesaid. Appropriation.

SEC. 9. *Be it further enacted,* That the treasurer of the trustees shall give bond to said trustees, conditioned faithfully to perform his duty, and to be at all times responsible for the faithful application and appropriation of the monies that may come into his hands, conformable to the true intent and meaning of this act, and for any neglect or misconduct of any kind in his office. Treasurer sdu-

No compensation allowed to be taken from the fund.

SEC. 10. *Be it further enacted,* That the trustees or their officers for the services they may perform, shall be entitled to no compensation out of said monies arising from the fund aforesaid, but if entitled to any, shall have and receive the same from said town.

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

Trustees responsible to the town.

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

[This act passed Feb. 24, 1810.]

CHAP. LII.

An Act to incorporate the Trustees of the Ministerial Fund in Woburn.

Trustees incorporated.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Benjamin Franklin Baldwin, William Jones, Bartholomew Richardson, jun. Jacob Peirce, and Daniel Wyman, be, and they are hereby constituted a body politic and corporate by the name of The Trustees of Woburn Ministerial Fund; and they and their successors shall be and continue a body politic and corporate by that name forever; and they may have a common seal, which they may alter or change at pleasure; and by that name they may sue and be sued in all actions real, personal, or mixed, and prosecute and defend the same to final judgment and execution.

SEC. 2. *Be it further enacted,* That the said corporation shall and may annually elect a president, and a clerk to record the doings and transactions of the trustees at their meetings, and a treasurer to receive and apply the monies herein after mentioned, as herein after directed, and any other

other needful officers for the better managing of their business.

SEC. 3. *Be it further enacted*, That the number of trustees shall not, at any one time, be more than seven nor less than five, and four of them may constitute a quorum for transacting business; and the town, or congregational society, as the case may be, at a meeting legally warned for that purpose, shall and may, from time to time, fill up any vacancies in their number, which may happen by death, resignation or otherwise, and may also remove any of their number who may become unfit or incapable from age, infirmity, misconduct, or any other cause, to discharge their duty, and to supply any vacancy so made, within twenty days after it shall happen, by a new choice, from the members of the congregational society in Woburn; and in case said town or society neglect so to do within that time, then said trustees, by a major vote, shall have power to fill up such vacancy from the society aforesaid, saving to the legislature a right, at any future time, to make such further provisions, relative to the filling up all vacancies which may happen in said board, as they may think proper; and said trustees shall annually hold a meeting in the month of January, and as much oftener as may be necessary, to transact their business; which meetings, after the first, shall be called in such manner as the trustees may direct.

Four Trustees may transact business.

Powers.

SEC. 4. *Be it further enacted*, That the clerk of said corporation shall be a member thereof, and shall be sworn in the same manner as town officers, to the faithful performance of the duties of his office; and he shall have the care and custody of all papers and documents belonging to said trustees, and shall carefully and fairly record all their votes and proceedings in a book to be kept for that purpose, and shall certify the same when thereto required, and he shall call meetings when thereto directed by any one or more of said trustees, and do whatever else may be incident to his said office; and he shall deliver up to his successor in office, as soon as may be, all the records, papers, and documents in his hands, in good order and condition; and if he shall neglect so to do for the space of thirty days, next after such successor shall be duly appointed, he shall forfeit and pay to said corporation

Clerk, his power and duty.

Penalty.

a fine of fifty dollars, and the further sum of thirty dollars per month, for such neglect afterwards.

Power and duty of the Treasurer.

SEC. 5. *Be it further enacted*, That the treasurer of said trustees shall be the receiver of all monies and effects due, owing and coming to them, and may demand, sue for and recover the same in their name, unless prohibited by them; and he shall have the care and custody of all the money and effects, obligations and securities for the payment of money, and other things, and all evidences of property belonging to said trustees, and be accountable to them therefor, and shall dispose of the same as they shall order and direct, and shall render an account of his doings, together with a fair and regular statement of the property and evidences of property in his hands, whenever they shall require the same to be done; and shall deliver up to his successor in office, as soon as may be, all the books and papers, property and evidences of property in his hands, in good order and condition, and shall give bond to the said trustees and their successors, with sufficient securities, to be approved by them, in a sum not less than five thousand dollars, conditioned to do and perform all the duties incumbent on him as their treasurer; and if he shall fail to deliver up the same, as aforesaid, for the space of thirty days next after such successors shall be duly chosen, he shall forfeit and pay to said corporation a fine of fifty dollars, and the further sum of thirty dollars per month, for such neglect afterwards.

Penalty.

Fund, how raised and regulated.

SEC. 6. *Be it further enacted*, That the said trustees and their successors in office be, and they hereby are vested with full power to receive into their hands all monies, or security for money, already received, and that now is or hereafter may be in the hands of the treasurer of the town of Woburn, being a surplus of money obtained by the late sale of the pews in the new congregational meeting-house in said town, over and above the cost of said house, and all other monies, subscriptions, donations, and security for real or personal estate that may hereafter be given, raised or subscribed, and appropriate the same according to the intention and direction of the donor or donors within the provisions of this act: *Provided however*, That said trustees shall not at any time be in possession of a capital, the annual income of which, to said society, shall exceed the sum of two thousand dollars.

Proviso.

SEC.

SEC. 7. *Be it further enacted,* That it shall be the duty of said trustees to use and improve such funds or estate as shall be vested in them by this act, with care and vigilance, so as best to promote the design thereof; and shall always loan upon interest all the money belonging to said funds, in such sums, and for such term of time, not exceeding one year, as they shall think proper, upon the bond or note of the borrower, with at least two sureties for the payment thereof; and they shall not at any time loan any sum exceeding the amount of one hundred dollars, without a mortgage on real estate to three times the amount loaned, as collateral security for the payment of the same, with interest annually; and it shall be the duty of said trustees to loan the interest arising from said fund in manner as aforesaid, until the annual interest of the whole funds amount to the sum of two hundred dollars, then it shall be their duty to apply the same towards the salary of the ordained minister of said congregation; and it shall be considered as part payment thereof; and in case said society shall be destitute of an ordained minister, then the annual interest aforesaid shall be put out at interest and secured as aforesaid to increase the said fund, until a minister shall be settled again, and in case the whole of the annual income should be more than sufficient to pay the salary of the Minister for the time being, agreeable to the contract with him, then the surplus shall be added to the principal, until the income shall amount to one thousand dollars yearly, unless said town or society, as the case may be, at a legal meeting called for that purpose, shall otherwise appropriate the same, which they are authorized to do, but never to alienate, or in any wise alter the fund aforesaid.

Monies to be loaned at interest.

SEC. 8. *Be it further enacted,* That the trustees may alienate by good and sufficient deeds in law, any real estate, the title whereof shall be vested in them by way of mortgage, or by operation of law.

Trustees may alienate Lands by deed.

SEC. 9. *Be it further enacted,* That the trustees or their officers, for the services they may perform shall be entitled to no compensation out of any monies arising from the fund aforesaid, but if entitled to any, shall have and receive the same of said town or congregational society, as the case may be, and as may be mutually agreed on.

No compensation for services to be taken from the Fund.

SEC.

Accounts of
Trustees to be
exhibited.

SEC. 10. *Be it further enacted,* That said trustees and their successors shall, each year, in the month of March or April, at the annual meeting of said town or congregational society, as the case may be, or oftener if said town or congregational society shall require it, exhibit a fair statement of their proceedings, and of the state of the funds under their management, and are hereby severally made amenable and liable in law to answer to said town or society, out of their own estates for any embezzlement, neglect or wilful mismanagement of said fund.

SEC. 11. *Be it further enacted,* that Benjamin Franklin Baldwin, be, and he hereby is authorized and empowered to fix the time and place for holding the first meeting of said trustees, and notify each trustee thereof.

[This act passed *Feb. 24, 1810.*]

CHAP. LIII.

An Act to incorporate certain persons by the name of The Proprietors of the Newburyport Athenæum.

Preamble.

WHEREAS the persons herein after named, together with sundry other persons, have associated for the laudable purpose of promoting learning and diffusing useful knowledge by establishing a repository for valuable and rare productions in the various arts and sciences, and polite literature, and for collecting the most important tracts, pamphlets, and documents, illustrative of the natural and civil history of our country, of the genius, policy, and laws of the general and state governments, and of the manners, customs, and interests of the American people; and whereas in pursuance of their design, they have at considerable pains and expense collected many valuable works, with a great variety of important tracts, pamphlets and documents, to which they intend to make additions from time to time as they may have ability and opportunity, and whereas the object of their association is of publick utility as well as of great advantage to those more immediately interested therein, and ought therefore to be encouraged. Therefore,

SEC.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That John Andrews, Edward Little, William Woart, William Bartlett, James Morfe, Jeremiah Nelson, Daniel A. White, Thomas Cary, Samuel L. Knapp, Joseph Dana, Daniel Dana, Stephen Howard, and Nathaniel Bradstreet, the present trustees of said association, together with their associates and such other person or persons as shall from time to time be admitted members of the said association, according to the rules, orders, and conditions, which shall or may from time to time be established by the bye laws or regulations of the corporation, be and they are hereby created a body politick and corporate, and shall forever hereafter continue a body politick and corporate, by the name of The Proprietors of the Newburyport Athenæum, and by the said name shall and may sue and be sued, plead and be impleaded, defend and be defended, in all and any court or courts of law and elsewhere, in all manner of actions, suits, pleas, and controversies whatsoever, and in their said corporate capacity and by their said name, they and their successors shall be capable to purchase, receive, have, hold, take, possess, and enjoy, in fee simple or otherwise, lands, tenements, rents, and hereditaments, not exceeding in the whole the yearly value of one thousand dollars, exclusive of the building or buildings which may be actually occupied or used for the purpose aforesaid, and the said corporation shall be capable of taking, receiving and holding, by donation, subscription, bequest, or otherwise, money, goods, chattels, effects, and credits, to an amount, the yearly value of which shall not exceed two thousand dollars, so as that the estate aforesaid be appropriated for the purposes aforesaid, and for the promotion of learning and useful knowledge; and moreover the said corporation shall have power to give, grant, sell, alien, convey, exchange or lease, all or any part of their lands, tenements and other property whatsoever, for the benefit and advantage of said corporation.

Persons incorporated.

Powers and privileges.

SEC. 2. *Be it further enacted,* That it shall and may be lawful for the said corporation to have a common seal for their use and benefit, with full power to alter, change, and renew it whenever they shall think the same expedient.

SEC. 3. *Be it further enacted,* That the said corporation shall have full power and authority to determine at what times and places their meetings shall be holden, and on the manner of notifying the associates or proprietors to convene at such meetings, and they shall have power to elect, once in every year, or oftener, from amongst the said proprietors, such officers, with such power as they shall judge expedient, and also further to ordain and enact any bye laws for the due government of the said corporation, and for the due and orderly conducting of the affairs thereof, and for and concerning all matters and things relating to said corporation, and the same at pleasure to alter, amend or repeal: *Provided however,* That the powers vested in the said officers and said bye laws, shall not be repugnant to the constitution and laws of this commonwealth.

Proviso.

SEC. 4. *Be it further enacted,* That for the giving the more effectual sanction to the said bye laws, the said proprietors shall have power to impose suitable fines, not exceeding three dollars, for the nonfulfilment or breach of the same, 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.

Corporation to be subject to the control of the Legislature.

SEC. 5. *Be it further enacted,* That the legislature of this commonwealth, may, from time to time, appoint a committee or committees to examine the state of affairs of said corporation, and the manner in which the same may be administered, and that the said legislature may at any time alter, amend, or repeal the charter of said corporation at their pleasure, reserving however to the proprietors for the time being, their property in the buildings, funds, books, and other property at such time appertaining to the said corporation.

Treasurer may sell shares of delinquent proprietors.

SEC. 6. *Be it further enacted,* That whenever any proprietor shall neglect or refuse to pay any assessment duly imposed upon his share or shares in said corporation, for the space of sixty days after the time set for the payment thereof, the treasurer of the said corporation is hereby authorized to sell at publick vendue the share or shares of such delinquent proprietor, after duly notifying in some news-paper printed in the town of Newburyport, the sum due on such share or shares, and the time and place of sale

at

at least thirty days before the time of sale, and such sale shall be a sufficient transfer of the share or shares so sold, to the person purchasing, and upon producing a certificate of such sale from such treasurer, such purchaser shall be entitled to a transfer of the share or shares so sold on the books of the corporation, and shall be considered to all intents and purposes the proprietor thereof, and the overplus of such sale, if any there be, after payment of such assessment, and incidental charges, shall be paid on demand by such treasurer to the person whose shares were so sold as is before provided.

SEC. 7. *Be it further enacted*, That the said John Andrews, Edward Little, William Woart, William Bartlett, James Morfe, Jeremiah Nelson, Daniel A. White, Thomas Cary, Samuel L. Knapp, Joseph Dana, Daniel Dana, Stephen Howard, and Nathaniel Bradstreet, or any three of them, shall have power to call the first meeting of the said proprietors, by advertising the same three weeks successively before the time of such meeting, in some newspaper printed in the town of Newburyport, and that at the said meeting the said proprietors may proceed to execute any or all the powers vested in them by this act. First Meeting.

SEC. 8. *Be it further enacted*, That the trustees and proprietors of the corporation aforesaid be, and they hereby are made jointly and severally liable in their respective persons and estates on all contracts and engagements, which shall be made and entered into, by virtue of the powers vested by this act in the said corporation, or in any officer of the same. Private property liable to attachment.

[This act passed Feb. 24, 1810.]

CHAP. LIV.

An act further to continue in force, "an act for regulating the passage-way for fish, through the dam, at the mouth of Stoney Brook, so called, in the town of Chelmsford, in the county of Middlesex."

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

Former Act
extended.

thority of the same, That an act made and passed on the ninth day of March, in the year of our Lord one thousand, eight hundred and four, entitled, "An act in addition to an act, entitled, An act to regulate the catching Salmon, Shad, and Alewives, and to prevent obstructions in Merrimack river, and in the other rivers and streams running into the same in this commonwealth, and for repealing several acts heretofore made for that purpose," be, and the same is hereby further continued in force, until the ninth day of March, which will be in the year of our Lord one thousand eight hundred and twelve, any limitation in the same act contained to the contrary notwithstanding.

[This act passed Feb. 24, 1810.]

CHAP. LV.

An act in addition to an act, entitled, "an act to establish a Corporation, by the name of the Brush-Hill Turnpike Corporation."

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the passing of this act, the Brush-Hill Turnpike Corporation shall not be entitled to demand or receive any Toll from any person or persons who may be passing in any manner whatsoever for the purpose of discharging military duty, or to, or from, his, her, or their usual places of publick worship, or to, or from, any grist mill, or on the common and ordinary business of family concerns; nor from any person or persons residing within the limits of the town in which a Toll gate may be erected, unless going or returning with loaded teams or carriages from beyond the limits of the same.

Corporation
not entitled to
receive toll in
certain cases.

SEC. 2. *Be it further enacted*, That the first Proviso, in the fourth section of the act, entitled, "an act to establish a corporation by the name of the Brush-Hill Turnpike Corporation," be, and the same is hereby repealed.

Proviso repealed.

[This act passed Feb. 24, 1810.]

CHAP.

CHAP. LVI.

An Act, in addition to an act, entitled, "An act authorizing the disposal of the Parsonage Lands in the town of Fryburgh, by sale or lease, to raise a fund for the support of the ministry, and appointing trustees therefor," passed on the eighth day of March, one thousand eight hundred and eight.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the trustees of the ministerial fund in the town of Fryburgh be, and they are hereby authorized and empowered from and after the passing of this act, to appropriate annually, one hundred dollars of the interest arising from the fund aforesaid, toward the payment of the Rev. Francis L. Whiting's salary, so long as he continues in the work of the ministry in that place; any thing in the act entitled "An Act authorizing the disposal of the parsonage lands in the town of Fryburgh, by sale or lease, to raise a fund for the support of the ministry, and appointing trustees therefor," passed on the eighth day of March, one thousand eight hundred and eight, to the contrary notwithstanding.

Further powers vested in the Trustees.

SEC. 2. *Be it further enacted,* That said trustees be, and they are hereby authorized and empowered to receive any sums of money which arose from the rents of the Parsonage lands in said town, before the passing of the act to which this is in addition, and to manage and appropriate the same in the manner they are required by the act aforesaid to manage and appropriate the money arising from the sale of the Parsonage land in said town of Fryburgh.

SEC. 3. *Be it further enacted,* That said trustees are hereby authorized and empowered to receive any grants, or donations which have already, or which may hereafter be made for the increase of the fund aforesaid, and to manage and appropriate the same, agreeable to the intention of the donor.

[This act passed Feb. 24, 1810.]

CHAP.

CHAP. LVII.

An act to set off George Manson and Benjamin Manson from the town of Readfield, and to annex them to the town of Winthrop.

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 Winthrop and Readfield in the county of Kennebeck, running easterly from the town of Wayne, shall continue the same course, that it runs when it comes to the lot numbered two hundred and twenty, being the lot of land on which George Manson and Benjamin Manson now live, across said lot, to Chandler's mill pond, so called, thence across said mill pond in a straight line, until it meets the line between the said towns of Winthrop and Readfield, on the easterly side of said mill pond. And the said George Manson and Benjamin Manson, with their families, and so much of their estates, as lie southerly of said line, be, and they are hereby set off from the town of Readfield, and annexed to the town of Winthrop, and shall hereafter be considered a part of the same, there to do the duties and exercise and enjoy privileges equally with the other inhabitants, of said town of Winthrop: *Provided nevertheless*, That the persons above mentioned, with their estates, shall be holden to pay all the taxes which have been legally assessed on them by said town of Readfield, in the same manner, as if this act had never been passed.

Certain lands
annexed to
Winthrop.

Proviso.

[This act passed Feb. 24, 1810.]

CHAP. LVIII.

An Act to incorporate Timothy Burbank and others, by the name of The Agawam Cotton, Woollen, and Linen Manufactory.

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

thority of the same, That Timothy Burbank, Gad Warriner, John Porter, John Norman, Elnathan Baldwin, and Amos Worthington, 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 Agawam Cotton, Woollen and Linen Manufactory, for the purpose of manufacturing Cotton, Woollen and Linen in the south part of the town of West-Springfield; 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 third day of March, in the year of our Lord one thousand eight hundred and nine, entitled, "An Act defining the general powers and duties of manufacturing Corporations."

Persons incor-
porated.Powers and
privileges.

SEC. 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 in the south part of West-Springfield aforesaid.

[This act passed Feb. 24, 1810.]

CHAP. LIX.

An Act to incorporate the District of Orange, in the county of Hampshire, as a town, by the name of Orange.

B*F it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the district of Orange, in the county of Hampshire, with the inhabitants thereof, be, and the same hereby is incorporated and established as a town, by the name of Orange, and is hereby vested with all the powers and privileges, and subjected to the like duties and requirements, of other towns, according to the constitution and laws of this commonwealth.

Orange incor-
porated.

[This Act passed Feb. 24, 1810.]

CHAP.

CHAP. LX.

An Act to incorporate the second Precinct in Plymouth.

Plymouth Sec-
ond Precinct
incorporated.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the lands, as described within the following boundaries, with the inhabitants thereon, be, and they are hereby incorporated into a distinct and separate precinct, by the name of *The Second Precinct in Plymouth*, viz. beginning at Elisha's Point, so called, on the northerly side of Elisha Holmes's land, and running westerly, as said line runs, to Ponds road, so called; and from said road, on a straight line, to the north end of Half way pond, and by said pond to the brook issuing therefrom; and by the said brook, to Wareham line; and on side Wareham line, eastward to Sandwich line, and by said Sandwich line to the sea shore, and by the said shore, to the bounds first mentioned. And the said Second Precinct is hereby vested with all the powers and privileges which are usually held, exercised and enjoyed, by parishes, precincts, or other religious societies, according to the constitution and laws of this commonwealth. And all the acts and proceedings of the said parish heretofore made and done, in pursuance of the consent and votes of the said town of Plymouth, be, and they are hereby confirmed, and rendered valid in law. And any justice of the peace, in the said town of Plymouth, is hereby authorized to issue his warrant, directed to some inhabitant of the said second precinct, requiring him to notify and warn the inhabitants thereof to meet at such convenient time and place, as shall be appointed in said warrant to organize the said precinct, by the appointment or election of its officers.

[This act passed Feb. 24, 1810.]

CHAP.

CHAP. LXI.

An Act to regulate the manufacture and inspection of Stone Lime and Lime Casks.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the first day of June next, no Stone Lime manufactured within this commonwealth, shall be sold or exposed to sale, or shipped on board any vessel, in casks, but such only as shall be well burnt and pure, and contained in good and sufficient new casks, to contain fifty gallons each, or one hundred gallons each, made of well seasoned heads and staves, with ten good and sufficient hoops on each cask, well driven and sufficiently secured with nails or pins. Quality of Lime and Casks.

SEC. 2. *Be it further enacted,* That there shall be an Inspector for the towns of Warren, Thomaston, and Camden, in the county of Lincoln, to reside in one of the said towns, to be appointed by the governor, with the advice and consent of the council, and to be by them removable at pleasure, upon misbehavior in said office; who, before he shall enter upon the duties thereof, shall give bonds, with sufficient surety or sureties, to the treasurer of this commonwealth, in the sum of one thousand dollars, conditioned for the faithful performance of the duties of the said office, which bond shall be taken by the Justices of the court of Common Pleas for the county of Lincoln; and the said inspector, when so qualified, shall have power to appoint in each of the towns aforesaid, as many deputy inspectors as he shall judge necessary; for whose good conduct, in the discharge of the duties of their respective offices, he shall be answerable, and shall take bonds from them to himself, and his successor in office, with sufficient sureties, in a penal sum, not exceeding five hundred dollars; and the said deputy inspectors shall also be sworn to the faithful discharge of their duty. Inspectors.
To give bond.

SEC. 3. *Be it further enacted,* That it shall be the duty of the said inspector, either by himself or his deputy, to inspect all lime which shall be manufactured in either May appoint Deputies.
Their duty.

of the said towns, when put into casks, and to see that the said Lime and Casks do, in all respects, conform to the provisions of this act; and to brand each of said Casks with the name of the town where the said Lime was burnt, and the first letter of the christian name, and the surname at length, of the inspector, who inspected the same, with the word *Inspected*.

Inspector's fees. SEC. 4. *Be it further enacted*, That the Inspector, or his deputy, appointed by virtue of this act, shall be paid by the manufacturer or owner of the said Lime *six cents* for each cask of Lime so inspected and branded; and the said Inspector shall be entitled to receive from any deputy he may appoint, *one cent and a half*, for every cask said deputy shall inspect and brand according to this act.

Inspectors chosen by towns. SEC. 5. *Be it further enacted*, That there may be chosen in each town in this Commonwealth, where Lime is imported by water, at any annual meeting, one or more Inspectors of Lime, who may, at the expence of the purchasers, inspect all Lime imported into or sold in their respective towns or harbours; and such Inspectors shall have a right to demand and receive of every such purchaser *four cents*, for every cask of Lime so inspected.

Fees. Inspectors of manufactured Lime. SEC. 6. *Be it further enacted*, That each town within this Commonwealth, in which Lime is manufactured, except the towns of Warren, Thomaston, and Camden, shall, at their annual meeting in March or April, choose one or more Inspectors, whose duty it shall be to inspect all Lime manufactured within said town, at the time it is filled at the kiln, and brand each cask in which the same is put, with the word "*Inspected*," and the first letter of his christian name, and his surname at length, with the name of the said town; and he shall receive from the manufacturer or owner of the said Lime *five cents*, for each cask so inspected and branded.

No Lime to be exported till inspected. SEC. 7. *Be it further enacted*, That if any person shall presume to sell, or expose to sale, or ship, or receive on board any vessel, in casks, any Lime, other than such as shall be contained in casks made as aforesaid, and having the aforesaid marks or brand, as required by this act, respectively, the offender or offenders shall incur the penalty of *one dollar and fifty cents*, for each cask so sold, or offered for sale, or shipped or received on board any vessel, to be sued for and recovered before any Justice of the Peace,

or

or Court of Common Pleas, as the case may require, by How recovered. action of debt; and all such Lime and cask or casks shall be forfeited to the use herein after provided. And it shall be lawful for any Justice of the Peace, upon information given, of any such cask or casks of Lime, sold or exposed to sale, or put or received on board any vessel, to issue his warrant, directed to the Sheriff or his deputy, or constable, requiring them, respectively, to make seizure of any such Lime, sold or exposed to sale, or shipped or received on board any vessel, and not made and marked as aforesaid, and to secure the same in order for trial: and such officers are respectively authorized and required to execute the same.

SEC. 8. *Be it further enacted*, That if, after any cask or casks containing Lime shall have been branded as required by this act, any person shall presume to shift the contents of said cask or casks, and put therein any other Lime, with a design to sell the same, such person so offending shall forfeit and pay the sum of *one dollar and fifty cents*, for every cask of Lime so shifted, to be recovered in manner as aforesaid. No Lime un-inspected to be put into branded casks. Penalty.

SEC. 9. *Be it further enacted*, That the Inspectors and deputy inspectors, appointed or chosen by virtue of this act, before they enter upon the duties of their office, shall be sworn to the faithful performance of the trust reposed in them respectively. Inspectors to be sworn.

SEC. 10. *Be it further enacted*, That all penalties and forfeitures incurred by virtue of this act, shall be, one moiety to the use of the town, in which the offence shall be committed, and the other moiety to him or them who shall inform and sue for the same. Forfeitures, how applied.

SEC. 11. *Be it further enacted*, That all laws heretofore made, relative to Stone Lime, or Lime Casks, be, and they hereby are repealed, from and after the first day of June next: *Provided nevertheless*, That nothing in this act shall be construed to restrain any manufacturer of Lime, or other person, from retailing Lime by the bushel, or other quantities, not in casks. Former acts repealed. Proviso.

[This act passed Feb. 27, 1810.]

CHAP. LXII.

An Act to empower the inhabitants of the town of Plymouth to choose a Board of Health, and for removing and preventing nuisances in said town.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the freeholders and other inhabitants of the town of Plymouth, qualified to vote for town officers, may, in the month of March or April annually, or at any other meeting legally called for the purpose, choose a Board of Health, consisting of five persons; the members of which board of health shall elect a president and a clerk, whose duty it shall be to record the votes and doings thereof; and in case of the death or resignation of any one of the members of said board, the said freeholders or other inhabitants may, at any meeting legally called for the purpose, elect a member to supply his place.

Town of Plymouth may choose a Board of Health.

Their duty.

SEC. 2. *Be it further enacted,* That it shall be the duty of the Board of Health, and each member thereof, to examine into all nuisances, and other causes injurious to the health of the inhabitants, whether the same shall be caused by stagnant waters, drains, common sewers, slaughter houses, tan yards, fish, fish houses, docks, necessaries, hogsties, putrid animal or vegetable substances, or any other cause of whatever kind, which in his or their opinion may be injurious to the health of the inhabitants as aforesaid; and upon complaint on oath being made to any Justice of the Peace, by any member of said Board of Health, or other person, that he suspects any of the nuisances, or causes aforesaid to exist, in any dwelling house, cellar, store or other building, ship or vessel, it shall be the duty of such Justice of the Peace to issue his warrant, directed to the sheriff of the county of Plymouth, or his deputies, or to any constable of the town of Plymouth, commanding him or them, forcibly to enter, and, together with a member of said Board of Health, to search the same in the day time, and upon the discovery of such nuisance, or other cause injurious to the health of the inhabitants,

habitants, to remove the same : *Provided however,* That Proviso. no sheriff or deputy sheriff, or constable, shall execute any civil process, either by arresting the body, or attaching the goods and chattels of any person or persons, under colour of any entry made for the purposes aforesaid, unless such service could by law have been made without such entry ; and all services so made, under colour of such entry, shall be utterly void, and the officer making such service, shall be considered as a trespasser, to all intents *ab initio* : And any person or persons who shall resist such search, shall forfeit and pay the sum of *ten dollars*, to be recovered in manner hereafter provided. Penalty for resisting search for nuisances. And it shall be the duty of the Board of Health, upon the discovery of any such nuisance or other cause, injurious to the health of the inhabitants of said town, forthwith to remove the same ; and upon complaint to any Justice of the Peace, within the said town, or in said county, made upon oath by one or more of said Board of Health, briefly therein stating the facts, together with the costs of such removal, such Justice shall grant a warrant, therein expressing the substance of said complaint, directed to the sheriff of the county of Plymouth, or his deputy, or any constable of the town of Plymouth, commanding him to notify and require the person or persons, in whose possession, or upon whose estate, such nuisance or other cause aforesaid existed ; or in case of his absence, his agent or attorney to appear forthwith before such justice ; and if such person or persons shall neglect then and there to appear, or appearing, shall not shew good cause to the satisfaction of said justice, why judgment should not pass against him or them ; the said justice shall then and there adjudge, that such person or persons shall pay a fine of *ten dollars*, and the costs of such removal, and double costs of prosecution ; and shall thereupon issue his warrant, directed to the sheriff of the county of Plymouth, or his deputy, or any constable of the town of Plymouth, thereby commanding him to levy the expence of said removal, together with said fine and double costs, on the goods and estate, and for want thereof, on the body of the said occupier or proprietor of the house, land, cellar, docks, store, or vessel in which said nuisances existed ; and said fine shall be paid over to the town treasurer, for the use of said town : *Provided always,* That any person or persons ag- Proviso.grieved,

grieved at any judgment of a justice, passed against him or them as aforesaid, shall have a right to appeal therefrom to the court of Common Pleas then next to be holden within and for the county of Plymouth, who shall hear and determine on such complaint, as the case may require, and thereupon render such judgment as the justice is herein before authorized to do in an original complaint to him, with additional costs; and the judgment of said Court thereon shall be final: *Provided nevertheless*, That no such appeal shall be granted, unless the respondent shall claim the same, on the day on which the justice's judgment shall be rendered; and shall enter into recognizance with two sufficient sureties to prosecute said appeal with effect. And said Board shall have authority to appoint scavengers, and such other officers to assist them in the execution of their office, as they shall judge necessary; for payment of whom, and all necessary expenses, which may arise in the exercise of their office, the said Board shall be authorized to draw upon the treasurer of said town.

Proviso.

No putrid or tainted meat to be exposed.

Penalty.

SEC. 3. *Be it further enacted*, That any person who shall offer for sale in the town of Plymouth, or shall have in possession any tainted or putrid salted meat, or pickled fish, which shall be so deemed by any two of the Board of Health, upon conviction thereof, in manner aforesaid, shall forfeit the sum of *two dollars* for each barrel so offered for sale, or that he shall have in possession; and it shall be the duty of every licensed packer of provisions and pickled fish, to give information to the Board of Health, or some one of them, of any such meat or fish that shall come to his knowledge; and shall moreover be sworn before the president of the Board of Health, or some one of said Board, to give such information before he shall execute that trust, after said Board of Health shall have been chosen; and the said president and members are hereby severally authorized to administer said oath: and if any packer of provisions shall repack any meat or fish that shall be unwholesome, or not fit for use, and be thereof convicted before any court competent to try the same, he shall forfeit two dollars for each barrel so repacked, and shall forever be disqualified for serving again in that capacity; and no provisions shall be repacked in the said town of Plymouth, between the first day of June, and the first

first day of October, in any year, unless in such place or places therein, where permission therefor shall be obtained in writing, from the board of Health; and any person or persons who shall repack any provisions within the times aforesaid, in the said town of Plymouth, in any place or places where permission therefor in writing hath not been first obtained of said Board of Health, shall forfeit the sum of *two dollars*, for each barrel so repacked.

SEC. 4. *Be it further enacted*, That no person or persons, without first obtaining permission therefor from the Board of Health, or two members thereof, shall kill any sheep or lambs, or expose to sale within said town, between the first day of July and the twentieth day of September, in any year, the meat of any sheep or lambs, which shall have been killed within two days after such sheep or lambs shall have been driven into said town; and every person who, without having first obtained such permission, shall within the times aforesaid, kill any sheep or lambs within said town, within two days after such sheep or lambs shall have been driven into the same, or shall expose or offer for sale within said town, the meat of any sheep or lambs which shall have been so killed, shall forfeit and pay for each offence *fifteen dollars*; and the meat of every sheep or lamb so killed, shall be forfeited; and the said Board of Health, or any two of them, may, and it shall be their duty, to seize and remove the same, and dispose thereof, so as that the health of the inhabitants may not be endangered thereby; and in any action or prosecution against the members of said Board of Health, or either of them, for seizing any meat of sheep or lambs by virtue of this act, the plaintiff or prosecutor shall be held to prove that such sheep or lambs were killed after the expiration of two days from the time the same were driven into the said town, or by permission of said Board of Health.

No creatures to be killed in the town.

Penalty.

SEC. 5. *Be it further enacted*, That no untanned hides shall be stored or kept in the town of Plymouth aforesaid, between the first day of May and the first day of December, except in such place or places as the Board of Health shall direct and appoint; and that all such hides, found in any other place or places in said town, within the times last mentioned, shall be forfeited, unless removed to such place as the Board of Health shall direct, without the limits

No untanned hides to be stored.

limits of said town, by the owner thereof, within twenty four hours after notice given him by the said Board of Health, or any two of them ; and such hides, so forfeited, shall and may be seized by any two of said Board of Health, and shall and may be libelled and tried in the same way and manner, and by the same process, as is provided for the trial of gunpowder seized according to law. And any person or persons, who shall throw upon the wharves or shores, or into any of the docks in the town, any putrid meat, fish, or any other putrid or offensive substance, or any thing contrary to the order or regulations of the Board of Health, shall forfeit and pay for each offence, a sum not less than *two dollars* nor more than *ten dollars*, at the discretion of the court which may have cognizance of such offence : that all masters of vessels who shall throw upon the wharves or shores, or into any of the docks of said town, without permission from the Board of Health, any filth or sweepings of the vessel's hold, which may endanger the health of the inhabitants of said town, shall forfeit a sum not less than *five dollars*, nor more than *fifty dollars*, for each offence.

Penalty.

Selectmen's
powers trans-
ferred.

SEC. 6. *Be it further enacted*, That all the powers and duties which are given to, and required of the selectmen of the town of Plymouth, by a certain law of this commonwealth, passed the twenty second day of June, one thousand seven hundred and ninety seven, entitled, "An Act to prevent the spreading of contagious sickness ;" and also one other law of said commonwealth, passed the twenty-sixth day of February, eighteen hundred, entitled, "An Act in addition to an act entitled, An Act to prevent the spreading of contagious sickness," shall be, and they hereby are transferred to, and made the duty of the said Board of Health ; any thing in said laws to the contrary, notwithstanding.

Physician to the
Board.

SEC. 7. *Be it further enacted*, That the said Board of Health be, and hereby are empowered, from time to time, to choose a suitable and discreet person to act as a visiting physician to said Board, whose duty it shall be, to visit all vessels coming from any place or places in which the said Board shall think any contagious sickness prevails ; and such physician shall be under the direction of said Board, and may be removed by them, whenever they shall see cause. And whereas, by the eleventh section

tion of the act of this commonwealth, entitled, "An Act to prevent the spreading of contagious sickness," it is enacted, That each town and district in this commonwealth may, at their meeting held in March or April annually, or at any other meeting legally warned for that purpose, when they shall judge it to be necessary, choose and appoint a Health Committee in the manner, and for the purposes in said eleventh section mentioned.

SEC. 8. *Be it further enacted,* That so much of said law, as respects the future appointment of a Health Committee for the town of Plymouth, be, and the same is hereby repealed; and that the Board of Health to be appointed by virtue of this act, be, and they hereby are made and shall be the Health Committee for the town of Plymouth, and be invested with all the powers and duties which are granted to, or imposed upon said Health Committee, in and by said act. Part of former act repealed.

SEC. 9. *Be it further enacted,* That all penalties and forfeitures arising from this act, except in those cases in which it is herein otherwise provided, shall accrue to the use of the town of Plymouth; and shall be prosecuted and recovered by action of debt, in the name of the President of the said Board of Health, or by information in any court competent to try the same: and it shall be the duty of the Board of Health, and of each member thereof, to pursue and enforce the due execution of the foregoing law, and prosecute all offenders for all penalties and forfeitures which may accrue under the same. Penalties, how recovered and appropriated.

[This act passed Feb. 27, 1810.]

CHAP. LXIII.

An Act to incorporate the Merrimack Bible Society.

WHEREAS the persons hereafter named in this act, together with many citizens of the town of Newburyport and its vicinity, have formed themselves into a society for the purpose of raising a fund to be appropriated in procuring bibles of the version in common use in the churches in New England, for distribution among

N Preamble.

mong those persons in this Commonwealth, and elsewhere, who are destitute of the sacred scriptures, and who cannot be conveniently supplied without such aid, and also for the distribution of the bible in such other languages as may from time to time be considered expedient; and whereas in order that the pious and laudable objects of said society may be effectually promoted, and the charity of said society more extensively diffused, they have prayed for an act of incorporation.

Persons incor-
porated.

SEC. 1. *Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That William Coombs, Samuel Spring, John Andrews, Daniel Dana, Charles W. Milton, James Morfs, James Whittemore, John S. Popkin, William Bartlett, Thomas M. Clark, Daniel A. White, John Pearson, Stephen Holland, Richard Pike, and William Woart, together with those who have associated or may hereafter associate with them for the purpose aforesaid, be, and they are hereby incorporated into a society by the name of The Merrimack Bible Society.

Corporation to
be subject to
the control of
the Legislature.

Powers and
privileges.

SEC. 2. *Be it further enacted,* That the said William Coombs, and others above named, and their associates, shall be and remain a body politick and corporate during the pleasure of the Legislature, and may have a seal, which they may alter at pleasure; and the said society shall be capable of taking and receiving from any persons disposed to aid the benevolent purposes of this institution, grants or devises of lands and tenements, in fee simple or otherwise, also donations, bequests, and subscriptions of money and other property, to be used and improved for the purposes aforesaid.

SEC. 3. *Be it further enacted,* That the said corporation shall be and they hereby are empowered to purchase and hold other real estate than that which may be given to them as aforesaid: *Provided,* That the value of the whole estates, real and personal, of said society, shall not exceed one hundred thousand dollars.

SEC. 4. *Be it further enacted,* That the said society may sue and be sued in their corporate capacity, and may appoint an agent or agents to prosecute and defend suits, with power of substitution.

Officers.

SEC. 5. *Be it further enacted,* That said society may choose a president, vice-president, treasurer, secretaries, managers,

managers, and such other officers as they shall see fit, and may make and establish such rules and regulations as to them shall appear necessary: *Provided*, The same be not repugnant to the constitution and laws of this commonwealth.

SEC. 6. *Be it further enacted*, That William Coombs, Esq. be, and he hereby is authorized, by notification in the Newburyport Herald, to appoint the time and place of the first meeting of said society, at which meeting the said society may choose the officers aforesaid, may prescribe their duty, and may vest in the said officers such powers, conformable to the principles of this institution, as shall be deemed necessary. First meeting.

[This act passed Feb. 27, 1810.]

CHAP. LXIV.

An Act, in addition to an act, entitled, “an act to incorporate Joseph Williams, John Balch, and others, into a company by the name of The Union Marine and Fire Insurance Company, in Newburyport.”

WHEREAS the Union Marine and Fire Insurance Company, in Newburyport, have invested the capital stock of the said company, in the manner although not within the time prescribed in said act: Therefore, Preamble.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the act of incorporation of said company be, and the same hereby is established and confirmed, notwithstanding any failure of compliance on the part of said company with the terms of said act, in the mode and time of collecting, and in the time of investing, the capital stock:—And that the rights and privileges of said company shall be, and continue to be, the same as they would have been, had the terms of said act been complied with: *Provided*, That nothing herein contained shall be construed to affect the liability or rights Charter confirmed.
Proviso.

rights of said company, or the rights of any person or persons, who may have been injured by the failure of said company to comply with the terms of said act.

[This act passed *Feb. 27, 1810.*]

CHAP. LXV.

An Act in further addition to an act, entitled, An Act to incorporate fundry persons into a company by the name of The Proprietors of the Exchange Coffee House.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the proprietors of the Exchange Coffee House, in their corporate capacity, shall be, and hereby are declared capable to purchase, have, hold, and possess all and singular the lands and buildings in Boston, adjoining or near to the Exchange Coffee House, of which the members of the said corporation, as proprietors in common, are now seized and possessed, and also of all or any part of the land lying between the north side of said Coffee House and State street in said Boston, which they may deem necessary or convenient for the accomodation of said building; and the same or any part thereof, to grant, sell, alien, lease, exchange, manage and improve in such mode, as they are, or may by law be authorized to do, with respect to the land described in the original act, to which this is in further addition.

Further powers vested in the Proprietors.

SEC. 2. *Be it further enacted,* That the said corporation may, at any legal meeting, agree upon the number of shares into which the said estate shall be divided, and upon the form of certificates to be given to individuals, of the number of shares by them respectively held, and upon the mode and condition of transferring the same, which shares shall be held and considered as personal estate, in the same manner that shares in turnpikes, bridges, and canal companies are by law, held and considered; any thing in the act to which this is in further addition, to the contrary notwithstanding.

[This act passed *Feb. 27, 1810.*]

CHAP.

CHAP. LXVI.

An Act to incorporate certain persons by the name of The Boston Hat Manufactory.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Thomas S. Bordman, Samuel Barry, Daniel Messinger, Elisha Vose, Jesse Brown, Matthias Crocker, William Barry, Henry Messinger, Thomas Hughes, Gerry Fairbanks, Charles Vose, Bradford Lincoln, Joshua Vose, Aaron Clap, William Bordman, jun. John Bordman, Caleb Hartshorn, Asa Croker, George Haven, Zab Adams, James Pratt, jun. Martin Bales, John H. Brown, Aaron Healy, Richard Hay, William King, Peter Dexter, and Nathaniel Fowle, with such 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 Boston Hat Manufactory, for the purpose of manufacturing hats at any place or places within ten miles of Boston, 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 third day of March, 1809, entitled An Act defining the general powers and duties of manufacturing corporations. Persons incorporated.

SEC. 2. *Be it further enacted,* That said corporation may be lawfully seized and possessed of such real estate not exceeding twenty thousand dollars, and of such personal estate, not exceeding one hundred thousand dollars in value, as may be necessary and convenient for the carrying on the manufacture of hats. Powers and privileges.

[This act passed *Feb. 27, 1810.*]

CHAP.

CHAP. LXVII.

An Act to set off Samuel Floyd, from the town of Augusta, and to annex him to the town of Winthrop.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Samuel Floyd of Augusta, in the county of Kennebeck, with his family, and the lot of land on which he now lives, in the said town of Augusta, be, and the same is hereby set off from the town of Augusta, and annexed to the town of Winthrop, in the same county, and shall hereafter be considered a part of the same, there to do the duties, and enjoy the privileges thereof, as the other inhabitants of said town of Winthrop: *Provided nevertheless*, That the said Samuel Floyd, shall be holden to pay all taxes that have been legally assessed on him by the said town of Augusta, prior to the passing of this act, in the same manner as if it had not been made.

[This act passed Feb. 27, 1810.]

CHAP. LXVIII.

An Act to regulate the taking of Salmon, Shad, and Alewives, in the town of Machias.

Preamble.

WHEREAS, the laws heretofore made for the preservation of the fish called Salmon, Shad and Alewives, in the town of Machias, are found inadequate for that purpose: Therefore,

Certain Laws repealed.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That all laws heretofore made to prevent the destruction and to regulate the catching of salmon, shad and alewives, so far as the same apply to the rivers and streams in the town of Machias, be, and they are hereby repealed: *Provided nevertheless*, That all prosecutions, actions, and processes now depending, and grounded on a supposed violation of any such law, or laws,

Proviso.

may

may be prosecuted to final judgment and execution, as though this act had never been made.

SEC. 2. *Be it further enacted*, That no person or persons from and after the passing of this act, shall build or erect any mill-dam, wears, obstruction, or incumbrance, or continue any mill-dam, wears, obstruction, or incumbrance, already built, made, or erected, or that may hereafter be built, made, or erected, in or across any of the rivers, streams, bays, or coves in the said town of Machias, unless he or they do and shall actually provide, open, and keep open, at their own expense, a good and sufficient sluice-way, and passage for the said fish to pass, between the first day of May and the first day of September, annually; and if any person or persons, after the passing of this act, shall build or erect any mill dam, or other obstruction, or continue any mill dam, or other obstruction, already built, erected, or made, or that may hereafter be built, made or erected, in or across any of the rivers, streams, bays, or coves aforesaid, in which the said fish before such obstruction did usually go up to the lakes and ponds to cast their spawn, excepting as is herein before provided and allowed, he or they so offending, shall forfeit, for each and every day that such obstruction shall be continued, a sum not exceeding *twenty dollars*, nor less than *ten dollars*; and no passage or sluice way shall be deemed sufficient, within the meaning of this act, unless the same shall be so constructed and made, and the stream below kept open and clear of all obstructions, so that the said fish can and do actually pass through or over the same with ease and convenience. And whereas the said fish do not always go up said rivers and streams so early as the first day of May, nor always continue to run so late as the first day of September: Therefore,

SEC. 3. *Be it further enacted*, That when it shall appear to the major part of either of the committees herein after mentioned, that the continuance of any such obstruction in or across any of the rivers, streams, bays, or coves aforesaid, within the limits or district of such committee, or that the stopping of any of the passages or sluice ways, within their said districts respectively, shall be expedient and advisable, it shall be in the power of the major part of said committees, within their respective districts,

No dams or other obstructions to be erected, without sluices.

Penalty.

Committee may authorize stoppages.

tricts, in writing, by them signed, to licence and authorize such continuance or such stoppage to such reasonable time beyond the first day of May, and before the first day of September, as they may respectively judge equitable and right, any thing herein to be contrary contained notwithstanding.

Fish not to be taken at certain times.

SEC. 4. *Be it further enacted*, That no person or persons from and after the passing of this act, shall take or catch any salmon, shad, or alewives, in any part of the said rivers, or in any of the streams, bays, or coves, aforesaid, between the first day of May, and twentieth day of August annually, at any other time than between sunrise on Monday and sunrise on Friday, in each week.

No fish to be taken within two rods of any sluices.

SEC. 5. *Be it further enacted*, That no person or persons shall be allowed at any time, while said fish passages, or sluice ways are kept open as aforesaid, to catch any of the said fish, or set any seine, net, pot, or other machine, for the purpose of taking or catching any of the said fish, within the distance of two rods from any sluice or passage way left open for the purpose of letting the said fish pass up any of the rivers or streams aforesaid; and if any person or persons shall take or catch any of the said fish, or set any net, seine, pot, wears, or other machine, for the purpose of taking or catching any of the said fish, in any of the rivers, streams, bays, or coves, aforesaid, on any day or night other than is allowed by this act, or within the distance of two rods of any sluice way or passage way as aforesaid, he or they, so offending, shall forfeit the seine, net, pot, wear, or other, machine, so used, and pay a fine not exceeding *thirteen dollars*, nor less than *one dollar*, half thereof to him or them that will prosecute therefor, and the other moiety for the benefit of the said town of Machias; and it shall be the duty of the committees herein after mentioned, or any one of them, within their respective districts, upon finding any net or seine, setting or standing in any of the rivers or streams aforesaid, and in violation of this act, to take and seize the same, together with the fish that may be found therein, and the same net or seine and fish so taken, within twenty four hours then next, to carry before some Justice of the peace in the county of Washington, and there libel the same, in which libel the libellant shall describe the place where, the time when, and cause of seizure, and the articles thus libelled; and

Penalty.

and the Justice before whom such libel shall be made, shall cause a copy thereof, under his hand, to be made out, and forthwith to be posted up in some conspicuous place, or places in the vicinity, where he shall determine notice of the transaction will be most generally given, and therein assign a particular time and place for the owner or claimant to appear, which time shall not exceede ninety six hours nor less than forty eight hours from the time the libel shall be filed with him as aforesaid, and if no person appear to claim the same, or if the person appearing being the owner thereof, shall not make it appear to the satisfaction of the Justice, that he was not directly or indirectly by himself or any other person, by, for, or under him, concerned in setting such net or seine, then the Justice shall enter up a decree that the same are forfeited, one half the net or seine, and all the fish to the use of the libellant, and the other moiety of the net or seine to the use of the said town, and order the same to be sold at publick auction accordingly, and shall proceed to sell the same at auction himself, or make out a precept in writing to some officer to sell the same accordingly; and in case upon hearing it shall appear to the Justice that the net, seine, or fish, are not by this act for the causes in the libel  ledged, forfeited, he shall decree a restoration thereof to the claimant, and deliver them to him accordingly, and for every libel and proceeding thereon as aforesaid, the said Justice shall be entitled to receive and demand one dollar and no more, and at the rate of fifteen per cent. arising on the sale.

SEC. 6. *Be it further enacted,* That no net or seine shall reach or extend more than one third across any river or stream when the same shall or may be set, drawn or used, under the penalty of forfeiting the same, and any person who shall refuse or prevent the committees or any of them from measuring any seine or net which shall be used for the purpose of taking any of the said fish, in any of the rivers or streams aforesaid, shall forfeit and pay the sum of *six dollars*.

SEC. 7. *Be it further enacted,* That a passage or sluice way sufficient for the safe, easy, and convenient passing down of said fish, both *old* and *young*, shall be provided, opened, and kept open, from the first day of September to the fifteenth day of October annually, at the discretion

Penalty for neglect.

of said committees, over, or by all such dams or other obstructions aforesaid; and if any person or persons, making, erecting, interested, or concerned in, such dam, mills, or other obstructions, shall offend in this particular, he or they shall pay a fine for each and every day, he or they shall so offend, a sum not exceeding *twenty dollars* nor less than *five dollars*,

Fish committee to be chosen by the town.

SEC. 8. *Be it further enacted*, That the inhabitants of the said town of Machias be, and they are hereby empowered and directed, at their annual meetings in April forever hereafter, to choose by written ballot or otherwise, two separate committees, of three or more suitable persons each, so situated within their respective districts as to be able to detect in the most effectual manner any breaches of this act, whose business it shall be to see that this act is duly observed within their respective districts; and each person so chosen and accepting, shall take an oath, faithfully to discharge the duties required of him by this act, and the said committee so chosen and qualified as aforesaid, or the major part of them respectively, are hereby empowered and directed to inspect the several streams, rivers, bays, and coves, within their respective districts, and see that there are sufficient passages for the said fish to pass up and down, open and keep open, without obstruction, during the terms, and in the manner this act directs, excepting as herein before provided and allowed. And it shall be the duty of the said committees respectively to make complaint of any, and every breach of this act, within their respective districts.

Their duty

SEC. 9. *Be it further enacted*, That when the owner, or owners of any mill or mills, mill dam, or other dams, wears or other obstructions, made or erected in or across any of the rivers, streams, bays, or coves, aforesaid, shall refuse or neglect to open, or to continue open, sufficient sluice way or ways in their mill dams or other dams, wears, or other obstructions, respectively, in every such case the said committees respectively, or the major part of either of them, shall, within their respective district, order such sluice ways to be opened, and they are hereby authorized and directed to cause the same to be done, as speedy as may be; and the owner or owners of said dams, wears, or other obstructions so neglecting or refusing, upon notice given them, or any of them, by said committees,

committees, shall forfeit and pay a sum equal to the reasonable expence of opening and continuing open any such sluice way or ways, with the addition of fifty per cent. thereto, which forfeiture shall be recovered by the said committees, by action of the case to be by them instituted and pursued to final judgment and execution, in their capacity aforesaid, and the said committee, when acting in their official capacity, in doing any business, matter, or thing, agreeable to, or required by this act, shall not be considered as trespassers, or be liable to any penalty or damage.

SEC. 10. *Be it further enacted*, That if the said town of Machias shall neglect to choose the several committees required by this act, they shall forfeit and pay the sum of *one hundred and fifty dollars*, one half for the benefit of the poor in said town and the other half thereof to the informer, which may be sued for, and recovered by any person or persons complaining of the same; and if any person so chosen shall refuse to serve in said office, unless he is chosen to some other office in the town, he shall forfeit and pay the sum of *six dollars* for the use of the poor of said town, to be recovered by the town treasurer, and the said town shall proceed to a new choice, and so toties quoties.

Penalty in case the town neglect to choose Committees.

Committee refusing to serve, Penalty.

SEC. 11. *Be it further enacted*, That for the purposes of this act only, the said town of Machias be and hereby is divided into two districts to be known by the name of the East and the West Districts, the East District to comprehend the East river, so called, in said town as well as all the streams, bays, and coves thereof, and the West District to comprehend all other rivers, streams, bays, and coves, within said town.

Machias divided.

SEC. 12. *Be it further enacted*, That all fines and forfeitures, incurred by the breach of this act, not otherwise herein directed, shall be recovered by bill, plaint, or information, in any of the courts of record within the county of Washington, proper to try the same, and all fines and forfeitures so incurred by any offence committed against this act (not otherwise appropriated) shall enure, the one half thereof to the poor of the town, and the other moiety to him or them who shall prosecute therefor: *Provided neverttheless*, That nothing in this act shall be so construed as to debar any person of the right to prosecute

Penalties, how recovered

Provido

cate

cute, and they are hereby authorized and empowered to prosecute and pursue to final judgment and execution, any person for any breach of this act; and no person by reason of his being one of the committees, chosen and qualified as aforesaid, shall be thereby disqualified from being a witness in any prosecution for a breach of this act.

[This act passed Feb. 27, 1810.]

CHAP. LXIX.

An act for the better regulating the Indians and other people of colour, Inhabitants of the Island of Chappquiddick in the county of Duke's County.

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 Governor, with the advice of the Council, is hereby authorized and requested to appoint three Commissioners who shall meet in the month of March next, and when met shall have power to make a distinct and specific assignment of the lands belonging to the Indians, and other people of colour, inhabitants of the Island of Chappquiddick in the County of Duke's County to the different individuals and families, in such quantities as they shall deem proper, reserving from said lands such portions for annual appropriations by the Guardians of the said Indians, and people of colour, as the said Commissioners may judge expedient and each individual and family, shall retain possession of the land so assigned for the term of ten years from the thirty first day of March next, at which time a new assignment of the said lands, shall be made by the Guardians of the said Indians.

Governour and council to appoint Commissioners to assign lands to individuals,

No contracts of Indians valid, unless—

SECT. 2. *Be it further enacted,* That no promise made, or contract entered into by any of the said Indians, or people of colour, shall be valid in law, unless the same be made or entered into with the written consent of two or more of their Guardians, and no action hereafter brought upon such promise or contract, made or entered into, without

without such written consent, shall be sustained in any Court of Law.

SEC. 3. *Be it further enacted*, That no action shall be sustained in any Court of Law in this commonwealth, wherein any of said Indians or people of colour shall be plaintiff, unless the original writ be endorsed by two or more of their Guardians, and this act may be given in evidence in all such actions under the general issue.

[This Act passed Feb. 27, 1810.]

CHAP. LXX.

An Act in further addition to an act, entitled, An act to incorporate sundry persons by the name of The President, Directors and Company of Gloucester Bank.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the act of incorporation establishing the Bank in Gloucester in the county of Essex, be, and the same is hereby extended and continued to the first Monday of October, in the year of our Lord, eighteen hundred and twelve, with all the rights and privileges, and subject to all the penalties and forfeitures provided by said act.

Gloucest. Bank
charter extend-
ed.

SEC. 2. *Be it further enacted*, That the President, Directors, and Stockholders of the said Bank, and their successors, be, and they are hereby made, jointly and severally, liable in their respective persons and estates, as well as in their corporate capacity, to fulfil all contracts and redeem all bills made and issued by the said Corporation.

[This act passed Feb. 27, 1810.]

CHAP.

CHAP. LXXI.

An act to incorporate a number of the inhabitants of the towns of Durham and Pownal, into a religious society, by the name of The Methodist Society in Durham and Pownal.

SEC. I. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Moses Allen, John Allen, Nehemiah Allen, Nehemiah Allen jun. William P. Allen, William Blake, Joseph Brown, Jeremiah Brown, Heman M. Brown, Lendell Curtis, John Cushing jun. Enoch Davis, Richard Doan, Francis Duran, Matthew Duran, Paul Dyer, George Fergusson, Edward Fifield, Benjamin Fogg, George Goodwin, Daniel Harmon, Robert Harmon, Zebulon Harmon, William Jones, Isaac Lambert, Jacob Larrabee, Jacob Libby, Josiah Libby, Ellison Libby, Alexander Libby, John Megray, William Mitchel, jun. Enoch Newell, Ebenezer Newell, David Ofgood, Joseph Paine, Thomas Paine, Thomas Pierce, Benjamin Pettengill, Luther Plumer, Elisha Potes, Isaac Randall, Jacob Randall, John Randall, Susanna Roberts, Lemuel Roberts, Thomas Roberts, William Roberts, Allison Skillen, Joshua Snow, John Stackpole, jun. Abel True, Daniel True, Jonathan True, Samuel True, William True, Simeon Tryon, Ezekiel Turner, Lebbeus Tuttle, John Tyler, Ebenezer Warren, Thomas Waterhouse, William Webster, and Daniel York, together with such other as already have, or may hereafter associate with them and their successors, be, and they are hereby incorporated into a separate religious society, by the name of The Methodist Society in Durham and Pownal, with all the powers and privileges, and subject to the same duties with other religious societies, according to the constitution and laws of this commonwealth: *Provided however,* That all such persons shall be holden to pay their respective proportions of all monies legally assessed for parochial purposes, in the parish or religious society to which he or she formerly belonged.

Persons incor-
porated.

Provido.

SEC.

SEC. 2. *Be it further enacted*, That any person belonging to any other religious society in either of the said towns of Durham and Pownal, who may desire to join with the said Methodist society, shall declare such intention in writing, delivered to the minister or clerk thereof, and also a copy of the same delivered to the town clerk, or to the clerk of such other society, (as the case may require) and if such person do produce a certificate signed by the minister, deacons or clerk of the said Methodist society, that he or she has united with and actually become a member thereof, such person shall from the date of said certificate, be considered with his or her polls and estate, as a member of the said Methodist society.

Manner in which others may join the society.

SEC. 3. *Be it further enacted*, That when any member of the said Methodist society shall see cause to secede therefrom, and to unite in religious fellowship with any other religious society, shall give notice of such intention in writing, to the minister or clerk of the said Methodist society, and deliver a copy of the same to the clerk of the town or to the minister or clerk of such other society (as the case may be) fifteen days before the annual meeting, and shall produce a certificate of admission, signed by the minister, elder, or clerk thereof, such person with his or her polls and estate, shall, from the date of such certificate, be considered as a member of the society, with which he or she hath so united: *Provided however*, That in every case of secession, every such person shall be holden to pay his or her proportion of all parish or society charges and assessments, legally assessed and not paid, previous to such secession.

Manner of seceding.

Proviso.

SEC. 4. *Be it further enacted*, That either of the justices of the peace for the county of Cumberland, be, and he is hereby authorized, upon application therefor, to issue a warrant, directed to a member of the said Methodist society, requiring him to notify and warn the members thereof, to meet at such convenient time and place as shall be expressed in the said warrant, for the choice of such officers as the customs and rules of the said society do require, and as religious societies are by law empowered to choose and appoint at their annual parish or society meetings.

First Meeting.

[This act passed March 1, 1810.]

CHAP.

CHAP. LXXII.

An Act to authorize the Justices of the Court of Common Pleas for the county of Suffolk, to purchase Land and erect a New Court House thereon.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Justices of the court of common Pleas for the county of Suffolk, be, and they hereby are authorized to purchase any lands situated between Court street and School street in the town of Boston, for said county, which they may deem necessary, for the purpose of erecting a court house thereon, and making proper avenues to and around the same; and also to exchange or make sale of any land or real estate situated as aforesaid, now belonging to said county, for the purpose aforesaid.

Court of common Pleas empowered to purchase—

And to borrow money.

SEC. 2. *Be it further enacted*, That said Justices, be, and they hereby are authorized to raise by loan to said county, from any one or more individuals or bodies corporate, such sums of money as they find necessary, for the purpose of erecting and completing a court house for the accommodation of said county; and allow for the use of said sums, the lawful interest, until paid: *Provided however*, that the amount of said loan shall not exceed the the sum or sums of money, which have been, or may be included, for the purpose aforesaid, in the several annual estimates of expenses for said county, and upon which the legislature have authorized, or may hereafter authorize a tax upon said county: and the Treasurer of said county is hereby authorized to subscribe and give his notes in behalf of said county, for such sums of money, as may be borrowed for the purposes aforesaid.

[This act passed March 1, 1810.]

CHAP.

CHAP. LXXIII.

An Act to incorporate sundry persons by the name of The Malden Nail Manufactory.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That George Odiorne, Thomas Odiorne and Ebenezer Odiorne, with such other persons as already have, or hereafter may associate with them, their successors and assigns, be, and hereby are made a corporation by the name of The Malden Nail Manufactory, for the purpose of manufacturing nails, with the business necessarily connected therewith, and for such purpose, shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act, entitled, An act defining the general powers and duties of manufacturing corporations.

Persons incorporated.

SEC. 2. *Be it enacted,* That said corporation may be lawfully seized and possessed of such real estate not exceeding fifty thousand dollars, and such personal estate not exceeding one hundred and fifty thousand dollars, as may be necessary for the purposes aforesaid.

Powers and privileges.

[This act passed *March 1, 1810.*]

CHAP. LXXIV.

An Act to divide the town of Kittery, and to incorporate the Second Parish in said town, into a town by the name of Eliot.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That all that part of the town of Kittery in the county of York, included within the limits of the second parish in said town, be, and hereby is incorporated into a separate town, by the name of Eliot, with

Kittery divided.

all the powers, privileges, and immunities, with which other towns are invested by the constitution and laws of this commonwealth.

Taxes.

SEC. 2. *Be it further enacted*, That the said town of Eliot shall pay its just proportion of taxes which have been assessed on said town of Kittery, prior to the date of this act; and shall also pay its just proportion of the debts due from said town of Kittery, and of the charges incident to the support of the present poor of said town of Kittery; whether the same are supported in whole or partially only; and also of all persons having their legal settlement in said town of Kittery though removed therefrom at the passing of this act, in case of their being returned for support; and shall also receive its share of monies, debts due, and all other property belonging to said town of Kittery, according to the proportion paid by the inhabitants of the said second parish to the last state tax assessed on said town of Kittery: *Provided nevertheless*, That those farms divided by the line between the second and third parishes in said Kittery, and situate partly in said town of Kittery, and partly in said town of Eliot, shall, so long as they shall continue entire and undivided farms or estates, be taxed exclusively in the town in which the dwelling house on the same now stands.

First meeting.

SEC. 3. *Be it further enacted*, That any Justice of the Peace for the county of York, is hereby authorized, on application therefor, to issue his warrant, directed to some freeholder, living in said town of Eliot, requiring him to notify and warn the inhabitants thereof, to meet at such convenient time and place, as shall be appointed in said warrant, for the choice of such officers, as towns are by law required to choose at their annual meetings.

[This act passed March 1, 1810.]

CHAP.

CHAP. LXXV.

An Act to set off certain land from the District of Bethlehem, and annex the same to the town of Becket.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That all that tract of land, (lately a part of the District of Bethlehem, but now incorporated with the town of Loudon) as described within the following bounds, with Moses Baird, and Kendall Baird, and their families and estates, be and hereby is set off from the said District of Bethlehem, now incorporated with Loudon, and annexed to the town of Becket, viz. Beginning at a stake and stones, being the northeast corner of said Bethlehem; thence running west, on the north line of said Bethlehem, to a pond known by the name of *West Pond*; thence southerly, on said pond, to the brook issuing out of said pond; thence southerly on said brook, to the south line of the first range of lots in said Bethlehem; thence east, on the line between the first and second range of lots, to the east line of said Bethlehem; and thence north, on said east line of Bethlehem, to the first mentioned corner: *Provided however*, That the several persons above named, with their estates, and all other owners of the above described lands, shall be holden to pay their proportion of all taxes which have been assessed on the said District of Bethlehem, in like manner as though this act had not passed.

Lands annexed to Becket.

Provido.

[This act passed March 1, 1810.]

CHAP. LXXVI.

An Act to incorporate Robert Hallowell Gardiner and others, by the name of *The Gardiner Cotton and Woolen Factory Company*.

SEC. I. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Robert H. Gardiner, Frederick Allen,

Persons incorporated.

Allen, James Marston, Simon Bradstreet, Rufus Gay, Ebenezer Byram, Joseph Bowman, John Haseltine, Jeremiah Wakefield, Jacob Davis, Charles Blaney, Jedidiah Jewett, Richard Clay, Sanford Kingsbury, Joshua Lord, Stephen Jewett, Stephen Caldwell, Edward Swan, Solomon Arthur, Harvey Gay, Michael Woodward, Daniel Woodward, and Ebenezer Colby, together with such others as may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation by the name of *The Gardiner Cotton and Woollen Factory Company*, for the purpose of manufacturing cotton and wool in the town of Gardiner, in the county of Kennebeck; and for the purpose aforesaid, shall have all the powers and privileges, and shall also be subject to all the duties and requirements prescribed and contained in an act, entitled, "An Act defining the general powers and duties of manufacturing corporations," passed the third day of March, eighteen hundred and nine.

Powers and
privileges.

SEC. 2. *Be it further enacted*, That the said corporation, in their corporate capacity, shall and may lawfully hold and possess real estate not exceeding *thirty thousand dollars*, and personal estate, not exceeding *one hundred thousand dollars*, as may be necessary and convenient for carrying on the manufacture of cotton and wool, in their various branches, in the said town of Gardiner.

[This act passed *March 1, 1810.*]

CHAP. LXXVII.

An Act to establish *The Derby Wharf Corporation*.

Preamble.

WHEREAS Elias Hasket Derby, John Derby, Ezekiel Hersey Derby, Benjamin Pickman, jun. and Antifs his wife, in her right, John Prince, jun. and Martha his wife, in her right, and Elizabeth Derby, own and hold in common and undivided a piece of land, flats and wharf, in Salem in the county of Essex, which was devised to them by their father Elias Hasket Derby, deceased, and is known by the name of "*Derby Wharf*;" and have expended and are continuing to expend large sums

sums of money, in extending and enlarging said wharf, for the accomodation of the navigation of said town, and they have petitioned this Court to incorporate them, to enable them more conveniently to manage and improve the same estate :

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the said Elias Hasket Derby, John Derby, Ezekiel Hersey Derby, Benjamin Pickman, jun. John Prince, jun. and Elizabeth Derby, and all such persons as have, or hereafter may associate with them, their successors and assigns, being citizens of the United States, shall be and hereby are constituted a body politick and corporate, by the name of *The Derby Wharf Corporation* ; and by that name may sue and be sued, plead and be impleaded, defend and be defended in any court of record, or in any other place whatsoever ; and shall and may do and suffer all acts, matters and things, which bodies politick ought to do and suffer ; and shall have power to make and use a common seal, and the same again at pleasure to break, alter, and renew ; and also to agree on the mode of calling future meetings, to ordain and establish and put in execution such bye laws, ordinances and regulations as to them shall appear necessary and convenient, for the government of said corporation, and for the prudent management of their property and affairs ; and for the breach of such bye laws, ordinances and regulations, may order fines and penalties not exceeding *ten dollars* for every breach : *Provided,* That such bye laws, ordinances and regulations shall not be repugnant to the laws of this commonwealth.

Proprietors of
Derby Wharf
incorporated.

Powers and
privileges.

Proviso.

SEC. 2. *Be it further enacted,* That the said corporation shall be, and hereby is made and declared capable to have, hold, and possess the said land, wharf and flats called *Derby Wharf*, (excepting the stores thereon and the flats under and adjoining, which are now held in severalty by the persons before named, under the will of the said Elias Hasket Derby, Esquire, deceased, and the privileges and appurtenances thereof ; and also to purchase and hold any other lands and tenements, not exceeding the additional value of thirty thousand dollars, exclusive of the building thereon ; and shall have power to erect any wharves or buildings on any real estates owned by said corporation,

Empowered to
hold certain
Lands.

corporation; and any sea wall or other walls to protect and secure the same; and shall also have power to grant, sell, and alien, in fee simple, or otherwise, by deed under the seal of the corporation, and signed by the President thereof, the corporate property or any part thereof; and to lease, exchange, manage, and improve the same, according to the will and pleasure of the proprietors, or the major part of them present at any legal meeting, to be expressed by their votes; and the rents, profits, and receipts which may accrue from the improvements, leasing, or other management of the corporate property aforesaid, may and shall, once at least in every year, be divided among the proprietors, according to their respective shares.

Property may be divided into shares.

SEC. 3. *Be it further enacted*, That the said proprietors may, at any legal meeting, agree upon the number of shares into which their corporate property shall be divided, not exceeding *eighty four*, and upon the form of certificates to be given to individuals, of the shares by them respectively held, and upon the mode and conditions of transferring the same; which shares shall be held and considered as personal estate to all intents and purposes whatsoever. The said proprietors shall also have power to assess upon each share, such sums of money, as may be deemed necessary for erecting and repairing wharves, walls and buildings, and generally for the improvement and good management of their said estate, agreeably to the true intent of this act; and to sell and dispose of the shares of any delinquent proprietor, for the payment of such assessments, and to issue new certificates thereof, to the purchaser, in such way and manner, as said corporation may, by their rules and regulations, determine and agree upon.

Liabie to attachment.

SEC. 4. *Be it further enacted*, That the property of every individual member of said corporation, vested in said corporate fund or estate, shall be liable to attachment, and to the payment of his just debts, in manner prescribed by an act entitled, "An Act directing the mode of attachment on *mesne process*, and selling by execution, shares of debtors in incorporated companies," passed the eighth day of March, in the year of our Lord, one thousand eight hundred and five.

First Meeting.

SEC. 5. *Be it further enacted*, That John Derby, Ezekiel Hervey Derby, and John Prince, jun. or any two of them,

them, may call the first meeting, by advertising the same in any one of the publick newspapers, printed in Salem, at least three days before the time of meeting; and at that, or any other meeting, may elect a president, treasurer, clerk, secretary or other officers, and for such term of time, not exceeding one year, as they may judge fit, and the same at pleasure change or remove; and in the choice of officers, as well as on all other occasions, the votes shall be given by shares, allowing one vote to each share: *Provided only*, That no member shall have more than ten votes.

SEC. 6. *Be it further enacted*, That nothing herein contained shall be deemed and construed to give to said proprietors any right or authority, to take, or appropriate to their use, the land, right or privilege of any person or persons, without a legal conveyance thereof from such person or persons, to the said corporation.

Corporation may not take land without legal conveyance.

SEC. 7. *Be it further enacted*, That in any action to be brought, or in any judgment to be rendered against said corporation, if the said corporation, after seven days notice, and request to the president, secretary, or any two of the proprietors, shall neglect or refuse to expose any estate or property which may be attached on *mesne process*; or whereon any such execution may be levied, the plaintiff in such action shall have a right to levy his execution upon, or to attach any of the property of the individual members of the said corporation, in the same manner as if the action had been brought, or judgment entered against them, in their individual capacities.

Proceedings in case of attachment.

[This act passed March 1, 1810.]

CHAP. LXXVIII.

An Act to set off part of the town of Winslow and annex the same to the town of Fairfax.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That all the lands lying within the lines herein described, with the inhabitants thereon, be and hereby

Lands annexed to Fairfax.

hereby are set off from the town of Winslow in the county of Kennebeck, and annexed to the town of Fairfax in the same county, viz. Beginning at the south-east corner of said Winslow, from thence running a west-north-west course on the line between said Winslow and the town of Harlem about one mile to a pond, called Mud Pond, thence northerly by said pond eighty rods, thence east-south-east to the easterly line of said Winslow, thence southerly on said last mentioned line, to the bounds first mentioned.

[This act passed March 1, 1810.]

CHAP. LXXIX.

An Act to divide the town of Pittston into two Parishes and to establish the lines between the east, and west Parishes in the said town.

SEC. 1 **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the town of Pittston, in the county of Kennebeck, shall be, and it is hereby divided into two distinct parishes, to be denominated the East Parish, and the West Parish, in Pittston, which shall be known by the lines herein described, viz. Beginning on the north line of said Pittston, at the distance of two miles and a half from the river Kennebeck, and running southerly, as the course of the said river runs, to the south line of said town, so that the line running through the town, may be in every part, two miles and an half from the river Kennebeck. And the said distance of two miles and an half from the said river shall be ascertained, by a line drawn from said river, on a course parallel with the easterly and westerly lines of the lots in the said town. And each of the said parishes, respectively, shall be entitled to all the powers and privileges, and shall also be subject to like duties of other parishes or religious societies, according to the constitution and laws of this commonwealth.

Pittston divid-
ed.

SEC. 5. *Be it further enacted,* That any person, living in the east or the west parish in said Pittston, who may desire

desire to change his relation from one parish to the other shall have liberty, during the space of one year, from the passing of this act to make his election, and at any time within the year, shall declare his determination in writing to the clerk or committee of the parish to which he may join, and a record thereof shall be made by the clerk of said parish, and thereupon such person, with his family and estate, shall be considered, as belonging to the parish which he has so chosen, and shall accordingly be taxed, with his polls and estate, to such parish.

SEC. 3. *Be it further enacted,* That any Justice of the Peace for the county of Kennebeck, upon application therefor, may issue his warrant, directed to some member of the said West Parish, requiring him, to notify and warn the inhabitants 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 required to choose, at their annual parish meetings. And any Justice of the Peace for the county of Kennebeck, upon application therefor, is hereby authorized to issue a warrant directed to a member of the said East Parish, requiring him to notify and warn the inhabitants thereof to meet at such convenient time and place as shall be appointed in the said warrant, to organize the said east parish, by the appointment of its officers.

Warrant to be
issued for a
meeting.

[This act passed March 1, 1810.]

CHAP. LXXX.

An Act in alteration of an act entitled "An Act to establish and incorporate a religious society in the town of Easton, in the county of Bristol, by the name of the Congregational Parish in Easton.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That so much of the fifth section of an act passed the seventh day of February, in the year of our Lord, one thousand seven hundred and ninety two,
Q
entitled

entitled "An Act to establish and incorporate a Religious Society in the town of Easton in the county of Bristol, by the name of the Congregational Society in Easton," as requires that the minister of the said parish for the time being shall be one of the trustees of the parish funds, be and the same is hereby repealed.

[This act passed March 1, 1816.]

CHAP. LXXXI.

An Act to incorporate a number of persons by the name of
The Bible Society of Maine.

Preamble.

WHEREAS the persons hereafter named in this act, together with many other citizens of the town of Portland in the District of Maine, and its vicinity, have formed themselves into a society for the purpose of raising a fund, to be appropriated in procuring Bibles of the version in common use in the churches in New-England, for distribution among those persons within this commonwealth and elsewhere, who are destitute of the sacred scriptures, and who cannot be conveniently supplied without such aid, and also for the distribution of the bible in such other languages as may from time to time be considered expedient. And whereas in order that the pious and laudable objects of said society may be effectually promoted, and the charity of said society more extensively diffused they have prayed for an act of incorporation.

Persons incor-
porated.

SEC. 1. *Be it therefore enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same,* That Samuel Dean, D.D. Rev. Elijah Kellogg, Hon. Samuel Freeman, Rev. Edward Payson, Rev. Asa Lyman, Rev. Icabod Nichols, Rev. Timothy Hilliard, Rev. Caleb Bradley, Hon. Ammi R. Mitchell, Hon. Woodbury Storer, Matthew Cobb, Daniel Tucker, Robert Boyd, Levi Culer, Oliver Bray, William Jenks, Jonathan Dean, Mark Harris, Esquires, and Joseph H. Ingraham, together with those who have associated, or may hereafter associate with them, for the purpose aforesaid, be and they hereby are incorporated into a society, by the name of The Bible Society of Maine.

SEC.

SEC. 2. *Be it further enacted*, That the said Samuel Dean and others above named, and their associates, shall be and remain a body corporate and politick during the pleasure of the Legislature, and may have a seal which they may alter at pleasure; and the said society shall be capable of taking and receiving, from any person disposed to aid the benevolent purposes of this institution, grants or devises of lands and tenements, in fee simple, or otherwise, also donations, bequests, and subscriptions of money and other property to be used and improved for the purpose aforesaid.

May receive grants, &c.

SEC. 3. *Be it further enacted*, That the said corporation shall be, and they hereby are empowered to purchase and hold other real estate, than that which may be given to them as aforesaid: *Provided*, That the value of the whole estate, real and personal, of said society, shall not exceed one hundred thousand dollars.

May hold real estate, &c.

SEC. 4. *Be it further enacted*, That the said society may sue and be sued in their corporate capacity, and may appoint an agent or agents to prosecute and defend suits with power of substitution.

May sue and be sued.

SEC. 5. *Be it further enacted*, That said society may choose a president, vice president, treasurer, corresponding secretary, and a recording secretary, trustees, and such other officers as they shall see fit, and may make and establish such rules and regulations as to them shall appear necessary: *Provided*, the same be not repugnant to the constitution and laws of this commonwealth.

Officers.

SEC. 6. *Be it further enacted*, That Oliver Bray, Esq. be and he hereby is authorized, by notification in one or both of the newspapers printed in Portland, to appoint the time and place of the first meeting of said society, at which meeting the said society may choose the officers aforesaid, may prescribe their duty, and may vest in the said officers such powers, conformable to the principles of this institution, as shall be deemed necessary.

First meeting.

[This act passed March 1, 1810.]

CHAP. LXXXII.

An Act to authorize the sale by the German Protestant Society, in Waldoborough, in the county of Lincoln, of a certain lot of land, belonging to said Society.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the German Protestant society, in Waldoborough in the county of Lincoln be, and they hereby are authorized to sell and convey by such committee as they shall appoint for the purpose, a certain lot of land, situate in said Waldoborough, containing one hundred and ten acres, which said lot was granted by the original proprietors of said town for the use of said society as a meeting house lot, and the sale and conveyance of the said lot, which shall be made pursuant to the vote of said society by such committee, shall be valid and effectual to any person or persons who may purchase the same.

Society authorized to sell certain lands.

Appropriation of the proceeds.

SEC. 2. *Be it further enacted,* That the proceeds of the sale, which shall be made as aforesaid, shall be appropriated to the purpose of finishing and completing the meeting house lately erected by the said society, and the surplus, if any there be, shall be put out at interest on good and sufficient security, and preserved as a permanent fund for the use of said society, the income whereof shall be applied hereafter as may be necessary to the repairs of said house, or of rebuilding a meeting house for said society, and for no other purpose whatever.

[This act passed March 1, 1810.]

CHAP.

CHAP. LXXXIII.

An Act in addition to an act, entitled “An Act for the limitation of certain real actions, and for the equitable settlement of certain claims arising in real actions.”

WHEREAS in the third section of the Preamble act, to which this is in addition, it is provided that if the tenant shall not pay into the clerk’s office, for the use of the demandant, the sum with the interest thereof, at which the demanded premises shall be estimated by the jury, within one year next after the verdict shall have been given, a writ of seizin shall issue in favour of the demandant, and whereas it will be convenient to allow the tenant a longer time to pay the said estimated sum with the interest therefor ;

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That if the tenant shall, within one year after the said verdict, pay into the clerk’s office as aforesaid, for the use aforesaid, one year’s interest of the said sum, together with one third part of the said sum, and the costs of suit if taxed, the said writ of seizin shall further stay ; and if the tenant shall within two years after the said verdict further pay into the clerk’s office as aforesaid, one year’s interest of two third parts of the said sum together with one other third part of the said sum, then the said writ of seizin shall further stay, or otherwise it may issue ; and if the tenant shall within three years after the said verdict pay into the clerk’s office as aforesaid the remaining third part of the said sum, and one year’s interest thereon, he having made the several payments aforesaid, he and his heirs shall have a good title to the demanded premises against the demandant and his heirs forever, but otherwise a writ of seizin shall issue in due course of law : *Provided however,* If the tenant and demandant, or either of them, shall die after the said verdict, the several payments aforesaid may be made by the tenant, his heirs, executors, or administrators, and the writ of seizin if issuable, shall be sued in the name of the demandant, whether living or dead, against the tenant, whether Writ of seizin may be stayed on the tenant’s paying one year’s interest.
living

living or dead, and when executed shall enure to the use and benefit of the demandant, or of his heirs in case of his death.

[This act passed March 2, 1810.]

CHAP. LXXXIV.

An act to incorporate Benjamin Johnson and others by the name of The Lynn Union Wharf Company.

Preamble.

WHEREAS Benjamin Johnson and others his associates, are owners of a wharf in Lynn, in the county of Essex, and a road leading thereto, at a place called Black Marth, and said owners being desirous of extending their said wharf for the purpose of better accomodating themselves with deeper water and more room for the landing of lumber and other articles ; Therefore,

Persons incor-
porated.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Benjamin Johnson, Joseph Fuller; the third, Timothy Newhall, Ezra Collins, John Alley, Jun. Oliver Fuller, Micajah Alley, the third, Micajah Burrell, Jonathan Connel, Timothy Alley, Solomon Alley, Benjamin Alley, the third, and John Mudge, of said Lynn, and all other persons who may hereafter become partners in said company, be and they are hereby made and constituted a body politick and corporate. by the name of The Lynn Union Wharf Company, and by that name may sue, and be sued, and do, suffer, and perform, all other acts and things, and have and possess all other powers, rights and privileges, incident by law to aggregate corporations.

Shares.

SEC. 2. *Be it further enacted,* That the property of said corporation shall be divided into thirty shares, and said corporation shall have power, and is hereby authorized, when it shall judge necessary, to augment the number of shares to sixty, and to sell said additional shares at public auction, and the proceeds thereof shall be

be solely appropriated to the making of such additions to said wharf, as said corporation shall judge proper, and the expense of all further additions, alterations, and repairs, which may hereafter be made, shall be defrayed by a tax on the shares in said corporation, not exceeding twenty dollars on one single share, for additions, alterations, and repairs in any one year; and the shares aforesaid shall be numbered in progressive order, beginning at Number One, and every original owner thereof shall have a certificate under the seal of said corporation, signed by the treasurer, certifying his property in said Wharf; and any share or shares may be alienated by deed executed in common form and recorded by the clerk of said corporation, and any purchaser showing to the treasurer such deed, so recorded, and delivering up to him the former certificate shall receive a new one, certifying the property of such share or shares to be in such purchaser, who in every respect shall be a member of said corporation instead of the former proprietor.

SEC. 3. *Be it further enacted*, That each member of said corporation shall have one vote for each share not exceeding six, and no member shall be allowed more than six votes, and each member may vote by proxy; and the assent of the proprietors of two thirds of the shares aforesaid shall be necessary for the choice of a clerk (who when chosen shall be sworn or affirmed to the faithful discharge of his duty by some Justice of the Peace of said County) and also for the choice of a treasurer and all other officers, and for the making of all bye laws, rules, and regulations whatever. *Provided nevertheless*, That the clerk, treasurer, and all the officers aforesaid, when necessary, may be chosen by a majority present, at any legal meeting for that purpose.

SEC. 4. *Be it further enacted*, That whenever any proprietor aforesaid shall neglect or refuse to pay any tax duly assessed, to the treasurer aforesaid, within forty days after the time set for the payment thereof, said treasurer shall sell at publick vendue the share or shares of such delinquent proprietor, one or more, as shall be sufficient to pay said taxes and all incidental charges, after duly notifying, in some newspaper, printed in Boston or Salem, the sum or sums due on said share or shares, and the time and place of sale, at least fourteen days previous

Manner of electing officers.

Treasurer may sell shares of delinquents.

March 3, 1810.

vious to the time of sale, and such purchaser shall, on producing a certificate of such sale from the treasurer aforesaid, to said clerk, containing the name of such purchaser, and the number of the share or shares so sold as aforesaid, which certificate shall be recorded by said clerk, be considered in all respects whatever, the proprietor thereof, and the overplus, if any, shall be paid on demand, by the treasurer aforesaid, to the former proprietor.

Meeting of the proprietors.

SEC. 5. *Be it further enacted*, That the first meeting of said corporation shall be called by a warrant issued by any Justice of the Peace in said county, to whom application shall be made by any three of the present proprietors for that purpose, and such Justice is hereby authorized to issue his warrant accordingly, directed to some one of the said proprietors to call said meeting.

SEC. 6. *Be it further enacted*, That the Legislature of this Commonwealth may, at any time after the expiration of ten years from the passing of this act, alter, amend, or repeal the same, as they shall judge proper.

Individual property liable to attachment.

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

[This act passed March 3, 1810.]

CHAP. LXXXV.

AN ACT to authorize the raising of a fund for the support of publick Schools in the town of Springfield.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Jacob Bliss, Jonathan Dwight, jun.

jun. Edward Pyncheon, Moses Bliss, jun. and Solomon Warriner, be, and they hereby are constituted a body politick and corporate by the name of the trustees of the school funds in the town of Springfield, and they and their successors shall be and continue a body politick and corporate, by that name forever, and shall have a common seal, and may alter the same at their pleasure, and by that name may sue and be sued in all actions real, personal, or mixed, and prosecute and defend the same to final judgment and execution; and the said trustees may elect a president, and a clerk who shall be sworn to the faithful performance of the duties of his office, and a treasurer who shall give bond with sufficient surety or sureties faithfully to account for the monies which he may receive by virtue of this act.

Powers and privileges.

SEC. 2. *Be it further enacted,* That such of the lands belonging to the said town of Springfield, as the said town has already directed, or may hereafter direct, to be sold for the use of schools in said town, or shall authorize the said trustees to hold or dispose of, and also the proceeds of any sale of lands appropriated by said town for the use of schools, be, and they hereby are vested in said trustees and their successors, and the said trustees, are hereby authorized and empowered to sell and convey the whole or any part of such lands, and to make, execute, and acknowledge a good and sufficient deed or deeds thereof, which subscribed by their president, by direction of said trustees, with their seal affixed, and by him duly acknowledged, shall be good and effectual in law to pass and convey all the right of said town in and to said land to the purchaser thereof, to all intents and purposes whatsoever.

Proceeds of the sale of certain lands vested in the trustees.

SEC. 3. *Be it further enacted,* That the number of trustees shall not at any time be more than seven, nor less than three: a major part of whom shall constitute a quorum for transacting business; and they shall and may from time to time fill up vacancies in their number, from the inhabitants of said town, which may happen by death, resignation, removal, or otherwise, and shall have power to remove any of their number, who may from age, infirmity, or misconduct, become unfit to discharge their duty: and the said trustees shall annually hold a meeting in March or April, and as much oftener as shall be necessary to

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transact

transact their business: and Jacob Bliss, Esq. is hereby authorized to appoint the time and place of the first meeting of said trustees, and to notify them accordingly: and said meetings after the first, shall be called and notified in such way and manner as the said trustees shall direct.

Further pow-
ers.

SEC. 4. *Be it further enacted,* That any gift, grant, bequest, or devise hereafter made to the said trustees, shall be valid and effectual to all intents and purposes whatsoever; and they and their successors are hereby empowered to take, have, hold, use, and improve, any estate, real or personal, the annual income whereof shall not exceed the sum of five thousand dollars, in trust for the maintenance and support of publick schools in said town: and the monies arising from the sale of lands, already sold by said town, and appropriated for the support of schools, and also such monies as said trustees may receive and acquire in any other way, shall as soon as may be, be put at interest and the interest thereon accruing shall be put at interest and be so kept on interest as an accumulating fund, secured by sufficient mortgages of real estate, or by two or more sufficient sureties besides the principal debtor, until the interest annually arising on said funds shall at least amount to the sum of one hundred and twenty dollars, and if the said town shall authorize the same until said annual interest shall amount to two hundred dollars, and as soon as the interest annually accruing from said funds shall amount to the sum of one hundred and twenty dollars, or in case the said town shall authorize the retaining the same as aforesaid to the sum of two hundred dollars, the said trustees shall forthwith apply the said interest to the support of English schools in said town, and shall annually pay the same to the treasurer of said town, for the time being, to be by him paid out for the benefit of English schools in such proportions to the several school districts as the said town shall direct other monies raised for the support of schools to be paid, and in case no other money shall be raised therefor, to be distributed as the said town shall direct, among the said school districts.

Fund to be un-
alienable.

SEC. 5. *Be it further enacted,* That the said fund shall always be holden and deemed to be unalienable, and shall no part thereof be used or applied to any other purpose

purpose than the support of schools in said town : And the said trustees, their officers, agents, or attorneys, shall never receive any compensation for any services performed by virtue of this act from any part of said fund.

SEC. 6. *Be it further enacted,* That it shall be the duty of the said trustees to use and improve such fund or estate as shall be vested in them by virtue of this act so as best to promote the design thereof, and each of said trustees shall be personally answerable to the inhabitants of said town for his neglect or misconduct in the management and disposition of said fund or estate, and said inhabitants may have and maintain a special action on the case against the proper person of such trustee, and his goods and estate for such negligence or misconduct, and recover adequate damages therefor, and such damages so recovered shall be for the benefit of said fund, and shall be paid and appropriated accordingly.

Delinquent
Trustee.

SEC. 7. *Be it further enacted,* That when final judgment shall be rendered against any of said trustees for neglect or misconduct in the management or disposition of said fund, he shall be thereby disqualified from continuing a trustee, and in case said corporation shall not, within three months after such final judgment, remove such delinquent trustee, and elect another in his stead, or shall permit any vacancy by which their number shall be reduced to less than three, to remain unfilled for more than three months, it shall be lawful for the said town to fill such vacancy.

SEC. 8. *Be it further enacted,* That the said trustees shall keep a fair record of their proceedings, and a statement of their funds and estate, and shall annually exhibit a fair copy of such statement to the said town, at their annual meeting, for the choice of town officers.

[This act passed March 3, 1810.]

CHAP. LXXXVI.

An Act to establish a Corporation, by the name of The Boston Neck Turnpike Corporation.

Persons incor-
porated.

Powers and
privileges.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That William Payne, Isaac P. Davis, and George Cabot, together with such other persons, as shall hereafter associate with them, shall be a corporation and a body politick, by the name of The Boston Neck Turnpike Corporation, for the purpose of laying out and making a turnpike road, from that part of Boston Neck where Lenox Street intersects Suffolk Street to the angle of the old road, westerly of Wait's mills in Roxbury, and for keeping the same in repair, 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.

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

[This act passed March 3, 1810.]

CHAP. LXXXVII.

An Act to establish a Corporation, by the name of The Worcester and Sutton Turnpike Corporation.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Jonathan Holman, Samuel Waters, Reuben Waters, Joshua Waters, Artemas Bullard, Silvanus Prat, Nehemiah Davis, Charles Putnam, Amos Rich, Samuel Rich, Benjamin Wallis, jun. Benjamin Wallis, 3d. David Wallis, Peter Wallis, and Pliny Earle, together with such others as may hereafter associate with them, be, and they are hereby made a corporation, by the name of The Worcester and Sutton Turnpike Corporation, for the purpose of making and keeping in repair, a turnpike road, beginning near the dwelling house of Samuel Rich, in Sutton, and from thence passing near the dwelling house of Samuel Waters, in the best direction, to the farm of Jonathan Holman, in the north parish of said Sutton, or as near thereby, as shall be found most eligible, for the publick accommodation, and from thence to meet the county road leading from Worcester to Sutton, and near the dwelling house of Joseph Goddard in Worcester ; and for the purpose aforesaid, shall have all the powers and privileges, and shall also be subject to all the duties, requirements, and disabilities, prescribed and contained in an act, entitled, " An Act defining the general powers and duties of turnpike corporations," passed the sixteenth day of March, eighteen hundred and five, and any acts, which have been made in addition thereto : *Provided however,* That in case there should be any obstruction from buildings, or other causes, which may prevent a straight line, the committee which shall be appointed to lay out said road, shall, in such case, have power so to vary the line, as to avoid such obstructions : *Provided,* That the said road, shall be not less than three rods wide in any part thereof, where such obstructions may be, and not less than four rods wide in all other places.

Persons incor-
porated.

Powers and
privileges.

Provido.

[This act passed *March 3, 1810.*]

CHAP. LXXXVIII.

An Act to annex the Easterly Part of the Range of Lots on the Letter A, as originally surveyed by the Proprietors of Phipps's Canada, to the town of Jay, in the county of Oxford.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the easterly part of the range of lots, on the letter A, as originally surveyed by the proprietors of Phipps's Canada, as described within the following bounds, viz. Beginning at the south-east corner of the town of Jay, thence east about forty rods, to the southeast corner of lot number One on said range, A, thence north six miles one hundred and twenty eight rods to the northeast corner of the lot number twenty, on the aforesaid range, thence west about forty rods to the northeast corner of Jay, thence south to the first bounds; with the inhabitants thereon, be and they are hereby annexed to, and made a part of the town of Jay, to enjoy all such privileges as town inhabitants do by law enjoy.

[This act passed March 3, 1810.]

CHAP. LXXXIX.

An Act to alter the time of holding the April term of the Court of Common Pleas, for the County of Norfolk.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the term of the Court of Common Pleas for the county of Norfolk, now by law appointed to be held on the last Monday in April, annually, shall hereafter be held on the fourth Monday of said month, and that all recognizances taken, and processes returnable

ble, to the next Court of common Pleas in said county, shall be returnable, and have day and effect in court on the fourth Monday in April next, instead of the last Monday of said month ; and the business of said court shall be transacted accordingly.

[This act passed March 3, 1810.]

CHAP. XC.

An Act to incorporate sundry persons, by the name of
The Trustees of Donations to the Protestant Episcopal Church.

WHEREAS in behalf of certain religious societies, associated by the name of The Convention of the Protestant Episcopal Church in this Commonwealth, and comprehended in the association of the said church in the United States of America, it is represented, that donations to a considerable amount have been made, and others are intended, providing for the support of the pastoral office of a Bishop in the said church, and directed to other purposes respecting their religious institutions and publick worship ; and it is prayed that trustees may be incorporated, and enabled to receive and to hold in succession, and to manage and improve all such donations to the pious uses and purposes aforesaid. Therefore,

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Thomas C. Amory, Adam Babcock, Shubael Bell, David Cobb, Andrew Craigie, Asa Eaton, John S. J. Gardiner, Benjamin Greene, Stephen Higginson, James Ivers, William Montague, Edward Rand, Samuel Sewall, Samuel Smith, and Dudley A. Tyng, and their successors, be and they hereby are incorporated and made a body politick and corporate, by the name of The Trustees of Donations to the Protestant Episcopal Church ; and by that name may sue and be sued, and shall have and use a common seal, to be by them devised, altered, and renewed, at their pleasure ; and shall have authority to hold meetings, upon due notice thereof,

thereof, and therein to establish all reasonable orders and bye laws, for the better government of the said corporation, not repugant to the laws of this Commonwealth; and by said orders and bye laws, the officers to be appointed in the said corporation, and employed in their affairs, and the manner of electing them; with their several duties and compensations, shall be determined and specified; and at such meetings the said corporation shall direct, from time to time, the management, improvement, and disposition of the donations and property, with which they shall be entrusted, and the execution and performance of the trusts and appropriations therein appointed.

Powers of the Trustees.

SEC. 2. *Be it further enacted*, That the said trustees, for the time being, shall have authority, at any meeting to be called for that purpose, to nominate and appoint other trustees, and to remove any trustee: *Provided*, That there shall not be in the said corporation, at any one time, a greater number than fifteen trustees, nine of whom shall be a quorum for transacting business: *Provided also*, That no trustees shall be removed, unless with the concurrence of a majority of the whole number of trustees for the time being: *And provided likewise*, That whenever the whole number of existing trustees shall happen to be less than ten, no meeting of the said corporation shall be called or holden for any other purpose than that of nominating and electing other trustees.

Empowered to receive donations.

SEC. 3. *Be it further enacted*, That the said trustees, and their successors, in their corporate name and capacity, shall be, and hereby are made capable in law to receive, take, hold, possess, manage, dispose of, lease, bargain, sell, and improve, conformably to the intentions, and subject to the limitations and directions of the donors, all donations of money and other personal estate, and of lands and tenements and other real estate, which shall and may be lawfully given, devised or transferred to the said trustees, and which shall be lawfully vested in, or recovered by them, and whereof the proceeds, profits, income, or beneficial interest shall be directed to the purpose of supporting a Bishop in the protestant episcopal church, or of promoting any religious or charitable institution of the said association of churches within this Commonwealth; and to receive, take, hold, manage, and improve any other

other real or personal estate, which shall be lawfully conveyed, granted, or assigned to the said corporation in trust, and whereof the income shall be directed and appropriated to the support of a religious pastor or teacher in any society or church, members of the said association of churches, under the superintendence of the same Bishop: *Provided*, That the estates, real and personal, which may be vested in the said corporation, other than such estates and property as may be conveyed or assigned in trust for the support of a religious pastor or teacher as aforesaid, shall not exceed, at any one time, in the annual income thereof, actual or estimated, the sum of fifteen thousand dollars.

SEC. 4. *Be it further enacted*, That the said corporation shall be liable to be sued and impleaded before the Supreme Judicial Court, at the suit of proper parties and complainants, by bill in equity, and according to the course of proceedings in courts of law having jurisdiction in matters of trust, and of donations for pious and charitable uses: and the justices of the said court shall have authority thereupon to enforce the faithful performance, specifically or otherwise, as the case may require, of all trusts and appropriations limited and appointed upon any donations of lands, monies, and other estate, real and personal, which shall be lawfully vested in the said corporation, and to enquire of the disposition and management thereof, and by injunction, sequestration, or otherwise, to be granted and awarded by the said court, such remedies and relief in the premises shall be afforded as to law and justice shall appertain.

SEC. 5. *Be it further enacted*, That the Rev. John S. J. Gardiner and the Rev. Asa Eaton, be and they hereby are authorized to fix the time and place for the first meeting of the said corporation, of which they shall give notice in writing to each member thereof.

[This act passed March 3, 1810.]

CHAP. XCI.

An Act for the security and preservation of Nick's Mate, an Island in the Harbour of Boston.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, any person or persons, who shall take away, or cause to be taken away or removed with lighters or vessel of any description, any rocks, sand, clay or gravel, from the island of Nick's Mate, in the harbour of Boston, or who shall break down, injure, or deface the monument or building erected on said island, every such person shall forfeit and pay fifty dollars, for every such offence, with costs of suit, to be recovered in an action of debt in any court proper to try the same, one half to the use of the person or persons who shall prosecute for the same, and the other half to the use of this commonwealth.

[This act passed March 3, 1810.]

CHAP. XCII.

An Act limiting the time of payment of costs allowed in criminal prosecutions, and for other purposes

SEC. I. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That all sums taxed or allowed, or which may hereafter be taxed or allowed, and all other charges which have arisen, or may arise, in any criminal prosecution before the supreme judicial court, or any court of common pleas, and which by law are chargeable to the commonwealth or county, shall be claimed and demanded by the person or persons who are or may be entitled to receive the same, of the county treasurer, within two years next after the passing of this act, or within three

Time of the
payment of
costs limited.

three years next after the same were or may be taxed or allowed, and not afterwards. And all persons not claiming or demanding such allowances within the time above limited shall be forever afterwards debarred therefrom. And it shall be the duty of every county treasurer, in his general account, required by law to be exhibited to the Governor and Council on the first Monday of June annually, to credit the commonwealth with all such sums, allowed by the Supreme Court, remaining in the county treasury not claimed or demanded within the time above mentioned; and also for all sums taxed in any bill of cost on a criminal prosecution, for the fees of the Attorney General or Solicitor General, when no other person is entitled thereto, and the amount of such sums shall be deducted from the county treasurer's account against the commonwealth; and every county treasurer shall account with his county for all sums received out of the treasury of the commonwealth for jury fees, and for jailer's charges for the maintenance of prisoners.

SEC. 2. *Be it further enacted*, That from and after the passing of this act, no person shall be eligible as county treasurer, who holds the office of Attorney General or Solicitor General, or who is empowered to act as attorney for the commonwealth within the county, nor any person holding the office of justice of the Court of Common Pleas, clerk of the said court, or sheriff.

[This act passed March 3, 1810.]

CHAP. XCIII.

An Act for continuing an act entitled, An Act providing for the appointing of a Reporter of Decisions in the Supreme Judicial Court.

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 providing for the appointment of a Reporter of Decisions in the Supreme Judicial Court passed on the eighth day of

of March, in the year of our Lord one thousand eight hundred and four, and continued in force by another act passed March eighth, one thousand eight hundred and six, be and it hereby is further continued, and shall be enforced, together with all the provisions therein, until the eighth day of March, which will be in the year of our Lord, one thousand eight hundred and fifteen.

[This act passed *March 3, 1810.*]

CHAP. XCIV.

An Act to incorporate certain persons into a company by the name of The Lechmere Point Corporation.

SEC. I. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Thomas Handasyd Perkins, James Perkins, William Payne, Ebenezer Francis, and Andrew Cragie, being tenants in common of a certain tract of land in the town of Cambridge, in the county of Middlesex, commonly known by the name of Lechmere's Point, and of certain other lands near to said Lechmere's Point, of which said Cragie was seized on the first day of November, in the year of our Lord one thousand eight hundred and eight, and parts of which have been conveyed by said Cragie to the persons named in this act, and others since that time, as by his deeds will appear, together with such persons as now are tenants in common of said lands, or may hereafter associate with them, and their successors and assigns, being citizens of the United States, shall be and hereby are constituted a body politick and corporate, by the name of The Lechmere Point Corporation, for the term of twelve years and no longer; and the said corporation by the said name, are hereby declared and made capable in law, to sue and be sued, to implead and be impleaded, to have a common seal, and alter and renew the same at pleasure, and to make rules and bye laws for the management and regulations of said estate, consistent with the laws of the commonwealth,

Persons incor-
porated.

monwealth, and generally to do and execute whatever by law appertains to bodies politick.

SEC. 2. *Be it further enacted,* That the said corporation be capable to have, hold, and possess such part of the said tract of land as may belong to the said proprietors named in this act, and of any others who may associate with them, and shall have power to make streets through the same, and divide it into lots, and to build walls to protect the same from the water, and to erect buildings thereon, and the said corporate property, or any part thereof, to grant, sell, and alien, in fee simple or otherwise, and to lease, exchange, manage, and improve the same according to the will and pleasure of the proprietors, or the major part of them present at any meeting, to be expressed by their votes.

Corporation empowered to hold and improve certain lands.

SEC. 3. *Be it further enacted,* That said proprietors may at any legal meeting agree upon the number of shares into which said estate shall be divided, not exceeding twelve hundred, and upon the form of certificates to be given to individuals, of the number of shares by them respectfully held, and upon the mode and conditions of transferring the same, which shares shall be held and considered as personal estate in the same manner that shares in turnpike, bridge, and canal companies are by law held and considered; the said proprietors shall also have power to assess upon each share such sums of money as may be deemed necessary for laying out, dividing, erecting walls and buildings, and generally for the improvement and good management of their estate aforesaid, agreeably to the true intent of this act, and to sell and dispose of the share or shares of any delinquent proprietors for the payment of assessments in such way and manner, as said corporation by their rules and regulations determine and agree upon: *Provided however,* That the value of buildings which may be owned by the said corporation at any one time shall not exceed thirty thousand dollars in value, exclusive of such as may be taken as security for debts.

To be divided into shares.

Provido.

SEC. 4. *Be it further enacted,* That the property of every individual member of said corporation vested in said corporate fund or estate shall be liable to attachment and to the payment of his just debts according to the provisions of an act entitled, "An Act directing the mode of attaching

Property of individuals liable to attachment.

ing

ing on mesne process, and selling by execution shares of debtors in incorporated companies,"

First Meeting.

SEC. 5. *Be it further enacted,* That any two of the proprietors may call the first meeting by advertizing the same in any one of the publick newspapers printed in Boston, at least three days before the time of meeting, and at that or any other meeting may elect a moderator, treasurer, clerk, or other officers, and for such term of time not exceeding one year, as they may judge fit, and the same at pleasure change or remove, and in the choice of officers, or on any other occasion when it shall be required by a majority in value of the members present, the votes shall be given by shares and every member of the corporation shall be permitted to give one vote for every share whereof he is proprietor, unless he be proprietor of more than five shares, and one vote for every five shares above, and absent members may vote by proxy, authorized in writing.

Officers.

The rights of proprietors not joining the corporation are not affected by this act.

SEC. 6. *Be it further enacted,* That nothing herein contained shall be deemed or construed to effect the right or estate of any proprietor of the said tract who may not associate and become a member of the corporation; and at the expiration of said term of twelve years, or whenever the Legislature shall deem proper to repeal this act, all real estate then belonging to the said corporation shall be vested in such persons as may then be members thereof, and their respective heirs and assigns as tenants in common in proportion and according to the number of shares which they may then hold: *Provided always,* That the said proprietors shall have power after the expiration of said term to sue for, recover, and divide in their corporate capacity all debts which may then be unpaid: *Provided,* That nothing in this act shall be construed to exempt said real estate from taxation in the town where the same lies. *And provided also,* That the books of said corporation shall be open to all persons having claims and demands on the said corporation or any of its members.

Proviso.

[This act passed March 3, 1810.]

CHAP. XCV.

An Act to incorporate a number of persons in the town of Danvers, by the name of The Danvers Cotton Factory Company.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Ebenezer Felton, and his associates, together with such others, as may hereafter associate with them, and their successors, be, and they are hereby made a corporation, by the name of The Danvers Cotton Factory Company, for the purpose of manufacturing cotton in the town of Danvers, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements, prescribed and contained in an act, entitled, "an act defining the general powers and duties of manufacturing corporations," passed the third day of March, eighteen hundred and nine.

Danvers Cotton Factory Company incorporated.

SEC. 2. *Be it further enacted,* That the said corporation, may be lawfully seized and possessed 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 carrying on the manufacture of cotton, in said town of Danvers.

[This act passed March 5, 1810.]

CHAP. XCVI.

An Act to incorporate Theophilus Bradbury and others, by the name of The Newburyport Mechanick Association.

SECT. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Theophilus Bradbury, and all those who have associated or may hereafter associate with him

Newburyport
Mechanick Af-
fociation incor-
porated.

him, be, and they hereby are incorporated, and made a body politick by the name of The Newburyport Mechanick Affociation, and by that name shall be known in law ; shall be capable of suing, and be sued ; and shall have power to have and keep a common seal ; to make bye laws for the election of their officers, and members, the collection of assessments, the regulation of their meetings, and appropriation of their funds for charitable purposes ; but shall have power to make bye laws for no other purpose whatever.

Amount of in-
come.

SEC. 2. *Be it further enacted*, That the said corporation shall have power, and be capable in law, to purchase, hold, and possess, in fee simple, or otherwise, personal or real estate : *Provided*, That such personal estate shall not exceed twenty thousand dollars, and such real estate ten thousand dollars, in value.

Income, how
appropriated.

SEC. 3. *Be it further enacted*, That the annual income of said corporation shall be appropriated and employed, exclusively, for the purpose of relieving the distressed of unfortunate mechanicks and their families ; to promote inventions and improvements in the mechanick art, by granting premiums for such inventions and improvements ; and to assist young mechanicks with loans of money.

SEC. 4. *Be it further enacted*, That the said corporation shall be, and continue, for and during the term of ten years, unless the legislature shall within that time, see fit to dissolve the same.

[This Act passed March 5, 1810.]

CHAP. XCVII.

An Act to incorporate the First Universalist Christian Society in Freeport.

Freeport Uni-
versalist Socie-
ty incorporated

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Joseph Lufkin, Aaron Lufkin, Samuel Lufkin, Jacob White, Andrew Dennison, Gideon Lane, Solomon Dennison, Benjamin Sawyer, Seth Carver, Asa

Afa Sprague, Joshua Webb, William Jordan, Thomas R. White, David Hooper, Lewis Warner, Isaac Story Hooper, William Byram, Jedidiah Soule, Jun. Daniel York, Samuel Furbush, Joseph Knight, Jedidiah Soule, Gideon Dennison, Daniel Waite, James Soule, David Fogg, Benjamin Fogg, Percy Townsend, Benjamin Townsend, Thomas Rose, Joseph Lufkin, jun. Joseph Davis, Edmund Mountford, Robert Townsend, Joseph Dennison, Thomas Hoyt, Franklin Bridge, Jeremiah Rose, Nehemiah Hooper, Richard Grant, and John Griffin, with their families and estates, together with such others as may hereafter associate with them, or their successors, be, and they hereby are incorporated into a Religious Society, by the name of The First Universalist Christian Society in Freeport, with all the powers, privileges, and immunities to which other parishes or religious societies, are entitled by the constitution and laws of this commonwealth, for religious purposes only.

SEC. 2. *Be it further enacted,* That any person belonging to the said town of Freeport, or in the adjacent towns, who may be desirous of joining in religious worship with, and becoming a member of the aforesaid society, and give in his or her name to the town clerk of said Freeport, or the clerk of the town 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, and united with the said Universalist Society in Religious Worship, fourteen days at least previous to the town meeting, to be holden in said town of Freeport, in the months of March or April annually, shall, from and after giving such certificate, with his or her polls and estate, be considered as part of said society: *Provided however,* That such persons shall be holden to pay their proportion of all money assessed in the town to which they belonged previous to that time.

SEC. 3. *Be it further enacted,* That if any member of said Universalist Society shall, at any time within one year from the passing of this act, see cause to leave the same, and unite in religious worship with any other religious society in the towns from whence they came, and lodge a certificate of such, his or her intention, with the minister or clerk of said Universalist Society, and also with the clerk of the town to which they belong,

Other persons
may be admitted.

Provido,

Persons desirous of leaving
the society—

fourteen days at least, before the town meeting in the months of March or April annually, and shall pay his or her proportion of all money assessed in said society previous thereto, such person shall, from and after giving such certificate, with his or her polls and estates, be considered as belonging to the town or parish in which he or she may reside, in the same manner as if he or she had never belonged to the said Universalist Society.

First meeting.

SEC. 4. *Be it further enacted,* That any justice of the peace in the county of Cumberland be, and hereby is authorized to issue his warrant, directed to some suitable person, who is a member of said Universalist Society, requiring him to warn and notify the members thereof to meet at such time and place in said town of Freeport, as shall be directed in said warrant, to choose such officers as parishes and religious societies in this commonwealth are by law authorized to choose, in the months of March or April annually.

[This act passed March 5, 1810.]

CHAP. XCVIII.

An Act to incorporate Stephen Giddings and others, into a Society by the name of The United Mechanicks and Manufacturers of Bangor.

SEC. I. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Stephen Giddings, and all those who have associated, or may hereafter associate with him, be, and they are hereby incorporated and made a body politick, by the name of The United Mechanicks and Manufacturers of Bangor, and by that name shall be known in law, and shall be capable of suing and being sued, and shall have power to have and keep a common seal; to make bye laws for the election of their members and officers, the collection of assessments, the regulation of their meetings, and the appropriation of their funds for charitable uses, but shall not have power to make bye laws or regulations for any other purposes whatever.

United Mechanicks and Manufacturers of Bangor incorporated.

SEC.

SEC. 2. *Be it further enacted,* That the said corporation shall have power and shall be capable in law, to purchase, have, hold, use, possess, retain and enjoy, in fee simple or otherwise, any personal or real estate, within this commonwealth, not exceeding the value of twenty thousand dollars in real estate, and ten thousand dollars in personal estate, and the same to sell, alien, and dispose of at their pleasure. Powers and privileges.

SEC. 3. *Be it further enacted,* That the annual income of said corporation shall only be employed for the purpose of relieving the distresses of unfortunate mechanics and their families, to promote inventions and improvements in the mechanick arts, by granting premiums for said inventions and improvements, and to assist young mechanicks with loans of money. Income, how employed.

SEC. 4. *Be it further enacted,* That the said Corporation shall be and continue for and during the term of ten years, unless the Legislature shall within that time see fit to dissolve the same.

SEC. 5. *Be it further enacted,* That Stephen Giddings, Joseph Heartwell, and Edward Sargent, be and they hereby are authorized and empowered to call the first meeting of said corporation, by giving notice of the time and place thereof, by posting up written notices in Bangor and two adjoining towns, thirty days at least, before the time of such meeting. First Meeting.

[This act passed March 5, 1810.]

CHAP. XCIX.

An Act to make further allowance to the Judge of Probate for the County of Oxford, for his services.

WHEREAS the fees of the Judge of Probate for the County of Oxford, as by law established, may not be an adequate compensation for his services in that office ; Preamble.

SEC.

Court of Common Pleas empowered to make an allowance to the Judge of Probate.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Court of Common Pleas in said county be, and hereby are authorized and empowered, annually, to grant out of the treasury of said county unto the said judge for the time being, such sum of money, in addition to the legal fees he may receive for his services, as to the said court shall appear just and reasonable: *Provided,* The sum so to be granted, together with the said fees shall not exceed the sum of three hundred dollars per annum, and the said judge of probate shall keep an account of all the fees by him taken in his said office, and shall lay such account, attested by the register of probate, before the said court of common pleas annually, for their information, previous to their making him any grant by virtue of this act.

[This act passed March 5, 1810.]

CHAP. C.

An Act in addition to, and amendment of an act, entitled An act to regulate the Fishery in Damascotta River, in the county of Lincoln.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the powers of the fish committees in the towns of New-Castle and Nobleborough respectively, so far as may be necessary to carry this act into effect, shall extend to and over all the waters between the head gates at the southerly end of the great pond, called Damascotta pond, and Goose rock so called, in Damascotta bay, including as well the mill stream so called as New-River stream, and the said fish committees in the towns of New-Castle and Nobleborough respectively, shall have the same powers in the regulation and mangement of the fishery, over all the waters comprised within the aforesaid bounds, as they now have, by the aforementioned act over New-River stream; and no person, by reason of his being
one

Jurisdiction of the fish committees established.

one of the said committees, shall be thereby disqualified from being a witness in any prosecution or suit for any breach of this act.

[This act passed March 5, 1810.]

CHAP. CI.

An Act to set off Thomas Saunderfon and others, from Deerfield, and annex them to Whately.

SEC. I. **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, Thomas Saunderfon, Ebenezer Barnard, and Justin Morton, with their polls and estates, together with the lands and the inhabitants thereon, within the limits hereafter described, that is to say, beginning at the south-west corner of Thomas Saunderfon's land, in the north line of Whately, thence running northerly on a line parallel with the original east line of Conway to the north line of Lot Number Sixteen, in Long-hill west division, so called, thence running eastwardly on the north line of said lot Number Sixteen to the east end of Justin Morton's land, thence southerly on the east line of Justin Morton's land, to the south line of Wm. Tyron's land, thence eastwardly on the south line of William Tyron's land, to the east side of the county road leading from Deerfield to Whately, thence southwardly on the east line of said county road to the north line of Whately, including all lands within the said running line and the north line of Whately, be, and they hereby are set off from the town of Deerfield, and annexed to the town of Whately: *Provided*, That the polls and estates, hereby taken from Deerfield and annexed to Whately, be holden to pay to the town of Deerfield all town taxes which have been or may be assessed thereon before the first day May next, and all state and county taxes which have been or shall be assessed thereon, until a new valuation shall be taken in this commonwealth; and all officers of the town of Deerfield shall have the like authority and powers, for that purpose, as though

Lands annexed
to Whately.

though this act had not passed; and while said polls and estates are assessed in Deerfield, they shall not for a like tax be assessed in Whately.

[This act passed March 5, 1810.]

CHAP. CII.

An Act to incorporate certain persons, by the name of
The Middlefield Free Stone Company.

Persons incor-
porated.

Powers and
privileges.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Nathaniel Dorr, Nathaniel Rugles William Lambert, Simon Elliot, Thomas Shephard, Charles Shephard, and John Shephard, 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 Middlefield Free Stone Company, for the purpose of preparing and finishing for various uses, a quarry of free stone in the town of Middlefield, in the county of Hampshire and for transacting any business necessarily connected therewith, 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 third day of March, in the year of our Lord One thousand eight hundred and nine, entitled, An act defining the general powers and duties of manufacturing corporations.

SEC. 2. *Be it further enacted,* That said corporation may be lawfully seized and possessed of such real estate, not exceeding sixty thousand dollars, and such personal estate not exceeding one hundred thousand dollars in value, as may be necessary and convenient for carrying on the manufactory aforesaid.

[This act passed March 5, 1810.]

CHAP. CIII.

An Act to incorporate a number of persons, as a religious society, by the name of The Antipædobaptist Society in New Portland.

SEC. I. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That William Churchill, Benjamin Churchill, John Churchill, Thomas Coburn, John Elder, Andrew Ellet, John Ellet, Robert Ellet, Alexander Everett, John Everett, Samuel Fling, Benj. Gould, Saml. Hutchins, David Hutchins jr. Michael Jones, Curtis Norton, Freeman Norton, Peter Norton, Joseph Paine, Josiah Parker, Richard Pumery, Henry Quint, Ebenezer Richardson, Richard Williams, Richard Williams, jun. Benjamin York, and Robert York, with their families and estates, together with such others as may hereafter associate with them, in the manner provided in this act, be, and they are hereby incorporated, as a distinct religious society, by the name of The Antipædobaptist Society in New Portland, with all the powers and privileges exercised and enjoyed, and subject to all the duties and disabilities of other religious societies, according to the constitution and laws of this commonwealth. Persons incorporated.

SEC. 2. *Be it further enacted,* That any justice of the peace for the county of Somerset, be, and he is hereby authorized to issue a warrant, directed to some member of the said religious Society, requiring him to notify and warn the members thereof, to meet at such convenient time and place, as may be appointed in said warrant, for the choice of such officers as parishes and religious societies are empowered to choose at their annual parish meetings.

[This act passed *March 5, 1810.*]

CHAP.

CHAP. CIV.

An Act to amend and explain an act respecting the Fishery in the town of Vassalborough.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the penalties and restrictions, enacted and provided in an act, entitled, An Act to prevent the taking of fish near the mouth of Seven-mile brook, so called, in the town of Vassalborough, in the county of Kennebeck, passed the present session of the General Court, shall extend to every person, and all persons, who shall take fish any where in Kennebeck river, within sixty rods of the mouth of Seven-mile brook, excepting in the manner expressly provided in the said act. [This act passed March 6, 1810.]

CHAP. CV.

An Act to incorporate certain persons, by the name of The Salem Athenæum.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Edward Augustus Holyoke, William Orne, Moses Little, John Treadwell, jun. John Pickering, jun. Benjamin L. Oliver, Leveret Saltonstall, Nathaniel Silsbee, and Samuel Putnam, together with all other persons, who are or shall become members of the said association, be, and they hereby are incorporated by the name of The proprietors of the Salem Athenæum, and by that name may sue, and be sued, plead and be impleaded, defend and be defended, in all and any courts of law, or else where, in all manner of actions, pleas, or controversies whatsoever, and in their said corporate capacity, and by their said name, they and their successors shall be capable in law to purchase, receive, have, hold, take, possess and enjoy, in fee simple, or otherwise, lands,

Salem Athenæum incorporated.

tenements, rents and hereditaments, not exceeding in the whole, the yearly value of two thousand dollars, exclusive of the building or buildings which may be actually occupied or used for literary purposes. And the said corporation and their successors, shall be capable of taking, receiving and holding by donation, subscription, bequest, or otherwise, money, goods, chattels, effects, and credits, to an amount, the yearly value of which shall not exceed three thousand dollars, exclusive of their books, so that the estate aforesaid shall be appropriated for the promotion of literature, of the arts and sciences, and not otherwise: And the said corporation, and their successors, shall have power to give, grant, sell, alien, convey, exchange, or lease, all or any part of their lands, tenements, or other property, for the benefit and advantage of said corporation.

SEC. 2. *Be it further enacted*, That the said corporation may have a common seal, for their use and benefit, with full power to alter, change, or renew it, whenever they shall think the same expedient. May have a common seal.

SEC. 3. *Be it further enacted*, That the said corporation shall have power to determine when and where their meetings shall be holden, and the manner of notifying and calling the same, and power to choose such officers, with such powers, as they shall judge expedient, and to make bye laws, for the due government of the said corporation and for the due and orderly conducting the affairs thereof, and for and concerning all matters and things relating to said corporation, and the same at pleasure to alter and amend or repeal: *Provided however*, That the powers vested in their said officers, and the said bye laws shall not be repugnant to the constitution and laws of this Commonwealth. Meetings, bye-laws, &c.

SEC. 4. *Be it further enacted*, That the proprietors of said corporation shall have power to impose suitable fines, not exceeding five dollars, for the nonfulfilment or breach of the same bye laws; and the said corporation shall have a suitable remedy by action to recover such fines in any court of law proper to try the same. Fines.

SEC. 5. *Be it further enacted*, That whenever any proprietor shall neglect or refuse to pay any assessment duly imposed upon his share or shares, in said corporation, for the space of sixty days after the time, set for the payment thereof, How collected.

thereof, the treasurer of said corporation is hereby authorized to sell at publick vendue, the share or shares of such delinquent proprietor, after duly notifying in some news-paper printed in the town of Salem, the sum due on such share or shares, and the time and place of sale at least thirty days before the time of sale, and such sale shall be a sufficient transfer of the share or shares so sold to the purchaser, and upon producing a certificate of such sale from the treasurer, such purchaser shall be entitled to a transfer of the share or shares, so sold, on the books of the corporation, and shall be considered to all intents and purposes the proprietor thereof; and the overplus of such sale, if any there be, after payment of such assessment and incidental charges, shall be paid on demand, by such treasurer, to the person whose share or shares were sold as is before provided.

First Meeting.

SEC. 6. *Be it further enacted*, That Edward Augustus Holyoke, William Orne, Nathaniel Silsbee, and Samuel Putnam, or any three of the same, shall have power to call the first meeting of the said proprietors, by advertising the same three weeks successively before the time of such meeting, in some newspaper printed in the town of Salem, and that, at the same meeting, the said proprietors may proceed to execute any or all the powers vested in them by this act.

[This act passed March 6, 1810.]

CHAP. CVI.

An Act to authorize two Justices of the Courts of Common Pleas to transact the business of said Courts in certain cases.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That whenever there shall be a vacancy in any Court of Common Pleas by death, resignation, or otherwise, or whenever any of the justices of said courts shall be unavoidably detained from attending at any term or part of a term thereof, the said courts may be holden
and

Two Justices may transact the business of the courts, in certain cases.

and all the business thereof transacted by two of the justices of such court. And whenever any justice of said courts shall be legally disqualified from acting in any cause or matter pending therein, the same may be heard, tried, acted upon and determined by the other two justices of said court.

[This act passed March 6, 1810.]

CHAP. CVII.

An Act for regulating, governing, and training the Militia of this Commonwealth.

WHEREAS, Congress on the eighth day of May, in the year of our Lord, one thousand seven hundred and ninety-two, passed the following Law—entitled,

“ an Act more effectually to provide for the national defence, by establishing an uniform Militia throughout the United States ”

SEC. 1. BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each and every free, able-bodied, white male citizen of the respective States, resident therein, who is or shall be of the age of eighteen years, and under the age of forty-five years, (except as is herein after excepted,) shall severally and respectively, be enrolled in the militia, by the captain, or commanding officer of the company, within whose bounds such citizen shall reside, and that within twelve months after the passing of this act. And it shall at all times hereafter be the duty of every such captain or commanding officer of a company, to enrol every such citizen as aforesaid, and also those who shall, from time to time, arrive at the age of eighteen years, or being of the age of eighteen years, and under the age of forty-five years, (except as before excepted) shall come to reside within his bounds; and shall without delay, notify such citizen of the said enrolment, by a proper non-commissioned officer of the company, by whom such notice may be proved. That every citizen, so enrolled and notified, shall within six months thereafter, provide

Preamble.

United States Militia Law.

Every citizen to be enrolled, except—

And notified thereof.

How armed & equipped.

vide himself with a good musket or firelock, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch with a box therein, to contain not less than twenty-four cartridges, suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball : or with a good rifle, knapsack, shot pouch and powder horn, twenty balls, suited to the bore of his rifle, and a quarter of a pound of powder ; and shall appear so armed, accoutred, and provided, when called out to exercise, or into service, except that when called out on company days to exercise only, he may appear without a knapsack. That the commissioned officers shall severally be armed, with a sword or hanger and esponton, and that from and after five years, from the passing of this act, all muskets for arming the militia, as herein required, shall be of bores sufficient for balls, of the eighteenth part of a pound.—And every citizen so enrolled, and providing himself with the arms, ammunition, and accoutrements, required as aforesaid, shall hold the same, exempt from all suits, distresses, executions, or sales, for debt or for the payment of taxes.

Arms may be held free of attachment.

Exempts.

SEC. 2. *And be it further enacted,* That the Vice-President of the United States ; the officers, judicial and executive, of the government of the United States ; the members of both Houses of Congress, and their respective officers ; all custom-house officers, with their clerks ; all post officers, and stage drivers, who are employed in the care and conveyance of the mail of the post office of the United States ; all ferrymen, employed at any ferry on the post road ; all inspectors of exports ; all pilots ; all mariners actually employed in the sea service of any citizen or merchant within the United States ; and all persons who now are, or may hereafter be exempted by the laws of the respective States, shall be, and are hereby exempted from militia duty, notwithstanding their being above the age of eighteen and under the age of forty-five years.

Arrangement of the Militia.

SEC. 3. *And be it further enacted,* That within one year after the passing of this act, the militia of the respective States shall be arranged into divisions, brigades, regiments, battalions, and companies, as the legislature of each State shall direct ; and each division, brigade, and regiment, shall be numbered at the formation thereof ; and a record made, of such numbers, in the adjutant-general's office

office in the state ; and when in the field, or in service in the state, each division, brigade, and regiment, shall respectively take rank according to their numbers, reckoning the first or lowest number, highest in rank. That, if the same be convenient, each brigade shall consist of four regiments ; each regiment of two battalions ; each battalion of five companies ; each company of sixty-four privates. That the said militia shall be officered by the respective states, as follows : To each division, one major general and two aids-de-camp, with the rank of major ; to each brigade, one brigadier-general, with one brigade inspector, to serve also as brigade major, with the rank of a major ; to each regiment, one lieutenant-colonel commandant ; and to each battalion, one major ; to each company, one captain, one lieutenant, one ensign, four serjeants, four corporals, one drummer, and one fifer or bugler. That there shall be a regimental staff, to consist of one adjutant, and one quarter-master, to rank as lieutenants ; one pay-master, one surgeon, and one surgeon's mate ; one serjeant-major ; one drum-major, and one fife-major.

How officered.

SEC. 4. *And be it further enacted*, That out of the militia enrolled as is herein directed, there shall be formed, for each battalion, at least one company of grenadiers, light infantry, or riflemen ; and that to each division there shall be at least one company of artillery, and one troop of horse ; there shall be to each company of artillery one captain, two lieutenants, four serjeants, four corporals, six gunners, six bombardiers, one drummer, and one fifer. The officers to be armed with a sword or hanger, a fusée, bayonet and belt, with a cartridge box to contain twelve cartridges : and each private or matros shall furnish himself with all the equipments of a private in the infantry, until proper ordnance and field artillery is provided. There shall be to each troop of horse, one captain, two lieutenants, one cornet, four serjeants, four corporals, one saddler, one farrier, and one trumpeter. The commissioned officers to furnish themselves with good horses, of at least fourteen hands and an half high, and to be armed with a sword, and a pair of pistols, the holsters of which to be covered with bearskin caps. Each dragoon to furnish himself with a serviceable horse, at least fourteen hands and an half high, a good saddle, bridle, mailpillion, and valise,

Light Infantry.

Artillery and Cavalry, how officered and equipped.

ife, holsters, and a breastplate and crupper, a pair of boots and spurs, a pair of pistols, a sabre, and a cartouch box, to contain twelve cartridges for pistols. That each company of artillery and troop of horse shall be formed of volunteers from the brigade, at the discretion of the commander in chief of the state, not exceeding one company of each to a regiment, nor more in number, than one eleventh part of the infantry, and shall be uniformly clothed in regimentals, to be furnished at their own expence; the colour and fashion to be determined by the brigadier commanding the brigade to which they belong.

Each battalion to be furnished with colours, drums, &c.

SEC. 5. *And be it further enacted,* That each battallion and regiment shall be provided with the state and regimental colours, by the field officers, and each company with a drum and fife, or bugle horn, by the commissioned officers of the company, in such manner as the legislatures of the respective States shall direct.

Adjutant-General, his duty.

SEC. 6. *And be it further enacted,* That there shall be an adjutant-general appointed in each State, whose duty it shall be, to distribute all orders from the commander in chief of the State, to the several corps; to attend all publick reviews, when the commander in chief of the State shall review the militia or any part thereof; to obey all orders from him, relative to carrying into execution and perfecting the system of military discipline, established by this act; to furnish blank forms of different returns, that may be required, and to explain the principles on which they should be made; to receive from the several officers of the different corps throughout the state, returns of the militia under their command, reporting the actual situation of their arms, accoutrements, and ammunition, their delinquencies, and every other thing that relates to the general advancement of good order and discipline: all which the several officers of the divisions, brigades, regiments, and battalions, are hereby required to make, in the usual manner, so that the said adjutant-general may be duly furnished therewith: from all which returns he shall make proper abstracts, and lay the same, annually, before the commander in chief of the State.

Discipline established.

SEC. 7. *And be it further enacted,* That the rules of discipline, approved and established by Congress, in their resolution, of the 29th of March, one thousand seven hundred and seventy nine, shall be the rules of discipline, to be

be observed, by the militia, throughout the United States, except such deviations from the said rules, as may be rendered necessary, by the requisitions of this act, or by some other unavoidable circumstances. It shall be the duty of the commanding officer, at every muster, whether by battalion, regiment, or single company, to cause the militia to be exercised and trained, agreeably to the said rules of discipline.

SEC. 8. *And be it further enacted,* That all commissioned officers shall take rank according to the date of their commissions; and when two of the same grade bear an equal date, then their rank to be determined by lot, to be drawn by them, before the commanding officer of the brigade, regiment, battalion, company, or detachment. Rank of officers.

SEC. 9. *And be it further enacted,* That if any person, whether officer or soldier, belonging to the militia of any State, and called out into the service of the United States, be wounded or disabled while in actual service, he shall be taken care of, and provided for, at the publick expense. Disabled officers & soldiers.

SEC. 10. *And be it further enacted,* That it shall be the duty of the brigade inspector, to attend the regimental and battalion meetings of the militia composing their several brigades, during the time of their being under arms, to inspect their arms, ammunition, and accoutrements; superintend their exercise and manœuvres, and introduce the system of military discipline before described, throughout the brigade, agreeable to law, and such orders as they shall, from time to time, receive from the commander in chief of the State; to make returns to the adjutant general of the State at least once in every year, of the militia of the brigade to which he belongs, reporting therein the actual situation of the arms, accoutrements, and ammunition of the several corps, and every other thing, which in his judgment may relate to the government, and the general advancement of good order and military discipline; and the adjutant-general shall make a return of all the militia of the State, to the commander in chief of the said State, and a duplicate of the same to the President of the United States. And whereas sundry corps of artillery, cavalry, and infantry, now exist in several of the said States, which by the laws, customs, or usages thereof, have not been incorporated with, or subject to the general regulations of the militia. Brigade Inspector.
Adjutant-General to make returns.

Certain Corps allowed to retain their privileges.

SEC. 11. *Be it further enacted,* That such corps retain their accustomed privileges, subject nevertheless, to all other duties required by this act, in like manner with the other militia.

And whereas Congress, on the second day of March, in the year of our Lord, one thousand eight hundred and three, passed the following additional law, entitled,

Additional act of Congress.

“ An Act in addition to an act entitled, An Act more effectually to provide for the national defence, by establishing an uniform Militia throughout the United States.”

Adjutant-General to make annual returns to the President.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That it shall be the duty of the adjutant-general of the militia, in each state, to make return of the militia in each to which he belongs, with their arms, accoutrements, and ammunition, agreeably to the directions of the act, to which this is in addition, to the President of the United States, annually, on or before the first Monday in January, in each year : and it shall be the duty of the secretary of war, from time to time, to give such directions to the adjutant-generals of the militia, as shall in his opinion be necessary to produce an uniformity in the said returns, and he shall lay an abstract of the same before Congress, on or before the first Monday of February annually.

Legal notice of enrolment.

SEC. 2. *And be it further enacted,* That every citizen duly enrolled in the militia, shall be constantly provided with arms, accoutrements, and ammunition, agreeably to the directions of the said act, from and after he shall be duly notified of his enrolment ; and any notice or warning to the citizen, so enrolled, to attend a company, battalion, or regimental muster, or training, which shall be according to the laws of the state, in which it is given for that purpose, shall be deemed a legal notice of his enrolment.

Quartermaster-General. Brigade Quartermaster. Chaplain.

SEC. 3. *And be it further enacted,* That in addition to the officers, provided for by the said act, there shall be to the militia of each state, one quartermaster-general ; to each brigade, one quartermaster of brigade ; and to each regiment, one chaplain.

Now

Now therefore, the more effectually to carry the foregoing Laws, and the provisions of the Constitution of this Commonwealth, into execution :

SEC. 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 exemptions made by the foregoing laws of the United States, the persons afterwards in this section mentioned, be, and they are hereby either absolutely or conditionally exempted from militia duty, notwithstanding their being of the age of eighteen, and under the age of forty-five years : and that the following be the persons who are *absolutely* exempted, viz. the Lieutenant Governour ; the members of the Executive Council ; the Judges of the Supreme Judicial Court, and their Clerks ; the Judges of the Courts of Common Pleas, and their Clerks ; the members of the Legislature, and its Officers, while the same is in session ; Judges of Probate ; Justices of the Peace, holding commissions, and qualified to act as such ; Registers of Probate ; Registers of Deeds ; the Attorney General, and the Solicitor General ; the Secretary and Treasurer of the Commonwealth, and their Clerks ; Sheriffs ; all Officers and Students of any College, actually resident there ; Preceptors of Academies, and School Masters, while actually employed as such ; the President, Professors, and Students of Theological Seminaries ; Ministers of the Gospel, of every denomination ; all Students of Divinity, who shall produce a certificate from an ordained Clergyman, of their being such, and deliver the same to the Commanding Officer of the Company within whose bounds such Student resides ; the first Clerk in the Adjutant and Quarter-Master General's Offices, respectively ; all Officers who have held or may hereafter hold Commissions in the Army or Navy of the United States ; all Officers who have heretofore held or may hereafter hold Commissions in the Militia of this State, or any other State of the United States, for the term of five years, or shall have been superceded and discharged ; the Officers and Guards employed at the State's Prison, in Charlestown ; such Engine men as shall annually produce, to the commanding officer of the company within whose bounds they reside, certificates from the selectmen of their respective towns, that they have been legally ap-

Persons absolutely exempted.

pointed and are bound to perform the duties of Engine men ; and every person of the religious denominations of *Quakers* and *Shakers*, who shall, on or before the first Tuesday of May, annually, produce a certificate to the commanding officer of the company within whose bounds such *Quaker* or *Shaker* resides ; which certificate, signed by two or more of the elders or overseers, (as the case may be) and countersigned by the clerk of the society with which such *Quaker* or *Shaker* meets for religious worship, shall be in substance as follows :

“ *We, the subscribers, of the Society of the people called in the town of _____ in the county of _____ do hereby certify that _____ is a member of our Society, and that he frequently and usually attends with said Society for religious worship, and we believe is conscientiously scrupulous of bearing arms.*”

E. F. Clerk. A. B. } Elders or Overseers.”
C. D. } [as the case may be]

Persons conditionally exempted.

And that the persons aftermentioned in this section, notwithstanding their being above the age of eighteen and under the age of forty-five years, be, and they are hereby conditionally exempted from militia duty, as follows, viz. Deputy-Sheriffs and Coroners ; Physicians and Surgeons ; all Officers who have heretofore held, or may hereafter hold, commissions in the militia of this state, or any other state of the United States, for a term less than five years ; and all persons who are, or may hereafter be between the ages of forty and forty-five years, be, and they are hereby exempted from all militia duty, except that of keeping themselves constantly furnished with the arms and equipments required by the laws of the United States, and the duty of carrying or sending them, on the first Tuesday of May annually, to the place of inspection, or view of arms, of the company within whose bounds they may reside, and in which they are enrolled, and the duty of attending elections of company officers, as herein after provided ; *Provided however*, that the persons conditionally exempted as aforesaid, shall pay to the treasurer of the town or district within which such exempt resides, two dollars annually, and produce his receipt therefor to the commanding officer of the company, on or before the first Tuesday of May in each year ; and the said treasurer shall keep an account of all monies

Provido.

monies so by him received, and such money shall be expended by the selectmen of such town or district for the sole purpose of arming, equipping and uniforming the militia of such town or district, as may not be conveniently able to arm, and equip, and uniform themselves.

SEC. 2. *Be it further enacted,* That the commander in chief, with advice of council, be, and he hereby is authorized and empowered to organize and arrange the militia of this Commonwealth, conformably to the laws of the United States, and to make such alterations therein, as, from time to time, may be deemed necessary. And that in future all applications or petitions for raising companies at large, and all applications or petitions for alterations in the arrangement of the militia, shall be made to the commander in chief; and he, by and with the advice and consent of the council, is hereby authorized to grant such petitions or applications, as to him may appear proper. *Provided however,* That the present organization and arrangement of the militia shall continue, until the commander in chief, with advice of council, shall otherwise order.

Commander in Chief authorized to arrange the Militia.

Provido.

Commissioned Officers before-named, how to be chosen.

SEC. 3. *Be it further enacted,* That the commissioned officers of the militia, named in the aforesaid laws of the United States, shall be chosen and appointed in manner following :

- | | | |
|---|---|--|
| <i>The Major-Generals</i> | } | To be chosen by the Senate and House of Representatives, each having a negative on the other, and to be commissioned by the Commander in Chief. |
| <i>The Brigadier-Generals of Brigades</i> | } | To be chosen by the written votes of the field officers of their respective brigades, and to be commissioned by the Commander in Chief. |
| <i>The Field officers of regiments and Battalions</i> | } | To be chosen by the written votes of the captains and subalterns of their respective regiments and battalions, to be commissioned by the Commander in Chief, according to the grades to which they may be elected. |
| <i>The Captains and Subalterns of Companies</i> | } | To be chosen by the written votes of the non-commissioned officers and privates of their respective companies, of twenty-one years of age and upwards, and to be commissioned by the Commander in Chief, according to the grades to which they may be elected. |
| <i>The Adjutant-General</i> | } | To be appointed and commissioned by the Commander in Chief, with the rank of Brigadier-General. |

The

- The Quarter-Master-General* } To be appointed by the Commander in Chief, with advice of Council, and to be commissioned by the Commander in Chief, with the rank of Brigadier-General.
- The Aids-de-camp of the Major-Generals* } To be appointed by their respective major-generals, and to be commissioned by the Commander in chief, with the rank of major.
- The Brigade-Majors, and the Brigade Quarter Masters* } To be appointed by their respective brigadier-generals, and to be commissioned by the Commander in Chief, with the rank of major.
- The Adjutants, the Quarter-Masters, & the Paymasters of regiments* } To be appointed by the lieutenant colonels commandants of their respective regiments, and to be commissioned by the Commander in Chief, with the rank of lieutenant.
- The Chaplains, the Surgeons, and the Surgeon's Mates of regiments* } To be appointed by the lieutenant-colonels commandants of their respective regiments, and to be commissioned by the Commander in chief, as such.

Non-commissioned officers before named, how appointed.

SEC. 4. *Be it further enacted,* That the non-commissioned officers, named in the aforefaid laws of the United States, shall be appointed in the manner following:

- The non-commissioned Staff-Officers of regiments* } To be appointed by the lieutenant-colonels commandants of their respective regiments, who shall grant them warrants accordingly
- The non-commissioned Officers of companies* } To be appointed by the captains of their respective companies, who shall forthwith make return thereof to the commanding officer of their respective regiments or battalions, and they shall grant them warrants accordingly.

Other Officers.

SEC. 5. *Be it further enacted,* That in addition to the commissioned and non commissioned officers above enumerated, the following officers and non-commissioned officers shall be appointed in the manner following :

- Aids de-camp to the Commander in Chief not to exceed four in number* } To be appointed and commissioned by the Commander in Chief, with the rank of lieutenant-colonel commandant.
- A Judge-Advocate for each division* } To be nominated by the major-general of each division, and if approved by the Commander in Chief, to be commissioned by him with the rank of major.
- An Adjutant and a Quarter-master to each battalion of artillery, and cavalry* } To be appointed by the commanding officers of their respective battalions, and to be commissioned by the Commander in Chief, with the rank of lieutenant.

A Serjeant-Major to each regiment } To be appointed by the lieutenant-colonels commandant of their respective regiments, who shall grant warrants accordingly.

A Quarter-master Serjeant to each battalion of artillery and cavalry } To be appointed by the commanding officers of their respective battalions, who shall grant warrants accordingly.

SEC. 6. *Be it further enacted,* That each major general be, and he hereby is authorized, and it shall be his duty from time to time to give all such orders, as may be necessary, for filling by election, any vacancy or vacancies of brigadier-general, field officer, captain, or subaltern, which does now or may hereafter exist, within his division. And previous to any such election, the electors shall have ten days notice thereof at least; and all returns of elections, or of neglects, or refusals to elect, shall be made to the Commander in Chief, by the major-generals in whose divisions such elections shall have been ordered; and in case of neglect or refusal by the electors to elect any officer, when duly notified and ordered thereto, the Commander in Chief, with advice of Council, shall appoint some suitable person to fill such vacancy. And all commissions shall pass through the hands of the major-generals to the officers within their respective divisions who may be entitled to receive them. And every person, who shall be elected to any office as aforesaid, and shall not within ten days, after he shall have been notified of his election, by the officer who presided thereat, (excepting in case of the choice of major-general, who shall be allowed thirty days after he shall be notified by the Secretary of the commonwealth) signify his acceptance thereof, shall be considered as declining to serve, and orders shall be forthwith issued for a new choice.

Major-Generals to give orders for elections of officers.

Electors to have ten days notice.

In case of neglect, the Commander in chief may fill vacancies.

SEC. 7. *Be it further enacted,* That every officer, duly commissioned in pursuance of the provisions of this act, shall, before he enters upon the discharge of the duties of his office, take and subscribe the following oaths and declarations:

Commissioned Officers to be under oath.

“ I, A—— B——, do truly and sincerely acknowledge, profess, testify, and declare, that the Commonwealth of Massachusetts is, and of right ought to be a free, sovereign, and independent State; and I do swear, that I will bear true faith and allegiance to the said Commonwealth, and that I will defend the same against traitorous conspiracies, and all hostile attempts whatsoever, and that

Form.

that I do renounce and abjure all allegiance, subjection and obedience, to the King, Queen, or Government of Great Britain, (as the case may be) and every other foreign power whatsoever, and that no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing or other power, in any matter, civil, ecclesiastical, or spiritual, within this Commonwealth, except the authority and power, which is or may be vested by their constituents in the Congress of the United States; and I do further testify and declare, that no man, nor body of men, hath, or can have any right, to absolve or discharge me, from the obligation of this oath, declaration or affirmation, and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation, and abjuration, heartily, and truly, according to the common meaning and acceptation of the foregoing words without any equivocation, mental evasion, or secret reservation whatsoever. *So help me God.*

“I, A—— B—— do solemnly swear and affirm, that I will, faithfully and impartially, discharge and perform all the duties incumbent on me, as —— according to the best of my abilities and understanding, agreeably to the rules and regulations of the Constitution, and the laws of this Commonwealth. *So help me God.*”

“I, A—— B—— do swear that I will support the Constitution of the United States.”

Certificate of qualification to be written on the back of commissions.

Which oaths and declarations as aforesaid, each commissioned officer shall take and subscribe before some Justice of the Peace, or before some general or field officer, who has previously taken and subscribed them himself. And on the back of every commission issued after the first day of May next, the following form of certificate of qualification shall be printed.

“This may certify that A—— B——, commissioned as within, on this day of _____ A. D. personally appeared, and took and subscribed the oaths and declarations required by the constitution and laws of this Commonwealth, and a law of the United States, to qualify him to discharge the duties of his office.

Before me _____”

Clerk, how appointed.

SEC. 8. *Be it further enacted,* That to every company there shall be a clerk, who shall be one of the sergeants, and

and he shall be appointed by the captain or commanding officer of the company, and on the back of his warrant as serjeant, the captain or commanding officer of the company, shall in writing certify, that he does thereby appoint him to be clerk of the company. And before such clerk enters upon the duties of his clerkship, he shall be sworn to the faithful discharge of his duty, by taking the following oath before the captain, or commanding officer of the company to which he belongs, who is hereby authorized to administer the same, viz.

“I, A. B. do solemnly swear, that I will faithfully and impartially do and perform all the duties incumbent on me, as clerk of the company to which I belong, according to the best of my abilities and understanding. *So help me God.*” Clerk's oath.

And the captain or commanding officer of the company shall, at the time of his administering said oath, certify on the back of the warrant of the serjeant appointed to be clerk, that he was duly qualified, by taking the oath required by law. And it shall be the duty of the clerk to keep a fair and exact roll of the company, together with the state of the arms and equipments, belonging to each man, which roll he shall annually revise, in the month of May, and correct the same, from time to time, as the state of, and alterations in, the company may require; to register all orders and proceedings of the company, in the orderly book; to keep exact details of all drafts and detachments; to assist the commanding officer of the company, in the enrolment thereof, and also in enrolling all such persons without partiality or favour, liable to any military duty, coming to live within his company bounds, as he may from time to time be informed thereof; to distribute all company orders and notifications, which he may be required to do; to examine the equipments of the men, when ordered; to note all delinquencies, to sue for and recover all fines and forfeitures, which are required by this act, to be sued for, and recovered by him; to keep accounts in the orderly book of all fines and forfeitures, and all other monies, collected by him, with the persons' names, of whom they were collected, and of the times when, and for what offence, neglect, default or deficiency; which book shall not be alienated from the company, and shall always be open to the inspection of any officer of the company. His power and duty.

Every officer and private to keep himself constantly armed.

SEC. 9. *Be it further enacted,* That every officer, non-commissioned officer and private of infantry, light infantry, cavalry, artillery, grenadiers and riflemen, shall constantly keep himself furnished and provided with the arms and equipments required by the laws of the United States before recited, except such private as shall not be able so to provide himself. And no private shall be considered unable to provide himself with the arms and equipments required as aforesaid, unless he shall produce, after the first day of April and before the first Tuesday in May annually, to the commanding officer of the company to which he belongs, a certificate of such inability, from the overseers of the poor, of the town or district where he resides. And the commanding officer of the company to which such private belongs, shall forthwith lay such certificate before the selectmen of the town or district where such private resides. And it shall be the duty of such selectmen, forthwith, at the expense of their respective towns or districts, to provide for every such private, the arms and equipments required as aforesaid, and they shall deposite the same in some safe and convenient place, and shall permit the commanding officer of the company, to which such private, unable to provide himself as aforesaid, belongs, to deliver such arms and equipments to such private, whenever his company shall be ordered out for any military duty. And the said commanding officer shall be responsible for the safe return of such arms and equipments to the place of deposite.

Selectmen of towns to furnish arms in certain cases.

Uniform dress.

SEC. 10. *Be it further enacted,* That the uniform of the militia, except of companies of artillery, light infantry, cavalry, grenadiers, and riflemen, raised by voluntary enlistment, whose uniforms are regulated by the laws of the United States, before recited, shall be a dark blue cloth coat, with such facings and trimmings, and such hat or cap, waistcoat and pantaloons of such colour and fashion, with half boots, or half gaitres, as a majority of the field officers of each regiment shall direct for such regiment.

Uniforms free from attachment.

SEC. 11. *Be it further enacted,* That every officer, non-commissioned officer, and private shall hold his uniform exempted from all suits, distresses, executions or sales for debt, or the payment of taxes. And no officer, non-commissioned officer, nor private shall be arrested on any

any civil process, during his going unto, returning from, or his performance of military duty; nor during his going unto, remaining at, or returning from any place, at which he may be ordered to meet for the election of any officer or officers. And no officer shall be arrested on any civil process while going unto, serving upon, or returning from any court martial, court of enquiry, or board of officers, upon which it may be the duty of such officer to attend.

No person can be arrested for debt, while on duty.

SEC. 12. *Be it further enacted*, That the day of the appointment or election of any officer shall be expressed in his commission, and such day shall be considered as the date of his commission. And whenever an officer is transferred from one corps or station to another in the same grade, the day of the date of his original appointment or election shall be expressed in his new commission, and that day be considered the date of his commission. And when an officer shall, by fire or other casualty, lose his commission, upon his making an affidavit thereof, before any judge or justice of any court of record, in the county where he resides, on such affidavit being produced at the Adjutant-General's office, he shall be entitled to receive a new commission, of the same tenor and date as the one so lost as aforesaid. And all officers when on duty shall take rank by the dates of their commissions as above defined. And when two or more officers of the same grade are on duty together, and their commissions bear an equal date, and former pretensions of some commission do not decide, then their relative rank with each other shall be determined by lot, to be drawn by them before the commanding officer present, and when on court martial, before the president thereof.

Dates of Commissions determined.

SEC. 13. *Be it further enacted*, That whenever the office of major general, brigadier-general, lieutenant-colonel commandant, major commandant, or of captain, shall be vacant, the officer next in grade and in commission, in the division, brigade, regiment, battalion, or company, shall exercise the command, and perform the duties thereof, until the vacancy shall be supplied. And in case of the sickness, absence, or other inability of the clerk of any company, the commanding officer thereof is hereby authorized to appoint a clerk pro tempore, who shall be duly sworn, and shall for the time being have all the pow-

In case of vacancies of Major-Generals, &c.—

Vacancy of clerks and non-commissioned officers—

ers, and be subject to all the duties, and be liable to all the penalties of the clerk, in whose place he is put. And whenever a company shall have neither officers nor non-commissioned officers, the commanding officer of the regiment or battalion, to which such company belongs, shall appoint suitable persons within said company to be non-commissioned officers of the same, and grant them warrants accordingly, one of which non-commissioned officers he shall appoint clerk, and shall endorse the warrant of the non-commissioned officer, appointed clerk, and administer the oath to him, as required by the commanding officers of companies, in the eighth section of this act, and the senior non-commissioned officer of a company, while there are no commissioned officers in office, shall command the same; and all the authorities and powers of commanding officer shall be vested in him, until some commissioned officer is chosen or appointed, and has qualified himself. *Provided however*, that when a company, destitute of commissioned officers, shall parade with other troops, the commanding officer present shall assign some commissioned officer or officers to such destitute company, to command the same while on parade.

Artillery, how
arranged and
equipped.

SEC. 14. *Be it further enacted*, That in each brigade, where there are now or may hereafter be two companies of artillery, they shall form a battalion, and be entitled to a major, an adjutant, and a quarter-master; that in each brigade, where there are now, or shall hereafter be three companies of artillery, they shall still form one battalion; and that in each brigade, where there are now, or may hereafter be four companies of artillery, they shall form a regiment of two battalions, and be entitled to a lieutenant-colonel commandant. And each company of artillery shall be provided by the quarter-master-general with two good brass field pieces, of such calibre as the Commander in Chief may direct, with carriages and apparatus complete; an ammunition cart, forty round shot, and forty rounds of cannister shot; also tumbrils, harness, implements, laboratory, and ordnance stores, which may from time to time be necessary for their complete equipment for the field. And the Commander in Chief shall order to be issued, to each company of artillery annually, a quantity of powder, not exceeding

exceeding one hundred pounds, which shall be expended on days of inspection or review, and in experimental gunnery. And the commanding officer of every company of artillery shall be accountable for the careful preservation of the pieces, and all the apparatus aforesaid appertaining to their equipment, and for the proper expenditure of the ammunition supplied by the government. And the commanding officer of every company of artillery shall lay before the committee on accounts for allowance, his accounts of money actually expended in providing horses to draw the field pieces and tumbril of his company : *Provided however*, No allowance shall be made, unless such company is ordered to appear at a battalion, regimental, brigade, or division inspection, or review, or to march out of the town in which the gun house of such company is situated, or unless such company is ordered on duty by the Commander in Chief. And each commanding officer of a company of artillery is hereby authorized to enlist three men to serve as drivers, who, when enlisted, shall be exempted from other military duty.

SEC. 15. *Be it further enacted*, That where there are now, or may hereafter be, two companies of cavalry in a brigade, they shall form a battalion, and be entitled to a major, an adjutant, and a quarter-master. And in those brigades where there are now, or may hereafter be, three companies of cavalry, they shall still form a battalion ; and in each brigade, where there now or may hereafter be four companies of cavalry, they shall form a regiment of two battalions, and be entitled to a lieutenant colonel commandant. And if any non-commissioned officer or private of any company of cavalry shall be destitute of a suitable horse and furniture for more than two months, at one time, it shall be the duty of the commanding officer of the company immediately to apply to the brigadier-general of the brigade, whose duty it shall be forthwith to discharge such non-commissioned officer or private from such company, and cause him to be enrolled in the standing company within whose bounds he resides, and if he be a non-commissioned officer, he shall be considered as reduced to the ranks. And when any draft or detachment shall be made from any company of cavalry for actual service, the men drafted or detached shall march with their own horses, and before they march, if there be

Cavalry, how
officered and e-
quipped.

be time, the horses shall be appraised by three impartial men, to be appointed by the commanding officer of the brigade, to which the company belongs, from which the draft or detachment is ordered,

No standing company may be reduced by the enlistment of cavalry, &c.

SEC. 16. *Be it further enacted,* That no company of cavalry, artillery, light infantry, grenadiers, or riflemen shall be raised at large when any of the standing companies shall thereby be reduced to a less number than sixty four privates ; and no officer of cavalry, artillery, light infantry, grenadiers, or riflemen, shall enlist any men belonging to a standing company, for the purpose of forming or recruiting his company, when, by means thereof, such standing company would be reduced to a less number than sixty-four privates ; and if any company, raised at large, shall at any time be destitute of commissioned officers, and shall neglect to fill the vacancies for two months after being ordered to choose officers to fill them, or if any such company shall be reduced to a less number than twenty privates, and remain so for three months, then in either case as aforesaid, such company shall be disbanded, and the men which belonged to such delinquent company shall be enrolled in the standing company within the bounds of which they respectively reside. And all companies, raised at large, and not annexed to any particular regiment, shall be subject to the orders of the commanding officer of the brigade in which they have been raised ; and shall make their elections of officers in the same manner as other companies, but shall make their returns of elections to the commanding officer of the brigade. And at all parades of regiments, the companies commanded by the two senior captains shall act as light infantry companies, except where companies of light infantry, grenadiers, or riflemen, have been or may be hereafter raised and annexed to the regiment.

Brigadier-General may enlist and organize a band of Musick.

SEC. 17. *Be it further enacted,* That each brigadier-general be, and he hereby is authorized to raise by voluntary enlistment, and to organize and establish within his brigade, a band of musick, not to exceed twenty-four musicians, including one master and two deputy masters ; and each brigadier-general may, at his discretion, divide such band into sections, not exceeding three, and establish them in such parts of his brigade, as in his opinion may most conduce to the good of the service ; and the brigadier-general

ral

rol shall grant the musicians, deputy masters, and master of the band, warrants as such, and each band shall be under the direction of the commanding officer of the brigade in which it is raised. And it shall be the duty of the master and deputy masters, to teach, lead, and command such band, or section of a band, and to issue all such orders as they may be by their brigadier-general authorized to, for those purposes. And each master, deputy master, and musician shall constantly keep himself provided with the uniform of the band to which he belongs, which uniform is to be prescribed by the brigadier-general; and shall also keep himself constantly provided with such instrument or instruments as may be directed. And if any master, deputy master, or musician shall be guilty of any neglect of duty, disobedience of orders, disorderly, or other unmilitary conduct, he shall forfeit not less than *ten*, nor more than *twenty* dollars to the use of the Commonwealth, for each offence, to be sued for by the brigade-major of the brigade, in an action on the case, before any Justice of the Peace in the county where the offender resides, and no appeal shall be allowed to either party; and such master, deputy master, or musician, shall moreover be liable to be removed from the band, at the discretion of the brigadier general, and shall forthwith be enrolled as a private in the standing company within the bounds of which he resides. And each master, deputy master, and musician of a band shall be exempted from all military duty while belonging to the band, excepting such as shall be required of him by the brigadier-general, even if the company from which he enlisted should not be full. And it shall be the duty of every brigade-major, who may have recovered any forfeiture from any one belonging to the brigade band, to credit the Commonwealth for the same in his account.

Duty of Musicians.

Penalty for neglect.

SEC. 18. *Be it further enacted*, That every commanding officer of a company shall parade his company on the first Tuesday of May annually, at one of the clock in the afternoon, for the purpose of inspecting, examining and taking an exact account of all the equipments of his men, and for noting all delinquencies of appearance, and deficiencies of equipment, and for correcting his company roll, in order that a thorough inspection of each company in the Commonwealth may be made. And it shall be the duty

Every company to be paraded the first Tuesday in May, and three other times.

of

of every commanding officer of a company, to parade his company by his own order, on three several days in the year for training, in addition to the company inspection aforesaid; and on the three several days of training, to use his best exertions, in instructing and perfecting his men, in their company exercise and evolutions. And whenever the commanding officer of a company shall order out his company for inspection or training, or for any battalion, regimental, brigade, or division inspection, or review, he shall issue his orders to some one or more of the non-commissioned officers or privates of his company, requiring him or them, to notify the men belonging to his company to appear at the time and place appointed; and it shall be the duty of the non-commissioned officer or officers, private or privates, so ordered as aforesaid, to give notice of the time and place appointed for the parade of said company, to each and every man, he or they shall have been ordered to notify, either by delivering to each man in person, or by leaving at his usual place of abode, a written or printed order. And no notice shall be legal, for any company inspection or training, or for any battalion, regimental, brigade, or division inspection, or review, unless the same shall be given four days at least previous to the time appointed therefor. *Provided always*, that in case of invasion, insurrection, or other emergency, any notice, however short, shall be legal and binding. And in all cases the testimony of the clerk, or any other non-commissioned officer or private, who shall have received orders to notify the whole or any part of the men, of any company, to appear at a time and place appointed, for any military duty, shall be conclusive to prove, that due notice was given to the party prosecuted, unless such testimony be invalidated by other evidence. And whenever any company shall be paraded, the commanding officer of such company is hereby authorized verbally to notify the men so paraded, to appear on some future day, not exceeding thirty days from the time of such notification, and such notice shall be legal, as it respects the men present.

Legal notice to
be given there-
of.

Commanding
officers to fix
limits to their
parade.

SEC. 19. *Be it further enacted*, That every commanding officer, when on duty, is hereby authorized to ascertain and fix necessary limits and bounds to his parade, (no road in which people usually travel to be included) within which no spectator shall have a right to enter, without liberty

liberty from such commanding officer : and in case any person shall intrude within the limits of the parade, after being once forbidden, he shall be subject to be confined under guard during the time of the parade, or a shorter time, at the discretion of the commanding officer.

SEC. 20. *And be it further enacted,* That any keeper of a tavern, boarding house, or master or mistress of any dwelling-house who shall refuse to give information of the name or names of any person or persons residing with him or her, liable to military duty, when applied to for that purpose by the commanding officer of the company, within the bounds of which such tavern, boarding house, or dwelling-house is situated, or when applied to for that purpose by any person acting under the orders of such commanding officer, or shall give any false information upon such application, every such person so offending shall forfeit twenty dollars, to be sued for by the clerk of the company in an action on the case before any justice of the peace of the county where such offender resides. House Keepers to give in the names of their boarders to the commanding officer. And in all cases of doubt respecting the age of any person intended to be enrolled, the party questioned as to his age shall prove the same to the satisfaction of the enrolling officer ; and if any person liable to military duty, upon application to him personally by the commanding officer of the company, within the bounds of which such person resides, or upon application, as aforesaid by any person acting under such commanding officer, shall either refuse to give his name, or not give his name truly, every such person, so offending, shall forfeit twelve dollars, to be sued for in the manner before pointed out in this section. Penalty.

SEC. 21. *Be it further enacted,* That when any non-commissioned officer or private in any company, shall receive orders from the commanding officer of such company, to notify and warn such company, or any part thereof, to meet for the purpose of choosing any officer or officers, it shall be the duty of such non-commissioned officer or private to give every person he is so ordered to warn, personal notice, or to leave him a writ or printed notification at his usual place of abode, specifying the time, place, and purpose of said meeting ; and no election of a company officer shall be valid in future, unless a majority of the qualified voters of the company are present at the election. Notifying for choice of officers.

SEC.

Towns to be provided with ammunition.

SEC. 22. *Be it further enacted,* That every town and district, within this commonwealth, shall provide and deposite, and constantly keep provided and deposited in some suitable and convenient place within said town or district, sixty-four pounds of good gunpowder; one hundred pounds of musket balls, each of the eighteenth part of a pound; one hundred twenty-eight flints, suitable for muskets; three copper, iron, or tin camp kettles, for every sixty-four soldiers enrolled within said town or district; and the same proportion of the aforesaid articles for a greater or less number of soldiers enrolled as aforesaid. And every town or district, which shall neglect to keep itself constantly provided with the articles aforesaid, and in the proportions aforesaid, shall forfeit and pay to the use of the commonwealth, a sum not exceeding five hundred dollars, nor less than twenty dollars, according to the nature and degree of the neglect, to be recovered by indictment or information in any court of competent jurisdiction.

Penalty.

To be inspected by the brigade quarter-master.

And it shall be the duty of the brigade-quarter-master, in the month of September annually, personally to examine, view, and inspect the military stores (to be provided by every town and district as aforesaid) of each town and district within his brigade; and to make out a schedule of all the articles of stores, with their quality and condition, in which he shall note all defects and deficiencies, and shall enter and record the same in a book to be kept by him for that purpose, and transmit a copy of such schedule, certified by him, to the office of the adjutant-general, on or before the first day of November annually. And it shall further be the duty of each brigade-quarter-master to cause every town or district, within his brigade, to be prosecuted or presented, which town or district he shall find upon his inspection to be deficient, either in the quality or quantity of military stores, required to be provided as aforesaid, or which he shall find to have neglected to make the provisions, or any part thereof required as aforesaid.

Selectmen to supply powder for reviews.

SEC. 23. *Be it further enacted,* That the selectmen of every town and district shall supply, at the expence of such town or district, or cause the commanding officer of each company within said town or district to be supplied with one quarter of a pound of good powder made into blank cartridge,

cartridges, for each non-commissioned officer and private borne on the company roll of such commanding officer, whenever such commanding officer's company is ordered to parade for review, provided such commanding officer makes a written application therefor, stating therein the number of men to be supplied.

SEC. 24. *Be it further enacted,* That whenever in case of threatened or actual invasion, insurrection, or other publick danger or emergency, the militia shall be ordered out, or any part thereof shall be ordered to be detached or drafted by the Commander in Chief, any person who shall be ordered out, detached, or drafted, in pursuance of and obedience to such orders, and being notified thereof, and ordered to march to the place of rendezvous, and shall neglect or refuse to obey such orders, and shall not within twenty-four hours, after he shall have been notified as aforesaid, pay a fine of fifty dollars, to the commanding officer of the company to which he belongs, or procure an able bodied man in his stead, such person shall be considered as a soldier, belonging to the detachment, and be dealt with accordingly. And all fines paid as aforesaid, shall be appropriated to the hire of men to complete the detachment. And the officers of any detachment, ordered to be made as aforesaid, shall be regularly detailed from the rosters, and the non-commissioned officers and privates by lot, from the company rolls: And when any company shall not be organized, the officer commanding the brigade or regiment, shall either by himself or some other under him, proceed to make and complete the detachment, from such unorganized company. And whenever the militia, or any part thereof, after having been ordered out or detached as aforesaid, shall be ordered to march for the service of this State, each non-commissioned officer and private, so ordered to march, shall provide and take with him three days provisions, unless otherwise ordered. And the selectmen of every town and district, to which the men detached as aforesaid, and ordered to march for the service of this State, belong, shall provide and cause carriages to attend them with further supplies of provisions, and also the necessary campequipage and camp utensils, until notice shall be given them by the commanding officer of the detachment to desist, and the selectmen shall present their
In case of invasion—

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accounts

accounts for supplies to the General Court for allowance. And whenever the selectmen of any town or district, from which a detachment or part thereof as aforesaid shall march, and being notified by the commanding officer of such detachment or part thereof, belonging to such town or district, and shall neglect or refuse to furnish the necessary supplies, camp equipage, and camp utensils, the town or district to which the selectmen, neglecting or refusing as aforesaid, belong, shall forfeit not less than two hundred nor more than five hundred dollars, to be sued for and recovered by any person, who may prosecute for the same, in an action on the case, in any court of competent jurisdiction, one moiety to the prosecutor, and the other to the use of the commonwealth. And the officer to whom, or by whose order any camp equipage or camp utensils, shall be delivered, shall be accountable for the same, unless injured or lost by some accident not in his power to prevent.

All troops to be paraded once in each year for review.

SEC. 25. *Be it further enacted,* That all the troops of each division shall be paraded once in each year for review, inspection, and discipline, either in brigades, regiments, or battalions of regiments, (regard being had to the scattered or compact situation of the troops) at such times as the commanding officer of the divisions may order. And when a brigade review or inspection is ordered, the commanding officer of the brigade shall appoint the place, and give notice thereof to the commanding officer of the division; when a regimental review or inspection is ordered, the commanding officer of the regiment shall appoint the place, and give notice thereof to the commanding officer of the brigade; and when a review or inspection of a regimental battalion is ordered, the commanding officer of the regiment shall appoint the place, and give notice thereof to the commanding officer of the brigade. And the places to be appointed for reviews or inspections as aforesaid, shall always be as central as, in the judgment of the officer pointing out the place, convenience will admit. And the artillery, cavalry, and other troops raised at large, and not annexed to any particular regiment, shall be reviewed and inspected once in each year, either by themselves, or with the brigades, regiments, or battalions of regiments, as the commanding officer of the respective divisions may order
and

and direct. *Provided*, that no officer, non-commissioned officer or private shall be obliged to march a greater distance from his home than fifteen miles to any brigade review.

SEC. 26. *Be it further enacted*, That no officer, non-commissioned officer or private shall be holden to perform any military duty on any day (except on days which are or may be specially prescribed by law) on which the selectmen of the town or district, in which such officer, non-commissioned officer or private resides, shall appoint a meeting for the election of a representative to the general court, nor shall there be any military parade on the day pointed out by the constitution of this commonwealth for the election of governor, lieutenant-governor and senators, nor on any day which may be appointed for the choice of electors of president and vice president of the United States, or representatives to congress. And it shall not be lawful for any officer to parade his men on either of said days, unless in case of invasion made or threatened, or in obedience to the orders of the commander in chief, except as is herein before excepted.

No military parade lawful on certain days.

SEC. 27. *Be it further enacted*, That each regiment and battalion shall be furnished with the state and regimental colours; and each company of infantry, artillery, light infantry, grenadiers, and riflemen shall be furnished with a drum and fife, or bugle horn, and each company of cavalry with a trumpet: and each brigadier-general, after the first day of August next ensuing, is hereby authorized to draw orders upon the quarter-master-general, in favour of the commanding officers of regiments, battalions, and companies, for the above purposes, that the several regiments, battalions, and companies, may be supplied as aforesaid. And the commanding officers of regiments and battalions shall be responsible for the safe keeping of their colours; and the commanding officers of companies shall be responsible for the safe keeping of the drums, fifes, bugle horns, and trumpets, delivered to them for the use of their companies. And the adjutant-general shall furnish blank orders for the commanding officers of companies to order their non-commissioned officers and privates to notify their men to attend all the inspections, trainings, and reviews, and meetings for the choice of officers, which shall be ordered; also blank notifications or orders, to be left with the men by the non-commissioned

State and regimental colours
Drums, Fifes,
&c.

commissioned officers or privates, ordered to notify as aforesaid, and it shall not be necessary that seals be affixed to any orders whatever.

Parents and masters to equip minors.

SEC. 28. *Be it further enacted,* That all parents, masters or guardians, shall furnish all minors enrolled in the militia, who shall be under their care respectively with the arms and equipments, required by this act; and if any parent, master, or guardian, having any minor under his care, enrolled as aforesaid, shall neglect to provide such minor with the arms and equipments, required by this act, he is hereby subjected and made liable to the same forfeitures, as such minor would be liable to, for a like deficiency or neglect, if such minor were of age: *Provided however,* That such parents, masters, or guardians as shall produce, on or before the first Tuesday of May, annually, certificates from the overseers of the poor of the town or district in which they reside, of their inability to provide arms and equipments as aforesaid, to the commanding officer of the company in which the minor under their care is enrolled, shall be exempted from the forfeitures aforesaid.

No person exempted for infirmity, without a certificate.

SEC. 29. *Be it further enacted,* That no non-commissioned officer or private of any company shall be exempted from military duty on account of bodily infirmity, unless he shall obtain from the surgeon or surgeon's mate of the regiment to which he belongs, if either of those officers are commissioned in such regiments; if not, from some respectable physician living within the bounds of the same, that he is unable to perform military duty on account of bodily infirmity, the nature of which infirmity is to be described in said certificate, and the commanding officer of the company may, on the back of such certificate, discharge the non-commissioned officer or private, named therein, from performing military duty, for such a term of time as he shall judge reasonable, not exceeding one year, which certificate, if approved and countersigned by the commanding officer of the regiment, or battalion, to which the disabled non-commissioned officer or private belongs, shall entitle him to exemption from military duty for the time specified. And any non-commissioned officer or private, having obtained a certificate as aforesaid, and who may be refused a discharge, or an approval of a discharge, as aforesaid, may apply to the commanding officer of the brigade for a further

ther examination of his case, and if, on such examination, the commanding officer of the brigade shall be well satisfied that the bodily infirmity of such non-commissioned officer or private is such that he ought to be discharged, he is hereby authorized to discharge him from military duty for such time as he shall judge reasonable, not exceeding one year, which being certified by the commanding officer of the brigade on the back of the certificate, shall discharge the non-commissioned officer or private from military duty, for the time specified by the commanding officer of the brigade.

SEC. 30. *Be it further enacted,* That if any officer, non-commissioned officer or private, shall be killed, or die of wounds received when on any military duty required by this act, his widow, child, or children, shall receive from the general court such relief as shall be just and reasonable. And if any officer, non-commissioned officer, or private, shall be wounded, or otherwise disabled when on such duty, he shall receive from the general court just and reasonable relief.

Killed and wounded.

SEC. 31. *Be it further enacted,* That the commander in chief shall appoint general courts martial for the trial of all officers above the rank of captain; and the major-generals, or commanding officers of divisions, each within his own division, shall appoint division courts-martial for the trial of captains and officers under that rank; and whenever a court martial is ordered, the officer ordering it shall appoint the president and marshal of the same; and if it be a general court martial, orders shall be issued to such divisions as, in the opinion of the commander in chief, may most conveniently furnish the members thereof; if it be a division court martial, orders shall be issued to such brigades, regiments, battalions or companies, within the division, as in the opinion of the major-general or commanding officer of the division, may most conveniently furnish the members thereof. The president of a general court martial shall in no case be under the rank of brigadier-general, and the president of a division court martial, shall in no case be under the rank of lieutenant colonel commandant. And whenever the commanding officer of a division, brigade, regiment, or battalion, shall be ordered to furnish any officer or officers, as member or members, supernumerary, or supernumeraries of a court

Courts-Martial, how appointed and organized.

court

court martial, such officer or officers shall be regularly detailed from the roster of the division, brigade, regiment, or battalion by the commanding officers thereof, respectively, forthwith, after having received orders therefor as aforesaid : *Provided however,* That in case of inability, sickness, or absence of any officer, whose turn it would be to serve on a court martial, the detailing officer shall certify such circumstance to the officer who ordered the court martial, and detail the officer next in rotation. And the officers, ordered to be detailed to serve on courts martial, shall be detailed in the following manner. Major-generals, by the commander in chief, or his orders, from the general roster ; brigadier-generals, by the commanding officers of divisions, from the division rosters : lieutenant-colonels and majors by the commanding officers of brigades, from the brigade rosters ; and captains and subalterns by the commanding officers of regiments or battalions, from the regimental or battalion rosters, as the case may be. All courts martial shall be constituted of a president, a judge advocate, twelve members, and a marshal. And the officer appointing a court martial, may, at his discretion, order a number of officers, not exceeding six, to be detailed as supernumeraries, in addition to the twelve intended to serve as members, to attend the court at the organization thereof ; and in case there should be any vacancy or vacancies, the judge advocate shall fill such vacancy or vacancies, from the supernumeraries, beginning with the highest in grade, and proceeding in regular rotation. All officers on a court martial shall take rank by seniority of commission, without regard to corps. Before any court martial shall proceed to the trial of any officer, the judge advocate shall administer to the president and each of the members, singly, the following oath :

Members to be sworn.

Oath.

You, A. B. do swear, that without partiality, favour, affection, prejudice, or hope of reward, you will well and truly try the cause now before you, between this Commonwealth and the person [or persons, if more than one is accused in the same complaint] to be tried ; and you do further swear, that you will not divulge the sentence of this court martial, until it shall be approved or disapproved of, and that you will not, on any account, at any time whatever, discover the vote or opinion of any member, unless required to give evidence thereof.

thereof, as a witness, by a court of justice, in a due course of law. So help you GOD.

And the president shall administer to the judge advocate the following oath :

Judge Advocate to be sworn.
Oath.

You, A. B. do swear, that you will faithfully and impartially discharge your duties as judge-advocate on this occasion, as well to the commonwealth, as to the accused, and that you will not, on any account, at any time whatever, divulge the vote or opinion of any member of this court martial, unless required to give evidence thereof, as a witness, by a court of justice, in a due course of law. So help you GOD.

All persons shall be holden to appear and give evidence, before any court martial, when thereto summoned by the judge-advocate, or a justice of the peace, under the same penalties for neglect, as are by law provided against witnesses who neglect to appear when summoned to give evidence in criminal prosecutions. All witnesses shall be sworn or affirmed by the judge-advocate before they give their evidence to the court, and the form of the oath or affirmation to a witness shall be as follows :

Witnesses holden to appear as in other courts, on penalty.

You A. B. do swear (or affirm, as the case may be) that the evidence you SHALL give, in the cause now in hearing, shall be the truth, the whole truth, and nothing but the truth. So help you GOD. (or, this you do under the pains and penalties of perjury, in case the witness shall affirm.)

Their oath.

When any member of a court martial is challenged, either on the part of the government, or the accused, the cause of the challenge must be stated in writing, of which the court, after due deliberation, shall determine the relevancy or validity, and decide accordingly. And no challenge to more than one member at a time, shall be received by the court. On questions of challenge, the member objected to shall not vote, but the president may vote with the members, that the number of votes may remain twelve. And in no case shall a challenge be acted upon, until the president, and judge-advocate, and the intended members are sworn. All trials by courts-martial shall be carried on in the day time, and when the votes are called for, on a question, the judge-advocate shall begin with the youngest in commission, and proceed regularly to the oldest. And at all courts-martial, unless two thirds of the members agree that the accused is guilty,

in case of challenges—

Trials, how conducted.

the

the judge-advocate shall record his acquittal; but if two thirds, or more, pronounce the accused to be guilty, the court shall sentence him either to be reprimanded in orders, or removed from office; and if any officer be sentenced to be removed from office, the court shall adjudge him to be disqualified for, and incapable of, holding any military office under this Commonwealth, either for life or term of years, according to the aggravation of his offence: which sentence, either of reprimand in orders, or removal from office, if approved, shall remain in full force; but the judgment of disqualification may be reversed by the commander in chief, with advice of council. And all courts martial are hereby authorized to preserve order during their session; and if any person or persons, in presence of a court martial, shall behave in a disorderly manner, or make any tumult in, or disturb a court martial, and shall not upon command of the marshal thereof, desist therefrom, it shall be lawful for the court martial to confine such disorderly person or persons for a time not exceeding eight hours.

Boards of officers and Courts of Inquiry, how instituted and organized.

SEC. 32. *Be it further enacted,* That the commander in chief may call boards of officers, whenever in his opinion they may be necessary, for settling military questions, or for other purposes relative to good order and discipline. And the commander in chief, or the major-generals, or commanding officers of divisions, each within his own division, may order courts of inquiry, to examine into the nature of any transaction, or any accusation, or imputation against any officer, when made by an inferior. *Provided however,* that courts of inquiry on all officers above the rank of captain are to be ordered by the commander in chief; and courts of inquiry on captains and other officers under that rank are to be ordered by the major-generals or commanding officers of divisions. And courts of inquiry shall always consist of three officers, with the judge-advocate of the division in which they are holden, or some other suitable person, in case of his inability to attend, or any legal impediment to his acting, all of whom shall be sworn. These courts shall have the same power to summon witnesses as courts martial, and to examine them on oath; but they shall not give their opinions on the merits of the case, unless they are specially required so to do. The parties shall

shall also be permitted to cross-examine and interrogate the witnesses so as fairly to investigate the circumstances in question. The proceedings of a court of inquiry are to be authenticated by the signatures of the president and judge-advocate, and are to be transmitted by the judge advocate, under seal, to the officer who appointed the court. The judge-advocate shall administer to each of the officers composing a court of inquiry the following oath :

To be sworn,

You, A. B. do swear that you will well and truly examine and inquire into the matter now before you, without partiality, favour, affection, prejudice, or hope of reward. So help you GOD.

Oath.

After which the president shall administer to the judge-advocate the following oath :

You, A. B. do swear, that you will impartially record the proceedings of the court, and the evidence to be given in the case in hearing. So help you GOD.

Judge Advocate's oath.

The judge-advocate shall administer to the witnesses the same oath or affirmation, as the case may be, as is prescribed in the thirty-first section of this act, to be administered to witnesses before a court martial. And as courts of inquiry, when not properly regulated, may be perverted to improper purposes, all other courts of inquiry than those above provided for are prohibited.

Witnesses to be sworn.

SEC. 33. *Be it further enacted,* That it shall be the duty of the judge-advocates to attend all general and division courts martial, and all courts of inquiry, within the divisions in which they are respectively commissioned, when thereto ordered. *Provided nevertheless,* That it shall be in the power of the commander in chief, or the major-generals, or commanding officers of divisions, to appoint a judge-advocate, *pro tempore*, to any particular court martial, or to any particular court of inquiry, appointed to be holden, in case of inability of the division judge-advocate, or in case of any legal impediment to his acting. And it shall further be the duty of each judge-advocate, or person officiating as such, at any court martial, impartially to state the evidence both for and against the officer or officers under trial ; to take accurate minutes of the evidence, and of the proceedings of the court, all of which, with the judgment of the court thereupon, authenticated by his signature, and

Duty of the Judge Advocate.

that of the president of the court, with the papers used at the trial, or copies thereof, certified by him, he shall transmit under seal to the officer, whose duty it is to approve or disapprove of such judgment and proceedings: and all motions and objections to evidence, whether on the part of the commonwealth or the accused, and the opinions of the judge-advocates on questions of law made at the trial, shall be given in writing: and the statement of the complainant, and the defence of the accused, shall be made in writing, in order that a full view of the trial may be had by the officer who ordered the court. And the original records of the proceedings and judgment of all general and division courts martial, after having received the approbation or disapprobation of the officer who appointed them, shall, as soon as opportunity of time and distance will admit, after such courts martial are dissolved, be deposited in the office of the secretary of state, where they shall be carefully kept and preserved; and the officer who appointed a court martial shall be entitled to receive, upon his demand, a copy of the original record from said office, certified by said secretary. And the party tried by any general or division court martial, upon request made at the office of the secretary of state, by himself, or any person authorized in his behalf, shall be entitled to a copy of the original record, certified as aforesaid, of the proceedings and judgment of the court martial which tried him, he paying reasonably therefor.

Rules for the government of the Militia, when not in actual service.

SEC. 34. *Be it further enacted*, That the following shall be the rules and articles by which the militia of this commonwealth shall be governed, when not in actual service.

Article 1. Every commissioned officer, who shall be guilty of any unmilitary conduct, neglect of duty, or disobedience of orders, or who shall, when on duty, appear or behave himself in an unofficer-like manner, or who shall wilfully oppress or injure any under his command, or who shall at any time set on foot, or join in any combination to resist or evade the lawful orders of any commissioned officer, shall be liable to be tried by a court martial.

Article 2. If any officer shall in due course of law be convicted of any infamous crime, he shall be forthwith

put

put in arrest, and deprived of all military command, until an opportunity shall be had for both houses of the legislature to address the governour for his removal.

Article 3. Every officer, to be tried by a court martial, shall be put in arrest, so as to be suspended from the exercise of his office, and shall have a copy of the charges exhibited against him, and notice of the time and place appointed for his trial, which copy and notice shall be given ten days at least before his trial is commenced.

Article 4. In case any officer, for the trial of whom a court martial is appointed, shall neglect to appear and make defence, or if appearing shall afterwards withdraw in contempt of the court, or being arraigned before a court martial, shall from obstinacy or deliberate design stand mute, or answer foreign to the purpose, the court may proceed to trial and judgment as if he had regularly pleaded not guilty.

Article 5. If any officer, after having been put in arrest, shall presume to exercise any military command, until he is discharged from his arrest, he shall be liable to be tried by a court martial, and if convicted, he shall be removed from office.

Article 6. No officer shall be tried by a court martial for any offence which shall have been committed more than one year, previous to the time when a complaint shall have been made in writing therefor, unless he, by reason of having absented himself, or some other manifest impediment, shall not have been amenable to justice within that period.

Article 7. Every captain or commanding officer who shall either neglect or refuse to call out his company as often as, and at the times required by this act, or at any other time, when thereto required by his superiour officer, or who shall at any time excuse any under his command for unnecessary absence or deficiency, shall be liable to be tried by court martial.

Article 8. No officer shall be permitted to resign while under arrest. And no resignation of any officer shall be approved, if such resignation be offered between the first day of May and the first day of November, unless the reasons offered by the officer wishing to resign within those days, be very urgent.

Article

Article 9. No officer shall be discharged, except by the commander in chief, on request of such officer, in writing, or by actual removal of residence, out of the bounds of his command, and to such distance that his major-general shall think it inconvenient for him to discharge the duties of his office, or by twelve months absence, without leave of the commanding officer of his division, or by the corps to which he belongs being disbanded by law.

Article 10. No officer shall consider himself as exempted from the duties of his station, except when under arrest, until he shall have been discharged by one of the methods, or causes pointed out in the preceding article, or shall have received a certificate of his discharge from the commander in chief.

Article 11. No general or field officer shall approve a resignation, until the orderly book or books, in the possession of the resigning officer, are taken care of, for the use of the corps to which such officer belongs, in order that such book or books may be delivered to his successor.

Article 12. The captain or commanding officer of every company raised at large, shall annually in the month of April, make out a list or lists of the names of the men belonging to his company, and deliver the same to the commanding officer of the regiment or regiments, within whose bounds such men reside.

Article 13. Every captain or commanding officer of a company shall make return of the state of his company, comprehending the names of all the men belonging thereto, with all their arms and equipments, to the commanding officer of the regiment or battalion, in the month of May, annually. Every commanding officer of a regiment shall make a return of the state of his regiment to the commanding officer of the brigade in the month of June, annually. And every commanding officer of a brigade, shall make out duplicate returns of his brigade, one of which he shall transmit to the major-general of the division to which he belongs, and the other to the adjutant-general, in the month of July, annually.

Article 14. Every person who shall enlist in any volunteer company, (whether such person be exempted by this act from military duty or not) shall be holden to do duty therein for the term of seven years, unless such
person

person be sooner discharged by order of the commanding officer of the brigade.

Article 15. Each brigadier-general, or commanding officer of brigade, within his own brigade, upon application of the commanding officer of any company of artillery, cavalry, light infantry, grenadiers, or riflemen, may discharge any non-commissioned officer or private from any of the aforesaid companies; and such non-commissioned officer or private shall forthwith be enrolled in the standing company, within the bounds of which he resides; and every non-commissioned officer so discharged, shall be considered as reduced to the ranks.

Article 16. Whenever different corps shall parade, join, or do duty together, the senior officer present shall command, without regard to corps.

Article 17. Any officer neglecting or refusing to make a draft or detachment, when ordered in pursuance of the twenty-fourth section of this act, shall be arrested, and be liable to be tried by a court martial; and the officer next in command, shall be ordered to make the draft or detachment.

Article 18. It shall be the duty of each commanding officer of a company, drawing cartridges in pursuance of the twenty-third section of this act, to cause them to be distributed equally among his men on the parade, and the cartridges drawn for those men who do not appear, shall as far as possible be equally distributed among the men on duty, and each commanding officer shall see that the cartridges drawn as aforesaid are used in teaching his men precision in their firings. And if any non-commissioned officer or private shall come on to any parade with his musket, rifle, or pistol, loaded with ball, slugs, or shot, he shall for such offence forfeit not less than *five*, nor more than *twenty* dollars.

Article 19. If any officer, contrary to the provision of the twenty-sixth section of this act, shall parade his men on either of the days of election in said section pointed out, he shall be liable to be tried by court martial; and moreover shall forfeit a sum not less than *fifty*, nor more than *three hundred dollars*, to be sued for and recovered in any action on the case, before any court of competent jurisdiction, one moiety thereof to the use of

of the person who may prosecute for the same ; the other to the use of the commonwealth,

Article 20. At all regimental and battalion parades, the several companies shall form in regiment or battalion according to the rank of the officers present commanding them ; and the same rule shall apply in all cases, excepting those in which artillery, cavalry, light infantry, grenadiers, and riflemen, may by usage and necessity, be detached from the regiments and battalions.

Article 21. Any non-commissioned officer or private who shall, while under arms, or when on duty, behave himself with contempt to an officer, or shall conduct in a disorderly manner, or excite or join in any tumult or riot, or be guilty of any other unmilitary conduct, may be put under guard, and so kept for a longer or shorter time, at the discretion of the commanding officer of the company ; not exceeding however the time which the company, to which he belongs, is dismissed ; and shall moreover forfeit a sum, not less than five, nor more than twenty dollars, for each offence, according to the degree and aggravation of the same.

Article 22. Any non-commissioned officer or private, who shall, without leave of his officer, quit his guard, section, platoon, or company, shall for each offence forfeit not less than two, nor more than ten dollars.

Article 23. Any non-commissioned officer or private, who shall, in going to, or returning from, or while on the place of parade, or while under arms, unnecessarily, and without orders, discharge his musket, rifle, or pistol, shall forfeit not less than five, nor more than twenty dollars, for each offence.

Article 24. Any non-commissioned officer or private, who shall refuse or neglect to give any notice or warning, when ordered thereto by the commanding officer of the company to which he belongs, shall for such offence forfeit not less than *twelve*, nor more than *twenty dollars*.

Article 25. If any non-commissioned officer or private shall, in due course of law, be convicted of any infamous crime, he shall be forthwith disenrolled from the militia.

Article 26. Every non-commissioned officer, who shall be guilty of any disobedience of orders, neglect of duty, or other unmilitary conduct, may be reduced to the ranks by the commanding officer of the regiment to which he belongs,

belongs, by and with the advice of the commanding officer of the company to which such non-commissioned officer belongs.

Article 27. Every non-commissioned officer or private, (excepting those, who by the first section of this act, are permitted to lend their arms and equipments on that day for inspection) who being duly ordered to appear at the company inspection and view of arms on the first Tuesday of May, and shall unnecessarily neglect to appear at the time and place appointed, shall forfeit *three dollars*.

Article 28. Every non-commissioned officer or private, who being duly ordered, shall unnecessarily neglect to appear at any company training, at the time and place appointed, shall forfeit *two dollars*.

Article 29. Every non-commissioned officer or private who being duly ordered, shall unnecessarily neglect to appear, for any battalion, regimental, or brigade inspection or review, at the time and place appointed, shall forfeit *four dollars*.

Article 30. Every non-commissioned officer or private, who shall appear at the company inspection, on the first Tuesday in May, or at any company training, or, for any battalion, regimental, or brigade inspection or review, and shall not be armed and equipped as the law directs, shall for each article, in which he is deficient, or which shall be of bad quality, or in bad condition, forfeit as follows ; if deficient of a good musket of a bore sufficient for balls of the eighteenth part of a pound, a sufficient bayonet and belt, and an iron or steel ramrod ; all which articles are to be considered as one, and a deficiency in either shall be considered a deficiency of the whole, he shall forfeit *one dollar* : if deficient of a cartridge box, containing twenty four cartridges suited to the bore of his musket, and each cartridge containing a proper quantity of good powder and ball, or if deficient of a serviceable knapsack, he shall forfeit *thirty cents* : if deficient of two spare flints and a priming wire and brush, or either of them, he shall forfeit *twenty cents*. *Provided nevertheless*, that none of the above forfeitures shall be incurred by any private, in case he appears with a good rifle, knapsack, shot pouch, powder horn, a quarter of a pound of powder and twenty balls suited to the bore of his rifle. *Provided moreover*, That cartridges, with ball shall not be brought into the
field

field except at the company inspection, on the first Tuesday in May, and knapsacks may be dispensed with at the company trainings.

Article 31. If any non-commissioned officer or private of any company of artillery, cavalry, light infantry, grenadiers, or riflemen, shall appear on any of the occasions mentioned in the preceding article, without the uniform of the company to which he belongs, he shall forfeit *two dollars*.

Article 32. All excuses for non-appearances of non-commissioned officers and privates, must be made within eight days after any training, view of arms, or other military duty, to the commanding officers of their respective companies; and on the delinquent's producing satisfactory evidence of his inability to appear, his commanding officer may excuse him; but all commanding officers of companies are hereby forbidden from receiving any excuse, for non-appearance, under any pretence whatever after the expiration of the eight days allowed. And all commanding officers of companies are prohibited from receiving any excuses from their men, for any deficiency or deficiencies of equipment, and commanding officers of companies shall inform or cause their clerks to be informed of all the excuses for non-appearance which they may allow.

Article 33. Any non-commissioned officer or private being a legal voter of a company, who after being duly notified, shall unnecessarily neglect to appear at any meeting for the choice of any officer or officers of the company, to which he belongs, he shall for every such neglect, forfeit *one dollar*.

Article 34. All surgeons and surgeons' mates are prohibited from taking any fee or gratuity whatever, under any pretence whatsoever from any man to whom they may give a certificate of inability to perform military duty on account of bodily infirmity. And if any surgeon or surgeon's mate, shall in violation of this article, take any fee or gratuity, he shall be liable to be tried by court martial.

Article 35. The oldest aid-de-camp to each major-general, the brigade-major of each brigade, and the adjutant of each regiment, battalion, or corps, shall constantly keep a correct roster of the division, brigade, regiment, battalion, or corps, to which they respectively belong.

Article

Article. 36. These rules and articles shall be read at the head of each company on the first Tuesday of May, annually.

SEC. 35. *Be it further enacted,* That all fines and forfeitures incurred by non-commissioned officers and privates, under the provisions of this act, the recovery of which, and the mode of the recovery of which, are not in and by this act otherwise provided for, shall be prosecuted for, and recovered by the respective clerks of the companies to which such non-commissioned officer or officers, private or privates, incurring any fine or forfeiture, as aforesaid, belong, in the manner following:

Fines, how to be recovered.

The clerk of each company, after the expiration of eight days, and within thirty days after the day of any parade of any company to which he belongs; and after the expiration of eight days, and within thirty days after the day of any meeting of the company to which he belongs, for the choice of an officer or officers, shall make and subscribe an information against the offending non-commissioned officer or officers, private or privates of the company, who have not been excused by the commanding officer of the company, agreeably to the provisions of the thirty-second article of the thirty-fourth section of this act, or who have not within the eight days aforesaid, paid to such clerk the fine or forfeiture, or fines or forfeitures, which he or they may have incurred; which information shall, within the thirty days aforesaid, be left with some justice of the peace, of the county in which the offending non-commissioned officer or officers, private or privates, reside or resides, which information shall be in substance as follows, viz.

To A. B. Esq. Justice of the Peace, in and for the county of

Form of the Clerk's information to a Justice.

I the subscriber, clerk of the company commanded by do hereby give information against the following person (or persons, as the case may be) who being duly enrolled in said company, and being duly notified to meet with said company on the day anno domini was (or were, as the case may be) guilty of the offences and did incur the forfeitures set against his name (or their respective names, as the case may be.)

Names.

Names.	Offences.	Forfeitures.	Sums.
A. B. <i>non-commissioned officer</i>	For unnecessarily neglecting to appear on said day	has forfeited	
C. D. <i>private</i>		has forfeited	
E. F.	For being deficient of a _____ on said day	has forfeited	
G. H.	For being on said day guilty of coming on to the parade with his _____ loaded	has forfeited	
I. K.	For unnecessarily discharging his musket, rifle, or pistols, (as the case may be) in going to or returning from, or on the place of parade (as the case may be) without the orders of an officer	has forfeited	
L. M.	For leaving his guard, section, platoon, or company (as the case may be) without the leave of an officer	has forfeited	

[And in the same manner substantially, all other offences are to be set forth against offending non-commissioned officers and privates.] *I therefore, agreeably to my oath of office, and in compliance with the requisitions of the law in this behalf, request that you would issue a summons to each of the persons named in the above information to appear before you, and shew cause, if any he has, why it should not be adjudged that he pay the forfeiture set against his name, for the offence or offences which he is therein alledged to have committed.*

Dated at _____ this _____ A. B. Clerk of the
 day of _____ in the _____ company commanded
 year of our Lord _____ by _____

And the justices to whom such information is directed, and with whom it is left, shall file the same, and as soon as may be, he shall issue a summons to each person informed against as aforesaid, to be served at least seven days before the time appointed for shewing cause; which summons shall be in substance as follows :

Justice's Summons.

(SEAL) To the sheriff of said county, or either of his deputies, or either of the constables of the town of _____ in the county aforesaid, greeting.

In the name of the Commonwealth of Massachusetts, you are hereby required to summon C. D. of _____ in the _____

the county aforesaid, to appear before me E. F. one of the Justices of the Peace for the county aforesaid, at
 in on the day of at
 of the clock in the noon, then and there to shew cause, if any he has, why judgment should not be rendered that he has forfeited

[here insert the offence, and the time when and place where it was committed.] Hereof fail not, and make due return of this writ and your doings thereon, unto myself, on or before the said hour of the day of

Dated aforesaid, the day in the year of our Lord

E. F. Justice of the Peace.

Person summoned may plead the general issue.

And when the person summoned as aforesaid shall appear, either by himself or his attorney, he may plead the general issue, and give any special matter in evidence; and if such person shall make default, or if judgment be rendered against him, and he neglect for two days thereafter to satisfy the same, with legal costs, then the justice of the peace to and with whom the information shall have been directed and left as aforesaid, shall issue execution in substance as follows :

Execution to be issued in case of default.

Form.

Commonwealth of Massachusetts, ss.

(SEAL.) To the sheriff of said county, or either of his deputies, or either of the constables of the town of in the same county GREEING.

Whereas E. L. clerk of the company, commanded by in said county, on the day of before J. D. Esq, one of our justices of the peace for our county aforesaid, recovered judgment against J. P. of for the sum of fine or forfeiture, and costs of prosecution, as to us appears of record, whereof execution remains to be done. We command you therefore that of the money of the said J. P. or of his goods, or chattels, within your precinct, at the value thereof in money, you cause to be levied, paid and satisfied unto the said E. L. the aforesaid sums, being in the whole ; and also that out of the money, goods and chattes of the said J P. you levy twenty-five cents more for this writ, together with your own fees ; and for want of such money, goods or chattels of the said J. P. to be by him shown unto you, or found within your precinct, to the acceptance of the said

E. L.

E. L. for satisfying the aforesaid sums, we command you to take the body of the said J. P. and him commit unto our gaol in B, and we command the keeper thereof accordingly to receive the said J. P. into our said gaol, and him safely to keep until he pay the full sums above mentioned, with your fees, or that he be discharged by the said E. L. or otherwise by order of law. Hereof fail not, and make return of your doings therein unto our said justice, within twenty days next coming. Witness our said justice at B, the day of _____ in the year of our Lord one thousand eight hundred and _____ J. D.

Summons may be amended.

SEC. 36. *Be it further enacted*, That it shall be lawful to amend the summons issued against any non-commissioned officer or private, in any stage of the proceedings, without paying costs. And no clerk shall be liable to pay any defendant costs, in any case which the commanding officer of the company has indorsed his approval on the information of such clerk. And no appeal shall be allowed from any judgment of a justice of the peace, when the forfeiture by him adjudged does not exceed ten dollars, exclusive of costs.

Clerk may retain to his own use one fourth part of the fines.

SEC. 37. *Be it further enacted*, That the clerk of each company shall retain to his own use, one fourth part of all fines and forfeitures collected or recovered by him and the residue he shall faithfully pay over to the commanding officer of the company, on demand; and the commanding officer of the company shall give his receipt to the clerk, for all money paid over to him as aforesaid. And it shall be the duty of every commanding officer of a company to expend such part of the money paid him by the clerk as may be necessary for defraying such company expenses, as a majority of the commissioned officers of the company shall judge to be necessary.

Compensation allowed to certain officers.

SEC. 38. *Be it further enacted*, That the Adjutant-general and the Quarter-master-general, the Judge-advocates, Brigade-majors, Brigade-quarter-masters, and Adjutants, shall receive compensation for their services, to be allowed by the General Court; and all officers serving on military boards, courts martial, and courts of enquiry, shall receive pay and rations, while necessarily employed thereon, at the same rate as when in actual service. And the adjutant-general shall make up pay rolls of such mili-

tary boards, courts martial, and courts of enquiry, as may be ordered by the commander in chief; and the brigade-majors shall make up the pay rolls of such courts martial and courts of enquiry as may be ordered by the commanding officers of divisions, and are holden within the brigade, to which such brigade-major belongs; and the adjutant-general or brigade-major, as the case may be, shall lay the pay rolls before the General Court for allowance, and shall receive payment at the treasury, of the sums allowed, and pay the same over to the officers who performed the service.—And each major-general is hereby authorized to appoint some suitable person or persons to distribute his orders; and the person or persons so appointed, shall be allowed by the General Court, compensation for the services he or they may perform.

SEC. 39. *Be it further enacted,* That all laws heretofore made for governing and regulating the militia, be, and they are hereby repealed, excepting an act, entitled, “*An Act for establishing rules and articles for governing the troops stationed in forts and garrisons within this Commonwealth, and also the militia, when called into actual service.*” *Provided nevertheless,* That all officers, actually in commission, agreeably to the laws which are hereby repealed, and in grades which either are or are not established by this act, shall be continued in their command, and the clerks of companies now in office, shall be continued in office, and all actions depending in any court, by force of said laws, shall and may be prosecuted to final judgment and execution.

Former Laws
repealed.

[This act passed March 6, 1810.]

CHAP.

CHAP. CVIII.

An Act to establish the boundary line between the towns of Gardiner and Litchfield, in the counties of Lincoln and Kennebeck.

Boundary line established.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the boundary line between the towns of Gardiner and Litchfield, in the counties of Lincoln and Kennebeck, shall be a line drawn on the middle of the channel of the stream called Cobosseconteag, from the lower pond, so called, to a corner, being the westerly corner bound, between the towns of Hallowell and Gardiner.

[This Act passed March 6, 1810.]

CHAP. CIX.

An Act to incorporate a Religious Society in the First Parish in Shapleigh.

First Congregational Society in Shapleigh incorporated.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That John Rowe, Ephraim Rowe, Moses Folsom, Thomas Smith, Richard Hufsey, John Hufsey, Jonathan Gilman, Jonathan Gilman, jun. Jeremiah Gilman, Gersthom Ricker, Paul Ricker, James Gilman, Zebulon Gilman, Dudley Gilman, Samuel Willey, Nathaniel Willey, Charles Powers, Edward Magoon, Stephen Hufsey, Phillip Tibbets, Noah Wentworth, William Rogers, Andrew Rogers, Phemius Hemmingway, Samuel Sanborn, George Weeks, Robert Rogers, Daniel Hubbard, William Hubbard, John Grant, Jonathan Grant, Peter Grant, Jonathan Young, Joshua Grant, Samuel Bragdon, James Buzzell, Noah Rundlet, Benjamin Sanbourn, Joseph Sanbourn, Nathaniel Remick, Samuel P. Page, Philip Hubbard, with their families, and estates,

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 first Parish in Shapleigh, with all the rights, powers, and privileges to which other religious societies are entitled by the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That any person in the said first 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 Congregational Society, fifteen days previous to the annual society 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 Congregational Society in the first 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.

New Members may be admitted.

SEC. 3. *Be it further enacted*, That when any member of the said First Congregational Society in the first parish in Shapleigh, shall see cause to leave the same, and unite in religious worship with any other religious society in the said first parish, and shall give notice of such intention to the clerk of the said First Congregational 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.

Persons desirous of leaving the Society—

SEC. 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 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

First Meeting

pointed in such warrant, to choose such officers as parishes are by law empowered and required to choose at their annual meetings.

[This act passed March 6, 1810.]

CHAP. CX.

An Act in addition to an act, entitled An act to establish a company, by the name of The Worcester and Stafford Turnpike Corporation.

Preamble.

WHEREAS, by the act to which this is in addition, the honorable Salem Towne Esq. Abner Brown, and Aaron Marsh, Esqrs. were appointed a committee to locate said turnpike road and to make return, after having completed their business, to the then next courts of general sessions of the peace to be holden in the counties of Worcester and Hampshire, and whereas Aaron Marsh, one of said committee, deceased before said business was completed, and the return of the doings of said committee was afterward made by the other two of said committee to the courts of sessions within and for said counties of Worcester and Hampshire, but not within the time prescribed by said act. Therefore,

Report of the
Committee
made valid.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the report of said Salem Towne, and Abner Brown, two of said committee, locating said turnpike road, so made as aforesaid, to the courts of sessions for the counties of Hampshire and Worcester, be valid and effectual in law, to all intents and purposes as if it had been made and signed in the life time of said Aaron Marsh, by all the members of said committee, appointed by said act, and had been duly returned to said courts within the time by said act provided. And all the proceedings of the courts, within and for said counties of Hampshire and Worcester, had or which may be had, on the report of said committee, so made as aforesaid, shall have the same force and effect in law, as they would have had, in case the report had been made and returned according

ording to the provisions of the act to which this is in addition. *Provided however,* That nothing in this act contained shall be so construed as to affect the claim of any person or persons where suits have been already commenced.

SEC. 2. *Be it further enacted,* That said Salem Towne and Abner Brown, together with Reuben Sikes, Esqrs. or any two of them, be a committee to examine said turnpike road, and to approve of the same, if made, in their opinion, as near as may be, conformable to law, and to determine on the places where the gates shall be erected, and to make report of their doings to the courts of Common Pleas within and for said counties of Hampshire and Worcester, who are hereby authorized to accept and confirm the same, within their respective counties.

[This act passed March 6, 1810.]

Committee appointed to examine the road.

CHAP. CXI.

An Act in addition to an act, entitled An act for incorporating certain persons, for the purpose of building a Bridge over Charles River, from the westerly part of Boston to Cambridge, and for extending the interest of the proprietors of Charles River Bridge for a term of years.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the proprietors of West Boston Bridge, be, and they are hereby authorized and empowered, from time to time, to convey, sell, and dispose of, or to exchange, in fee simple or otherwise, as they shall think fit, any part of the real estate, which they have already purchased, or shall hereafter purchase, by any deed or deeds, made and duly executed, either by their President and Directors, or the major part of them, under the seal of said corporation, or by any agent or agents, by the said corporation appointed, under their seals, provided they shall have been respectively authorized, by a vote of said corporation, to make such conveyance, sale, disposition, or exchange thereof.

Proprietors of West-Boston Bridge empowered to dispose of certain real estate.

Former proceedings confirmed.

SEC. 2. *Be it further enacted*, That all sales or exchanges of any part of their real estate, already made by the said corporation, or by any agent or agents under them, in consequence of any vote of said corporation for such purpose, had and passed, shall be, and are hereby confirmed to their grantees, and their heirs and assigns forever, and shall be deemed good and valid in law, to all intents and purposes, conformably to the tenor of their respective deeds, purporting to convey or exchange the same in due form of law, any want of legal authority vested in said corporation to sell, convey, dispose of or exchange any part of their real estate at the time, notwithstanding.

[This act passed March 6, 1810.]

CHAP. CXII.

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

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That from and after the passing of this act, James Ayer (son of James Ayer, junior,) of Haverhill, in the county of Essex, shall be allowed to take the names of James Hazen Bricket Ayer; that Prince Beal, of Kingston, in the county of Plymouth, shall be allowed to take the name of Thomas Prince Beal; that Grace Befom, of Marblehead, in the county of Essex, shall be allowed to take the name of Martha Befom; that John Hall, of Lee, in the county of Berkshire, shall be allowed to take the name of John Grafton Hall; that Joseph Huin, of Sharon, in the county of Norfolk, shall be allowed to take the name of Joseph Hewins; that John Philips, of Bradford, in the county of Essex, shall be allowed to take the name of Alonzo Philips; that Joseph Sprague (son of Ebenezer Sprague) of Danvers, in the county of Essex, shall be allowed to take the name of Joseph George Sprague; that Sylvester Twiss, of Danvers, in the county of Essex, shall be allowed to take the name of Sylvester Proctor; that Elizabeth Thompson Tyler,

Names of certain persons altered.

Tyler, of Boston, in the county of Suffolk ; shall be allowed to take the name of Elizabeth Jones Thompson Tyler ; that Afa Ward, jun. of Boston, in the county of Suffolk, shall be allowed to take the name of Lauriston Ward ; that Rhoda White, of Salem, in the county of Essex, shall be allowed to take the name of Elizabeth Cutter White ; that James Hinkley, (also called James Evans) of Winthrop, in the county of Kennebec, shall be allowed to take the name of James Wheeler ; that that Georae Fisk, of Boston, in the county of Suffolk, shall be allowed to take the name of George Boyle Fisk ; that Samuel Ford, of Boston, in the county of Suffolk, shall be allowed to take the name of Samuel Bafs Ford ; that William Hall, of Boston, in the county of Suffolk, shall be allowed to take the name of William Chauncy Hall ; that Abraham Howe, of Boston, in the county of Suffolk, shall be allowed to take the name of Abraham Fay Howe ; that Rufus Lincoln, of Boston, in the county of Suffolk, shall be allowed to take the name of Rufus Warren Lincoln ; that Thomas Hibbert Smith, of Salem, son of Isaac Smith of Rowley, in the county of Essex, shall be allowed to take the name of Lorain W. Smith ; that Muffey Southwick, of Uxbridge, in the county of Worcester, shall be allowed to take the name of Thomas Muffey Southwick ; that John Stephens, of Boston, in the county of Suffolk, shall be allowed to take the name of John Hathaway Stephens ; that William Barry Turell, of Salem, in the county of Essex, shall be allowed to take the name of Charles Turell ; that Sarah Morton, of Dorchester, in the county of Norfolk, shall be allowed to take the name of Sarah Wentworth Morton ; and the said persons shall, from and after the passing of this act, be known and called by the names which they are respectively allowed to take as aforesaid, and the same shall be considered as their only proper names.

[This act passed *March 6, 1810.*]

CHAP. CXIII.

An Act to alter and amend the constitution of the Board of Overseers of Harvard College.

Preamble.

WHEREAS the members of the Board of Overseers of Harvard College, as heretofore constituted cannot conveniently nor constantly attend to the diligent discharge of the duties enjoined on it :

Board of Overseers.

SEC. 1. *BE it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Governor, Lieutenant Governor, Counsellors, President of the Senate, and Speaker of the House of Representatives of the Commonwealth, and the President of Harvard College for the time being, with fifteen ministers of Congregational Churches, and fifteen laymen, all inhabitants within the State, to be elected as is hereafter mentioned, shall forever hereafter constitute the Board of Overseers of Harvard College, they, or the major part of them, present at any legal meeting, to exercise and enjoy all the rights, powers and privileges and to be subject to all the duties of the existing Board of Overseers of Harvard College ; *Provided however,* That all the ministers of congregational churches who are members of that Board, shall remain members of the Board of Overseers established by this act, so long as they shall continue ministers respectively of their congregational churches, and no longer.

Meeting of the present Board.

SEC. 2. *Be it further enacted,* That as soon as conveniently may be, after this act shall be in force, the present Secretary of the Board of Overseers, or if that office be vacant, the President, or a major part of the Fellows of Harvard College, shall call a meeting of the overseers of Harvard College, to be holden at some suitable time and place, for electing fifteen laymen, inhabitants of the state, to be members of the Board of Overseers, the said meeting to be notified by publishing the time and place of holding the same, in each of the publick Newspapers printed in Boston, ten days at the least, before the time of holding the same, and the said elections to be made
by

by ballot, by the major part of the Overseers present, and all persons who then, if this act had not been in force, would have been members of the board of Overseers of Harvard College, shall have right to meet and vote in the said elections.

SEC. 3. *Be it further enacted,* That the Board of Overseers, as constituted by this act, may, at any legal meeting, choose, by a majority of votes, a Secretary, when that office shall be vacant, who shall be under oath truly to record all the votes and proceedings of the board, and faithfully to discharge all the duties of his office, and the said board may at any legal meeting by a majority of votes determine, from time to time, when and in what manner its meetings shall be held, called, and notified, and at any legal meeting of the said board, the Governor, if present, shall preside, if not, the Lieutenant Governor, if present, shall preside; in their absence the oldest member of the council, present, shall preside; if they also be absent, the President of the Senate, shall preside if present, but in his absence also, the Speaker of the House of Representatives shall preside, and if neither of them be present, the greater part of the overseers present at such meeting shall choose a President pro tempore, and until one of the officers aforesaid shall be present. *Provided nevertheless,* That the secretary of the overseers shall have power to call a meeting of the said Board at such times as he shall be thereto requested by the President and Fellows of Harvard College, such meeting to be notified as the said Board shall direct.

Secretary to be chosen and sworn.

Governor, if present, to preside at the meetings of the Board.

Provido,

SEC. 4. *Be it further enacted,* That when any minister of any congregational church, being a member of the said Board, shall cease to have the Ministerial relation, he now has, or may have had at the time of his election, or when any member of the elective part of the said Board, shall remove out of the state, the place of such Minister or Member shall thereupon become vacant; and the said Board may, at any legal meeting, by a vote of the greater number present, remove from his place any member of the elective part of the said Board who shall neglect to attend the meetings thereof, without reasonable excuse, when duly notified, or who, by his immoral conduct, shall have rendered himself unworthy of holding his place; but before any vote shall pass to remove any member, he shall have

Members removing, their seats to be vacated.

March 6, 1810.

have reasonable notice and a fit opportunity to be heard in his defence.

Vacancies to be immediately filled.

SEC. 5. *Be it further enacted*, That for establishing a perpetual succession in the elective part of the said board, whenever a vacancy shall happen therein by death, resignation, or otherwise, the overseers may, at a legal meeting, by a majority of the votes present, fill up such vacancy by electing therefor some suitable person, who shall be an inhabitant of the state; *Provided however*, that no Minister of any congregational church shall be so elected, when there are fifteen Ministers of congregational churches, members of the elective part of the said board, nor shall any layman be so elected, when there are fifteen laymen members of the elective part of the said board; but in all cases, when there are fifteen ministers and fifteen laymen, members of the elective part of the said board, there shall not be deemed to be any vacancy therein.

Proviso.

SEC. 6. *Be it further enacted*, that this Act shall be in force when the overseers of Harvard College as heretofore constituted, and the President and Fellows of Harvard College, shall agree to accept the provisions in this act contained.

[This act passed March 6, 1810.]

CHAP. CXIV.

An Act in addition to an act, entitled, "An Act establishing a Corporation by the name of The Proprietors of the Union Wharf," in Salem, in the County of Essex.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of same, That Edward Allen, Ebenezer Putnam, and Benjamin Pickman, Esq. be, and they or any two of them, are hereby authorized to call a meeting of the said proprietors, giving seven days notice thereof, in the Newspapers, printed in Salem aforesaid, at which meeting the said proprietors may determine upon a mode of calling future meetings, may choose their officers, and do any other act or thing, which, according to the true intent and meaning of their act of incorporation, they could do at any legal meeting of the members thereof.

[This act passed March 6, 1810.]

CHAP.

CHAP. CXV.

An Act providing for the payment of two fifth parts of the State Debt, and for other purposes.

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 the treasurer of this commonwealth, be, and he is hereby directed, and empowered to pay, on the first day of July next, two fifth parts of the debts due from this commonwealth, on notes issued in conformity to an act passed on the twelfth day of March, eighteen hundred and eight, intituled, "an act to provide for the payment of part of the state debt," in addition to the interest which shall then have accrued thereon.

Treasurer empowered to pay two fifths of certain notes.

SEC. 2. *Be it further enacted*, That the treasurer shall issue new notes to the several holders of the notes aforesaid, similar to those issued under the said act, passed the twelfth day of March, eighteen hundred and eight, *mutatis mutandis*, for the balance which shall be due to them, after deducting and paying off two fifth parts as aforesaid, and the two fifth parts of the state debt as aforesaid, shall cease to bear interest, after the first day of July next: *Provided however*, That the treasurer shall issue no new note for a less sum than twenty dollars; but in any case where, after the deduction of two fifths it would be incumbent on him to issue any such note, he be, and he is, hereby directed and empowered wholly to pay the same.

And to issue new ones in certain cases.

Provide.

SEC. 3. *Be it further enacted*, That all the money now in the hands of the treasurer, or which may hereafter come into his hands, be appropriated to the purposes aforesaid, excepting such sums as may be necessary for defraying the expences of government, and such as have been, or may be, otherwise appropriated by law.

SEC. 4. *Be it further enacted*, That the treasurer of this Commonwealth be, and he is hereby authorized and directed, to borrow of the president and directors of the Union and Boston Banks, in proportion to the Commonwealth's stock in each of said banks, any sum which may be necessary, for carrying into effect the purposes of this act;

To borrow money.

act; and to repay the sum he may so borrow, as soon as money sufficient for that purpose, not otherwise appropriated, shall be received into the treasury.

[This act passed March 6, 1810.]

CHAP. CXVI.

An Act to diffuse the benefits of inoculation for the Cow Pox.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That it shall be the duty of every town, district, and plantation within this commonwealth, wherein no board of health shall be established by law, at their annual meetings, in the months of March or April, annually, to choose, in the manner in which other town officers are by law chosen, three or more suitable persons, whose duty it shall be to superintend the inoculation of the inhabitants of such town, district or plantation, with the cow pox.

Persons to be chosen to superintend the Cow Pox inoculation.

SEC. 2. *Be it further enacted,* That it shall and may be lawful for the inhabitants of any town, district or plantation, at any of their said annual meetings, to provide for the inoculation of the inhabitants of such town, district or plantation, with the cow pox, under the direction and control of said superintendants, or a board of health, where such board is established; and to raise all necessary sums to defray the expenses of such inoculation, or such part thereof as they may deem proper, in the same way and manner that other town charges are by law defrayed.

Expenses of the inoculation may be defrayed by Towns.

[This act passed March 6, 1810.]

CHAP. CXVII.

An Act in addition to an act, entitled, "an Act providing for the appointment of *Inspectors*, and regulating the Manufactory of Gun Powder."

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That if any manufacturer of gun powder shall move, or suffer to be moved, from his manufactory, any powder, until it shall have been inspected, he shall forfeit and pay the sum of *five dollars* for every twenty-five pounds so carried away, to be recovered in an action on the case, to the use of any person or persons who may sue for the same, in any court proper to try the same. *Provided nevertheless*, That in case of the absence or death of the inspector, the Governour, or any member of the council, may grant permission to the manufacturer to transport his powder to some other inspector within the commonwealth, which inspector shall be named in the certificate so granted.

[This act passed *March 6, 1810.*]

CHAP. CXVIII.

An Act to establish a Corporation, by the name of The Woburn Turnpike Road, and Dracut Bridge Corporation.

SEC. I. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Joseph B. Varnum, Jeremiah Clapp, Josiah Brown, Benjamin F. Baldwin, Simon Coburn, Benjamin Kittridge, Samuel Bailey, Noah Hunt, William Hardy, Zachariah Hardy, John Bell, Jonathan Tidd, Jonathan Tidd, jun. Samuel Thompson, Zebediah Wyman, James V. Hildreth, Caleb Blanchard, Samuel Nichols, Benjamin Stevens, Jacob Coburn, David Jones, David Jones, jun. Isaac Barker, Nathaniel Hardy, Samuel Hardy, Benjamin

Persons incor-
porated.

C c

jamin Coburn, Abijah Thompson, Abijah Thompson, jun. Wyman Weston, Samuel Richardson, Isaac Richardson, John Wade, Jesse Wyman, Benjamin Foster, Eliphalet Farmer, Jacob B. Varnum, Daniel Varnum, Peter Harris, Thaddeus Richardson, William Hall, Moses Whiting, George W Reed, Nathaniel Davis, Benjamin Thompson, Benjamin Wyman, John Edgell, jun. Jonathan Thompson, John Flagg, jun. John Kennedy, Benjamin Coolidge, Jesse Richardson, 4th, Charles Thompson, Jacob Coggin, John Eames, jun. and James F. Baldwin, together with such persons as may hereafter associate with them, and their successors or assigns, be, and they hereby are constituted a body politick and corporate by the name of The Woburn Turnpike Road and Dracut Bridge Corporation, for the purpose of making a Turnpike road, beginning at the county road a little east of the house of the late William Nichols, of Woburn, deceased, from thence as near a straight line as the nature of the ground and circumstances will admit, thro' the north part of Woburn, Wilmington, Newbury, and northwest corner of Andover, to Merrimack River, at Varnum's Falls, so called, crossing said river by a bridge, to be erected as herein after enacted, from thence passing in the town of Dracut to land lately belonging to George Burns, deceased, or land of John Gilcreast, and so on over the land of the said Burns and Gilcreast in the most convenient and practicable route, between the said Falls, to the line of the state of Newhampshire; and for this purpose shall have all the powers and privileges, and be subject to all the duties, requirements, and penalties contained in an act, entitled, "an act defining the general powers and duties of turnpike corporations," passed the sixteenth day of March, in the year of our Lord, one thousand eight hundred and five.

Corporation
empowered to
build a Bridge.

SEC. 2. *Be it further enacted*, That the aforesaid proprietors be, and they hereby are authorized and empowered to erect a Bridge over Merrimack River, at Varnum's Falls aforesaid, which bridge shall be well built with suitable materials, at least twenty-two feet wide, and well covered with plank, with sufficient rails on each side, and boarded up sixteen inches high from the floor of said bridge, and that there be an arch or arches sufficiently wide for the passage of rafts, the widest of which arches shall

shall be laid over the channel of the river, and shall not be less than one hundred and ten feet wide.

SEC. 3. *Be it further enacted*, That for the purpose Rates of Toll. of reimbursing the said proprietors the money by them to be expended in building and supporting said bridge, a toll be, and hereby is granted and established for the sole use and benefit of said proprietors, according to the rates following, viz. for each foot passenger two cents; for each horse and one rider five cents, and for each additional rider on one horse two cents; for each horse and chaise, chair or sulkey, seventeen cents; for each phaeton, coach or chariot drawn by two horses, thirty-two cents, and if drawn by more than two horses, two cents for each additional horse; for each sleigh, cart, sled, or other carriage drawn by one beast, ten cents; for each waggon, cart, sled, or other carriage of burthen, drawn by two beasts, and not exceeding four beasts, twenty cents; for each additional beast above four, four cents; for each curricle, twenty cents; for each horse or neat cattle, exclusive of those rode on or in carriages, four cents; for each sheep or swine, one cent and five mills; for each team, one person and no more, shall be allowed to pass as a driver free of toll; for each wheel-barrow or hand-cart with one person, four cents;—and at all times when the toll gatherer shall not attend to his duty, the gate or gates shall be left open. *Provided nevertheless*, That after the expiration of twenty years from the passing of this act, the rates of toll of said bridge, shall be subjected to the regulation of the Legislature of this commonwealth.

SEC. 4. *Be it further enacted*, That if the said corporation shall refuse or neglect for the time of five years Time limited. to build and complete said bridge, then this act, so far as respects the building of said bridge, shall be null and void.

SEC. 5. *Be it further enacted*, That the said corporation shall not take, use or appropriate any lands for the purpose of making said road, until the damages that may be sustained thereby, shall be estimated by a committee as the law provides, and shall be paid or tendered to the owners of such lands, or otherwise compromised or satisfied for, any law to the contrary notwithstanding.

SEC.

SEC. 6. *Be it further enacted,* That Jeremiah Clap, Esq. be, and he is hereby authorized and directed to notify and warn a meeting of said proprietors, to be holden some time in the month of May or June next, at such place as he may appoint, for the purpose of choosing a president, clerk, directors and treasurer, and to transact any other business relative to the affairs of said corporation, by publishing notifications thereof, in one or more of the publick newspapers printed in Boston.

Powers and
privileges.

SEC. 7. *Be it further enacted,* That all necessary powers and privileges incident to, and lawfully exercised by, other corporations, for building toll bridges, and not specially provided for in this act, shall be held and exercised by this corporation. *Provided,* That the proprietors of said corporation, and their estates, shall be jointly and severally holden to fulfil all the contracts of said corporation, made whilst they were proprietors as aforesaid.

[This act passed March 6, 1810.]

CHAP. CXIX.

An Act to prevent fraud and deception in the packing of Pickled Fish, and to regulate the size and quality of the Casks, and the sale and exportation thereof within and from this Commonwealth, and to repeal all laws heretofore made on this subject,

Quality and size
of Barrels.

SEC. I. **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, all barrels, half barrels and tierces, which shall be made or used for the purpose of packing or containing pickled fish, shall be made of sound, well seasoned white oak, ash, red oak, spruce, pine or chestnut staves, of rift timber, with heading of either of the said kinds of wood, sound, well seasoned, and the pine heads free from sap: said heading to be well planed; the barrels, half barrels and tierces, to be well hooped with at least three hoops on each bilge, and three hoops on each chime, all
of

of which shall be good hoops of sufficient substance ; the barrel staves to be twenty eight inches in length, and the heads to be seventeen inches between the chimes ; and to contain not less than twenty-nine, nor more than thirty gallons : and barrels, half barrels and tierces shall be branded on the side of the cask near the bung with the name of the maker or owner of said cask, and shall be made in a workmanlike manner, to hold pickle ; the half barrels to contain not less than fifteen gallons, and the tierces to contain not less than forty-five, nor more than forty-six gallons. *Provided however,* That nothing contained in this act, shall extend to fish packed in kegs of less than ten gallons.

SEC. 2. *Be it further enacted,* That there shall be an inspector general of all pickled fish which shall be exported from this commonwealth, who shall be well skilled in the quality of the same, to be appointed by the Governour with the advice and consent of the Council, and to be by them removable at pleasure ; who, before he shall enter on the duties of his office shall give bonds, with sufficient sureties, to the treasurer of this commonwealth, in the penal sum of two thousand dollars, for the faithful discharge of his duty ; and shall be sworn faithfully to perform the same. And such inspector general shall have power, when so qualified, to appoint deputy inspectors (who shall be removeable by him at pleasure) in every seaport town, or other town within this commonwealth, where it shall be deemed necessary to pack such fish for exportation, for whose official conduct he shall be answerable, and shall take bonds from them to himself and successor in office, with sufficient sureties, in a sum not exceeding one thousand dollars ; and the said deputies shall also be sworn to the faithful discharge of their duty.

Inspector General to be appointed by the Governour.

Deputy Inspectors.

SEC. 3. *Be it further enacted,* That it shall be the duty of the inspector general or his deputies, or some one of them, to see that salmon, mackerel shad, and all other kinds of split pickled fish, or fish for barreling, intended for exportation, have been well struck with salt or pickle in the first instance, and preserved sweet, free from rust, taint or damage. And such fish as are in good order, and of a good quality, shall be packed in tierces, barrels, or half barrels ; the tierces shall contain three hundred pounds, the barrels shall contain two hundred pounds, and

and the half barrels one hundred pounds of fish each, and the same shall be packed with good and clean salt, suitable for the purpose, and said casks, after being packed and headed up with the fish, and sufficient salt to preserve the same, shall be filled up with a clear, strong pickle, and shall be branded *Salmon, Mackerel, Shad*, (or as the case may be;) those of the best quality, caught in the right season, to be most approved, and free from damage, shall be branded *cargo No. 1*; those which remain after the best have been selected, being sweet and free from taint, rust or damage, shall be branded *cargo No. 2*; and there shall be a third quality, which shall consist of the thinnest and poorest of those that are sweet and wholesome, which shall be branded *cargo No. 3*. And the inspector shall also brand in plain, legible letters on the head of each and every cask in which inspected merchantable fish, or whole fish are packed, or re-packed, the initials of his christian name with his surname at large, the name of the town for which he is appointed, and *Mass.* annexed for *Massachusetts*. Each cask shall be filled with fish, of one and the same kind; and if any person shall intermix, take out, or shift, any inspected fish which are packed and branded as aforesaid, or put in other fish, for sale or exportation, contrary to the true intent and meaning of this act, he or they shall forfeit and pay fifteen dollars for each and every package so altered: *Provided however*, if any casualty shall render it necessary to repack a cask of inspected fish, it may in all cases be done by an inspector of such fish. And if any person shall sell or export, or cause to be sold or exported, within or from this commonwealth, any tainted or damaged fish, he shall forfeit and pay ten dollars for every hundred weight that shall be thus sold or exported.

Packing of
Small Fish.

SEC. 4. *Be it further enacted*, That all small fish which are usually packed whole, with dry salt, shall be put in good casks, of the size and materials mentioned in the first section of this act; said fish shall be packed close edgewise in the cask and well salted; the casks shall be filled full with the fish and salt, putting no more salt with the fish than is necessary for their preservation; and the inspector shall brand all casks containing such inspected whole fish, with the name of the fish, and the quality, as described in the third section of this act.

SEC.

SEC. 5. *Be it further enacted,* That no pickled fish shall be exported from this commonwealth in casks by water, unless the master or owner of the vessel shall produce to the collector, or other officer authorized by the United States to clear out vessels, a certificate from the inspector, or his deputy, that the same has been inspected, packed and branded according to the directions of this act; and the certificate shall express the number of barrels, half barrels and tierces thus shipped, the kind and quality of the fish they contain; with the name of the master or owner, and the name of the vessel in which such fish are received for exportation; and every such master or owner shall take and subscribe the following oath, or an affirmation to the same effect, before the officer authorized as aforesaid. I, A. B. do swear according to the best of my knowledge and belief, the certificate hereunto annexed, contains the whole quantity of pickled and barrelled fish, on board the—, —, master; and that no fish is shipped on board said vessel for the ship's company, or on freight or cargo, but what is inspected and branded according to the law of this Commonwealth.—So help me God.

No Fish to be exported, without the Inspector's certificate.

SEC. 6. *Be it further enacted,* That if any master of a vessel or other person, shall put, or receive on board any vessel or other carriage of conveyance, to transport the same from this Commonwealth, any pickled or whole Fish, packed in casks which are not inspected and branded in manner by this act prescribed, he or they, on conviction, shall forfeit and pay not less than five dollars nor more than ten dollars, for each and every hundred pounds of such uninspected fish.

Penalty for receiving on board Fish not inspected.

SEC. 7. *Be it further enacted,* That the Inspector General and his Deputies, shall be paid for each certificate for exportation, twenty five cents; and for inspecting and branding each and every cask of fish as directed by this act; for each tierce fourteen cents; for each barrel, eleven cents; for each half barrel, eight cents; exclusive of the labour and expence of packing and coopering. The charge for certificates, inspecting and branding, shall be paid by the exporter or purchaser, in addition to the purchase or cost of the fish; and bills for the legal fees of inspection and certificates shall, in the first instance, be paid by the original owner of said fish, or by the person

Inspector's Fees.

son employing the inspector ; and all such owners, or employers, are hereby empowered to demand and recover the amount of said bills from the subsequent purchaser or exporter. And the Inspector General shall be entitled to receive from each and every Deputy he shall appoint, four cents for each tierce, three cents for each barrel, and one and an half cent for each half barrel, which said Deputies shall inspect and brand agreeably to the direction of this act ; and it shall be the duty of each Deputy Inspector to make return to the Inspector General, once in six months, of all the tierces, barrels, and half barrels of fish, which he has inspected and branded during that time ; and it shall be the duty of the Inspector General annually, in the month of January, to make return to the Governor and Council, of all the fish which have been inspected by him and by his Deputies during the past year.

Penalty for branding casks not inspected.

SEC. 8. *Be it further enacted*, That if the Inspector General, or either of his Deputies, shall brand any cask, the contents of which he has not inspected, packed, salted and coopered, according to the true intent and meaning of this act, or if he shall permit any other person or persons to use his brands, in violation or evasion thereof, he or they, so offending, shall forfeit and pay for every cask so branded, the sum of twenty dollars, and be moreover liable to be removed from office.

Fish exported contrary to this act may be seized.

SEC. 9. *Be it further enacted*, That if any pickled or barrelled fish, as aforesaid, shall be put on board of any boat, vessel, or carriage of conveyance with intent to sell or export the same, contrary to the provisions of this act, it shall be lawful for any Justice of the Peace in the same county, upon information given him, to issue his warrant to the Sheriff or his Deputy, or to any Constable of the town in which said boat, vessel, or carriage may be, requiring them respectively to seize and secure said fish, and carry the same to the Inspector General, or one of his Deputies, which ever may be nearest to the place where said vessel, boat or carriage may be ; and said Inspector General, or Deputy Inspector, is hereby required to open and inspect, and to pack and brand the same as is before provided in this act, and to detain the same until the expense and charges of seizure, inspection, packing, and all other charges arising from such seizure, shall be paid ; and it shall be the duty of every person, when required,

required, to give his necessary aid to the officer having said warrant, on pain of forfeiting five dollars for his refusal.

SEC. 10. *Be it further enacted,* That all shelled clams, Shell Fish. or other shelled fish, used for fish bait, hereafter offered for sale, shall be put in barrels or half barrels of the description mentioned in the first section of this act; and the casks shall be filled full, and salted sufficient to preserve the same; and any person who shall offer for sale such aforesaid shell fish which are not packed agreeably to the provisions of this act, shall forfeit and pay for each offence five dollars.

SEC. 11. *Be it further enacted,* That all persons with- Branding Irons. in this Commonwealth, who shall have fish for packing and pickling, either in bulk or in casks, to the amount of twenty barrels in one season, shall furnish the Inspector General, or one of his Deputies, with a branding iron, containing the first letter of the owner's christian name, and his surname at large; and the Inspector General, or his Deputies, shall cause the names of such owners to be fairly branded on the head of every cask of their inspected fish; and if any such owner of fish shall refuse or neglect to furnish such brand, he shall forfeit and pay for such neglect and refusal, not less than five dollars nor more than twenty dollars; and all kinds of pickled fish which are packed in tierces, barrels, or half barrels, for consumption within this Commonwealth, and which are not subjected to be inspected and branded as provided for exportation, shall, however, be packed with only one kind of fish in each cask, and there shall be the same weight in each cask as is provided by the third section of this act; and for intermixing different kinds of fish in the same cask, or for short weight in any cask, the owners or vendors shall be subjected to the same penalties and forfeitures as are provided by this act for the like offence in the inspected pickled fish; and all penalties and forfeitures arising by virtue of this act, shall be recovered by action of debt, or by information in any court proper to try the same, one moiety thereof for the use of the town wherein the offence shall be committed, and the other moiety to him or them, who shall inform or sue for the same.

SEC. 12. *Be it further enacted,* That all laws heretofore made respecting the packing of barrelled or pickled Laws repealed.
fish,

March 6, 1810.

Provide

fish, for sale within, or for exportation from, this Commonwealth, be, and the same are hereby repealed: *Provided however*, That nothing herein contained, shall be construed to defeat the right of any person or persons to any penalty or forfeiture that may have accrued for the breach of any of the provisions of the acts hereby repealed: *Provided also*, That the Inspector General, and his Deputies, legally appointed and now in office, in pursuance of either of the acts hereby repealed, shall continue to hold and enjoy their respective offices, until others shall be appointed in their stead.

[This act passed March 6, 1810.]

CHAP. CXX.

An Act to discontinue the sessions of the Supreme Judicial Court established by law to be holden in and for the County of Plymouth, on the third Tuesday of May, annually.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Supreme Judicial Court, now established to be holden annually at Plymouth, in and for the county of Plymouth, on the third Tuesday of May, annually, be and the same is hereby discontinued; and that all writs, recognizances, warrants, complaints, and every matter and thing that are or shall be made returnable to the said Court, heretofore to have been holden on the third Tuesday of May next, and all parties and persons required then and there to attend, and all matters pending therein shall be returned to, entered, appear, attend, have day, be tried and determined at the Supreme Judicial Court to be holden by law on the third Tuesday next after the fourth Tuesday of September next.

[This Act passed March 6, 1810.]

CHAP.

CHAP. CXXI.

An Act establishing a corporation by the name of The
Lynn Mineral Spring Corporation.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Joseph Osgood, John Page, Samuel Gardner Derby, Joseph Sprague, Ebenezer Secomb, Michael Webb, Samuel Goodridge, David Low, and Seth Low, and all such persons as may hereafter associate with them, their successors and assigns, being citizens of the United States, shall be and they hereby are constituted a body politic and corporate, by the name of The Lynn Mineral Spring Corporation; and by that name they may sue and be sued, plead and be impleaded, defend and be defended, in any courts of record, or in any place whatsoever, and shall and may do and suffer all matters, acts, and things which bodies politic ought to do and suffer, and shall have power to make, have, and use a common seal, and the same again at pleasure to break, alter and renew, and also to ordain, establish, and put in execution such bye laws, ordinances and regulations as to them shall appear necessary and convenient for the government of said corporation, and for the prudent management of their property and affairs, and for the breach of such bye laws, ordinances and regulations, may order fines and penalties not exceeding ten dollars, for each breach: *Provided*, That such bye laws, ordinances and regulations shall not be repugnant to the laws of this commonwealth.

Persons incor-
porated.

SEC. 2. *Be it further enacted*, That the said corporation shall be, and hereby is declared capable to have, hold, and possess any lands, tenements or hereditaments near and adjoining to the mineral spring (so called) in Lynn, not exceeding twenty thousand dollars in value, and personal estate not exceeding two thousand dollars in value; and shall have power to erect any buildings upon said land owned by them, and shall have power to grant, sell and alien in fee simple, or otherwise, the corporate property, or any part thereof, and to lease, exchange.

To hold real
estate.

change, manage and improve the same, according to the will and pleasure of the proprietors, or the major part of them present at any legal meeting, to be expressed by their votes; and the rents, and profits, and receipts which may accrue from the improvements, leasing or other management of the corporate property, may and shall once at least in every year, be divided among the proprietors according to their respective shares.

Estate to be divided into shares.

SEC. 3. *Be it further enacted*, That the said proprietors may, at any legal meeting, agree upon the number of shares into which said estate shall be divided, not exceeding forty, and upon the form of certificates to be given to individuals of the number of shares, by them respectively held, and upon the mode and conditions of transferring the same, which shares shall be held and considered as personal estate to all intents and purposes whatsoever; the said proprietors shall also have power to affect upon each share such sums of money as may be deemed necessary for purchasing said real or personal estate, and for erecting and repairing any walls and buildings on any part of their said real estate, and for laying out roads from said estate, and generally for the improvement and good management of their said estate, agreeable to the true intent of this act, and to sell and dispose of the same or of the shares of any delinquent proprietor for the payment of assessments, in such way and manner as said corporation may by their rules and regulations determine and agree upon.

Liable to attachment.

SEC. 4. *Be it further enacted*, That the property of every individual member of said corporation, vested in said corporate fund or estate, shall be liable to attachment, and to the payment of his just debts in manner prescribed by an act, entitled "An Act directing the mode of attachment on mesne process, and selling by execution shares of debtors in incorporated companies," passed the eighth day of March, in the year of our Lord one thousand eight hundred and five.

Meetings.

SEC. 5. *Be it further enacted*, That Joseph Osgood, John Page or Samuel Gardner Derby, or either of them, may call the first meeting, by giving personal notice of such meeting to each of the members of said corporation, at least three days before such meeting, and at that or any other meeting, the proprietors may elect a moderator,

moderator, president, treasurer, clerk, secretary, or other officers, and for such term of time, not exceeding one year, as they may judge fit, and the same at pleasure change and remove; and in the choice of officers, or any other occasion, when it shall be required by a majority in value of the members present, the votes shall be given by shares, allowing one vote to each share; *Provided only*, that no member shall have more votes than one quarter part of the whole number of shares.

SEC. 6. *Be it further enacted*, That nothing herein contained, shall be deemed or construed to give to said proprietors any right or authority, to take or appropriate to their use the land, right or privilege of any person or persons, without his or their consent, and by a legal conveyance thereof from such person or persons to the said corporation. No land to be taken from others without a legal conveyance.

SEC. 7. *Be it further enacted*, That the Legislature shall have power at any time, to alter, amend, or repeal this act: *Provided however*, That upon such repeal, all real estate then belonging to said corporation, shall be vested in such persons as may then be members thereof, and their respective heirs and assigns as tenants, in common, in proportion and according to the number of shares which they may hold: *And provided further*, That the said proprietors, notwithstanding such repeal by the Legislature, shall have power in their corporate name and capacity aforesaid, to sue for, recover, and divide all such sums and debts which may then be thereto due and unpaid, and shall be liable to the payment of all debts due from the same corporation, and to any suit proper to recover the same. This Act may be amended or repealed.

SEC. 8. *Be it further enacted*, That in any action to be brought or in any judgment to be rendered against said corporation, the plaintiff not being able to find sufficient property of the corporation to attach on mesne process, or whereon to levy his execution, shall have the right of attaching, or laying his execution, on any of the property of the individual members of the corporation in the same manner as if the action had been brought and the judgment rendered against them in their ordinary capacities. Individuals liable to attachment.

SEC. 9. *Be it further enacted*, That the Justices of the Court of Common Pleas, for the county of Essex, are hereby

Court of Common Pleas authorized to lay out a road.

by authorized on application from said corporation to lay out a private road from the said real estate of said corporation in Lynn, to the Salem Turnpike road, and also from said estate to the county road leading from Danvers and Lynn; and the said corporation shall be holden to pay all damages which may happen to any person by taking his land for such roads where it cannot be obtained by voluntary agreement, to be estimated by a committee appointed by the Court of Common Pleas for the county of Essex, saving to either party a right to trial by jury, according to the law, which makes provision for the recovery of damages happening by laying out publick highways: *Provided however*, that the towns of Lynn, Salem and Danvers, shall not be holden to repair or make said road, and also that said corporation may at any time discontinue either of said roads.

[This act passed *March 6, 1810.*]

CHAP. CXXII.

An Act in addition to an Act, entitled "An Act for the more speedy and effectual suppression of tumults and insurrections in the Commonwealth."

Militia to be employed in case, &c.

SEC. I. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that when any sheriff, or deputy sheriff, shall have any writ or other process, issued by competent authority of this commonwealth, to him directed, to be served and executed, and when any surveyor or other person, shall be ordered or empowered of the Supreme Judicial Court, or any Court of Common Pleas, to survey any land, and such sheriff or deputy sheriff, or surveyor, or other person, shall be obstructed, or interrupted in the performance of the duty or service required or enjoined by such order or precept, or shall apprehend that such order or precept cannot be obeyed or executed without endangering his personal safety, such sheriff, deputy sheriff, surveyor or other person, lawfully acting in obedience to any

any such process, or order of the courts aforesaid, may apply to any Justice of the Supreme Judicial Court, or to any two or more Judges of the Court of Common Pleas, in any county, and represent to such Justice or Judges the danger which is apprehended; and if such Justice or Judges shall be of opinion that such representation is well founded, he or they shall require of the commanding officer of any Brigade or Regiment, within the division of militia wherein such danger is apprehended, to detach, at the expense of the commonwealth, a sufficient number of the militia, to be specified in the order of such Justice or Judges, under the command of proper officers, to protect such sheriff, deputy sheriff, surveyor, or other person, in performance of his duty or duties, pursuant to the command contained in any such writ, precept, process, or order of court; and the part of the militia so detached, shall be armed and equipped, for actual service, according to law; and it shall be their duty to protect the aforesaid persons in the proper performance of their duties, as aforesaid; and to repel, by force, any attempt to obstruct the same; and also to seize, take and arrest, any person or persons who shall forcibly resist or oppose any officer, or surveyor, in the discharge of the duties aforesaid, or who shall aid or abet therein; and the persons so arrested, shall be brought before some justice of the Peace, within and for the county in which the offence may be committed, for examination; and it being made to appear to such justice, that the person or persons so brought before him, were concerned or engaged in opposing such officer, or surveyor, or their assistants, or in aiding or abetting those concerned therein, it shall be the duty of such justice, and he is hereby authorized and required to recognize such person or persons, as well as all necessary witnesses, to appear before the justices of the Supreme Judicial Court next to be holden within and for the county in which the offence shall have been committed; and in case of the neglect of such person or persons to find good and sufficient sureties, for their appearance at said court, the said justice shall make out his mittimus and commit them to prison; and on conviction of any person of either of the offences aforesaid, he shall be fined in a sum not exceeding one thousand dollars, be imprisoned for a term not exceeding one year, and find sureties to keep
the

the peace and be of good behaviour for a term not exceeding three years, any and all of them at the discretion of the court wherein such offender shall be tried; and the justices of the Supreme Judicial Court, may, and they are hereby authorized, to order such convicts to be confined in the gaol of any county within this commonwealth, any law, custom or usage to the contrary notwithstanding.

Persons disguising themselves liable to indictment and penalty.

SEC. 2. *Be it further enacted,* That if any person or persons shall disguise himself, or themselves in the likeness of Indians, or in any other manner with intention to obstruct the execution of the laws of this Commonwealth, or shall disguise himself, or themselves, with intention to intimidate, or interrupt any sheriff, deputy sheriff, surveyor, or other person, in the legal performance of duties, or exercise of rights, under the constitution or laws of this commonwealth, such person or persons, so disguised, shall be liable to indictment in the Supreme Judicial Court; and every person who shall be convicted of such offence, shall be fined in a sum not less than twenty dollars nor exceeding five hundred dollars; and shall be imprisoned in the common jail of the county in which the trial may be had, for a term of time not exceeding one year, and shall be required to find surety for his or their good behavior, for the term of one year, after the expiration of his or their imprisonment.

SEC. 3. *Be it further enacted,* That if any commanding officer of a brigade or regiment, shall refuse, or wilfully neglect to execute any orders which he may receive as aforesaid, to detach the militia under his command, or if any officer detached, shall refuse to march according to the orders which he may receive, for the support of the civil authority aforesaid, he shall be tried by a court martial, and shall be liable to indictment in the Supreme Judicial Court; and on conviction, shall be fined in a sum not less than three hundred dollars, nor exceeding one thousand dollars.

Soldiers refusing to march liable to indictment.

SEC. 4. *Be it further enacted,* That if any non-commissioned officer or private, shall refuse to march, or perform the duty required of him by his superiour officer or officers, in pursuance of this act, such non-commissioned officer or private, shall be liable to indictment; and shall, on conviction, in the court of Common Pleas, or Supreme
Judicial

Judicial Court, be fined in a sum not exceeding three hundred dollars, nor less than twenty dollars; and if any such person or persons, of the last mentioned description, shall desert from the service, on which he or they may be employed in pursuance of this act, such person or persons shall be fined as aforesaid, on conviction as aforesaid, and in addition to such punishment, shall be imprisoned not exceeding one year, nor less than thirty days.

SEC. 5. *Be it further enacted,* That this act shall be in force from and after the first day of June n^xt. When to take effect

[This act passed March 6, 1810.]

CHAP. CXXIII.

An act in 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 a further time of four years, from and after the second day of March, in the year of our Lord one thousand eight hundred and eight, be, and hereby is allowed to the said Corporation to complete their said Turnpike Road.

[This act passed March 6, 1810.]

CHAP. CXXIV.

An Act in further addition to an act, entitled, "An Act to empower the town of Bolton to choose a Board of Health, and for preventing and removing nuisances."

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Board of Health of the town

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Board of Health
empowered to
regulate Funer-
als.

of Boston for the time being, be, and they hereby are authorized and empowered to make and establish, rules and regulations for the interment of the dead in said town, to establish the police of the burying grounds, and to appoint superintendants thereof—to make regulations for funerals, and funeral processions—to appoint undertakers and funeral porters, and to prescribe their duties and fees.

To establish
Penalties.

SEC. 2. *Be it further enacted*, That the said Board shall be authorized to fix and establish such penalties for the breach of any of the said rules and regulations, as they shall deem proper: *Provided however*, That no penalty shall in any case exceed fifty dollars, to be recovered by action in any court proper to try the same, one moiety to the use of the person who shall prosecute therefor, and the other moiety to the use of the town of Boston.

[This act passed March 6, 1810.]

CHAP. CXXV.

An Act providing for the appointment of Commissioners for the settlement of the accounts of the Agent and Managers of the Amoskeag Lottery.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of same, That John Winflow, Jonathan Hunnewell, and Benjamin Weld, Esquires, be and they are hereby appointed commissioners to adjust and settle the accounts of the managers of Amoskeag Lottery, and of the agent appointed to expend the monies raised thereby, and to allow them, severally, such commission and compensation as shall be equitable and proper: *Provided*, That said managers and agent shall pay all the expences arising under said commission, in such proportions as said commissioners shall deem and decide to be equitable and proper.

Commissioners
appointed to
settle the ac-
counts of the
managers of
Amoskeag Lot-
tery.

SEC. 2. *Be it further enacted*, That the Attorney and Solicitor General, or either of them, in case either or all the

the commissioners herein appointed should decline the duties prescribed by this act, be and they are hereby authorized and empowered to appoint a commissioner or commissioners who shall be authorized to settle the said accounts in the same manner as the commissioners appointed by the first section of this act might do.

SEC. 3. *Be it further enacted,* That said commissioners shall certify to the attorney or solicitor general, and to said managers and agent what shall be due from them as managers and agent of said lottery, within four months from the passing of this act; and in case said managers and agents shall not within ninety days after receiving said certificate of the balance due from them, pay the same to the treasurer of this commonwealth, the attorney or solicitor general are directed to sue the bonds of such agent, manager or managers.

[This act passed March 6, 1810.]

CHAP. CXXVI.

An Act in addition to the several Laws regulating Elections.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the assistant assessors in any town wherein such officers are, or may by law be chosen, shall, before entering on the duties of their respective offices, be sworn to the faithful discharge thereof; and shall have the same powers, and they are hereby required to perform the same duties in their several wards, in collecting and making lists of all such inhabitants as are qualified to vote in any election, and also of all rateable polls, as assessors are by law required to do and perform.

[This act passed March 6, 1810.]

CHAP.

CHAP. CXXVII.

An Act directing the place where actions by or against a County may be commenced and prosecuted.

Where actions
may be prosecuted.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That any local or transitory action against the inhabitants of any county in this commonwealth in their corporate capacity, may be commenced and prosecuted to final judgment and execution, either in the county where the plaintiff in such action lives, or in the county against which the action shall be brought at the plaintiff's election; and any local or transitory action in which the inhabitants of any county shall be plaintiffs, may be commenced and prosecuted to final judgment and execution, in the county where the defendant in such action shall live; unless the defendant shall be an inhabitant of the same county, in which case the action may be commenced and prosecuted in either of the adjoining counties.

SEC. 2. *Be it further enacted*, That when any corporation shall be a party in any action commenced by or against the inhabitants of any county, in this commonwealth, in their corporate capacity, the action shall be commenced and prosecuted to final judgment and execution, in one of the counties adjoining the county interested in the same, and not otherwise.

SEC. 3. *Be it further enacted*, That any local or transitory actions against the inhabitants of any county by any plaintiffs belonging to such county, shall be commenced and prosecuted to final judgment and execution in such county or in any adjoining county, at the plaintiff's discretion.

SEC. 4. *Be it further enacted*, That any local or transitory actions, by the inhabitants of one county, against the inhabitants of an other county, shall be commenced and prosecuted to final judgment and execution in any adjoining county.

[This act passed March 6, 1810.]

CHAP.

CHAP. CXXVIII.

An Act in addition to an act to establish the Middlesex 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 Middlesex Turnpike Corporation be allowed the further time of two years, from the fifteenth day of June next, to complete their road from Biscuit Bridge in Tyngsborough, to Cambridge-Port, and when the same shall be finished, allowed, and approved, as the law prescribes, the said Corporation, may erect toll gates at such places and distances as the Court of Common Pleas may deem necessary: *Provided*, The toll be so apportioned or subdivided, that no greater rate of toll be taken for any ten miles, than is allowed by law. And said corporation are hereby allowed the further time of three years, from the fifteenth day of June next, to make and complete that branch of said Turnpike, which extends from a point in Bedford to Medford village.

Corporation allowed a further time to complete their road.

SEC. 2. And whereas the said corporation have laid out their road from where it intersects the old road, below the house of Joseph Harrington, in Lexington, in the shortest practicable rout, to a point in the great road leading from Lexington to West Cambridge Meeting house, near the corner of John Frost's Blacksmith's, Shop in said West Cambridge, by which many inhabitants of said town are aggrieved.

Be it further enacted, That said Turnpike road from the said point in Lexington, shall be laid out and made in the nearest practicable route to a point in the great road aforesaid near the foot of the rocks, so called, between the houses of Benjamin Lock and Aaron Cutler, and in no other direction: *Provided*, that if the inhabitants of said West Cambridge shall not make and complete the last mentioned piece of road by the first day of August next for the use and benefit of said corporation, and to the satisfaction of the Directors of said corporation, or a committee of the court of common pleas, said directors to be notified

Course of the road altered.

notified by the first day of June next of the intention of said Inhabitants to make said road; and also if said inhabitants shall not before the said first day of August procure a discharge of all claims for damages existing against said Corporation, or other persons, and arising from said road having been laid out from said point in Lexington to said Frost's Blacksmith's Shop, as above recited, and also such damages as may be estimated for the land taken for the peice of road to be by them made as aforesaid, then the road already laid out as above recited, shall and may be the course of the turnpike road, and may be opened and made in the manner prescribed by law.

Road may be extended.

SEC. 3. *Be it further enacted*, That the right to extend said Turnpike road from Biscuit Bridge in Tyngsborough, as nearly as may be, in its present direction, to the line of the State of New Hampshire, so as to meet any Turnpike which may be laid out in that State in the same direction, is hereby granted to said Middlesex Turnpike Corporation, with all the privileges and immunities, and subject to all the duties and conditions provided by law.

SEC. 4. *Be it further enacted*, That this act shall have no force or effect, unless the said corporation shall cause the damages, done to individuals by reason of their lands having been taken by the whole course of said road, to be ascertained by a committee in manner prescribed by law, and shall pay or tender the same to the persons to whom the same shall be awarded.

[This act passed March 6, 1810.]

END OF JANUARY SESSION, 1810.